

Updates to Ontario Regulation 158/03: *Certification of Recordings and Transcripts*, made under the *Evidence Act*, RSO 1990, c E.23

Questions and Answers

November 25, 2022

The following questions and answers provide details regarding updates to certification standards of court transcripts in Ontario.

Please find the link to the amending regulation here:

[O. Reg. 531/22: CERTIFICATION OF RECORDINGS AND TRANSCRIPTS \(ontario.ca\)](#)

The updated Form 2 and new Form 3 can be found on the Ontario Court Forms website:

[Evidence Act forms | Ontario Court Services \(ontariocourtforms.on.ca\)](#)

#	QUESTIONS & ANSWERS
Q.1	What changes were made to Ontario Regulation 158/03?
A.1	<p>The key changes are:</p> <ul style="list-style-type: none">• Introduction of a new prescribed form for certification of <u>electronic</u> transcripts (Form 3);• Updates to the existing form for certification of <u>paper</u> transcripts, which includes new fields for an authorized court transcriptionist's (ACT's) identification number and province of signing (Form 2); and• Clarifying that transcripts must be certified by an authorized person who has proofread the transcript in its entirety against the recording to confirm that the transcript is accurate, but need not be the same person who transcribed the recording.
Q.2	Why were these changes made?
A.2	<p><u>Certification of Court Transcripts:</u></p> <p>Ontario's court transcript production model has evolved as the courts in Ontario have transitioned to accepting electronic transcripts as a standard format. A separate certification form was created specifically for use on certified electronic transcripts (Form 3).</p> <p>The Form 3, which ACTs sign and certify with an electronic signature, distinguishes certified electronic transcripts from certified paper transcripts, which ACTs sign and certify with a wet-ink signature in Form 2. If a certified electronic transcript is printed, the Form 3 would still identify the transcript's original format as electronic.</p> <p><u>Collaboration Between ACTs:</u></p> <p>The amendments to the regulation also clarify the obligations on ACTs relating to collaborative working arrangements in order to promote and ensure effective and efficient transcript production in Ontario while protecting the integrity of the court record.</p>

Q.3	When does the updated regulation come into force?
A.3	<p>The amendments to Ontario Regulation 158/03 come into force on December 5, 2022.</p> <p>Any transcripts produced on or after the effective date will be subject to the new certification standards.</p>
Q.4	What are the best practices for electronic signatures that ACTs should use to certify electronic transcripts?
A.4	<p>As a best practice, electronic signatures for the purposes of certifying electronic transcripts in Form 3 should be created by the ACT and may include:</p> <ul style="list-style-type: none"> • A certificate-based digital signature that utilizes encryption technology. • An image of a wet ink handwritten signature created by way of a scan. • An electronic handwritten signature created by way of an electronic stylus, trackpad, touchscreen, pointing device (i.e., computer mouse), or other similar method. <p>Further direction on the certification standards for electronic transcripts will also be outlined in an updated version of the Court Transcript Standards and Procedures Manual, which will be posted by Arkley Professional Services on the <i>Authorized Court Transcriptionists for Ontario</i> website in the near future: Resources - Authorized Court Transcriptionists for Ontario (courttranscriptontario.ca)</p>