

# Marriage Officiant's Guide to Performing Marriage Ceremonies in Ontario



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**Ontario**



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## Introduction

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### Purpose

This Guide has been developed to assist Marriage Officiants who are authorized to perform marriages in Ontario with understanding their existing legal responsibilities. This Guide applies to all Marriage Officiants (both registered and civil) authorized under Ontario's [Marriage Act](#) and its [Regulation](#).

Marriage Officiants are relied upon to ensure that legal responsibilities are met so that couples can have confidence that their marriage ceremony results in a valid marriage.

Marriages performed where the legal requirements are not met may not be registered or could be deemed invalid by a court with appropriate jurisdiction. Failure of a Marriage Officiant in meeting their legal responsibilities may result in [measures taken against a Marriage Officiant](#).

**IMPORTANT NOTE:** *The Marriage Officiant's Guide to Performing Marriage Ceremonies in Ontario* is provided for information purposes and does not replace the [Marriage Act](#). Where there is a discrepancy, the [Marriage Act](#) will prevail.

### A Few Helpful Explanatory Notes

This Guide provides information about the legal responsibilities of Marriage Officiants [before](#), [during](#), and [immediately after](#) the marriage ceremony, as well as on-going [information management and record-keeping](#) responsibilities.

For your convenience, hyperlinks are captured throughout this Guide to direct you to applicable laws and webpages, as well as other sections within the Guide that contain additional details.

Marriage Officiants should direct couples wishing to get married to [Ontario.ca/getting-married](#) for information on the requirements for getting married in Ontario.

### Information for Individuals Seeking to Become Registered to Perform Marriage Ceremonies

To perform marriages in Ontario, a person must be authorized as a **Marriage Officiant**. A person is authorized if they are registered with the Office of the Registrar General as a Marriage Officiant, or by virtue of their position as a judge, associate judge, justice of the peace or municipal clerk or someone they have delegated as a municipal clerk to act on their behalf.

To be registered, you must belong to a religious body or a band, First Nation, Métis or Inuit organization or community or Indigenous entity. If that organization or community is currently recorded with the Office of the Registrar General as a governing body for the purpose of performing marriage ceremonies in Ontario, they can request that a member be registered. If the organization or community is not currently recorded as a governing body with the Office of the Registrar General, then they will need to seek to be recorded for the purpose of performing marriage ceremonies in Ontario, before requesting to have their member registered as authorized to perform marriages in Ontario.

- **Organizations or communities** should [contact the Office of the Registrar General](#) for more information.
- **Individuals** seeking to become registered as authorized to perform marriages should contact their religious body or band, First Nation, Métis or Inuit organization or community or Indigenous entity for more information.

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## Glossary of Commonly Used Terms

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Below is a list of common terms used in relation to the marriage process and how these terms relate back to the same or different terms used in the [Marriage Act](#) and related laws in Ontario.

Once again, please note that this *Marriage Officiant's Guide to Performing Marriage Ceremonies in Ontario* is provided for information purposes and does not replace any part of the [Marriage Act](#) including definitions. Where there is a discrepancy in terminology, the [Marriage Act](#) will prevail.



- **Authorized:** Refers to persons who are permitted to perform marriages in Ontario under the *Marriage Act* (see section below about [who may perform marriage ceremonies in Ontario](#)).
- **Governing Body:** A religious body or a band, First Nation, Métis or Inuit organization or community or Indigenous entity located in whole or in part in Ontario that is on record with the Office of the Registrar General for the purpose of performing marriage ceremonies in Ontario.
- **Issuer:** Those authorized under the *Marriage Act* to issue marriage licences to couples seeking to be married in Ontario. Municipal clerks, deputy clerks or their approved delegate are authorized under the *Marriage Act* to issue marriage licences in Ontario.
- **Marriage Ceremony:** A legal ceremony performed in Ontario by an authorized Marriage Officiant that results in a lawful marriage.
- **Marriage Certificate:** An official record containing the details of a marriage performed in Ontario that can be purchased after the marriage has been registered with the Office of the Registrar General. *Note: The Record of Solemnization of Marriage portion of the marriage licence given to the couple following the marriage ceremony is a souvenir of the marriage and not an official certificate.*
- **Marriage Licence:** [An authority under which a marriage may be performed.](#) A marriage licence is obtained by the couple seeking to be married from a municipality in Ontario that issues marriage licences (i.e., Issuer) and is valid for use anywhere in Ontario but not outside of Ontario. The marriage licence expires three months after the date of issue, [unless it has been extended](#) by a province-wide declaration of emergency under the *Emergency Management and Civil Protection Act*. In some circumstances, individuals may be married under the authority of publication of banns (see section below about [Publication of Banns](#)).
- **Marriage Licence Application:** An application required to be completed by both parties to the intended marriage and submitted to an Issuer, along with any required supporting documentation, to obtain a valid marriage licence for a marriage that will take place in Ontario.
- **Marriage Officiant** (also referred to as a “solemnizer”): a person authorized under Ontario’s *Marriage Act* to perform marriages in Ontario (i.e., registered Marriage Officiants (registered with the Office of the Registrar General) and civil Marriage Officiants (authorized by virtue of their position (e.g., a judge)); see section below about [who may perform marriage ceremonies in Ontario](#)).
- **Officiate** (also referred to as “perform” or “solemnize”): the performance of a marriage ceremony by an authorized Marriage Officiant.
- **Perform** (also referred to as “solemnize” or “officiate”): the performance of a marriage ceremony by an authorized Marriage Officiant.
- **Place of Worship:** a place set aside for religious worship, such as a church, mosque, synagogue, temple, meeting house or other regular meeting place.
- **Publication of Banns:** a very limited and specific authority under which some marriages may be performed without the need for a marriage licence. For additional details, please see the section below under: [Responsibilities of Marriage Officiants/Before the Marriage Ceremony/Using the Publication of Banns.](#)
- **Record of Solemnization of Marriage:** A portion of the marriage licence which is a record of the marriage ceremony that may be provided to the couple by the Marriage Officiant immediately following the marriage ceremony. It is a souvenir of the marriage and not the same as a marriage certificate.
- **Solemnize** (also referred to as “perform” or “officiate”): the performance of a marriage ceremony by an authorized Marriage Officiant.

- **Solemnizer** (also referred to as a “Marriage Officiant”): a person authorized under Ontario’s [Marriage Act](#) to perform marriages in Ontario (i.e., registered Marriage Officiants and civil Marriage Officiants).
- **Statement of Marriage:** The portion of the marriage licence that is completed in-person, usually during or immediately following the marriage ceremony, by the following five individuals: the couple, Marriage Officiant, and two witnesses. It must be forwarded to the Office of the Registrar General by the Marriage Officiant within two days following the marriage ceremony to register the marriage.

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## Legislation Relating to Performing Marriage Ceremonies in Ontario

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Marriage Officiants must adhere to all laws (statutes and regulations), both provincial and federal, which relate to performing marriage ceremonies, including but not limited to:

- Ontario’s [Marriage Act](#): provincial law which establishes the formalities of marriage, including performing marriage ceremonies and requirements for record-keeping.
- The [Civil Marriage Act](#): federal law which establishes who can marry whom.
- The [Marriage \(Prohibited Degrees\) Act](#): federal law which prohibits marriage between persons closely related by blood or by adoption.
- The [Criminal Code](#): federal law which sets out criminal offenses related to marriage and marriage solemnization.

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## Who may Perform Marriage Ceremonies in Ontario

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Only persons who are authorized under Ontario’s [Marriage Act](#) may perform marriages in Ontario. There are two categories of Marriage Officiants in Ontario:

**1. Registered Marriage Officiants:** The following persons are authorized to perform marriages in Ontario:

- Persons recognized by their religious governing body to perform marriage according to its rites and usages and registered under the [Marriage Act](#); and
- Persons recognized by their band, First Nation, Métis or Inuit organization or community or Indigenous entity to perform marriage according to its customs and traditions and registered under the [Marriage Act](#).

**2. Civil Marriage Officiants:** The following persons are authorized to perform civil marriages in Ontario:

- Judges appointed by the federal government or a provincial/territorial government to any court in Canada;
- Associate judges (formerly Case Management Masters) appointed under Ontario’s [Courts of Justice Act](#);
- Justices of the peace appointed under Ontario’s [Justices of the Peace Act](#); and
- Municipal clerks and/or their delegates.

No other persons are considered civil Marriage Officiants and should not advertise that they perform civil marriages.

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## Responsibilities of Marriage Officiants

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Marriage Officiants have many legal responsibilities related to the performance of marriage ceremonies in Ontario. These include responsibilities prior to the performance of a marriage ceremony, during, and immediately after the ceremony, and ongoing information management and record-keeping responsibilities post ceremony.

## Before the Marriage Ceremony

The Marriage Officiant must:

- Have in their possession a valid Ontario **marriage licence** issued by an authorized Ontario marriage licence issuer OR the **banns form** as provided by the Office of the Registrar General. A marriage must not be performed if a valid Ontario marriage licence has not been obtained or banns have not been published. This helps ensure that the couple intending to marry is eligible to marry in Ontario. Marriage Officiants must know the [eligibility requirements for marriage in Ontario](#). A Marriage Officiant must not knowingly perform a marriage ceremony in contravention of the laws of Ontario or federal law.

## Using a Marriage Licence

If performing a marriage using a **marriage licence**, the Marriage Officiant must:

- Confirm that a marriage licence has been obtained by the couple intending to marry from a municipality that issues marriage licences. The procurement and issuance of a marriage licence is not the responsibility of the Marriage Officiant.
- Verify that the licence has not expired. A marriage licence is valid for three months from the date it is issued, [unless it has been extended](#) as a result of a province-wide declaration of emergency under the [Emergency Management and Civil Protection Act](#). If the licence has expired, the couple will need to obtain a new marriage licence prior to the wedding taking place.
- Confirm with the couple that critical information on the licence, such as their legal names and marital status, is accurate. The Marriage Officiant should verify the identity of the couple. If critical information on the licence has changed, the couple will need to obtain a new one prior to the wedding ceremony. If any information on the licence is incorrect, the couple will need to return it to the Issuer to be corrected prior to the marriage ceremony. It cannot be corrected by the Marriage Officiant and it cannot be corrected after the marriage ceremony.

## Using the Publication of Banns

Most couples in Ontario are married under the authority of a marriage licence issued by a municipality in Ontario. While the publication of banns offers an alternative to a marriage licence it is of limited use because it relies on very limited and specific authority in accordance with the criteria under sections 17 and 18 of the [Marriage Act](#). It is therefore important that before a Marriage Officiant considers performing a marriage under the publication of banns that they ensure there is authority and then fulfill all of the requirements.

If there is authority for the marriage ceremony to be performed using the **publication of banns**, the Marriage Officiant must:

- Verify the legal names and ages of the couple.
- Ensure there are no lawful causes that would hinder the marriage (see the [eligibility requirements for marriage in Ontario](#)).
- Ensure that the parties to the marriage meet the following additional eligibility requirements specific to the use of publication of banns:
  - Both parties to the proposed marriage must regularly attend either the same place of worship, or each their own place of worship, in Canada and banns must be published in accordance with the denomination, faith or creed of their respective place of worship; and
  - The publication of banns cannot be used if either of the parties to the intended marriage has been married previously and the marriage has been dissolved or annulled.
- Ensure that the intent to marry is proclaimed openly in an audible voice during the divine services in each place of worship where the respective parties regularly attend.

- Ensure the banns form is signed by the person who published the banns (in most cases this is the Marriage Officiant). If the parties attend different places of worship, then two separate forms are required (signed by each person who published the banns).
- Ensure the marriage is performed on or after the fifth day following the publication of banns and within three months immediately after the publication. The marriage must not be performed if outside of this timeframe.

## During the Marriage Ceremony

The Marriage Officiant must:

- Ensure that the following five people, who are required to be physically present at the marriage ceremony in Ontario, are in attendance. [Note that proxy or virtual marriages are not permitted in Ontario.](#)
  - Both parties to the marriage,
  - Two witnesses that understand what they are witnessing, and
  - The Marriage Officiant.
- Perform the marriage ceremony.
  - The Marriage Officiant should take steps to confirm that both parties to the intended marriage have (1) the capacity to marry, and (2) consent to the marriage.
  - Marriage Officiants must not perform the marriage for any person whom:
    - based on what they know or have reasonable grounds to believe, lacks the mental capacity to marry (e.g., due to being under the influence of liquor or drugs, or for any other reason), or
    - they know does not consent to the marriage or if it is unclear that both parties to the marriage consent.
  - Registered Marriage Officiants must perform the marriage in accordance with the rites and ceremonies or customs and traditions of their governing body.
  - Authorized civil Marriage Officiants must ensure that the declarations and statements in s. 24(3) of Ontario's [Marriage Act](#) are made.
  - In order for the marriage to be registered in Ontario, it must be performed in Ontario by an authorized Marriage Officiant.

## Immediately After the Marriage Ceremony

The Marriage Officiant must:

- Complete both parts of the marriage licence (i.e., the Statement of Marriage and if requested by the couple, the Record of Solemnization of Marriage).
- Ensure an entry is made in the marriage register and signed. Marriage Officiants must maintain an accurate and up-to-date register of all marriages they performed in Ontario.
- Ensure that the parties to the marriage and the two witnesses sign the marriage licence and the marriage register in person.
- If required by the couple, give the couple the Record of Solemnization of Marriage (the couple should be advised that this is not an official marriage certificate).

- Mail or courier the completed Statement of Marriage and any other documentation as may be required to the Registrar General within two days immediately following the ceremony. (Examples of additional documentation that may be required include: a translation/interpreter document if issuance of the marriage licence required translation services; or the Particulars of Marriage Form 9 if the Marriage Officiant is [temporarily authorized to perform marriage ceremonies in Ontario](#), etc.). The Statement of Marriage should never be returned to the couple. Please ensure adequate postage is affixed when mailing to the Office of the Registrar General to ensure that it is delivered.
- Upon publishing banns, mail or courier to the Office of the Registrar General the completed Statement of Marriage and proof of publication of banns forms.

## Information Management and Record-Keeping

In addition to the responsibilities set out above:

- The Marriage Officiant must maintain a marriage register of all marriages they perform in Ontario. Marriage Officiants may contact the Office of the Registrar General to request a marriage register. Note: Every register supplied by the Office of the Registrar General is the property of the Crown.
- The Marriage Officiant must ensure precautionary measures are taken to safeguard the marriage register, as it contains personal information. Some safekeeping tips when transporting a register include:
  - Do not leave it unattended in plain view in a vehicle, briefcase, hotel room or elsewhere.
  - Do not keep it locked in your vehicle (including the trunk) for extended periods (e.g., overnight).
  - Keep it in a safe or locked cabinet when not in use.
- If a marriage register is lost, stolen or destroyed, please [notify the Office of the Registrar General](#) immediately and provide details of what happened to the register.
- The governing body of registered Marriage Officiants must maintain up-to-date records of Marriage Officiants and notify the Office of the Registrar General promptly of any changes in Marriage Officiant status, address, and contact information.

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## Proxy and Virtual Marriages are Not Permitted in Ontario

Marriages conducted by proxy or virtually are not permitted in Ontario. This means that Marriage Officiants are not permitted to perform marriage ceremonies where:

- (*proxy*) someone seeks to stand in the place of one or both of the parties at the marriage ceremony or sign the necessary documents on behalf of either or both of the parties; or
- (*virtual*) through telephone, fax, an online or internet communication tool such as Skype or Zoom, or any other tool that allows communication when the parties are not physically present.

The [Marriage Act](#) requires every Ontario marriage to be performed in the physical presence of the parties to the marriage, at least two witnesses, and the Marriage Officiant. This makes a total of five individuals that must be physically present at the marriage ceremony. The individuals who are present at the marriage ceremony are the persons who are required to sign the necessary documents. Other guests may attend virtually.

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## Rights of Marriage Officiants

A person registered under sections 20.1, 20.2, or 20.3 of the [Marriage Act](#) is not required to perform a marriage in Ontario if to do so would be contrary to the Marriage Officiant's religious or spiritual beliefs or the doctrines, rites, usages, customs or traditions of the religious body, band, First Nation, Métis or Inuit organization or community or Indigenous entity to which the person belongs. See section 20.4 of the [Marriage Act](#) for more information.



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## Failure to Adhere to Legal Requirements

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Marriage Officiants have a legal responsibility to adhere to all [statutes and regulations, both provincial and federal, which relate to performing marriage ceremonies](#), as well as all civil and criminal laws that apply in the province of Ontario. Marriage Officiants must not knowingly or otherwise engage in or condone any activity or attempt to circumvent the clear intention of the law. Doing so may cause serious harm to couples by putting into question the validity of their marriage and necessitate that they seek legal direction through the courts to determine the validity of their marriage.

In addition, measures could be taken against a Marriage Officiant who does not comply with the legal responsibilities for performing marriage ceremonies. For example:

- The Ontario Minister of Public and Business Service Delivery may cancel the registration of any person registered as authorized to perform marriage for any cause.
- The [Marriage Act](#) provides penalties for contravention of the Act and for knowingly making false statements in documents required under the Act.
- The [Criminal Code of Canada](#) provides for offences in relation to marriage including but not limited to: forced marriage, procuring feigned marriage, and unlawful solemnization of marriage.

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## Questions and Answers for Marriage Officials

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Below is a list of Q&As to help with any questions you may encounter while performing marriages in Ontario. If the answer to your question isn't found below, please [contact the Office of the Registrar General](#) for more information.

### Who May Perform a Marriage Ceremony in Ontario

#### 1. Do I need to be authorized to perform marriages in Ontario?

Yes, only persons registered under the [Marriage Act](#), or authorized to perform civil marriages under the [Marriage Act](#), may perform marriages in Ontario. A person who is not authorized cannot perform a marriage and have someone who is authorized sign the marriage licence.

#### 2. Can a religious representative who does not reside in the province perform a marriage in the province of Ontario?

Yes, a person who is not resident in Ontario may apply to the Office of the Registrar General to be temporarily registered as authorized to perform a marriage in Ontario with the sponsorship of a religious body on record with the Office of the Registrar General.

#### 3. Am I still authorized to perform marriages if I am no longer a member of my religious body or band, First Nation, Métis or Inuit organization or community or Indigenous entity? Who should I notify?

Once a Marriage Official leaves or is no longer supported by their governing body, their governing body notifies the Office of the Registrar General to cancel their registration. Whether or not you are notified by your governing body, you are no longer authorized to perform marriages. Please [contact the Office of the Registrar General](#) for information on how to become re-registered.

### Requirements for Marriage in Ontario

#### 4. What are the eligibility requirements to be married in Ontario?

In order to legally marry in Ontario, the following requirements apply:

- Each party to the marriage must be at least 18 years of age, or if they are 16 or 17 years of age, they require the consent of their parents or a court order. No person under 16 years of age may marry;
- Each party to the marriage must have the mental capacity to be married. A marriage may not be performed where either party lacks the mental capacity to marry by reason of being under the influence of liquor or drugs, or lacking mental capacity for any other reason;
- Both parties to the marriage must consent to be married. Neither party can be forced into the marriage;
- A person may not marry a brother or sister, half-brother or half-sister, parent, grandparent, child, or grandchild including by adoption as outlined in the [Marriage \(Prohibited Degrees\) Act](#); and
- Each party to the marriage must be currently free to marry (i.e., not married). A person who has been previously married may not marry unless that marriage has been dissolved or annulled. The law in Canada does not allow individuals to be married to more than one person at a time. Proof of divorce or annulment recognized under the law of Ontario is required when purchasing a marriage licence. Please see [Ontario.ca/getting-married](#) for more information.

#### 5. Do the parties to the marriage need to be residents of Ontario to be married in Ontario?

No, there is no requirement for the parties to the marriage to be residents of Ontario.

## Marriage Licences and the Publication of Banns

### 6. How long is a marriage licence valid?

Marriage licences are valid for three months from the date of issue. However, some marriage licences are extended. Specifically, most licences impacted by a province-wide declaration of emergency under the [Emergency Management and Civil Protection Act](#) are extended and are valid for up to 24-months following the end of a province-wide emergency. If this currently applies, the specific impacted licences and validity dates can be found at [Ontario.ca/getting-married](https://Ontario.ca/getting-married).

### 7. Where does a couple purchase a marriage licence?

Couples seeking to be married are responsible for obtaining a marriage licence. Marriage licences may be obtained from a municipality in Ontario that issues marriage licences. Each of the parties to the intended marriage must complete the marriage licence application and provide government issued identification (e.g., birth certificate, passport, etc.). At least one party must attend in-person to attest that the information is accurate and true and to pick up the marriage licence.

### 8. Can a marriage licence from another province be used?

No, to be married in Ontario, an Ontario marriage licence must be obtained from an Ontario municipality that issues marriage licences.

### 9. Can an Ontario marriage licence be used in another province?

No, an Ontario marriage licence is only valid for marriages performed within the province of Ontario.

### 10. Is a marriage licence transferrable?

No, only the couple who the marriage licence has been issued to may use it. Anyone else seeking to be married must obtain their own marriage licence.

### 11. What should I do if I am uncertain about the authenticity of a marriage licence?

The Marriage Officiant should contact the municipality that issued the marriage licence if there are any questions or concerns regarding the authenticity of the licence.

### 12. How long is the publication of banns valid?

A marriage to be solemnized under the authority of the publication of banns is to occur within three months following the publication of banns and must be solemnized no earlier than the fifth day following the publication of banns.

### 13. What should I do if a marriage licence or banns is lost or destroyed before it reaches the Office of the Registrar General?

Where a licence or banns that has been signed by all parties is lost or destroyed after the marriage ceremony takes place but before it reaches the Office of the Registrar General for registration, please [contact the Office of the Registrar General](#) for instructions. A replacement licence form or banns form may need to be issued by the Office of the Registrar General and sent to the couple for completion. The Office of the Registrar General will request that a certified copy of the marriage register be submitted along with the replacement document for registration purposes.

## During the Marriage Ceremony

### 14. Who can be witness to a marriage?

There must be two witnesses physically present at the marriage ceremony. The witnesses must understand what they are witnessing and sign the marriage licence and the marriage register.

**15. During a province-wide emergency can marriages be performed by proxy or virtually?**

No, there is no exception to the law which is as follows: the [Marriage Act](#) requires every Ontario marriage ceremony to be performed in the presence of the parties to the marriage, at least two witnesses, and the Marriage Officiant – which makes a total of five individuals that need to be physically present at the ceremony within the province of Ontario.

**Documentation Requirements for Marriage Officiants**

**16. Is it acceptable to backdate the date of the marriage?**

Under no circumstance may a Marriage Officiant backdate the date of the marriage.

**17. Can another authorized Marriage Officiant complete the supporting documentation for a marriage I performed?**

No. The authorized Marriage Officiant who performed the marriage must be the one to complete the Statement of Marriage and Record of Solemnization, make an entry into the marriage register, and submit the completed documentation to the Office of the Registrar General. Under no circumstance may any other person, including another authorized Marriage Officiant, complete the documentation on behalf of another Marriage Officiant.

**18. What should I do if I require a new marriage register?**

The Marriage Officiant must maintain an accurate and up-to-date register of all marriages performed in Ontario. Marriage Officiants should [contact the Office of the Registrar General](#) to obtain a new marriage register as needed.

**19. Who should I notify if my status as a Marriage Officiant has changed?**

Each governing body is required to maintain up-to-date records of Marriage Officiants and must notify the Office of the Registrar General promptly of any changes in a Marriage Officiant’s status, address, and contact information.

**Fees for Performance of a Marriage**

**20. What fees may I charge to perform a marriage?**

There is no set fee under the [Marriage Act](#) for marriages performed by registered religious Marriage Officiants. Governing bodies may have their own fees.

There is a required fee of \$75 for marriages performed by an Ontario judge or justice of the peace. The judge or justice of the peace who receives the fee is required to remit it to the Minister of Finance.

Municipalities may have fees for civil marriage services performed by Ontario municipal clerks and/or their delegates.

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**Contact the Office of the Registrar General**

For additional information for authorized Marriage Officiants, or how to apply to register a member of your religious body, band, First Nation, Métis or Inuit organization or community or Indigenous entity to be authorized to perform marriage ceremonies in Ontario, please call the Office of the Registrar General Marriage Officiant Helpline at (807) 343-7568.

For additional information for couples about the requirements and steps to get married in Ontario, please visit [Ontario.ca/marriage](https://Ontario.ca/marriage).