

## Frequently Asked Questions

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### What is a Commissioner for Oaths?

A Commissioner for Oaths is an individual who can administer oaths and take and receive affidavits, statutory declarations and affirmations within Manitoba only.

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### Who can become a Commissioner for Oaths?

You will be considered for an appointed if you are:

- employed and your job requires that you take an affidavit on Manitoba documents staying in Manitoba
- 18 years old
- a Canadian citizen or have landed immigrant status, permanent resident status or a work visa

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### How do I become a Commissioner for Oaths?

If you qualify for a Commissioner for Oaths appointment, you must complete an application form. The filing fee is:

- \$50.00 (taking an affidavit within Manitoba)
- \$65.00 (taking an affidavit outside of Manitoba)

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### Do I need a seal or stamp for a Commissioner for Oaths?

Seals are not used by a Commissioner for Oaths. A stamp is not required. However, if one is desired, a Commissioner for Oaths can order a rubber stamp from any stamp company listed in the telephone directory. The stamp should contain the following wording:

*A Commissioner for Oaths in and for the  
Province of Manitoba. My Commission  
expires .....*

*(Here you would insert the date of expiry, e.g. Jan. 7, 20\_\_)*

**Note:** If you order the stamp with the first two digits of the year, you will only need to write the last two digits. Otherwise, you will need to order a new stamp every time your expiry date changes.

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### Once I become a Commissioner for Oaths, how often do I have to renew?

Your appointment is valid for two years. You can renew anytime after six months before the expiry date.

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### Can I renew after my expiry date?

Yes, you have one (1) year past your expiry date to renew. If you apply for renewal after your expiry date, your commission is not valid until you receive your renewal certificate. Therefore, you should not be taking affidavits during this time period. If your appointment has been expired for more than one year, you must apply for a new appointment.

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### Will I receive a renewal notice?

No, we do not send renewal notices. You should be aware of your expiry date as you must write the date under your signature every time you sign as a Commissioner for Oaths.

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### What do I do if I change my name?

Fax or mail a copy of the Marriage Certificate, Divorce Certificate, Birth Certificate, or Change of Name Certificate showing the change. Our fax number is 204-945-1459.

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### What do I do if I change my address?

You can fax your change of address to 204-945-1459 or mail the change to our office. Include your name, telephone number and the expiry date of your appointment.

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### What do I do if I change my job?

If you change your job, you can fax your change of employer to 204-945-1459, or mail the change to our office. Include the company name of your new employer, address and telephone number as well as your name and the expiry date of your Commissioner for Oaths appointment.

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### What can a Commissioner for Oaths sign?

- A Commissioner for Oaths can take or receive the oath or affirmation from a person who is signing an affidavit or statutory declaration. The documents must be Manitoba documents, staying in Manitoba.
- A Commissioner for Oaths **cannot** certify or verify documents (they cannot make a photocopy of an original document and state that it is a true copy of the original).
- A Commissioner for Oaths **cannot** witness Enduring Power of Attorney forms.

These are only basic guidelines. As forms are governed by various Acts that our Office does not administer, we are unable to provide advice on documents/forms that can or cannot be handled by a Commissioner for Oaths.

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### Should I ask to see identification before I take an affidavit?

It is recommended that you see at least one piece of identification containing their name, current address and signature.

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### Can I take an affidavit if the person signing the affidavit is not present?

No. You must actually view the act of signing, and it must occur in your presence.

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### Can I take my own affidavit?

No.

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### Do I always have to state the expiry date of my Commissioner for Oaths when I am taking an affidavit?

Yes.

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### **Do I have to print my name under my signature when I am taking an affidavit?**

No, though it is recommended as most signatures are not clear.

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### **Can a Commissioner for Oaths refuse to take an affidavit?**

Yes. Documents signed by a Commissioner for Oaths may go to court. Since the Commissioner for Oaths must be able to defend these documents they may refuse to take an affidavit for valid reasons.

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### **Can a Commissioner for Oaths take affidavits that are not for their employer?**

Yes. This is at the discretion of the Commissioner for Oaths.

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### **Does a Commissioner for Oaths have to know the person for two years before taking an affidavit?**

No.

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### **Can a Commissioner for Oaths sign Manitoba documents while out of the province?**

All documents signed by a Commissioner for oaths must be signed within Manitoba unless the Commissioner has an "outside" appointment. This appointment enables the Commissioner to sign Manitoba documents while they are outside of the province. If you need to sign documents both within and outside of Manitoba, you must apply for both appointments (separate applications). Submitting the applications for each appointment together will ensure that you receive the same expiry date for each appointment (which must be written under your signature every time you sign as a Commissioner for Oaths).

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