



POLICY STATEMENT – Effective Date: March 1, 2004

Application to Rectify Records – Business Corporations

Section 236 of The Business Corporations Act provides, in part, as follows:

236(1) If the name of a person is alleged to be or have been wrongly entered or retained in, or wrongly deleted or omitted from, the registers or other records of a corporation, the corporation, a security holder of the corporation or any aggrieved person may apply to a court for an order that the registers or records be rectified.

If information is filed with Corporations Branch that reflects incorrect information contained in the corporation's registers or records, then in order to have the corporation's records corrected, and subsequently the information filed with Corporations Branch, a corporation will have to make an application to court. You will need the services of a lawyer to prepare your application.

If, on the other hand, the registers and records of the corporation contained the correct information and the document, such as an annual return, filed with Corporations Branch, contained incorrect information, Corporations Branch will consider accepting an affidavit to correct the incorrect information filed.

If you are filing an affidavit, it must as a minimum deal with the following:

- The name of the corporation;
- The qualifications of the person making the affidavit and /or the relationship between the person making the affidavit and the corporation;
- The nature of the error and how or why the error was made;
- What the correct information should be, including dates, if applicable;
- Include any other information that would support the notion the Director of Corporations Branch should accept the affidavit.

In many instances, other persons will be affected by the information contained in the affidavit. The person making the affidavit will have to provide proof that others affected have had notice of the affidavit being made or have otherwise consented to the affidavit. Circumstances will dictate specifics.

You should seek legal counsel for preparation of the aforementioned affidavit.