

# **THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE**

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## **BY-LAW NO. 56-2021**

BEING A BY-LAW TO ADOPT A COMMISSIONING DOCUMENTS POLICY

WHEREAS Section 5(3) of the Municipal Act, 2001, S.O. 2001, c.25, amended, provides that a municipal power shall be exercised by by-law; and

WHEREAS Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25, amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues; and

WHEREAS Section 9 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, grants municipalities the rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

WHEREAS Council of the Corporation of the Municipality of Arran-Elderslie deems it expedient to establish policies;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE HEREBY ENACTS AS FOLLOWS:

1. THAT the Council of the Corporation of the Municipality of Arran-Elderslie hereby adopts the Commissioning Documents Policy as contained in the attached Schedule "A" to this by-law.
2. THAT Schedule "A", the Commissioning Documents Policy, forms part of this by-law.
3. THAT this By-law may be cited as the "Commissioning Documents Policy"
4. THAT this By-law shall come into force and take effect upon receiving the final passing thereof.
5. THAT this By-Law and attachment thereto shall rescind and replace any previous Staff Code of Conduct.

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READ a FIRST and SECOND time this 13th day of September, 2021.

READ a THIRD time and finally passed this 13th day of September, 2021.

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Steve Hammell, Mayor

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Christine Fraser-McDonald, Clerk



## Schedule "A" to By-law 56-2021

<b>Policy Name:</b>	Commissioning Documents Policy	Policy No: C L K 02-2021
<b>Department:</b>	Clerks	
<b>Effective Date:</b>	September 13, 2021	
<b>Date Revised:</b>		
<b>Authority:</b>	By-law 56-2021	

### **POLICY STATEMENT:**

The Municipality of Arran-Elderslie provides document commissioning services for ratepayers.

### **PURPOSE:**

The purpose of this policy is to provide a clear framework for processing documents for commissioning by the Municipality of Arran-Elderslie Municipal Officials and staff under the Commissioners for Taking Affidavits Act, R.S.O. 1990, C. 17.

### **SCOPE:**

This policy applies to all Municipal Officials and staff of the Municipality of Arran-Elderslie who, by virtue of office, or by appointment by the Attorney General under the Commissioners for taking Affidavits Act, R.S.O. 1990, C. 17, commission documents within the Municipality of Arran-Elderslie.

### **BACKGROUND INFORMATION:**

Municipal Officials and Town staff are provided the authority to act as Commissioners of Oaths within the Municipality of Arran-Elderslie under the Commissioners for taking Affidavits Act (the Act).

The following Municipal Officials, by virtue of office, are commissioners for taking affidavits in the Municipality of Arran-Elderslie:

- CAO
- Clerk
- Deputy Clerk
- Treasurer



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- Deputy Treasurer

### **APPLICATION OF POLICY:**

1. Commissioning services are provided at the Municipality of Arran-Elderslie Municipal Office located at 1025 Bruce Road 10, Chesley, during regular business hours.
2. The public is strongly encouraged to book appointments for commissioning services to ensure commissioner availability. If an appointment is not booked, the individual understands that there may not be a commissioner available to provide the service.
3. The fees for commissioning services (including certified true copies) are outlined in the Fees and Charges By-law.
4. Only those Commissioners that, by virtue of office, or by appointment by the Attorney General and that have a stamp indicating they are a commissioner, shall act as a commissioner.
5. Municipal Officials and staff are provided the authority to act as a commissioner under Provincial Legislation within the boundaries of the Municipality of Arran-Elderslie; therefore, they are not permitted to act as a commissioner when outside of the geographic boundaries of the Municipality of Arran-Elderslie.
6. Each person requiring commissioning services must provide at least one piece of valid Canadian government issued photo identification that includes their signature at the time commissioning services are requested. If the document being commissioned is to verify the address of an individual, the identification must also contain the individuals address information.
7. The content of all affidavits and documents are the responsibility of the deponent; they must understand the details contained in the affidavits that they are attesting to and that they are swearing or affirming an oath that the details are correct. The Commissioner is not responsible for any content of the document.
8. Should a deponent have any questions related to their document they will be referred to the agency or party requiring the document.
9. All affidavits presented for commissioning must be the entire document; no incomplete document will be commissioned.



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10. The deponent must sign the document in the presence of the commissioner only after swearing or affirming an oath. If the document has already been signed, the person will be asked to sign a second time in front of the commissioner.
11. Any changes that have been made in the body of the document that are present at the time of signing must be initialed by both the deponent and the Commissioner. Any changes that are not initialed may be deemed to have been fraudulently changed after being commissioned and invalidate the document.
12. Notwithstanding this policy, it is at the discretion of the individual Commissioner whether or not they choose to sign the document. If a commissioner is uncomfortable about the identity of the deponent or the content of the documents for any reason, the Commissioner may refuse to sign the document.

### **DUTIES OF THE COMMISSIONER:**

Commissioners shall:

1. Ensure that their appointment as a commissioner is current and valid.
2. Ensure that the declaration or affidavit is genuine and that they have authority to sign as a commissioner.
3. Ensure that the deponent is qualified to sign the document.
4. Ensure the deponent, who is taking the oath or declaration, is present before the Commissioner.
5. Review one piece of Canadian government issued photo identification (e.g. Current drivers licence or passport), that includes their signature, as presented by the deponent.
6. Satisfy themselves of the genuineness of the signature of the deponent.
7. Administer the oath or declaration before signing the document.
8. Charge the appropriate fee for service as outlined in the Fees and Charges By-law.

Commissioners shall not:

1. Provide any legal advice.
2. Prepare or edit affidavits.



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3. Counsel or assist the deponent with completing their document(s).
4. Provide interpretation services for the signing of documents.
5. Commission a document that has not been signed in their presence.
6. Sign a document that requires a Notary Public signature.

### **DOCUMENTS:**

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

1. Pension documents (proof of life)
2. Vehicle transfers
3. Change of Ownership
4. Canadian Government related forms
5. Municipality related forms
6. Bruce County related forms (i.e. planning documents)

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

1. Wills
2. Living Wills
3. Codicils to Wills
4. Power of Attorney
5. Divorce, Separation or Custody Agreements
6. Real Estate related documents
7. Court documents or documents related to court proceedings
8. Documents that require a Notary Public signature
9. Travel consent letters
10. Statement of Conscience or Religious Beliefs

### **CERTIFIED TRUE COPIES**

1. Municipal Clerks are authorized by the Municipal Act, 2001 to certify copies of municipal records as "True Copies" of the original document. There is no legislated authority for a Municipal Clerk to 'certify' any other documents.
2. All documents presented for a 'true copy' must be original document(s) in order to validate that it is a true copy of the original.
3. The Municipality will not provide Certified True Copies of documents that are not issue at the Municipality other than Bruce County related forms such as planning documents.



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### **EFFECTIVE DATE:**

This policy shall become effective immediately upon approval by the Council of the Municipality of Arran-Elderslie.