

October 23rd, 2015

To whom it may concern

RE: Authentic copy of a notarial deed

Madam, Sir,

With these presents, we wish to advise you of the application of some provisions of the *Notarial Act* (RLRQ, c N-2) concerning the issue of authentic copies of notarial deeds.

Sections 53 and 55 de the *Notarial Act* provide:

“53. (1) [Faithful reproduction] Copies of notarial deeds which the notary certifies as true copies of a minute or annex must be **faithful reproductions of the text** of the minute or annex.

55. [Authentic copies] Copies of, extracts from or annexes to notarial deeds, **certified as true** copies by the notary who executed them or by any other person who is the legal depositary thereof, **are authentic** and constitute evidence of what is contained in the minute and in its annexes provided, as regards annexed documents, that at the time of the signing of the deed they were acknowledged as true in accordance with section 48.”

The notary must make sure that the copy is a faithful reproduction of the **text**. A person's signature at the bottom of the notarial deed as well as the notary's signature are not a part of the text below which they appear¹. Therefore, in accordance with the law, the notary is not required to reproduce the signatures of the parties in the authentic copy.

Consequently, the absence of signatures in the authentic copy or the mechanical reproduction of the names of subscribers does not affect the validity of the authentic copy of a notarial deed. There is no need to require the notary to issue another authentic copy of the notarial deed where the signatures of the parties have been “photocopied”.

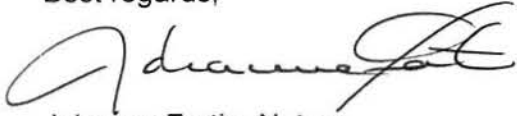
The authentic copy must however be certified as true by the notary and the latter must affix his/her seal thereto.

Moreover, the frequent use of mechanical reproductions of names of subscribers in authentic copies demonstrates that notaries wish to reduce the risk of fraudulent use of “photocopied” signatures.

¹ Jean MARTINEAU, «Notes sur les formalités entourant l'acte notarié», (1974-1975) 77 *R. du N.* 59, 61.

Accordingly, the Chambre des notaires du Québec asks for the collaboration of financial institutions and organizations to ensure compliance with the *Notarial Act*.

Best regards,

A handwritten signature in black ink, appearing to read 'Johanne Fortin', written in a cursive style.

Johanne Fortin, Notary
Chef de service, Centre d'expertise en droit immobilier
Direction du développement de la profession
Chambre des notaires du Québec