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Notarizing & Commissioning Documents in Ontario

Although the terms notarization and commissioning are often used interchangeably in everyday conversation, they are not the same under Ontario law. Each serves a different legal purpose and is governed by different legislation.

⇒ Commissioning

Commissioning is the act of administering an oath, affirmation, or declaration and certifying that the person signing a document:

- personally appeared before the commissioner;
- was properly identified;
- swore or affirmed that the contents of the document are true; and
- signed the document in the commissioner's presence;

A commissioned document is typically an affidavit, statutory declaration, or sworn statement used within Canada, especially in legal proceedings or dealings with government bodies.

****The commissioner does not verify the truth of the contents, only that the oath or declaration was taken properly.*

⇒ Notarization

Notarization is a broader function performed by a Notary Public, and may include:

- witnessing and certifying signatures;
- verifying and certifying that a copy of a document is a true copy of the original;
- confirming the identity of the signer; and
- in some cases, administering oaths or affirmations;

Notarization is often required when documents are:

- banking and/or financial in nature;
- submitted to foreign governments, embassies, or consulates; or
- relied upon by institutions requiring a higher level of formal authentication;

***A notarized document to be used outside Canada may also require an apostille, depending on the destination country.

Under Ontario law, the following persons may act as Commissioners for Taking Oaths:

- Lawyers and paralegals licensed by the Law Society of Ontario (LSO) are automatically approved as Notary Publics after applying for the designation;
- Appointed Notary Public;
- Commissioners appointed by the Ministry of the Attorney General;
- Municipal clerks and certain government officials;
- Other persons appointed under the *Commissioners for Taking Affidavits Act*.

***Some commissioners are limited to documents related to their office or employment.

Key Differences between Notarization and Commissioning at a Glance

Feature	Commissioning	Notarizing
Governing legislation	<i>Commissioners for Taking Affidavits Act</i>	<i>Notaries Act</i>
Purpose	To swear/affirm truth of contents	To authenticate signatures and/or true copies
Typical document type	Affidavits, statutory declarations	International and/or formal documents; documents to be used internationally
Verifies contents of documents(s) are true?	No	No
Confirms identity of signer(s)	Yes	Yes
Certifies true copies	No	Yes
Common use	Ontario courts, Canadian government, Banks	Foreign use, embassies, institutions, Banks

⇒ Common Examples of Commissioned Documents

Commissioning:

- Affidavits for:
 - Small Claims Court;
 - Superior Court of Justice;
 - Landlord and Tenant Board (LTB);
 - Human Rights Tribunal of Ontario;
- Statutory Declarations;
- Sworn statements (ie. insurance claims);
- OSAP affidavits;
- Canadian name change or marital status declarations;
- Affidavits of service;

⇒ Common Examples of Notarized Documents

These documents often require notarization, especially when used internationally:

- Certified true copies of:
 - Passports;
 - Birth certificates;
 - Marriage certificates;
 - Degrees or diplomas;
- Letters of invitation for foreign visitors;
- Travel consent letters for children;
- Foreign property or inheritance documents;
- Powers of Attorney for Canada and/or for use abroad;
- Documents for foreign courts, embassies, or consulates;

⇒ Practical Tip

If a document is:

- being filed with an Ontario court or tribunal, it almost always requires commissioning;
- being sent outside Canada, it often requires notarization (and possibly apostille);

Be sure to read the document carefully, as it will often say whether it requires commissioning or notarization. When in doubt, check the receiving authority's requirements, as they control what level of certification is acceptable.