

Manitoba Introduces Legislation to Allow for the Permanent Use of Remote Witnessing and Commissioning

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After many months of temporary orders being issued by the Manitoba Government to accommodate remote witnessing and commissioning during the COVID-19 pandemic, on October 1, 2021, the Government brought into force six new regulations which allow for remote witnessing and commissioning on a permanent basis.

The new regulations were enacted under *The Manitoba Evidence Act*, *The Powers of Attorney Act (Manitoba)*, *The Wills Act (Manitoba)*, *The Homesteads Act (Manitoba)*, *The Real Property Act (Manitoba)* and *The Health Care Directives Act (Manitoba)*. They establish the process for using videoconferencing as an alternative to meeting in-person for signing and witnessing certain legal documents under these acts.

While there are nuances to each regulation, including on which documents may be virtually witnessed and who qualifies as a witness, the regulations all require certain prescribed steps. These steps include establishing the necessary video link between the signer and the witness, confirming the signer's identification, and witnessing and verifying the signature and signed document.

Unlike some of the temporary orders, the new regulations no longer require an extenuating circumstance that prevents the use of in-person witnessing for remote witnessing to be used.

In addition to accommodating social distancing during the ongoing COVID-19 pandemic, the ability to conduct remote witnessing and commissioning on a permanent basis contributes to the overall modernization of the Manitoba legal system and increases efficiency and access to justice in some cases.

Due to the variations in the requirements that apply to each regulation, we recommend that a witness or commissioner carefully review the applicable regulation prior to witnessing to ensure they comply with all of the applicable steps. For advice on remote witnessing or other



legal matters, please contact us.

Co-author Michelle McFadden has accepted an in-house legal counsel position at Wellington-Altus, effective July 14, 2022.

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