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Notaries Act

R.S.O. 1990, Chapter N.6

**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. 13](http://www.ontario.ca/laws/statute/S20007" \l "sched13s1s1).

Legislative History: [2001, c. 9, Sched. B, s. 10](http://www.ontario.ca/laws/statute/S01009" \l "schedbs10s1); [2006, c. 21, Sched. C, s. 120](http://www.ontario.ca/laws/statute/S06021" \l "schedcs120); [2006, c. 35, Sched. C, s. 91](http://www.ontario.ca/laws/statute/S06035" \l "schedcs91s1); [2017, c. 20, Sched. 2, s. 37](http://www.ontario.ca/laws/statute/S17020" \l "sched2s37); [2020, c. 7, Sched. 13](http://www.ontario.ca/laws/statute/S20007" \l "sched13s1s1).

Appointments

**1** (1)  Subject to section 2, the Attorney General may appoint such persons as he or she thinks fit as notaries public for Ontario. 2001, c. 9, Sched. B, s. 10 (1).

Delegation

(2)  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. 10 (1); 2006, c. 35, Sched. C, s. 91 (1).

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

[2001, c. 9, Sched. B, s. 10 (1)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs10s1) - 01/01/2002

[2006, c. 35, Sched. C, s. 91 (1)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs91s1) - 20/08/2007

Requirements for appointment

**2** A person, other than a licensee under the Law Society Act, may not be appointed as a notary public unless the person meets the requirements specified by the regulations made under this Act for determining the person’s qualification for the office. 2020, c. 7, Sched. 13, s. 1 (2).

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

[2001, c. 9, Sched. B, s. 10 (2)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs10s2) - 29/06/2001; [2001, c. 9, Sched. B, s. 10 (3-5)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs10s3) - 01/01/2002

[2006, c. 35, Sched. C, s. 91 (2)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs91s2) - 20/08/2007

[2017, c. 20, Sched. 2, s. 37](http://www.ontario.ca/laws/statute/S17020" \l "sched2s37) - 14/11/2018

[2020, c. 7, Sched. 13, s. 1 (1)](http://www.ontario.ca/laws/statute/S20007" \l "sched13s1s1) - 12/05/2020; [2020, c. 7, Sched. 13, s. 1 (2)](http://www.ontario.ca/laws/statute/S20007" \l "sched13s1s2) - 01/08/2020

Powers

**3** (1)  Subject to subsection (2), a notary public may,

(a) witness or certify, and attest, the execution of a document;

(b) certify and attest a true copy of a document;

(c) exercise the powers of a commissioner for taking affidavits in Ontario; and

(d) exercise any other powers and perform any other functions specified by the regulations made under this Act. 2020, c. 7, Sched. 13, s. 2.

Restriction

(2)  The powers a notary public, other than a notary public who is a licensee under the Law Society Act, may exercise under subsection (1) are subject to any restrictions that may be imposed in the notary public’s appointment or reappointment that limit the territory and cases in which he or she may exercise his or her powers. 2020, c. 7, Sched. 13, s. 2.

Not in person

(3)  Despite any requirement in law to exercise his or her powers in a person’s physical presence, if the regulations made under this Act so provide and the conditions set out in the regulations are met, a notary public may, in accordance with the regulations, exercise his or her powers without being in the person’s physical presence. 2020, c. 7, Sched. 13, s. 2.

When seal not needed

(4)  If a notary public is authorized by an Act to administer oaths or to take affidavits or declarations in Ontario, it is not necessary to the validity of any such oath, affidavit or declaration that the notary public affix his or her seal. 2020, c. 7, Sched. 13, s. 2.

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

[2020, c. 7, Sched. 13, s. 2](http://www.ontario.ca/laws/statute/S20007" \l "sched13s2) - 01/08/2020

**4** Repealed: 2020, c. 7, Sched. 13, s. 2.

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

[2020, c. 7, Sched. 13, s. 2](http://www.ontario.ca/laws/statute/S20007" \l "sched13s2) - 01/08/2020

Expiry of appointments

**5** (1)  The appointment of a notary public expires three years after the day on which he or she was appointed or at the end of such other period as may be specified by the regulations made under this Act. 2020, c. 7, Sched. 13, s. 3.

Non-application

(1.1)  Subsection (1) does not apply to a notary public who,

(a) is a licensee under the Law Society Act; or

(b) was appointed as a notary public before July 1, 1963. 2020, c. 7, Sched. 13, s. 3.

Same, transition

(1.2)  In the case of the appointment of a person licensed under the Law Society Act to provide legal services in Ontario,

(a) clause (1.1) (a) applies only with respect to appointments made on or after the day section 3 of Schedule 13 to the COVID-19 Response and Reforms to Modernize Ontario Act, 2020 comes into force; and

(b) if the person applies for an appointment on or after the day section 3 of Schedule 13 to the COVID-19 Response and Reforms to Modernize Ontario Act, 2020 comes into force, any prior appointment of the person as a notary public that is in force immediately before the day the appointment applied for is made is deemed to expire on that day. 2020, c. 7, Sched. 13, s. 3.

Reappointment

(2)  A person whose appointment as a notary public expires may be reappointed 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. 13, s. 3.

Indication of expiry of appointments

(3)  Every notary public to whom this section applies shall indicate, by means of a stamp approved by the Attorney General or by his or her delegate under subsection 1 (2) and affixed under the notary’s signature, the date on which his or her appointment expires and any limitations as to territory and purposes that are contained in the appointment. 2001, c. 9, Sched. B, s. 10 (6).

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

[2001, c. 9, Sched. B, s. 10 (6)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs10s6) - 01/01/2002

[2020, c. 7, Sched. 13, s. 3](http://www.ontario.ca/laws/statute/S20007" \l "sched13s3) - 01/08/2020

Offences, notaries

**6** (1)  Every notary public who as such exercises any power, performs any function or acts in any way that is not authorized by this Act or that he or she is not otherwise by law entitled to exercise, perform or do is guilty of an offence and on conviction is liable to a fine of not more than $2,000. R.S.O. 1990, c. N.6, s. 6 (1).

Idem

(2)  Every notary public who fails to comply with any restriction imposed in his or her appointment under subsection 3 (2) or who fails to comply with subsection 5 (3) is guilty of an offence and on conviction is liable to a fine of not more than $1,000. R.S.O. 1990, c. N.6, s. 6 (2); 2001, c. 9, Sched. B, s. 10 (7); 2020, c. 7, Sched. 13, s. 4.

Idem, other persons

(3)  Every person who carries on business as a notary public or who holds himself or herself out as such or who, not being otherwise authorized by law, performs any function of a notary public without a subsisting appointment under this Act or any predecessor of this Act is guilty of an offence and on conviction is liable to a fine of not more than $10,000. R.S.O. 1990, c. N.6, s. 6 (3); 2001, c. 9, Sched. B, s. 10 (8).

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

[2001, c. 9, Sched. B, s. 10 (7, 8)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs10s7) - 01/01/2002

[2020, c. 7, Sched. 13, s. 4](http://www.ontario.ca/laws/statute/S20007" \l "sched13s4) - 01/08/2020

Suspension

**7** (1)  If a notary public who is a licensee under the Law Society Act ceases for any reason to be so licensed or if his or her licence is under suspension or in abeyance, his or her appointment as a notary public is suspended until such time as he or she is relicensed under the Law Society Act or until such time as his or her licence is no longer under suspension or in abeyance. 2006, c. 21, Sched. C, s. 120; 2020, c. 7, Sched. 13, s. 5 (1).

Same, transition

(1.1)  In the case of the appointment of a person licensed under the Law Society Act to provide legal services in Ontario, subsection (1) applies only with respect to appointments made on or after the day subsection 5 (2) of Schedule 13 to the COVID-19 Response and Reforms to Modernize Ontario Act, 2020 comes into force. 2020, c. 7, Sched. 13, s. 5 (2).

Revocation of appointment on conviction for offence

(2)  The Attorney General may revoke the appointment of a notary public on his or her conviction for an offence against this Act or for any other conduct that in the Attorney General’s opinion renders the person unfit to hold the office of notary public. 2001, c. 9, Sched. B, s. 10 (9).

Application

(3)  Subsection (2) applies whether the appointment was made by the Attorney General on or after the date on which section 10 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. 10 (9).

Delegation

(4)  The Attorney General may, in writing, delegate the power conferred by subsection (2) to a public servant employed under Part III of the Public Service of Ontario Act, 2006. 2020, c. 7, Sched. 13, s. 5 (2).

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

[2001, c. 9, Sched. B, s. 10 (9)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs10s9) - 01/01/2002

[2006, c. 21, Sched. C, s. 120](http://www.ontario.ca/laws/statute/S06021" \l "schedcs120) - 01/05/2007

[2020, c. 7, Sched. 13, s. 5 (1, 2)](http://www.ontario.ca/laws/statute/S20007" \l "sched13s5s1) - 01/08/2020

Regulations

Lieutenant Governor in Council

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

(a) prescribing fees payable to a notary public under this Act and requiring their payment;

(b) for the purposes of clause 3 (1) (d), specifying powers and functions that a notary public may exercise and perform;

(c) for the purposes of subsection 3 (3), providing that a notary public may exercise powers without being in a person’s physical presence, specifying conditions that must be met in order to be able to do so, and governing the exercise of the powers without being in the person’s physical presence;

(d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 2020, c. 7, Sched. 13, s. 6.

Attorney General

(2)  The Attorney General may make regulations,

(a) specifying requirements for the purposes of section 2, and governing such requirements;

(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);

(d) prescribing a period of appointment for the purposes of subsection 5 (1) or a period of reappointment for the purposes of subsection 5 (2). 2020, c. 7, Sched. 13, s. 6.

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

[2001, c. 9, Sched. B, s. 10 (10)](http://www.ontario.ca/laws/statute/S01009" \l "schedbs10s10) - 01/01/2002

[2020, c. 7, Sched. 13, s. 6](http://www.ontario.ca/laws/statute/S20007" \l "sched13s6) - 01/08/2020

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