

Subject: **CHANGE OF NAME - INDIVIDUALS**

Date Issued **2013 03 14**

## BACKGROUND

Although at common law an individual may acquire a name through usage, in order to change a name on the records at the Land Titles Office, either proof of an official change of name pursuant to the Change of Name Act, R.S.A. 2000, c. C-7 or compliance with section 126 of the Land Titles Act, R.S.A. 2000, c. L-4 is required. An application to change a name may be in respect of the registered owner of land or the owner of an interest in land for which a memorandum has been endorsed against a certificate of title. (See COR-1 for instructions on registering a Corporation Name Changes/Amalgamations.)

## REGISTRATION PROCEDURE

1. **Change Of Name Of Married Person Or Adult Interdependent Partner** - Section 126 of the Land Titles Act authorizes the Registrar to amend a certificate of title to change the surname of a person in the following circumstances:
  - a) adoption of spouse's surname or Adult Interdependent Partner surname,
  - b) reversion to use of original surname,
  - c) adoption of a hyphenated surname that incorporates a person's original surname and the surname of the person's spouse or a former spouse or Adult Interdependent Partner or former Adult Interdependent Partner,
  - d) adoption of the surname of a spouse or Adult Interdependent Partner from a previous marriage or from a previous Adult Interdependent Relationship.
2. An affidavit must be submitted for registration verifying the change of name and the particulars of the marriage or such other particulars as are appropriate to the circumstances of the name change. A form of affidavit ([FORM A](#)) has been developed for use in these circumstances.
3. The affidavit must be accompanied by evidence to substantiate and show the connection between the current name of the person as shown on title and the name they wish to adopt. For example, a marriage certificate or a copy of an agreement made under Sec. 7 of the Adult Interdependent Relationship Act or an affidavit by that person declaring that the person is an Adult Interdependent Partner or former Adult Interdependent Partner ([FORM B](#)), would be appropriate. Another example, an original or notarized copy of a marriage certificate and birth certificate when an individual is reverting to a previous surname. Notarized copies of official documentation can be accepted in lieu of originals. When an original official document is submitted, it should be photocopied and the photocopy certified by an Assistant Deputy Registrar as a true copy of the original. The original should then be returned to the registrant.

4. **Other Name Changes** - Where an individual has officially changed his/her name pursuant to the Change of Name Act, or comparable legislation if the name was changed outside the Province of Alberta, a statutory declaration or affidavit (1) outlining the details of the change of name may be registered. A form of statutory declaration (**FORM C**) has been developed for use in these circumstances.

5. The declaration or affidavit must be accompanied by a Certificate of Change of Name issued by the Vital Statistics Registry or by a comparable authority in another jurisdiction. A notarized copy of a certificate is acceptable. An original certificate should be photocopied and returned and the photocopy certified as in item 3 above.

6. **Change of Name of Registered Owner**

- a) Legal descriptions, or linc numbers must be provided.
- b) The change of name (CHAN) code is used and the applicable owner chosen.
- c) The fee in **Tariff item 11(4)** is charged as a new certificate of title is issued.

7. **Change of Name of an Owner of an Interest** - If the change of name is with respect to a document for which a memorandum has been endorsed against the certificate of title, the name indicated in the memorandum is replaced by the new name, instrument numbers for the applicable documents must be provided.

The fee in **Tariff item 11(6)** is charged for the first endorsement and **Tariff item 13** is charged for each additional endorsement.

8. In all cases, the former name of the applicant must be consistent with the name on the certificate of title. Otherwise, additional confirmation of identity must be obtained. (2)

9. An application to change the name of a husband or wife does not constitute authority to change the name of the spouse. A separate application of the spouse with the proper evidence is required.

## **STATUTE AND CASE REFERENCES**

1. s. 41, Canada Evidence Act, R.S.C. 2000, c. C-5; s. 18, Alberta Evidence Act, R.S.A. 2000, c. A-18.
2. see procedure on Confirmation of Identity **IDE-1**