



AFFIDAVIT

IMPORTANT

This information provides you with some basic information on affidavits. Other steps and paperwork may need to be completed as the case progresses. This information is not intended to be legal advice nor to replace legal advice that you can obtain from a lawyer.

WHAT IS AN AFFIDAVIT?

An **affidavit** is a document that contains facts and information promised to be true by the person making it. An affidavit can confirm the veracity of facts and can be submitted as evidence. It is your written testimony.

Affidavits are used in many different contexts, such as family law or small claims matters. An affidavit may also be required in other circumstances to establish a legal right or to make an administrative request with the government.

There are two ways to confirm the veracity of the information in your affidavit:

- A) **swearing an oath**
- B) **making a solemn affirmation**

with a person authorized by law to take affidavits called a “commissioner for taking affidavits”.

IMPORTANT

It is illegal to **LIE** in an affidavit. The affidavit cannot contain errors or omissions. Make sure to review your affidavit many times before signing it.

A) What does “swearing an oath” mean?

When you swear an oath, you rely on your religious beliefs to swear that the information in your affidavit is true.

Example: Do you swear that the contents of this affidavit as subscribed by you are true, so help you God?

B) What does “making a solemn affirmation” mean?

When you solemnly affirm, you affirm that the information in your affidavit is true without relying on any religious beliefs. However, you are still confirming the veracity of the affidavit.

Example: Do you solemnly affirm and declare that the contents of this affidavit as subscribed by you are true?

HOW DO YOU PREPARE AN AFFIDAVIT?

1. Use the right form

Depending on your circumstances, you may need to use a particular form to prepare your affidavit. Read the court’s rules of procedure or the government’s instructions carefully before you begin to ensure you are filling out the correct form.

2. Identify yourself

A person who makes an affidavit is called a deponent (or declarant). Identify yourself at the beginning of your affidavit and indicate where you live.

Example: I, Anna Abdul, of the City of Greater Sudbury in the Province of Ontario, SWEAR that the following is true [...]

3. Write your statement of facts

Only include facts or information that you believe are true. You can include anything you may have seen, heard, said, or done. If you know the source of your information, make sure to include it in your affidavit.

Example:

- 1. On November 3, 2022, I saw Sylvain Lambert use a golf club to break the window of a red car.*
- 2. On November 4, 2022, my neighbour, My Nguyen, told me that this red car belonged to her and I believe that this is true.*

4. Use the first person singular – “I”

You must write your affidavit in the first person singular.

5. Number the paragraphs

Set out your facts in your affidavit using consecutively numbered paragraphs. Aim to only state one fact per paragraph.

Example: 3. On November 5, 2022, Officer Ahmed came to my house to ask me questions about what I had witnessed regarding the vandalism of the red car.

6. Gather supporting materials

You can include documents such as letters, receipts, or medical reports to support the facts in your affidavit. Identify the documents with a letter or a number.

Example: 4. On November 7, 2022, I received an e-mail from my neighbour, My Nguyen, explaining that she had received threats from Sylvain Lambert. The e-mail is attached herein as "Exhibit A".

7. Sign your affidavit in the presence of a person authorized by law

Your affidavit must be signed before a commissioner for taking affidavits. Lawyers and paralegals authorized to practice law in Ontario are automatically commissioners for taking affidavits. A commissioner for taking affidavits can also be appointed by the Attorney General of Ontario.

You can find commissioners for taking affidavits in law firms, community legal clinics, at the office of the registrar of any courthouse in Ontario, at city hall, etc.

Remote commissioning is a new practice since 2020 that involves signing the affidavit remotely, by videoconference. In this situation, the affidavit is not signed in the physical presence of the commissioner. Rather, the commissioner will sign the document as a witness to your signature virtually, through videoconferencing. But the content of the affidavit (i.e. the text of the jurat) must be modified by the commissioner to reflect these circumstances.

Note: A fee is sometimes involved, or some offices may only swear certain types of affidavits.

For more information

Find a notary public or commissioner of oaths for taking affidavits here:

<https://www.ontario.ca/page/find-notary-public-or-commissioner-oaths-taking-affidavits>

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