

## **Regulation - LGIC**

### **Proposal to establish a regulatory framework that enables virtual acts of commissioning**

#### **Regulation Number(s):**

N/A

#### **Bill or Act:**

Commissioners for Taking Affidavits Act

#### **Summary of Proposal:**

The Ministry of the Attorney General is proposing a new regulation under the Commissioners for Taking Affidavits Act that would set out conditions whereby acts of commissioning may be done virtually, i.e., without being in the physical presence of the commissioner.

The regulation would set out a flexible framework that allows commissioners to offer virtual commissioning and other commissioning services, while also ensuring there are appropriate safeguards in place to protect Ontarians.

There would be no changes to the existing appointment processes. Commissioners by virtue of office, as set out under O. Reg. 386/12, would be authorized to offer virtual commissioning services subject to any restrictions on their authority.

The key elements of the proposal are set out below.

#### Commissioners for Taking Affidavits Virtual Commissioning Regulation

- Allow for virtual commissioning of a document and permit all acts of commissioning to be performed virtually by anyone who would otherwise be authorized to commission in Ontario, if they so choose
- Require that participants can see, hear and communicate with one another in real-time during the transaction
- Require the commissioner to verify the client's identity
- Set out a modified jurat that indicates the document was commissioned virtually and captures the location (city, province) of both the client and commissioner
- Require the commissioner to take reasonable precautions in the execution of his/her duties as a commissioner, such as ensuring that clients are fully informed and understand what they are signing
- Require that a record of every virtual transaction be retained

This proposal is not final. The ministry may refine this proposal based on feedback received through this consultation prior to seeking the approval of the Lieutenant Governor in Council.

#### **Analysis of Regulatory Impact:**

There are no new administrative costs to business anticipated in relation to this proposal.

#### **Further Information:**

##### **Proposal Number:**

20-MAG004

##### **Posting Date:**

July 14, 2020

##### **Comments Due Date:**

July 22, 2020

##### **Contact Address:**

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