



Ontario

Ministry of
Consumer and
Commercial
Relations

Registration
Division

Real
Property
Registration
Branch

BULLETIN NO 93007

DATE: December 22, 1993

TO: Land Registrars

Registry Act
Land Titles Act

Affidavit of Witness

Affidavits of witness are not required on most documents registered in the Registry system (see s. 29 of the Registry Act R.S.O. 1990, c. R.20) and the Land Titles system (see s.s. 19(4) of O. Reg. 690 under the Land Titles Act). The requirement for a statement of witness outlined in the Document User Guide at paragraph 33, 445 for documents signed by making his or her mark X or in Foreign characters, is no longer valid and is replaced as indicated below.

Documents signed in other than English or French, or in Foreign Characters

A document signed in languages other than English or French, or in foreign characters is to be examined and registered in the same manner as a document signed in English or French. No additional affidavit with respect to the signature is required.

Documents signed by Making a Mark:

An affidavit of subscribing witness is required in cases where a document is executed by an individual by making his/her mark "X". The following format may be used in the affidavit of the subscribing witness accompanying these types of documents:

"I am a subscribing witness to the attached document and I was present and saw it executed by (name of the party), by making his/her mark X, (either use wording in No. 1 or 2 below to complete the sentence.)

1)..... after the party had read the document."

or

2)..... after the document was read to the party and the party appeared to fully understand it."

...../2



The first sentence of the last paragraph of page 5635 of the Document User Guide, (1986 edition) beginning with the words "where a party is unable to read....." and ending with the words,"appeared fully to understand it" is deleted and is replaced by the following:

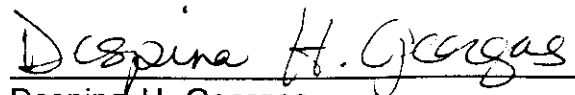
Where a party signs the document by making his or her mark, an affidavit of subscribing witness must be added by the witness stating the following:

" I am a subscribing witness to the attached document and I was present and saw it executed by (name of the party) by making the mark X (either use the wording in No. 1 or 2 below to complete the sentence.)

1)..... after the party had read the document."

or

2)..... after the document was read to the party and the party appeared to fully understand it."



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