

# Transfer Authorizations Manual

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# Transfer Authorizations

Authorizations accomplish two things:

- To provide proof that the right person is authorizing the application
- To ensure that the right application is being authorized

There are three components to the Transfer Authorization:

- The Authorization.
- The Affidavit of Execution (If witness is not a Saskatchewan lawyer).
- The Affidavit Verifying Corporate Signing Authority (if corporation executing with no corporate seal).

The Authorization has these very important components:

- The name of the transferor(s) (registered title owner)
- The land, mineral commodity or condominium unit being transferred (title, parcel or application sequence numbers)
- The name of the transferee(s) (who is being transferred to)
- The Date the Authorization is executed
- The signature of the transferor(s) or person authorized to sign on behalf of transferor
  - Where a person other than the registered owner authorizes an application, the authorization must include evidence, to prove that person's legal authority to authorize the application.
- If a Corporate Seal is not affixed, the signature of a witness.

## Witnesses

### **One Witness: Two Parties**

One witness to two signatures need not sign opposite both signatures which are being attested.

Two signing dates do not need to be completed in the execution clause if both parties executed on the same date.

### **Ineligible Witnesses**

There are certain rules that qualify or disqualify a person as a witness.

- A witness must be eighteen years old.
- A witness cannot be any person who is a party to the transaction (See *Hebb v. Registrar of Titles*, [1983] 3 W.W.R. 48 (N.W.T.S.C.)) For example, if a husband and a wife are joint tenants on a title, they cannot act as witness to each others signature.
- An exception has been made to the general rule with respect to a signing officers of a corporation (See *The Bank of Victoria v. McMichael* (1882), 8 V.L.R. (L) 11 (S.C. of Vic)) For example, if in a transform packet a Corporate officer signs the Consent of Mortgagee to Transform on behalf of the financial institution, the Corporate Officer can act as witness to the Transform Authorization completed by the registered title owners.
- A relative, including a spouse, is not disqualified from being a witness provided he or she is not a party to the transaction.
- The person acting as a witness or the commissioner for oaths or notary in any of the required affidavits is not considered a party to the instrument. For example the Lawyer that witnesses a corporate signing officer's signature on the authorization can be the official to take the oath of the Corporate Officer for the Affidavit Verifying Corporate Signing Authority.
- A Corporate signing officer cannot commission/notarize their own Affidavit.
- A witness that is a Lawyer, Commissioner of Oaths or Notary Public cannot sign the Affidavit in both their capacity as witness and oath taker.

## Signatures

When an individual signs a document for submission to the Registrar, the signature may be the usual signature of that person. A person may sign by using initials, if that is their customary method of signing.

For example: If a person is on title as Linda Lynn Jones, when she signs the transfer authorization there is no requirement for her to sign including her middle name, if that is not how she customarily signs.

A hand printed signature is also permitted. Although a signature is usually in cursive handwriting (where the letters are connected together) a printed signature is acceptable.

For example:

The title owner on the authorization is Jennifer Marie Silver.

She signs the transfer authorization by printing Jen Silver.

This is acceptable regardless of whether it is witnessed by a Lawyer in and for the Province of Saskatchewan.

It sometimes happens that a person's signature may vary within the same packet or a document is drawn showing the name of the person signing but the actual signature is different then the name set out. In considering whether to reject the document the examiner is guided by these considerations:

1. if the signature is illegible but might conceivably be that of the required party, the document should be accepted, in reliance on the witness' statement in the Affidavit of Execution, as long as, the affidavit refers to the name of the person signing and is otherwise properly completed;
2. if the signature is legible and is evidently that of someone other than the named party, the document should, of course, be rejected.

## Corporation Executing by Officer(s) with Seal Affixed

### ***The Authorization***

The following is required:

1. **Completed Transfer Authorization**
  - A. [Transferor - Corporation Name](#)
  - B. [What is being Transferred](#)
  - C. [Transferee – New Registered Owner](#)
  - D. [Execution Date](#)
  - E. **Corporate Officer Signature**
  - F. [Corporate Officer Name and Position](#)  
(recommended but not essential)
  - G. [Corporate Seal](#)
2. **No witness is required**
3. **No Affidavit of Execution is required**
4. **No Affidavit Verifying Corporate Signing Authority**

When a corporation affixes a seal to a document, it is called signing under seal. When a corporation signs under a seal, a witness is unnecessary.

- If a witness is included, the packet will not be rejected.
- If the checkbox for 'Witness is a Lawyer in and for the province of Saskatchewan' is checked, and/or the Lawyer Name printed in, these will be ignored, and the packet will not be rejected.

If a Corporation executes the transfer authorization and affixes a Corporate Seal there is no need for an Affidavit of Execution or Affidavit Verifying Corporate Signing Authority. If these are completed, they will be ignored and the packet will not be rejected.

A transfer Authorization for a Corporation can be set up in different ways. For example:

- I, Joe Blow, President of Red River Land Corp. authorize the transfer of title number...
- Or**
- Red River Land Corp. authorizes the transfer of title number...



**Transferor – Corporation Name**

The name should be given exactly as it appears on the title. You can check a Title Print to be certain of how the name appears in the Land Registry.

However, there are certain differences or discrepancies in how the Corporation Name appears on the Title and the Transfer Authorization that will be acceptable and will not result in the rejection of the application. Additional authorization evidence is **not** required for the following differences:

- The presence or absence of punctuation.
- The use of ‘&’ instead of ‘and’, and vice versa.
- Upper or lowercase discrepancies.
- Discrepancies between the forms of the indication of the corporate status:
  - Limited, Ltd., Limitee, Ltee.
  - Incorporated, Inc., Incorporee,
  - Corporation, or Corp.
- Spaces between words.
- Absence or presence of ‘The’ at the beginning of the corporation name.

Additional documentation (evidence) **is** required with the authorization for any discrepancies that do not fall into one of the examples above. For example:

- Difference in the name itself
  - Scuttle Oil Corp. versus Scuttle Gas & Oil Corp.
  - Boston Pizza Ltd. versus Boston Pizza Moose Jaw Ltd.
  - Acme Moving (1979) Ltd. versus Acme Moving (2000) Ltd.
- Different placement of the “&” or “and”
  - Homeland Foreign & Security Corp. versus Homeland & Foreign Security Corp.
- Discrepancies in spelling of the corporate name including the presence or absence of the letter “s”
  - McEwen Farm Ltd. versus McEwens Farm Ltd.
  - Mitchell Machine Inc. versus Mitchel Machine Inc.
- The presence or absence of “Ltd.,” “Corp.,” “Inc.” or the long form of those words
  - Fancy Gifts Limited versus Fancy Gifts
- Discrepancies between Ltd. and Inc.; Ltd. and Corp.; Inc. and Corp
  - Ace Moving Ltd. versus Ace Moving Inc.

The additional documentation as evidence with the authorization that will be accepted in the above situations are:

- Corporation Branch documents such as Certificate of Amalgamation or Certificate of Amendment for a Corporate Name Change (Agreements, letters, memos, Notices to the Industry that refer to the above are not acceptable)
- Legislative citations or excerpts from Acts explaining the transition from one name to another.
  - For example: Titles held in the name of The Saskatchewan Land Bank Commission, the authorization will refer to Section 7 of The Land Bank Repeal & Temporary Provisions Act as evidence for Sask Agriculture Food Rural Revitalization executing the authorization

*A Corporation that holds title in the Corporation's name in Saskatchewan, is doing business in Saskatchewan and must be registered with Corporations Branch.*

A Corporation that is the registered owner of the title must be an active registered Corporation with the Saskatchewan Corporations Branch of the Department of Justice. A Corporation may not necessarily hold that land under their COBRA linked client number since when titles were converted to the new LAND System, a convenience client number was created if there was not an exact Name and Address match to the Cobra-linked client number as registered at Corporations Branch. However, the title processor examining the packet does a search of the Corporation name to make sure that it is an active corporation and that a COBRA linked ISC client number exists in the system with the ability to hold land.

If the Corporation is inactive (has been struck from the Register of Corporations or dissolved) the Corporation must be reinstated or obtain a Court Order in order to transfer the titles it is the registered owner of, unless the authorization was executed prior to this occurring. If this is the case an Affidavit is required to prove that it was executed prior to the corporation becoming inactive. This requirement comes from The Business Corporations Act. A Corporation that holds title in the Corporation's name in Saskatchewan, is doing business in Saskatchewan and must be registered with Corporations Branch.

### **Corporate Officer Name and Position**

When a Transfer Authorization is completed by a body corporate with the seal affixed, the authorization must be executed by an officer of the body corporate.

It is recommended that the Authorization contain the name and the position of corporate officer signing. Failure to show the name or position of a person signing on behalf of the corporation with the corporate seal affixed, is not a valid rejection.

*Failure to show the position or the name of a person signing **under seal** on behalf of the corporation is not a valid rejection.*

It does not matter what position is listed on the authorization. It is not the designation of the position that shows the person has authority. What determines who has such authority is the resolution of the Corporation designating signing officers

A resolution of the Company also determines how many signing officers must execute documents on behalf of a Corporation. The Land Titles Act, 2000, specifies that the authorization must be executed by one officer of the body corporate. If more than one officer signs that is not a reason for rejection.

The name of a corporate officer on a transfer authorization can have initials in it.

Depending on the format of the Authorization the Corporate Officer Name and position may be in the body of the authorization or printed under the Officers signature. Both formats are acceptable.

### **What is being Transferred**

The authorization must contain the:

- title number(s) or
- parcel number(s) or
- application sequence number(s) being authorized for transfer.

*Because a title number is not created until the title is transferred, it is impossible to put a title number in the appropriate field on the second transfer application. In this case, the transfer application where that title number would be created is used.*

The Application Sequence Number is used to surrender a title that is being created as part of the same packet. This occurs when a title is transferred more than once in the same packet. Because a title number is not created until the title is transferred, it is impossible to put a title number in the appropriate field on the second transfer application. In this case, the transfer application where that title number would be created is used. For example:

- Joe's title number is 123456789.
- Joe dies, and his title is transmitted to his personal representative, George. George is transferring the title to the beneficiary, Mike.
- This is all being done and submitted in the same packet. However, when the application forms are being completed to transfer the title to Mike, the title number with George as the Personal Representative isn't known, as it won't have been created yet. Joe's title number can't be used because when it is processed first it is cancelled in the transmission to George and is now inactive.
- The application sequence number of the title transfer from Joe to George must be used.



**NOTE**

The Title Number(s) or Application Sequence Number(s) listed on the authorization must match the information given on the Application for Transfer.

When a parcel number is substituted for a title number in a Transfer Authorization the word "Title" should be crossed out and replaced by the word "Parcel".

The transfer authorization must only refer to one or the other of the title number or application sequence number. If the authorization refers to both title number and application sequence number, it will be rejected.

An Authorization can over-authorize. In other words, it is acceptable if it over-authorizes, but not if it under-authorizes. For example, the authorization may list more title numbers than are being dealt with in the application. As long as the title number they are seeking to transfer in the application is authorized by the transfer authorization, it is acceptable.

**Transferee (New Registered Owner)**

*For an individual Given Name (First Name), Middle name, if any, Family Name (Last Name) should be provided.*

The “to” section of the Transfer Authorization. This identifies whom the titles will be transferred to or what name the new title will be issued in. This could be a body corporate or multiple body corporates, an individual or many individuals, or any combination of the above.

For an individual Given Name (First Name), Middle name, if any, Family Name (Last Name) should be provided.

If there are two or more individuals, each name must be specified separately in full. It is not acceptable for the transferees to be described as “John and Mary Smith” or a married woman to be described as “Mrs. John Smith. Her given name, middle name, if any, and surname are required.

 **NOTE**

S. 10 of *The Land Titles Regulations, 2001* provides that an individual is to hold title in their given name, middle name, if any, and family name. Given name is their first name as it appears on their birth certificate unless legally changed. If a person has a middle name it is to be used as well as their last name. An individual should not use shortened versions (Alex for Alexander) or an alias (Tracy Kimberley Smith goes by Kim Smith) for Land Registry purposes.

We do not enforce individual’s names by requiring that they provide a copy of their birth certificate. It is not a reason to reject if a middle name is not given, when it is known that the person has one.

Where an individual has a last name, first name or middle name that consists solely of an initial, a certificate from the Director of Vital Statistics or from an equivalent official in another jurisdiction must be submitted with the Authorization as proof that the initial is the proper name.

The Crown in right of Saskatchewan or Canada or a body corporate must have been assigned a corporation number by Corporations Branch of the Department of Justice before the Crown or body corporate may apply to the Registrar to be a registered owner.

The Corporation name on the Authorization should be the same as the name appears in the records of the Corporations Branch.

The application will not be rejected if the following additional information is also included in the “to” section:

- Prefixes, like Mr., Mrs., or Dr., although these prefixes will not go on the title, as it is not part of the person’s legal name.
- The address of the new owner.
- The type of ownership (joint tenants, tenants in common) – as long as it matches what is set out in the application. If it doesn’t match, the packet will be rejected.

### ***Execution Date***

The date the transfer authorization was signed must be included and contain the day, month and year that the document was signed. The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the authorization must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the authorization to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.




#### ***NOTE***

The date cannot be a future date.

**Corporate Seal is not visible**

The seal must be visible and be legible. This problem often arises with the use of an embossed seal. There are two options for when this occurs:

1. Render the embossed seal visible on the authorization (such as rubbing carbon paper or a pencil over it).

 **NOTE** Rendering the seal visible does not consistently make it visible and legible when our system converts it to an electronic image. To avoid a possible rejection it is recommended to submit a Certificate.

**Or**

2. If the seal is not visible or legible, a **Certificate of Lawyer** or **Certificate of Notary Public** verifying that the transfer authorization was executed with the seal affixed, is required.

**Certificate of Lawyer**

When a Certificate of Lawyer is provided, the lawyer is certifying that they have examined the transfer authorization and that the corporate seal was affixed.

The lawyer must identify their name and indicate on the certificate that he/she is a lawyer. The lawyer can be from any province, it does not need to be a Saskatchewan lawyer.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Lawyer certifying that the seal was affixed to the Authorization does not need a seal or stamp regardless of whether they are a lawyer from Saskatchewan or any other province, as long as the certificate indicates they are a lawyer and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

### Certificate of Notary Public

When a Certificate of Notary Public is provided, the Notary is certifying that they have examined the transfer authorization and that the corporate seal was affixed.

The Certificate must be completed by a Notary Public, not by a Commissioner for Oaths, regardless of whether it is completed in or out of Saskatchewan.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Notary certifying that the seal was affixed to the Authorization does not need a seal or stamp regardless of whether they are a notary from Saskatchewan or any other province, as long as the certificate indicates they are a notary and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

A Certificate completed by a **Notary in Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- Expiry date of their appointment must be indicated
- A Seal is not required

A Certificate completed by a **Notary Public out of Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- An expiry date is not required.
- Because Notary Public appointments are granted by province, we cannot police expiry date requirements for appointments outside of Saskatchewan. As such, if no expiry date is included, we assume it does not expire.
- A Seal is not required.



## Corporation Executing by Officer(s) with No Seal Affixed

### ***The Authorization***

A Corporation can execute a transfer Authorization without affixing a corporate seal. If the corporate officer(s) does not sign under seal the following is required:

1. **Completed Transfer Authorization**
  - A. [Transferor - Corporation Name](#)
  - B. [Corporate Officer Name and Position \(indicated here or in the Affidavit Verifying Corporate Signing Authority\)](#)
  - C. [What is being Transferred](#)
  - D. [Transferee – New Registered Owner](#)
  - E. [Execution Date](#)
  - F. Corporate Officer Signature
  - G. Witness Signature
  - H. [Witness Lawyer in Saskatchewan](#)
    - i. Status as a lawyer in Saskatchewan identified
    - ii. Name of lawyer identified
    - iii. No Affidavit of Execution required
2. [Affidavit Verifying Corporate Signing Authority](#)
3. Witness Lawyer outside of Saskatchewan or another Individual - [Affidavit of Execution](#) is required

A transfer Authorization for a Corporation can be set up in different ways. For example:

- I, Joe Blow, President of Red River Land Corp. authorize the transfer of title number...

**Or**

- Red River Land Corp. authorizes the transfer of title number...

### **Transferor – Corporation Name**

The name should be given exactly as it appears on the title. You can check a Title Print to be certain of how the name appears in the Land Registry.

However, there are certain differences or discrepancies in how the Corporation Name appears on the Title and the Transfer Authorization that will be acceptable and will not result in the rejection of the application. Additional authorization evidence is **not** required for the following differences:

- The presence or absence of punctuation.
- The use of ‘&’ instead of ‘and’, and vice versa.
- Upper or lowercase discrepancies.
- Discrepancies between the forms of the indication of the corporate status:
  - Limited, Ltd., Limitee, Ltee.
  - Incorporated, Inc., Incorporée,
  - Corporation, or Corp.
- Spaces between words.
- Absence or presence of ‘The’ at the beginning of the corporation name.

Additional documentation (evidence) **is** required with the authorization for any discrepancies that do not fall into one of the examples above. For example:

- Difference in the name itself
  - Scuttle Oil Corp. versus Scuttle Gas & Oil Corp.
  - Boston Pizza Ltd. versus Boston Pizza Moose Jaw Ltd.
  - Acme Moving (1979) Ltd. versus Acme Moving (2000) Ltd.
- Different placement of the “&” or “and”
  - Homeland Foreign & Security Corp. versus Homeland & Foreign Security Corp.
- Discrepancies in spelling of the corporate name including the presence or absence of the letter “s”
  - McEwen Farm Ltd. versus McEwens Farm Ltd.
  - Mitchell Machine Inc. versus Mitchel Machine Inc.
- The presence or absence of “Ltd.,” “Corp.,” “Inc.” or the long form of those words
  - Fancy Gifts Limited versus Fancy Gifts
- Discrepancies between Ltd. and Inc.; Ltd. and Corp.; Inc. and Corp
  - Ace Moving Ltd. versus Ace Moving Inc.

The additional documentation as evidence with the authorization that will be accepted in the above situations are:

- Corporation Branch documents such as Certificate of Amalgamation or Certificate of Amendment for a Corporate Name Change (Agreements, letters, memos, Notices to the Industry that refer to the above are not acceptable)
- Legislative citations or excerpts from Acts explaining the transition from one name to another.
  - For example: Titles held in the name of The Saskatchewan Land Bank Commission, the authorization will refer to Section 7 of The Land Bank Repeal & Temporary Provisions Act as evidence for Sask Agriculture Food Rural Revitalization executing the authorization.

A Corporation that is the registered owner of the title must be an active registered Corporation with the Saskatchewan Corporations Branch of the Department of Justice. A Corporation may not necessarily hold that land under their COBRA linked client number since when titles were converted to the new LAND System, a convenience client number was created if there was not an exact Name and Address match to the Cobra-linked client number as registered at Corporations Branch. However, the title processor examining the packet does a search of the Corporation name to make sure that it is an active corporation and that a COBRA linked ISC client number exists in the system with the ability to hold land.

*A Corporation that holds title in the Corporations name in Saskatchewan, is doing business in Saskatchewan and must be registered with Corporations Branch.*

If the Corporation is inactive (has been struck from the Register of Corporations or dissolved) the Corporation must be reinstated or obtain a Court Order in order to transfer the titles it is the registered owner of, unless the authorization was executed prior to this occurring. If this is the case an Affidavit is required to prove that it was executed prior to the corporation becoming inactive. This requirement comes from The Business Corporations Act. A Corporation that holds title in the Corporation's name in Saskatchewan, is doing business in Saskatchewan and must be registered with Corporations Branch.

## **Corporate Officer Name and Position**

### **Name**

The name of the Corporate Officer can be identified in either the authorization or the Affidavit Verifying Corporate Signing Authority, as long as it is present in one of those places.

The name of a corporate officer on the authorization can have initials in it. The following versions of the corporate officers name are all acceptable:

- First name, middle name, last name (Jane Lynn Smith)
- First name, middle initial, last name (Jane L. Smith)
- First initial, middle name, last name (J. Lynn Smith)
- First Name, last name (Jane Smith)

The Name should be used consistently throughout the Authorization and the Affidavit, however if it is not, as long as it is apparent that they are the same person, the application need not be rejected for this.

### **Position**

The person's position for the Corporation must be indicated when a document is executed on behalf of a Corporation **without** affixing the **Corporate Seal**. If it is not the application must be rejected. The position can be indicated in the Authorization or in the Affidavit Verifying Corporate Signing Authority, as long as it is present in one of those places.

It does not matter what position is listed on the Affidavit. It is not the designation of the position that shows the person has authority. What determines who has such authority is the resolution of the Corporation designating signing officers.

A resolution of the Company also determines how many signing officers must execute documents on behalf of a Corporation.

We do not confirm who and how many signing officers a Corporation has designated and do not request a copy of the Corporate resolution.

For example: A Transfer Authorization is signed by two individuals for a Corporation, however only one officer completes the Affidavit Verifying Corporate Signing Authority. This is acceptable because the Registrar only requires the authorization to be executed by "an" officer. The Corporation's resolution may only require the signature of one officer however the Corporation may have a policy of having the officer's signature countersigned with another signature.

A Corporation's resolution may also require more than two signing officers, resulting in a transfer authorization having numerous signatures. This is also not a reason for rejection.

### **What is being Transferred**

The authorization must contain the:

- title number(s) or
- parcel number(s) or
- application sequence number(s) being authorized for transfer.

*Because a title number is not created until the title is transferred, it is impossible to put a title number in the appropriate field on the second transfer application. In this case, the transfer application where that title number would be created is used*

The Application Sequence Number is used to surrender a title that is being created as part of the same packet. This occurs when a title is transferred more than once in the same packet. Because a title number is not created until the title is transferred, it is impossible to put a title number in the appropriate field on the second transfer application. In this case, the transfer application where that title number would be created is used. For example:

- Joe's title number is 123456789.
- Joe dies, and his title is transmitted to his personal representative, George. George is transferring the title to Mike.
- This is all being done and submitted in the same packet. However, when the application forms are being completed to transfer the title to Mike, he won't know what George's title number is, as it won't have been created yet. Joe's title number can't be used because when it is processed first, it is cancelled in the transmission to George and is now inactive.
- The application sequence number of the title transfer from Joe to George must be used.



#### **NOTE**

The Title Number(s) or Application Sequence Number(s) listed on the authorization must match the information given on the Application for Transfer.

When a parcel number is substituted for a title number in a Transfer Authorization the word "Title" should be crossed out and replaced by the word "Parcel".

The transfer authorization must only refer to one or the other of the title number or application sequence number. If the authorization refers to both title number and application sequence number, it will be rejected.

An Authorization can over-authorize. In other words, it is acceptable if it over-authorizes, but not if it under-authorizes. For example, the authorization may list more title numbers than are being dealt with in the application. As long as the title number they are seeking to transfer in the application is authorized by the transfer authorization, it is acceptable.

### ***Transferee (New Registered Owner)***

*For an individual Given Name (First Name), Middle name, if any, Family Name (Last Name) should be provided.*

The “to” section of the Transfer Authorization. This identifies whom the titles will be transferred to or what name the new title will be issued in. This could be a body corporate or multiple body corporates, an individual or many individuals or any combination of the above.

For an individual Given Name (First Name), Middle name, if any, Family Name (Last Name) should be provided.

If there are two or more individuals, each name must be specified separately in full. It is not acceptable for the transferees to be described as “John and Mary Smith” or a married woman to be described as “Mrs. John Smith. Her given name, middle name, if any, and surname are required.

#### **NOTE**

S. 10 of *The Land Titles Regulations, 2001* provides that an individual is to hold title in their given name, middle name, if any, and family name. Given name is their first name as it appears on their birth certificate unless legally changed. If a person has a middle name it is to be used as well as their last name. An individual should not use shortened versions (Alex for Alexander) or an alias (Tracy Kimberley Smith goes by Kim Smith) for Land Registry purposes.

We do not enforce individual’s names by requiring that they provide a copy of their birth certificate. It is not a reason to reject if a middle name is not given, when it is known that the person has one.

Where an individual has a last name, first name or middle name that consists solely of an initial, a certificate from the Director of Vital Statistics or from an equivalent official in another jurisdiction must be submitted with the Authorization as proof that the initial is the proper name.

The Crown in right of Saskatchewan or Canada or a body corporate must have been assigned a corporation number by Corporations Branch of the Department of Justice before the Crown or body corporate may apply to the Registrar to be a registered owner.

The Corporation name on the Authorization should be the same as the name appears in the records of the Corporations Branch.

The application will not be rejected if the following additional information is also included in the “to” section:

- Prefixes, like Mr., Mrs., or Dr., although these prefixes will not go on the title, as it is not part of the person’s legal name.
- The address of the new owner.
- The type of ownership (joint tenants, tenants in common) – as long as it matches what is set out in the application. If it doesn’t match, the packet will be rejected.

### **Execution Date**

The date the transfer authorization was signed must be included and contain the day, month and year that the document was signed. The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the authorization must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the authorization to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



#### **NOTE**

The date cannot be a future date.

### **Witness Lawyer in Saskatchewan**

Authorizations, other than an authorization executed under corporate seal, must be witnessed by one person.



#### **NOTE**

For other exceptions to the witness requirement please refer to sections 25 and 26 of *The Land Titles Regulations, 2001* regarding documents signed on behalf of the Provincial Mediation Board or the Government of Saskatchewan.

The requirement for a witness is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

Pursuant to section 27 of *The Land Titles Regulations, 2001*, if the authorization is witnessed by a lawyer who is licensed to practice in Saskatchewan pursuant to *The Legal Profession Act, 1990*, an Affidavit of Execution is not required.

A lawyer who acts as a witness must sign his or her name to the authorization as a witness.

Under the lawyer's signature the lawyer must clearly identify his or her name. The name can be identified by:

- being typed,
- hand printed or
- written or signed as long as one full name and last name is legible.

*There must be at least one full name, either first or second and a last name indicated.*

The name of a lawyer on a transfer authorization can have initials in it. There must be at least one full name, either first or second and a last name indicated.

The following versions of the Lawyer's name are all acceptable:

- First name, middle name, last name (Jane Lynn Smith)
- First name, middle initial, last name (Jane L. Smith)
- First initial, middle name, last name (J. Lynn Smith)
- First name, last name (Jane Smith)

The authorization must clearly indicate the lawyer's status as a lawyer in Saskatchewan. If the customer has used the sample transfer authorization provided by ISC the check box must be marked in some way, such as with an x or check mark or filled in, or their status as a lawyer in Saskatchewan must otherwise be indicated on this portion of the Authorization. If the status as a lawyer in Saskatchewan is not indicated this will result in a rejection.



Check if witness is a Lawyer in and for the Province of Saskatchewan

\_\_\_\_\_  
Lawyer Name

Even if we recognize the name as a lawyer in Saskatchewan or other Affidavits in the packet indicate the lawyer as a Saskatchewan lawyer, this indication by the lawyer needs to be present. Because of the exemption from the need to provide an Affidavit of Execution if the witness is a Saskatchewan Lawyer, this puts a positive onus on the lawyer to confirm this fact by marking the check box or indicating on the authorization this fact (such as a lawyers stamp).

If the format of the Authorization submitted is not one of the samples provided on the ISC website, it does not need to have a check box. It can have the Lawyer's name identified and state Lawyer in and for the Province of Saskatchewan. A stamp with the Lawyer's name and an indication that they are a lawyer, or a barrister and solicitor, in the province of Saskatchewan is also acceptable.

***Witness Lawyer outside  
of Saskatchewan or another Individual***

Authorizations, other than an authorization executed under corporate seal, must be witnessed by one person.



**NOTE**

For other exceptions to the witness requirement please refer to sections 25 and 26 of *The Land Titles Regulations, 2001* regarding documents signed on behalf of the Provincial Mediation Board or the Government of Saskatchewan.

The requirement for a witness and an Affidavit of Execution is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

A person who acts as a witness must **sign** his or her name to the authorization as a witness and if the witness is not a Saskatchewan lawyer, complete an Affidavit of Execution.

### ***Affidavit Verifying Corporate Signing Authority***

Any time Corporate Signing Officers execute a Transfer Authorization without affixing the corporate seal an Affidavit Verifying Corporate Signing Authority is required.

In the Affidavit the Officer is swearing or affirming in writing that they are an Officer of the Corporation and are authorized by the corporation to execute the authorization without affixing the corporate seal.

#### ***Corporate Officer Name and Position***

##### **Name**

The name of a corporate officer on the Affidavit can have initials in it. The following versions of the corporate officers name are all acceptable:

- First name, middle name, last name (Jane Lynn Smith)
- First name, middle initial, last name (Jane L. Smith)
- First initial, middle name, last name (J. Lynn Smith)
- First Name, last name (Jane Smith)

The Name should be used consistently throughout the Authorization and the Affidavit, however if it is not as long as it is apparent that they are the same person, the application need not be rejected for this.

##### **Position**

The person's position for the Corporation must be indicated when a document is executed on behalf of a Corporation **without** affixing the **Corporate Seal**. If it is not the application must be rejected.

It does not matter what position is listed on the Affidavit. It is not the designation of the position that shows the person has authority. What determines who has such authority is the resolution of the Corporation designating signing officers.

A resolution of the Company also determines how many signing officers must execute documents on behalf of a Corporation.

We do not police who and how many signing officers a Corporation has designated and do not request a copy of the Corporate resolution.

For example: A Transfer Authorization is signed by two individuals for a Corporation, however only one officer completes the Affidavit Verifying Corporate Signing Authority. This is acceptable because the Registrar only requires the authorization to be executed by “an” officer. The Corporation’s resolution may only require the signature of one officer however the Corporation may have a policy of having the officer’s signature countersigned with another signature.

A Corporation’s resolution may also require more than two signing officers, resulting in a transfer authorization having numerous signatures. This is also not a reason for rejection.

### ***Location of Corporate Officer***

The Corporate Signing Officer when completing the Affidavit must indicate the **Place** and **Province** of their residence, not their employment. This is for identification purposes and to locate the Officer if ever needed.

### ***The Jurat***

The Jurat is the section of a document that begins ‘Sworn before me.’ The jurat is completed by the Official authorized to administer oaths, before whom the corporate officer swears or affirms the Affidavit Verifying Corporate Signing Authority (ie. lawyer, notary public or commissioner of oaths).



#### ***NOTE***

An Affidavit may also be sworn or affirmed before those persons set out in section 24 of *The Land Titles Regulations, 2001*.

The first line in the jurat is where the Official indicates the Place and Province where the Affidavit was sworn.

### **Place**

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve, or village, etc.
- A legal land description giving the quarter section, township, range, meridian. Or
- Near such a place.

‘In the home of’ is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.



#### ***NOTE***

If an address is included, as long as there is a city/town named, it will not be rejected.

**Province**

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

**Date**

This refers to the date the Affidavit was sworn.

The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the affidavit must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the affidavit to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.

**NOTE**

The date cannot be a future date, and it cannot be a date prior to the execution date on the transfer Authorization.

**Signature of Official**

The Jurat must be signed by the Official administering the oath.

The Affidavit may be sworn or affirmed. If it is affirmed, the word “Sworn” in the jurat must be replaced with the word “Affirmed.”

Certain rules apply if the Official before whom the Affidavit is sworn is in or out of Saskatchewan and what type of Official they are.

- [Solicitor in Saskatchewan](#)
- [Notary Public for Saskatchewan -- Not a Solicitor](#)
- [Notary Public outside of Saskatchewan, or Solicitor outside of Saskatchewan](#)
- [Commissioner for Oaths in and for Saskatchewan – Not a Solicitor](#)
- [Commissioner for Oaths without Saskatchewan](#)

**Solicitor in Saskatchewan**

A solicitor in Saskatchewan is automatically both a Commissioner for Oaths within and without Saskatchewan and a Notary Public. Their appointment does not expire unless suspended, revoked or cease to hold an annual certificate under *The Legal Profession Act, 1990*.

The requirements when an Affidavit is sworn by a Solicitor in Saskatchewan are as follows:

- Status as a Commissioner for Oaths in and for Saskatchewan and/or Notary Public being a Solicitor must be included.
- No seal or expiry date is required
- No need to have one of the references (a Commissioner for Oaths or a Notary Public) deleted as long as their status as a Notary Public or Commissioner for Oaths being a Solicitor is somehow indicated. For example √ Being a Solicitor√
- Alternatively, one of the other (Notary Public or Commissioner For Oaths) may be shown as long as their status as a Solicitor is shown
- If one of the references is deleted, this deletion does not require initials authorizing the change to the Affidavit.
- A Stamp that contains the required information may be affixed as an alternative to any indications or deletions in the Jurat.

**Notary Public in Saskatchewan – Not a Solicitor**

An affidavit sworn by an individual that is a Notary Public but is not a Solicitor in Saskatchewan requires the following:

- Status as a Notary Public must be indicated by:
  - Crossing out other choices (for example: ~~Commissioner for Oaths~~) (Note: This does not need to be initialed.)
  - Placing a checkmark over Notary Public.
  - Having a seal or stamp that indicates their authority as a Notary Public.
    - No special form of stamp is required.
    - Nothing needs to be crossed out.
- Expiry date of appointment must be indicated
- A seal is not required


**Notary Public out of Saskatchewan, or Lawyer outside of Saskatchewan**

The requirement where an Affidavit is sworn by a Notary Public out of Saskatchewan is the same if the person is a solicitor or not. They are as follows:

- Seal must be present which indicates
  - The person’s name and status as a Notary Public.
  - The seal does not need to be round or entirely closed,
  - A stamp can replace the seal.


 *NOTE*

The Land Titles Regulations, 2001 requires an affidavit sworn before a Notary out of Saskatchewan to be under official seal.

Colleen L. Smith Barrister and Solicitor 345 – 555 Elm Drive Victoria, B.C. A1B 2C3		this would be rejected as it is an address stamp not a Notarial stamp
--	---	--

Colleen L. Smith Notary Public British Columbia		is acceptable
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Jane Klassen Barrister & Solicitor, Notary		is acceptable
---	--	---------------

Ann Smith a Notary Public for the County of Perth, authorized to take Affidavits and Attest documents for the Bank Of Nova Scotia		is acceptable (these are approved by Ontario’s Attorney General)
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- No expiry date is needed for a Notary from outside Saskatchewan, but it can be included.
- The stamp or seal affixed will contain an indication of their capacity, therefore, if the jurat contains both Commissioner of Oaths and Notary Public the inapplicable reference does not need to be crossed out.  
If it is crossed out, that is acceptable, and it does not need to be initialed.

### ***Notarial Seal not Visible***

The seal must be visible and be legible. This problem often arises with the use of an embossed seal. There are two options for when this occurs:

1. Render the embossed seal visible on the Affidavit (such as rubbing carbon paper or a pencil over it).



#### *NOTE*

Rendering the seal visible does not consistently make it visible and legible when our system converts it to an electronic image. To avoid a possible rejection it is recommended to submit a Certificate.

#### **Or**

2. If the seal is not visible or legible, a **Certificate of Lawyer** or **Certificate of Notary Public** verifying that the Affidavit was executed with the seal affixed, is required.

This Certificate cannot be provided by the same Notary or Solicitor whose stamp is not visible. It must be provided by another Notary or Lawyer.

### **Certificate of Lawyer**

When a Certificate of Lawyer is provided, the lawyer is certifying that they have examined the authorization and that the notarial seal was affixed.

The lawyer must identify their name and indicate on the certificate that he/she is a lawyer. The lawyer can be from any province, it does not need to be a Saskatchewan lawyer.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the Affidavit.

A Certificate of Lawyer certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a lawyer from Saskatchewan or any other province, as long as the certificate indicates they are a lawyer and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

### Certificate of Notary Public

When a Certificate of Notary Public is provided, the Notary is certifying that they have examined the authorization and that the notarial seal was affixed.

The Certificate must be completed by a Notary Public, not by a Commissioner for Oaths, regardless of whether it is completed in or out of Saskatchewan.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Notary certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a notary from Saskatchewan or any other province, as long as the certificate indicates they are a notary and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

A Certificate completed by a **Notary in Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- Expiry date of their appointment must be indicated
- A Seal is not required



A Certificate completed by a **Notary Public out of Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- An expiry date is not required.
- Because Notary Public appointments are granted by province, we cannot police expiry date requirements for appointments outside of Saskatchewan. As such, if no expiry date is included, we assume it does not expire.
- A Seal is not required.

### **Commissioner for Oaths in and for Saskatchewan – Not a Solicitor**

An affidavit sworn by an individual that is a Commissioner for Oaths but is not a Solicitor in Saskatchewan requires the following:

- Status as a Commissioner for Oaths must be indicated by:
  - Crossing out other choices (for example: ~~Notary Public~~) (Note: This does not need to be initialed.)
  - Or placing a checkmark over Commissioner of Oaths.
  - A seal or stamp that indicates their authority to take oaths may be affixed as an alternative, in which case nothing needs to be crossed out.
  - No special form of stamp is required.
- Expiry date of commission must be indicated
- A seal is not required

### **Commissioner for Oaths Without Saskatchewan**

A person may apply to the Minister of Justice (Saskatchewan) to be appointed as a Commissioner for Oaths outside of Saskatchewan. Such an appointment allows the person to administer oaths and take affidavits outside of Saskatchewan for use in Saskatchewan. Persons so appointed are called “A Commissioner for Oaths without Saskatchewan”.

The requirements where an Affidavit is sworn by a Commissioner for Oaths without Saskatchewan is as follows:

- Status as a “Commissioner for Oaths without Saskatchewan” must be indicated.
- A seal is not required
- The expiry date must be referenced

- The inapplicable references must be crossed out, such as Notary Public, unless it is clear what their status is without such deletions. This alteration does not need to be initialed.
- A stamp that contains the required information may be affixed as an alternative. In this situation, the inapplicable reference need not be deleted.

### ***Affidavit of Execution***

If the witness is not a lawyer, or is a lawyer but not in Saskatchewan, the witness must fill out an Affidavit of Execution.

The requirement for a witness and an Affidavit of Execution is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

The person who has signed his or her name to the Transfer Authorization as Witness must complete the Affidavit of Execution.

The Affidavit is divided into two parts: the **statements sworn** or affirmed by the witness, and the **jurat**. Below are the items to be completed in the Affidavit:

- A. Witness Name
- B. Witness Place of residence
- C. Province
- D. Person whose signature was witnessed
- E. **Witness Signature**
- F. Jurat

### ***Witness Name***

A witness' name can have an initial, but must have a full first or second name and last name to provide greater certainty of identity, should the need arise to locate the witness.

Acceptable Witness name forms include:

- John James Smith.
- John J. Smith.
- John Smith.
- J. James Smith.

The following name forms will cause a rejection unless proof is attached that the initial is the entire given name. This proof may be a birth certificate or a certificate from the Department of Vital Statistics.

- J. Smith.

### **Residence of Witness**

The witness when completing the Affidavit of Execution must indicate the **Place** and **Province** of their residence, not where they are employed. The purpose of this is for greater certainty of identification and to locate the witness should the need arise.

#### **Place**

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve or village etc.
- A legal and description giving the quarter section, township, range, meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.

#### **Province**

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

### **Witness Statements**

In this section the witness must state that the person who has executed the transfer authorization:

- 1) Is personally known to the witness or the witness has satisfied themselves that the person who signed the authorization is who they purport to be.
  - eg. 'I personally know \_\_\_\_\_
  - Or**
  - eg. 'I have satisfied myself that \_\_\_\_\_
- 2) Is the person named in the Authorization and whose name is subscribed to the Authorization.
- 3) Was in the presence of the witness when the person executed the Authorization.
- 4) Is 18 years of age or more.

### ***Person whose signature was witnessed***

The Signator is the person who signed the authorization as title holder and whose signature was witnessed by the witness.

The name of the signator should be stated consistently in the Affidavit with how he/she is stated in the authorization, however the name need not be identical. As long as it is apparent that the person named in the Affidavit is the same person named in the Authorization, it will not result in a rejection.

For example if the individual is named in the Authorization as Keith John Kline and the Affidavit of Execution refers to him as Keith Kline or Keith J. Kline, both will be acceptable.

Another example is a shortened version of the name, where the individual is named in the Authorization as Walter Daniel Zammer and the Affidavit of Execution refers to him as Walt Zammer. This is acceptable as it is still apparent that this is the same person.

However, if an individual named on an Authorization as Richard Michael Whyte and the Affidavit of Execution refers to a Dick Whyte, it is not apparent that they are the same person so this would not be acceptable.

Slight variations of the name are acceptable because if it is apparent that it is the same person and the witness is swearing that this is the same person who is named in the authorization, the risk in accepting these is very low.

If the Affidavit of Execution refers to them by a completely different first name or last name then it is not apparent that they are the same person and this would not be acceptable.

### ***The Jurat***

The Jurat is the section of a document that begins 'Sworn before me.' The jurat is completed by the Official authorized to administer oaths, before whom the witness swears or affirms the Affidavit of Execution (ie. lawyer, notary public or commissioner of oaths).



#### ***NOTE***

An Affidavit may also be sworn or affirmed before those persons set out in section 24 of *The Land Titles Regulations, 2001*.

The first line in the jurat is where the Official indicates the Place and Province where the Affidavit was sworn.

### Place

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve, or village, etc.
- A legal land description giving the quarter section, township, range, meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.



#### NOTE

If an address is included, as long as there is a city/town named, it will not be rejected.

### Province

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

### Date

This refers to the date the Affidavit was sworn.

The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the affidavit must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the affidavit to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



**NOTE**

The date cannot be a future date, and it cannot be a date prior to the execution date on the transfer Authorization.

### **Signature of Official**

The Jurat must be signed by the Official administering the oath.

The Affidavit may be sworn or affirmed. If it is affirmed, the word “Sworn” in the jurat must be replaced with the word “Affirmed.”

Certain rules apply if the Official before whom the Affidavit is sworn is in or out of Saskatchewan and what type of Official they are.

- [Solicitor in Saskatchewan](#)
- [Notary Public for Saskatchewan – Not a Solicitor](#)
- [Notary Public outside of Saskatchewan, or Solicitor outside of Saskatchewan](#)
- [Commissioner for Oaths in and for Saskatchewan – Not a Solicitor](#)
- [Commissioner for Oaths without Saskatchewan](#)

### **Solicitor in Saskatchewan**

A solicitor in Saskatchewan is automatically both a Commissioner for Oaths within and without Saskatchewan and a Notary Public. Their appointment does not expire unless suspended, revoked or cease to hold an annual certificate under *The Legal Profession Act, 1990*.

The requirements when an Affidavit is sworn by a Solicitor in Saskatchewan are as follows:

- Status as a Commissioner for Oaths in and for Saskatchewan and/or Notary Public being a Solicitor must be included.
- No seal or expiry date is required

- No need to have one of the references (a Commissioner for Oaths or a Notary Public) deleted as long as their status as a Notary Public or Commissioner for Oaths being a Solicitor is somehow indicated. For example ✓ Being a Solicitor✓
- Alternatively, one of the other (Notary Public or Commissioner For Oaths) may be shown as long as their status as a Solicitor is shown
- If one of the references is deleted, this deletion does not require initials authorizing the change to the Affidavit.
- A Stamp that contains the required information may be affixed as an alternative to any indications or deletions in the Jurat.

### **Notary Public in Saskatchewan – Not a Solicitor**

An affidavit sworn by an individual that is a Notary Public but is not a Solicitor in Saskatchewan requires the following:

- Status as a Notary Public must be indicated by:
  - Crossing out other choices (for example: ~~Commissioner for Oaths~~) (Note: This does not need to be initialed.)
  - Placing a checkmark over Notary Public.
  - Having a seal or stamp that indicates their authority as a Notary Public.
    - No special form of stamp is required.
    - Nothing needs to be crossed out.
- Expiry date of appointment must be indicated
- A seal is not required

### **Notary Public out of Saskatchewan, or Lawyer outside of Saskatchewan**


The requirement where an Affidavit is sworn by a Notary Public out of Saskatchewan is the same if the person is a solicitor or not. They are as follows:

- Seal must be present which indicates
  - The person's name and status as a Notary Public.
  - The seal does not need to be round or entirely closed,
  - A stamp can replace the seal.




**NOTE**

The Land Titles Regulations, 2001 requires an affidavit sworn before a Notary out of Saskatchewan to be under official seal.

Colleen L. Smith Barrister and Solicitor 345 – 555 Elm Drive Victoria, B.C. A1B 2C3		this would be rejected as it is an address stamp not a Notarial stamp
--	---	--

Colleen L. Smith Notary Public British Columbia		is acceptable
---	---	---------------

Jane Klassen Barrister & Solicitor, Notary		is acceptable
---	--	---------------

Ann Smith a Notary Public for the County of Perth, authorized to take Affidavits and Attest documents for the Bank Of Nova Scotia		is acceptable (these are approved by Ontario’s Attorney General)
---	--	---

- No expiry date is needed for a Notary from outside Saskatchewan, but it can be included.
- The stamp or seal affixed will contain an indication of their capacity, therefore, if the jurat contains both Commissioner of Oaths and Notary Public the inapplicable reference does not need to be crossed out. If it is crossed out, that is acceptable, and it does not need to be initialed.

**Notarial Seal not Visible**

The seal must be visible and be legible. This problem often arises with the use of an embossed seal. There are two options for when this occurs:

1. Render the embossed seal visible on the Affidavit (such as rubbing carbon paper or a pencil over it).

 *NOTE*

Rendering the seal visible does not consistently make it visible and legible when our system converts it to an electronic image. To avoid a possible rejection it is recommended to submit a Certificate.

**Or**

2. If the seal is not visible or legible, a **Certificate of Lawyer** or **Certificate of Notary Public** verifying that the Affidavit was executed with the seal affixed, is required.

This Certificate cannot be provided by the same Notary or Solicitor whose stamp is not visible. It must be provided by another Notary or Lawyer.



### Certificate of Lawyer

When a Certificate of Lawyer is provided, the lawyer is certifying that they have examined the authorization and that the notarial seal was affixed.

The lawyer must identify their name and indicate on the certificate that he/she is a lawyer. The lawyer can be from any province, it does not need to be a Saskatchewan lawyer.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the Affidavit.

A Certificate of Lawyer certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a lawyer from Saskatchewan or any other province, as long as the certificate indicates they are a lawyer and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

### Certificate of Notary Public

When a Certificate of Notary Public is provided, the Notary is certifying that they have examined the authorization and that the notarial seal was affixed.

The Certificate must be completed by a Notary Public, not by a Commissioner for Oaths, regardless of whether it is completed in or out of Saskatchewan.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the authorization.

A Certificate of Notary certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a notary from Saskatchewan or any other province, as long as the certificate indicates they are a notary and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

A Certificate completed by a **Notary in Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- Expiry date of their appointment must be indicated
- A Seal is not required

A Certificate completed by a **Notary Public out of Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- An expiry date is not required.
- Because Notary Public appointments are granted by province, we cannot police expiry date requirements for appointments outside of Saskatchewan. As such, if no expiry date is included, we assume it does not expire.
- A Seal is not required.

### **Commissioner for Oaths in and for Saskatchewan – Not a Solicitor**

An affidavit sworn by an individual that is a Commissioner for Oaths but is not a Solicitor in Saskatchewan requires the following:

- Status as a Commissioner for Oaths must be indicated by:
  - Crossing out other choices (for example: ~~Notary Public~~) (Note: This does not need to be initialed.)
  - Or placing a checkmark over Commissioner of Oaths.
  - A seal or stamp that indicates their authority to take oaths may be affixed as an alternative, in which case nothing needs to be crossed out.
  - No special form of stamp is required.
- Expiry date of commission must be indicated
- A seal is not required

**Commissioner for Oaths  
Without Saskatchewan**

A person may apply to the Minister of Justice (Saskatchewan) to be appointed as a Commissioner for Oaths outside of Saskatchewan. Such an appointment allows the person to administer oaths and take affidavits outside of Saskatchewan for use in Saskatchewan. Persons so appointed are called “A Commissioner for Oaths without Saskatchewan”.

The requirements where an Affidavit is sworn by a Commissioner for Oaths without Saskatchewan is as follows:

- Status as a “Commissioner for Oaths without Saskatchewan” must be indicated.
- A seal is not required
- The expiry date must be referenced
- The inapplicable references must be crossed out, such as Notary Public, unless it is clear what their status is without such deletions. This alteration does not need to be initialed.
- A stamp that contains the required information may be affixed as an alternative. In this situation, the inapplicable reference need not be deleted.

## Transfer Authorization Individual(s) Executing With Saskatchewan Lawyer as Witness

### *The Authorization*

The following is required:

1. Completed Transfer Authorization
  - A. [Transferor – Individual’s Name](#)
  - B. [What is being Transferred](#)
  - C. [Transferee – New Registered Owner](#)
  - D. [Execution Date](#)
  - E. Registered Owner(s) Signature
  - F. Witness Signature
  - G. [Witness Lawyer in Saskatchewan](#)
    - i. Status as a lawyer in Saskatchewan identified
    - ii. Name of lawyer identified
    - iii. No Affidavit of Execution required
2. No Affidavit of Execution is required



#### *NOTE*

If the witness is not a lawyer, or is a lawyer out of Saskatchewan, an Affidavit of Execution is required.

### *Transferor – Individual’s Name*

The registered owner of the title who is signing the transfer authorization, as their indication of approval of the transfer of their title to someone else, is also known as the transferor.

The name of the transferor on the transfer authorization should be given exactly as it appears on the title. You can check a Title Print to be certain of how the name appears in the Land Registry.

- If the title has an initial in the name, then use the initial when indicating the transferor on the authorization. If the full name is used on the authorization an Affidavit of Identity will need to be submitted to explain the discrepancy between the name on the title and the name on the Authorization.
- If the title print has the individual's full name, without initials, use the full name on the authorization. Do not omit a part of the name or use initials.

- If there are two or more individuals, each name must be specified separately in full. It is not acceptable for the transferors to be described as “John and Mary Smith” or a married woman to be described as “Mrs. John Smith. Her given name, middle name, if any, and surname are required.
- No position or occupation is required.
- Where a person other than the registered owner authorizes an application, the transfer authorization must include evidence satisfactory to the Registrar, to prove that person’s legal authority to authorize the application.

For signing as Powers of Attorney or Alternate Authorities see Form and Instructions for signing on registered owner’s behalf.

For information on discrepancies in title owner’s name see the **Guide for Affidavits of Identity**.

### ***What is being Transferred***

The authorization must contain the:

- title number(s) or
  - parcel number(s) or
  - application sequence number(s)
- being authorized for transfer.

If the title numbers given here do not match the ones on the transfer application forms, the packet will be rejected.

The Application Sequence Number is used to surrender a title that is being created as part of the same packet. This occurs when a title is transferred more than once in the same packet. Because a title number is not created until the title is transferred, it is impossible to put a title number in the appropriate field on the second transfer application. In this case, the transfer application where that title number would be created is used. For example:

- Joe’s title number is 123456789.
- Joe dies, and his title is transmitted to his personal representative, George. George is transferring the title to Mike.

*Because a title number is not created until the title is transferred, it is impossible to put a title number in the appropriate field on the second transfer application. In this case, the transfer application where that title number would be created is used*

- This is all being done and submitted in the same packet. However, when the application forms are being completed to transfer the title to Mike, he won't know what George's title number is, as it won't have been created yet. Joe's title number can't be used because when it is processed first, it is cancelled in the transmission to George and is now inactive.
- The application sequence number of the title transfer from Joe to George must be used.

**NOTE**

The Title Number(s) or Application Sequence Number(s) listed on the authorization must match the information given on the Application for Transfer.

When a parcel number is substituted for a title number in a Transfer Authorization the word "Title" should be crossed out and replaced by the word "Parcel".

The transfer authorization must only refer to one or the other of the title number or application sequence number, if the authorization refers to both title number and application sequence number it will be rejected.

An Authorization can over-authorize. In other words, it is acceptable if it over-authorizes, but not if it under-authorizes. For example, the authorization may list more title numbers than are being dealt with in the application. As long as the title number they are seeking to transfer in the application is authorized by the transfer authorization, it is acceptable.

### ***Transferee (New Registered Owner)***

The "to" section of the Transfer Authorization. This identifies whom the titles will be transferred to or what name the new title will be issued in. This could be a body corporate, or multiple body corporates, an individual or many individuals or any combination of the above.

For an individual Given Name (First Name), Middle name, if any, Family Name (Last Name) must be provided.

If there are two or more individuals, each name must be specified separately in full. It is not acceptable for the transferees to be described as "John and Mary Smith" or a married woman to be described as "Mrs. John Smith. Her given name, middle name, if any, and surname are required.

*For an individual Given Name (First Name), Middle name, if any, Family Name (Last Name) must be provided.*

Where an individual has a last name, first name or middle name that consists solely of an initial, a certificate from the Director of Vital Statistics or from an equivalent official in another jurisdiction must be submitted with the Authorization as proof that the initial is the proper name.

The Crown in right of Saskatchewan or Canada or a body corporate must have been assigned a corporation number by Corporations Branch of the Department of Justice before the Crown or body corporate may apply to the Registrar to be a registered owner.

The Corporation name on the Authorization should be the same as the name appears in the records of the Corporations Branch.

The application will not be rejected if the following additional information is also included in the "to" section:

- Prefixes, like Mr., Mrs., or Dr., although these prefixes will not go on the title, as it is not part of the person's legal name.
- The address of the new owner.
- The type of ownership (joint tenants, tenants in common) – as long as it matches what is set out in the application. If it doesn't match, the packet will be rejected.

### ***Execution Date***

The date the transfer authorization was signed must be included and contain the day, month and year that the document was signed. The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

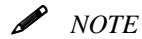
Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the authorization must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the authorization to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



*NOTE*

The date cannot be a future date.

### ***Witness Lawyer in Saskatchewan***

Authorizations, other than an authorization executed under corporate seal, must be witnessed by one person.



*NOTE*

For other exceptions to the witness requirement please refer to sections 25 and 26 of *The Land Titles Regulations, 2001* regarding documents signed on behalf of the Provincial Mediation Board or the Government of Saskatchewan.

The requirement for a witness is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

Pursuant to section 27 of *The Land Titles Regulations, 2001*, if the authorization is witnessed by a lawyer who is licensed to practice in Saskatchewan pursuant to *The Legal Profession Act, 1990*, an Affidavit of Execution is not required.

A lawyer who acts as a witness must sign his or her name to the authorization as a witness.

Under the lawyer's signature the lawyer must clearly identify his or her name. The name can be identified by:

- being typed,
- hand printed or
- written or signed as long as one full name and last name is legible.

*There must be at least one full name, either first or second and a last name indicated.*

The name of a lawyer on a transfer authorization can have initials in it. There must be at least one full name, either first or second and a last name indicated.

The following versions of the Lawyer's name are all acceptable:

- First name, middle name, last name (Jane Lynn Smith)
- First name, middle initial, last name (Jane L. Smith)
- First initial, middle name, last name (J. Lynn Smith)
- First name, last name (Jane Smith)



The authorization must clearly indicate the lawyer's status as a lawyer in Saskatchewan. If the customer has used the sample transfer authorization provided by ISC the check box must be marked in some way, such as with an x or check mark or filled in, or their status as a lawyer in Saskatchewan must otherwise be indicated on this portion of the Authorization. If the status as a lawyer in Saskatchewan is not indicated this will result in a rejection.

Check if witness is a Lawyer in and for the Province of Saskatchewan

\_\_\_\_\_  
Lawyer Name

Even if we recognize the name as a lawyer in Saskatchewan or other Affidavits in the packet indicate the lawyer as a Saskatchewan lawyer, this indication by the lawyer needs to be present. Because of the exemption from the need to provide an Affidavit of Execution if the witness is a Saskatchewan Lawyer, this puts a positive onus on the lawyer to confirm this fact by marking the check box or indicating on the authorization this fact (such as a lawyers stamp).

If the format of the Authorization submitted is not one of the samples provided on the ISC website, it does not need to have a check box. It can have the Lawyer's name identified and state Lawyer in and for the Province of Saskatchewan. A stamp with the Lawyer's name and an indication that they are a lawyer, or a barrister and solicitor, in the province of Saskatchewan is also acceptable.

## Transfer Authorization Individual(s) Executing With Non- Lawyer or Lawyer Outside of Saskatchewan as Witness

### *The Authorization*

The following is required:

1. Completed Transfer Authorization
  - A. [Transferor – Individual's Name](#)
  - B. [What is being Transferred](#)
  - C. [Transferee \(New Registered Owner\)](#)
  - D. [Execution Date](#)
  - E. Registered Owner(s) Signature
  - F. Witness Signature
2. [Affidavit of Execution](#) is required

### *Transferor – Individual's Name*

The registered owner of the title who is signing the transfer authorization, as their indication of approval for the transfer of their title to someone else, is also known as the transferor.

The name of the transferor on the transfer authorization should be given exactly as it appears on the title. You can check a Title Print to be certain of how the name appears in the Land Registry.

- If the title has an initial in the name, then use the initial when indicating the transferor on the authorization. If the full name is used on the authorization an Affidavit of Identity will need to be submitted to explain the discrepancy between the name on the title and the name on the Authorization.
- If the title print has the individual's full name, without initials, use the full name on the authorization. Do not omit a part of the name or use initials.
- If there are two or more individuals, each name must be specified separately in full. It is not acceptable for the transferors to be described as "John and Mary Smith" or a married woman to be described as "Mrs. John Smith. Her given name, middle name, if any, and surname are required.
- No position or occupation is required.

Where a person other than the registered owner authorizes an application, the transfer authorization must include evidence satisfactory to the Registrar, to prove that person's legal authority to authorize the application.

For signing as Powers of Attorney or Alternate Authorities see Form and Instructions for signing on registered owner's behalf.

For information on discrepancies in title owner's name see the **Guide for Affidavits of Identity**.

### ***What is being Transferred***

The authorization must contain the:

- title number(s) or
- parcel number(s) or
- application sequence number(s) being authorized for transfer.

If the title numbers given here do not match the ones on the transfer application forms, the packet will be rejected.

The Application Sequence Number is used to surrender a title that is being created as part of the same packet. This occurs when a title is transferred more than once in the same packet. Because a title number is not created until the title is transferred, it is impossible to put a title number in the appropriate field on the second transfer application. In this case, the transfer application where that title number would be created is used. For example:

- Joe's title number is 123456789.
- Joe dies, and his title is transmitted to his personal representative, George. George is transferring the title to Mike.
- This is all being done and submitted in the same packet. However, when the application forms are being completed to transfer the title to Mike, he won't know what George's title number is, as it won't have been created yet. Joe's title number can't be used because when it is processed first, it is cancelled in the transmission to George and is now inactive.
- The application sequence number of the title transfer from Joe to George must be used.

*Because a title number is not created until the title is transferred, it is impossible to put a title number in the appropriate field on the second transfer application. In this case, the transfer application where that title number would be created is used*



#### **NOTE**

The Title Number(s) or Application Sequence Number(s) listed on the authorization must match the information given on the Application for Transfer.

When a parcel number is substituted for a title number in a Transfer Authorization the word "Title" should be crossed out and replaced by the word "Parcel".

The transfer authorization must only refer to one or the other of the title number or application sequence number, if the authorization refers to both title number and application sequence number it will be rejected.

An Authorization can over-authorize. In other words, it is acceptable if it over-authorizes, but not if it under-authorizes. For example, the authorization may list more title numbers than are being dealt with in the application. As long as the title number they are seeking to transfer in the application is authorized by the transfer authorization, it is acceptable.

### ***Transferee (New Registered Owner)***

*For an individual Given Name (First Name), Middle name, if any, Family Name (Last Name) must be provided.*

The "to" section of the Transfer Authorization. This identifies whom the titles will be transferred to or what name the new title will be issued in. This could be a body corporate, or multiple body corporates, an individual or many individuals or any combination of the above.

For an individual Given Name (First Name), Middle name, if any, Family Name (Last Name) must be provided.

If there are two or more individuals, each name must be specified separately in full. It is not acceptable for the transferees to be described as "John and Mary Smith" or a married woman to be described as "Mrs. John Smith. Her given name, middle name, if any, and surname are required.

Where an individual has a last name, first name or middle name that consists solely of an initial, a certificate from the Director of Vital Statistics or from an equivalent official in another jurisdiction must be submitted with the Authorization as proof that the initial is the proper name.

The Crown in right of Saskatchewan or Canada or a body corporate must have been assigned a corporation number by Corporations Branch of the Department of Justice before the Crown or body corporate may apply to the Registrar to be a registered owner.

The Corporation name on the Authorization should be the same as the name appears in the records of the Corporations Branch.

The application will not be rejected if the following additional information is also included in the “to” section:

- Prefixes, like Mr., Mrs., or Dr., although these prefixes will not go on the title, as it is not part of the person’s legal name.
- The address of the new owner.
- The type of ownership (joint tenants, tenants in common) – as long as it matches what is set out in the application. If it doesn’t match, the packet will be rejected.

### ***Execution Date***

The date the transfer authorization was signed must be included and contain the day, month and year that the document was signed. The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the authorization must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the authorization to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



#### ***NOTE***

The date cannot be a future date.

### ***Affidavit of Execution***

If the witness is not a lawyer, or is a lawyer but not in Saskatchewan, the witness must fill out an Affidavit of Execution.

The requirement for a witness and an Affidavit of Execution is a safeguard against forgery and enables the execution of a document to be proved in court by an independent party.

The person who has signed his or her name to the Transfer Authorization as Witness must complete the Affidavit of Execution.

The Affidavit is divided into two parts: the **statements sworn** or affirmed by the witness, and the **jurat**. Below are the items to be completed in the Affidavit:

- A. [Witness Name](#)
- B. [Witness Place of residence](#)
- C. [Province](#)
- D. [Person whose signature was witnessed](#)
- E. **Witness Signature**
- F. [Jurat](#)

#### ***Witness Name***

A witness' name can have an initial, but must have a full first or second name and last name to provide greater certainty of identity, should the need arise to locate the witness.

Acceptable Witness name forms include:

- John James Smith.
- John J. Smith.
- John Smith.
- J. James Smith.

The following name forms will cause a rejection unless proof is attached that the initial is the entire given name. This proof may be a birth certificate or a certificate from the Department of Vital Statistics.

- J. Smith.

### **Residence of Witness**

The witness when completing the Affidavit of Execution must indicate the **Place** and **Province** of their residence, not where they are employed. The purpose of this is for greater certainty of identification and to locate the witness should the need arise.

#### **Place**

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve or village etc.
- A legal and description giving the quarter section, township, range, meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.

#### **Province**

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

### **Witness Statements**

In this section the witness must state that the person who has executed the transfer authorization:

- 1) Is personally known to the witness or the witness has satisfied themselves that the person who signed the authorization is who they purport to be.
  - eg. 'I personally know \_\_\_\_\_
  - Or**
  - eg. 'I have satisfied myself that \_\_\_\_\_
- 2) Is the person named in the Authorization and whose name is subscribed to the Authorization.
- 3) Was in the presence of the witness when the person executed the Authorization.
- 4) Is 18 years of age or more.

### ***Person whose signature was witnessed***

The Signator is the person who signed the authorization and whose signature was witnessed by the witness.

The name of the signator should be stated consistently in the Affidavit with how he/she is stated in the authorization, however the name need not be identical. As long as it is apparent that the person named in the Affidavit is the same person named in the Authorization, it will not result in a rejection.

For example if the individual is named in the Authorization as Keith John Kline and the Affidavit of Execution refers to him as Keith Kline or Keith J. Kline, both will be acceptable.

Another example is a shortened version of the name, where the individual is named in the Authorization as Walter Daniel Zammer and the Affidavit of Execution refers to him as Walt Zammer. This is acceptable as it is still apparent that this is the same person.

However, if an individual named on an Authorization as Richard Michael Whyte and the Affidavit of Execution refers to a Dick Whyte, it is not apparent that they are the same person so this would not be acceptable.

Slight variations of the name are acceptable because if it is apparent that it is the same person and the witness is swearing that this is the same person who is named in the authorization, the risk is very low.

If the Affidavit of Execution refers to them by a completely different first name or last name then it is not apparent that they are the same person and this would not be acceptable.

### ***The Jurat***

The Jurat is the section of a document that begins 'Sworn before me.' The jurat is completed by the Official authorized to administer oaths, before whom the witness swears or affirms the Affidavit of Execution (ie. lawyer, notary public or commissioner of oaths).



#### ***NOTE***

An Affidavit may also be sworn or affirmed before those persons set out in section 24 of *The Land Titles Regulations, 2001*.

The first line in the jurat is where the Official indicates the Place and Province where the Affidavit was sworn.



### Place

This must be indicated as an identifiable place within the province. This can be:

- A city, town, hamlet, reserve, or village, etc.
- A legal land description giving the quarter section, township, range, meridian. Or
- Near such a place.

'In the home of' is not a valid, identifiable place. A Rural Municipality or County is not an identifiable place.



*NOTE*

If an address is included, as long as there is a city/town named, it will not be rejected.

### Province

The name of the province must also be identifiable. The format of the province name is not important, as long as it is clear which province is meant.

Thus, SK, Sask., and Saskatchewan are equally acceptable, as are BC or British Columbia.

### Date

This refers to the date the Affidavit was sworn.

The customer can choose to display the date in any format they wish but they must indicate, where it is not obvious, which is the month and day.

Here are some samples of date formats that are acceptable:

- 01/25/2004.
- 25/01/2004.
- January 25, 2004.
- 25 January/04.
- January 25/04
- 25 January, 2004.

However, if the date is 11/12/04 the affidavit must indicate (dd/mm/yy) or (day, month year) beside or underneath the date so that the day and month can be distinguished.

These date formats will cause the affidavit to be rejected:

- January/04 – no date given.
- January 25 – no year given.
- 2004 – no date or month given.
- Blank date – no date, month or year given.
- 01/04/2004 – no indication which is month and day.



**NOTE**

The date cannot be a future date, and it cannot be a date prior to the execution date on the transfer Authorization.

### **Signature of Official**

The Jurat must be signed by the Official administering the oath.

The Affidavit may be sworn or affirmed. If it is affirmed, the word “Sworn” in the jurat must be replaced with the word “Affirmed.”

Certain rules apply if the Official before whom the Affidavit is sworn is in or out of Saskatchewan and what type of Official they are.

- [Solicitor in Saskatchewan](#)
- [Notary Public for Saskatchewan -- Not a Solicitor](#)
- [Notary Public outside of Saskatchewan, or Solicitor outside of Saskatchewan](#)
- [Commissioner for Oaths in and for Saskatchewan – Not a Solicitor](#)
- [Commissioner for Oaths without Saskatchewan](#)

### **Solicitor in Saskatchewan**

A solicitor in Saskatchewan is automatically both a Commissioner for Oaths within and without Saskatchewan and a Notary Public. Their appointment does not expire unless suspended, revoked or cease to hold an annual certificate under *The Legal Profession Act, 1990*.

The requirements when an Affidavit is sworn by a Solicitor in Saskatchewan are as follows:

- Status as a Commissioner for Oaths in and for Saskatchewan and/or Notary Public being a Solicitor must be included.
- No seal or expiry date is required

- No need to have one of the references (a Commissioner for Oaths or a Notary Public) deleted as long as their status as a Notary Public or Commissioner for Oaths being a Solicitor is somehow indicated. For example ✓ Being a Solicitor ✓
- Alternatively, one of the other (Notary Public or Commissioner For Oaths) may be shown as long as their status as a Solicitor is shown
- If one of the references is deleted, this deletion does not require initials authorizing the change to the Affidavit.
- A Stamp that contains the required information may be affixed as an alternative to any indications or deletions in the Jurat.

### **Notary Public in Saskatchewan – Not a Solicitor**

An affidavit sworn by an individual that is a Notary Public but is not a Solicitor in Saskatchewan requires the following:

- Status as a Notary Public must be indicated by:
  - Crossing out other choices (for example: ~~Commissioner for Oaths~~) (Note: This does not need to be initialed.)
  - Placing a checkmark over Notary Public.
  - Having a seal or stamp that indicates their authority as a Notary Public.
    - No special form of stamp is required.
    - Nothing needs to be crossed out.
- Expiry date of appointment must be indicated
- A seal is not required

### **Notary Public out of Saskatchewan, or Lawyer outside of Saskatchewan**

The requirement where an Affidavit is sworn by a Notary Public out of Saskatchewan is the same if the person is a solicitor or not. They are as follows:

- Seal must be present which indicates
  - The person's name and status as a Notary Public.
  - The seal does not need to be round or entirely closed,
  - A stamp can replace the seal.



**NOTE**

The Land Titles Regulations, 2001 requires an affidavit sworn before a Notary out of Saskatchewan to be under official seal.

Colleen L. Smith  
Barrister and Solicitor  
345 – 555 Elm Drive  
Victoria, B.C. A1B 2C3

⇒ this would be rejected  
as it is an address  
stamp not a Notarial  
stamp

Colleen L. Smith  
Notary Public  
British Columbia

⇒ is acceptable

Jane Klassen  
Barrister & Solicitor, Notary

⇒ is acceptable

Ann Smith a Notary Public  
for the County of Perth,  
authorized to take Affidavits  
and Attest documents for the  
Bank Of Nova Scotia

⇒ is acceptable  
(these are approved by  
Ontario's Attorney  
General)

- No expiry date is needed for a Notary from outside Saskatchewan, but it can be included.
- The stamp or seal affixed will contain an indication of their capacity, therefore, if the jurat contains both Commissioner of Oaths and Notary Public the inapplicable reference does not need to be crossed out.  
If it is crossed out, that is acceptable, and it does not need to be initialed.

### ***Notarial Seal not Visible***

The seal must be visible and be legible. This problem often arises with the use of an embossed seal. There are two options for when this occurs:

1. Render the embossed seal visible on the Affidavit (such as rubbing carbon paper or a pencil over it).

 **NOTE**

Rendering the seal visible does not consistently make it visible and legible when our system converts it to an electronic image. To avoid a possible rejection it is recommended to submit a Certificate.

**Or**

2. If the seal is not visible or legible, a **Certificate of Lawyer** or **Certificate of Notary Public** verifying that the Affidavit was executed with the seal affixed, is required.

This Certificate cannot be provided by the same Notary or Solicitor whose stamp is not visible. It must be provided by another Notary or Lawyer.

### Certificate of Lawyer

When a Certificate of Lawyer is provided, the lawyer is certifying that they have examined the authorization and that the notarial seal was affixed.

The lawyer must identify their name and indicate on the certificate that he/she is a lawyer. The lawyer can be from any province, it does not need to be a Saskatchewan lawyer.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the Affidavit.

A Certificate of Lawyer certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a lawyer from Saskatchewan or any other province, as long as the certificate indicates they are a lawyer and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

### Certificate of Notary Public

When a Certificate of Notary Public is provided, the Notary is certifying that they have examined the authorization and that the notarial seal was affixed.

The Certificate must be completed by a Notary Public, not by a Commissioner for Oaths, regardless of whether it is completed in or out of Saskatchewan.

The date the Certificate was signed must be included. The date on the Certificate cannot be a date prior to the execution date of the Affidavit.

A Certificate of Notary certifying that the seal was affixed to the authorization does not need a seal or stamp regardless of whether they are a notary from Saskatchewan or any other province, as long as the certificate indicates they are a notary and their name.

The reason that the rules for this Certificate are different from an Affidavit is that an Affidavit must comply with the requirements of The Land Titles Act, 2000 and The Saskatchewan Evidence Act.

A Certificate completed by a **Notary in Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- Expiry date of their appointment must be indicated
- A Seal is not required

A Certificate completed by a **Notary Public out of Saskatchewan** requires the following:

- Status as a “Notary Public” must be indicated either printed or typed on the certificate or by way of stamp or seal.
- An expiry date is not required.
- Because Notary Public appointments are granted by province, we cannot police expiry date requirements for appointments outside of Saskatchewan. As such, if no expiry date is included, we assume it does not expire.
- A Seal is not required.

### **Commissioner for Oaths in and for Saskatchewan – Not a Solicitor**

An affidavit sworn by an individual that is a Commissioner for Oaths but is not a Solicitor in Saskatchewan requires the following:

- Status as a Commissioner for Oaths must be indicated by:
  - Crossing out other choices (for example: ~~Notary Public~~) (Note: This does not need to be initialed.)
  - Or placing a checkmark over Commissioner of Oaths.
  - A seal or stamp that indicates their authority to take oaths may be affixed as an alternative, in which case nothing needs to be crossed out.
  - No special form of stamp is required.
- Expiry date of commission must be indicated
- A seal is not required

**Commissioner for Oaths  
Without Saskatchewan**

A person may apply to the Minister of Justice (Saskatchewan) to be appointed as a Commissioner for Oaths outside of Saskatchewan. Such an appointment allows the person to administer oaths and take affidavits outside of Saskatchewan for use in Saskatchewan. Persons so appointed are called “A Commissioner for Oaths without Saskatchewan”.

The requirements where an Affidavit is sworn by a Commissioner for Oaths without Saskatchewan is as follows:

- Status as a “Commissioner for Oaths without Saskatchewan” must be indicated.
- A seal is not required
- The expiry date must be referenced
- The inapplicable references must be crossed out, such as Notary Public, unless it is clear what their status is without such deletions. This alteration does not need to be initialed.
- A stamp that contains the required information may be affixed as an alternative. In this situation, the inapplicable reference need not be deleted.

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# Sample Certificates



## Certificate of Lawyer

I, \_\_\_\_\_, a lawyer in and for the  
Province of \_\_\_\_\_ certify that the annexed  
\_\_\_\_\_ (describe document ie. Interest Authorization,  
Transfer Authorization) dated the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_ has the Corporate/Notarial (indicate one) seal affixed.

Dated at \_\_\_\_\_ in the Province of \_\_\_\_\_ this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Lawyer

## Certificate of Notary

I, \_\_\_\_\_, a Notary in the Province of \_\_\_\_\_ certify that the annexed \_\_\_\_\_ (describe document ie. Interest Authorization, Transfer Authorization) dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_ has the Corporate/Notarial (indicate one) seal affixed.

Dated at \_\_\_\_\_ in the Province of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
A NOTARY PUBLIC for  
The Province of \_\_\_\_\_  
My appointment expires: \_\_\_\_\_