

BACKGROUND

Confirmation of identify is required when there is some uncertainty whether the individual executing an instrument is in fact the individual entitled to do so according to the information on title. It is most often required in situations where the name of a transferor, mortgagor or lessor is similar to but not identical with the name of the registered owner shown on title. Obvious spelling errors such as "Micheal" for "Michael" are not to be a cause for rejection. If a discrepancy in names is due to marriage section 126 of the Land Titles Act is to be followed (see procedure under [NAM-1](#)).

REGISTRATION PROCEDURE

1. The information required to confirm identity and explain a discrepancy in names should be either
 - a) contained in a statutory declaration made pursuant to the Canada or Alberta Evidence Act ([1](#)), or
 - b) incorporated into the affidavit of execution.
2. A statutory declaration would normally be made by the individual whose identity is being confirmed but may be made by the solicitor for the individual if the discrepancy in names is within the solicitor's knowledge (e.g., a given name or the surname of the party was spelled incorrectly due to an error in the solicitor's office).
3. Although there are no formal requirements for the contents of the statutory declaration, one has been developed for use when confirmation of identity is required ([FORM A](#)). The information must confirm that the individual is in fact the same person and give a plausible explanation for the discrepancy in the names. An exhibit may be attached to the declaration (such as a birth certificate if it helps explain the discrepancy) but is not required if the information provided satisfactorily establishes identity.
4. The statutory declaration is attached to the document presented for registration.
5. A statutory declaration may be submitted without an accompanying document to correct a minor error such as a mistake in spelling. The statutory declaration is given a registration number and the correction is made to the title under the authority of this registration.
6. When rejecting a document which requires confirmation of identity, state the discrepancy in the names and suggest that a statutory declaration confirming identity may be appropriate.

STATUTE AND CASE REFERENCES

1. s. 41, Canada Evidence Act, R.S.C. 1985, c. C-5; s. 18, Alberta Evidence Act, R.S.A. 2000, c. A-18