



## THE SITUATION

~~✗ Elizabeth~~

✓ Elizabeth

Ms. M has used the name Elizabeth her whole life but was registered on her birth certificate as Elizebeth. Now in her 70s, she wanted to amend her name on her birth certificate using the process in the Vital Statistics Act.

*When I went to Vital Statistics I was told to try to secure another piece of identification. I have tried relentlessly and find it virtually impossible.*

*The person on my original birth certificate never ever existed. They never did one thing in their life. They have no paper trail to their life.*

## ISSUE

### Vital Statistics Act Requirement

An adult can amend the given name on their birth certificate if they provide “documentary evidence satisfactory to the registrar general” showing they used the name before the age of 12.

### Evidence required by Vital Statistics Agency Policy

2 pieces of documentary evidence created before child is 12.



The Agency's policy was inconsistent with the broad discretion in the legislation.

**Evidence provided** – Ms. M was only able to produce one document created before the age of 12:



Elementary school record showing that she was registered as, and used “Elizabeth”.



Vital Statistics Agency rejected Ms. M's application because it didn't meet policy requirements.

## FINDINGS

- 1 The Vital Statistics Agency used an unfair procedure in limiting its discretion.
- 2 The Vital Statistics Agency's inflexible application of its own amendment policy was improperly discriminatory given Ms. M's age.

### RECOMMENDATIONS to Vital Statistics Agency

- 1 Update amendment policy to enhance discretionary decision-making duty removing requirement for at least 2 pieces of documentary evidence
- 2 Provide more training to staff on how to consider alternate types of evidence and discretionary decision-making
- 3 Reconsider Ms. M's request using evidence provided

**Reality** of trying to obtain documents issued 60+ years ago. *...doctors, dentists and even childhood immunization records have been destroyed... I have searched every avenue from libraries to church to dental and doctors records. Nothing is retained...*

**About the Ombudsperson:** The Ombudsperson's office receives and investigates concerns from the public when they believe they have been treated unfairly when receiving provincial or local public services. The office is independent of government and impartial. The office's services are free.