



Ontario

Ministry of
Consumer and
Commercial
Relations

Property
Rights
Division

BULLETIN NO. 74085

DATE: December 30, 1974

REGISTRY ACT R.S.O. 1970
C. 409 SECTION 27(2)

TO:
ALL LAND REGISTRARS

FOREIGN NOTARIES

Subsection 2 of section 27 of The Registry Act provides, in effect, that where an affidavit is sworn outside Ontario before a notary public having authority to take affidavits in the jurisdiction where the affidavit is sworn, the affidavit is not acceptable under The Registry Act "unless it is admissible in evidence without proof of signature under subsection 2 of section 45 or ss. 3 of s. 46 of The Evidence Act". Clause a of ss. 3 of s. 46 provides that an affidavit sworn outside Ontario before a notary public is admissible in evidence without proof of his signature or of his office or official character or of the seal if the affidavit "purports to have impressed thereon or attached thereto his official seal".

In many of the American States, notaries no longer use embossing seals, but instead use rubber stamp seals. It is my view that a rubber stamp seal "impressed" (i.e. stamped) below the notary's signature should be sufficient compliance with this section to enable the acceptance of such an affidavit.

Richard E. Priddle
Director of Land Registration

ALB:pc