

### Where can I get an affidavit?

An authorized commissioner can take affidavits for you. The following persons may be authorized commissioners: Lawyer, Notary Public; Member of the Legislative Assembly, Judge, Justice of the Peace; Court Registrars and Court Clerks; Municipal Clerk/Deputy Clerk/Treasurer/Head of Municipal Council/Alderman; Head of Municipal Department/Deputy Head/ Medical Officer (municipal business only) or any person appointed under s. 4 of the *Commissioners for Taking Affidavits Act*.

### Contents of an Affidavit

The **applicant** must provide the following information on an affidavit: Full legal name, address and signature of person making the declaration; a statement that applicant is legal and rightful owner of the vehicle; a statement explaining how vehicle was obtained and, if known, the name of seller; the jurisdiction where vehicle was last registered (if known); a statement explaining why acceptable documents or information is not available; if vehicle was last registered in Ontario, but seller is not the current registered owner, provide statement explaining history of ownership; name of previous owner(s), if available; vehicle identification number (VIN)/serial number or a statement that a Ministry approved/assigned VIN will be used; make, model (if available), colour and year of vehicle; type (e.g. 2-door, 4-door) and class (e.g. passenger, truck, commercial, bus).

The **authorized commissioner** must provide the following on an affidavit: Judicial district or province; Full legal name; Professional designation; Expiry date of appointment for appointed persons; Signature and stamp of the commissioner or appointed person; Date affidavit was taken.

### Additional Information Required - Provide the Item Checked

#### Part III - Repair and Storage Liens Act

When a vehicle is claimed under this Act:

- a) for unpaid repair bills claimed by a licensed garage or motor vehicle mechanic; or
- b) for unpaid storage bill and not claimed by registered owner;

the lien holder must state in the sworn affidavit that all requirements of Part III of the Act have been met. A copy of the notice, sent to the registered owner informing him/her of the potential sale of the vehicle, must accompany the affidavit.

#### Public Auction

If copy of consignment agreement between registered owner and the auction (must be signed by the registered owner) is not available, have the auctioneer provide an affidavit stating that copy of consignment is not available. If you cannot obtain an affidavit from the auction, you must state in your affidavit how you came to own the vehicle and that the consignment agreement is not available.

You must also provide a bill of sale signed by a representative of the auction.

#### Reassembled Vehicles

You must state in your affidavit that the vehicle was reassembled and who reassembled it. State that the body has not been branded as IRREPARABLE. Provide a list of the major components used and the VIN's of the vehicles from which each component was taken and from whom they were obtained. If requesting a Ministry assigned VIN, explain the reason why the VIN is not available. Also provide the following:

- Photocopies of bills of sale/receipts for any of the major components;
- Vehicle permit(s) from vehicle(s) used to reassemble the vehicle.

If Bill of Sale for any of the major components is lost, the registrant must attempt to get one of the following:

- Replacement signed bill of sale;
- Replacement permit, signed off;
- Signed letter from registrant relinquishing their right to the vehicle.

If the registrant is unable to obtain these documents, he/she must include a statement in their affidavit indicating what attempt was made to obtain them.

#### Homemade Motor Vehicles

You must describe in your affidavit how vehicle was constructed, state the year the vehicle was built, and list the major components used. Also provide the following - (if unavailable give reason in affidavit):

- Photocopies of bills of sale/receipts for main components.
- A statement that the vehicle was constructed without using a manufactured body and do not have any Vehicle Identification Numbers on them; and
- A statement that there were no previous owners of the newly constructed vehicle.

#### Homemade Motor Tricycle

- You must indicate the wheel configuration on the affidavit (e.g. one wheel in front and two wheels in back)

**Note:** A motor tricycle built with two wheels in the front and one wheel in the back cannot be registered in Ontario

#### Kit Car

The following are requirements for affidavits for Kit Cars:

- You must declare in the affidavit that the vehicle is a Kit Car made with a kit.
- Affidavit must state that you are the legal and rightful owner of completed vehicle.
- You must provide the name and address of the vendor/manufacturer of the Kit Car, and the date the chassis and engine were purchased.
- You must provide a description of vehicle; which could be a name provided by the manufacturer or the make and model
- You must state whether the kit or chassis have a VIN. If they do, each VIN must be listed on the affidavit.
- If there is no VIN present on the kit, you must provide a statement indicating that the applicant will be requesting a ministry assigned VIN.
- Copies of bills(s) of sale or vehicle permit must be provided for the kit, chassis and engine.

#### Former Owner (Company/Lessor) No Longer in Business

- You (the new owner) may be unable to obtain the vehicle portion of the permit with signature from the former owner, or the bill of sale to support the transfer, because the former owner (company/lessor) is no longer in business.
- You must state on the affidavit that you tried to contact the former owner (company/lessor) and was informed that the former owner (company/lessor) is no longer in business. **In this situation, a court order is also acceptable to process the vehicle.**