

# Ontario Disability Support Program - Income Support Directives

## 3.2 - Statutory Declarations

### Summary of Legislation

The Director and persons designated by the Director, are commissioners for taking affidavits in the performance of their duties and within the meaning of the Commissioners for Taking Affidavits Act.

### Legislative Authority

[Section 51 of the ODSP Act](#)

### Summary of Directive

Income Support Specialists (ISS) have delegated authority to act as Commissioners for the purpose of taking affidavits and completing statutory declarations. Statutory declarations are required on a number of program related forms. Statutory declarations are more commonly used to attest to the truth than affidavits. This directive provides a distinction between the two with a focus on the use of statutory declarations.

### Intent of Policy

To ensure that statutory declarations and affidavits are completed in accordance with the authority set out in the Commissioners for Taking Affidavits Act.

### Application of Policy

#### Standard

Distinction between an affidavit and statutory declaration:

An affidavit is the written equivalent of giving oral evidence under oath with one important distinction: hearsay evidence is allowed as long as the source of the information is identified and it is believed to be true. If the applicant or recipient chooses to swear an oath, they will be asked to solemnly swear that "the information is true, so help them god". An affirmation is used where the applicant/recipient, for religious or other reasons, will not swear an oath. In this case, the applicant/recipient will be asked if they solemnly affirm that the information is true.

A statutory declaration is used to assert the truth or a fact and is also rendered in writing. The applicant/recipient is not asked to swear or affirm that the information is true. They are asked to solemnly declare that the information is true. There are a number of forms used at application or update where the applicant or recipient is asked to solemnly declare that the information they have provided is true. They are asked to sign a declaration and are informed that when a declaration is completed by a commissioned person, such as the ISS, that it has the same force and effect as if made under oath and therefore, has value as evidence. A statutory declaration is used to assert the written truth. Statutory declarations are included in the following forms:

**Application for Assistance and Update Report, Part 1, section 16;  
Declaration of Support and Maintenance Form 2212; and the Declaration  
Form 0311**

The **Commissioners for Taking Affidavits Act** sets out the procedures to be followed by a commissioner when completing a declaration. As a commissioner, the ISS must ensure that:

- they advise the applicant/recipient of their authority as a commissioner;
- the applicant/recipient is made aware that making a false declaration is an offence punishable by law;
- the applicant/recipient understands the purpose of the declaration;
- the form is reviewed with the applicant/recipient and that they witness the applicant/recipient's signature;
- the oath is administered properly; and
- the declaration is signed by the ISS on the commissioner line and their commissioner stamp is affixed beside their signature.

The declaration on the Part 1, section 16, is a summary declaring that all the information provided is true. The ISS administers the oath by reading each section of the declaration to the applicant/recipient ensuring clarity and understanding and answering any questions raised. The applicant/recipient then signs the declaration having been informed that the declaration has the same force and effect as if made under oath and that providing false information is an offence, punishable by law. The form is dated and signatures witnessed by the ISS acting as a commissioner. The ISS then affixes their commissioner's stamp beside their signature.

The Declaration Form 0311 is used when the applicant or recipient is unable to provide other sources of verification. See Directive [3.1 Consolidated Verification Information Requirements](#) for examples of when Form 0311 is used. The Declaration Form 0311 can also be used when there has been an allegation of social assistance fraud. In these cases the recipient completes a declaration form to respond to the allegation. The applicant/recipient or the ISS can complete the

declaration. If completed by the ISS, it must be written exactly as said, and not paraphrased. When completed, the declaration should be read in its entirety to or by the applicant/recipient to ensure accuracy. The applicant/recipient should be asked if they are satisfied that the contents of the declaration are accurate and complete before they are asked to sign the declaration. The applicant or recipient signs the declaration with the ISS witnessing the signature. The ISS then signs as a commissioner and affixes their commissioner stamp to their signature.

The Declaration of Support and Maintenance Form 2212 is completed at application and update and provides information regarding support provisions for the applicant/recipient or dependants. The form is also used to collect information regarding the absent person's whereabouts, occupation and income, as well as relatives and associates. The applicant/recipient signs the declaration stating that they declare the information they provided is true, knowing that it is of the same force and effect as if made under oath. The applicant or recipient signs the declaration with the ISS witnessing the signature. The ISS then signs as a commissioner and affixes their commissioner stamp to their signature.

## **Hyperlinks associated with this Policy Directive**

### **Related Directives:**

[3.1 Consolidated Verification Information Requirements](#)