

Who may marry

Any person who is at least 18 years of age may marry. No person under 16 years of age may marry. Any person who is 16 or 17 years of age (other than a widowed or divorced person) may marry with the written consent of his/her parents or legal guardians. A special consent form is available for this purpose from your local Municipal Office.

If any person whose consent is required is unavailable or refuses to consent, an application may be made to a judge to dispense with consent.

A person whose previous marriage has been dissolved or annulled will require:

- a) If the marriage was dissolved or annulled in Canada, the original or court-certified copy of the final decree, judgment or certificate of divorce dissolving or annulling the marriage; or
- b) If the marriage was dissolved or annulled outside of Canada, the authorization of the Ministry of Government and Consumer Services. This requirement is explained in more detail below; or
- c) Where the earlier marriage of one of the parties was terminated by the **presumed** death of a spouse, a court order declaring the death of the spouse must be obtained. An issuer of Marriage Licences can provide more information upon request.

How one marries

A marriage may be solemnized under the authority of a licence or the publication of banns.

1) Marriage Licence

A licence to marry may be obtained from the issuer of Marriage Licences at your local Municipal Clerk's Office. At least one party to the proposed marriage must apply in person. However, the application must be signed by both applicants.

The issuer may require proof of age of either party (if only one party is applying, he/she must bring proof of age of the other party). All minors must submit proof of age.

There are **no** requirements respecting residency, pre-marital blood tests or medical certificates.

A marriage licence is valid for use anywhere in Ontario. The licence expires 3 months after the date of issue.

There is a fee charged for a marriage licence.

2) Publication of banns

A marriage may be solemnized under the authority of the publication of banns where both parties to the proposed marriage worship regularly at their own church in Canada.

No one may marry under the authority of the publication of banns if there was a previous marriage (dissolved or annulled). Further information concerning marriage under the authority of the publication of banns may be obtained from a minister or a member of the clergy.

Who may perform a marriage ceremony

A marriage ceremony in Ontario may be performed by:

- a) a minister or member of the clergy registered under the *Marriage Act*
- b) a judge or justice of the peace.

Local court offices and municipal offices may provide the names of judges or justices of the peace who perform civil marriage ceremonies.

Civil Ceremony

A civil ceremony by a judge or justice of the peace may only be conducted under the authority of a marriage licence. The date and time of the ceremony must be arranged by the applicant. The applicants must also arrange for 2 witnesses to be present at the ceremony. There is an additional fee for civil ceremonies.

Authorization

An applicant whose former marriage was dissolved or annulled in a jurisdiction other than Canada must obtain authorization from the Ministry of Government and Consumer Services before a marriage licence may be issued. To obtain this authorization, the applicants or a lawyer representing them, must submit the following to:

Office of the Registrar General
189 Red River Road
PO Box 3000
Thunder Bay ON P7B 5W0

- 1) A completed marriage licence application signed by both applicants.
- 2) An original or court certified copy of the divorce decree or annulment (certified by the proper court officer in the jurisdiction the divorce/annulment was granted). If the decree is in a language other than English or French, include a translated copy together with an affidavit sworn by the translator.
- 3) A Statement of Sole Responsibility for each divorce signed by both applicants. Blank statements are available from the local issuer of Marriage Licences.
- 4) A legal opinion of an Ontario lawyer, addressed to both applicants, giving reasons why the divorce or annulment should be recognized in the Province of Ontario. A sample legal opinion letter can be obtained from the Office of the Registrar General by calling 1-807-343-7492 or toll free in Ontario at 1-800-461-2156. A sample letter will be faxed to your lawyer upon the lawyers request.