

SAMPLE FORM

VERIFICATION OF IDENTITY AGREEMENT WHERE THE CLIENT OR THIRD PARTY IS NOT PRESENT IN CANADA AND IS NOT INSTRUCTING THE LAWYER FACE TO FACE⁷

This sample form agreement in letter format may be used by lawyers retaining agents to verify the identity of clients or third parties where the client or third party is not in Canada and is not instructing the lawyer face to face. In this sample form agreement, the identity of an individual is being verified by the examination of the person's driver's licence or passport. Although the by-law does not require the agent to examine more than one piece of identification, depending on the circumstances of the file, a lawyer may want an agent to examine more than one piece of identification. This sample form agreement should be modified to suit the circumstances of the matter or transaction. Furthermore, if the person is also signing other documents in the presence of the agent, such as an acknowledgment and direction authorizing the lawyer to electronically sign and submit title documents for registration, the lawyer may wish to modify this agreement to set out the additional obligations of the agent.

[Firm Letterhead]

[Delivery Method]

[Name and Address of the Agent]

Dear *[Agent]*:

Re: *[Insert the name of the client "our client"]*
[Insert the nature of the matter or transaction]

We are acting in the above-noted matter and would like to retain you to verify the identity of our client. In this regard, we will require that you meet with our client and take the following steps to verify our client's identity:

7

Please note that in situations where the client is an individual present in Canada and is not instructing the lawyer face to face, the lawyer has the option of obtaining either an Attestation (Appendix 4) or a Verification of Identity Agreement (Appendix 5).

1. Examine the original, valid and unexpired passport or driver's licence (identity document) of our client
2. Make a legible photocopy of this identity document and ensure that it contains our client's name, the number of the document, the name of the issuing authority, the date of issue and our client's photograph.
3. Print and certify on this photocopy as follows:

I, the Attestor named below, hereby certify to *[name of lawyer receiving the attestation]* that I met with *[insert name of person]* on *[insert date]* and verified this person's identity by examining the original of the person's identity document, of which a photocopy is reproduced on this page, and which copy legibly shows the name of the person, the number of the identity document, the name of the issuing authority, the date of issue, and a photograph that is a true likeness of the said person. To the best of my knowledge and belief, the identity document that I examined is valid and unexpired.

Attested to by me at *[Insert Place of Signature]*, on
, 2008

Signature of Attestor: _____

Printed Name of Attestor: _____

Title or Profession of Attestor: _____

Address of Attestor for Service: _____

Telephone Number of Attestor: _____

4. Date and sign the photocopy containing the above certification in the spaces set out for the date and signature and return it to us no later than *[insert date]*.

Any amendments to these instructions must be approved in writing by our firm.

If you are agreeable to verifying the identity of our client on the terms and conditions set out in this letter, please confirm your agreement by signing two copies of this letter on the signature line below and return one copy to the undersigned.

Yours truly,

Signature of Lawyer

[Insert the name of the Lawyer]

I hereby agree to verify the identity of the person referred to above on the terms and conditions set out in the above letter.

Dated at *[Insert location]* on *[Insert date]*.

Signature of the Agent

[Insert the Name of the Agent]