

Owing to its special status, a notarized deed calls for stricter formalities and more verifications than simply a written document. However, it is precisely this attention to detail that makes it an exceptionally safe tool. It will also give you peace of mind. The safety mechanisms reside in the thorough examinations of identification papers.

The verification of your identity is notably used to ensure your protection.



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DEP214



YOUR PAPERS,
PLEASE!



THE NEED FOR OFFICIAL IDENTIFICATION

Will you soon be making an official transaction, finalizing your will, or completing a similar document? Your notary will surely ask you to produce two pieces of valid identification before signing any document at his office. Why this formality?

For quality control

Even if your notary knows you well, under the law, he is duty-bound to check your identity. This procedure applies to everyone, since preferential treatment cannot be given. Whether you play golf with your notary on a regular basis or are meeting him for the very first time, his obligation remains the same: verifying your identity.

The purpose of this formality – besides complying with the law – is to make absolutely certain – and official – that you are indeed the person you claim to be. It is a preventive measure that makes it difficult, if not impossible, for someone to impersonate somebody else. It is through this step that the notary guarantees not only your own security, but that of all other parties to the contract, as the case may be.

When signing at the end of a document, the notary is certifying the validity of the contents of the deed he is witness to, including the identity of all those who sign it.

A notarized deed provides the highest degree of legal security that exists, and one that is practically fool-proof: the law has deemed it *authentic*. Once the document is signed, no one can call into question its contents or validity without undertaking a long and costly legal contestation. All other documents – even those signed before witnesses – have a higher likelihood of being repudiated or contested, since their evidence is deemed less reliable.

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WHY KEEP PHOTOCOPIES?

Your notary must prove that he has verified your identity. To do so, the notary may, for example, keep a copy of two pieces of identification on file. Also, if requested by the Chambre des notaires du Québec, the notary must be able to show concrete proof of such verification as required by law.

No need to worry, however. The personal information you disclose to your notary is protected from any improper use, as it is guarded by professional secrecy. Not only is the notary prohibited from using it for any purpose other than the one for which it was required, he must also ensure that employees do not disclose such information to anyone else.

VALID PROOF OF IDENTITY

To check your identity, your notary will require two pieces of identification, including one with your photograph. To be acceptable, the documents must be issued by a recognized body that has a strict issuance procedure.

HERE ARE THE MOST COMMONLY PROVIDED I.D. CARDS:

- ▶ Driver's licence
- ▶ Health insurance card
- ▶ Birth certificate
- ▶ Passport

In all cases, your I.D. cards must be legible and not have expired. In addition, the picture identification must present a sufficiently clear image of you to enable your recognition.

Other identification documents may be considered valid, such as certain foreign documents, but you are advised to check with your notary beforehand.

ANOTHER OBLIGATION: VERIFICATION OF CAPACITY

The notary is required to verify the capacity of the parties to the deed. To do so, he may ask you to produce other papers, such as a marriage certificate, divorce certificate, or, in certain circumstances, medical assessment. The notary must also ensure the validity of the powers of attorney, mandates and resolutions, following which certain individuals will have the right to act on behalf of another. Proof of the verification of capacity must also be recorded in the file.

A FORMALITY THAT IS MORE IMPORTANT THAN EVER

In today's high-tech world, you might think that verifying people's identity is fast becoming an obsolete practice. That would be a mistake, as far too often, we hear media reports of cases of fraud committed through identity theft. Indeed, in this highly interconnected society, it becomes more important than ever to ascertain the identity of people with whom one signs contracts. You can expect to see I.D. checks performed by a growing number of professionals, organizations and merchants.

Notaries are seen as trailblazers in terms of identity checks. In fact, their expertise in the field was called upon to help guarantee the security of the Québec Register of Personal and Movable Real Rights. Today, the legal obligation to show two pieces of identification to your notary confirms that this practice is not only useful but a necessary step in ensuring your own safety. You therefore should not be surprised when your notary turns to you and says: "Your papers, please".