



The Change of Name Act By Douglas A.S. Paterson, Q.C.

Do you like your present name? Maybe you should change it. The Manitoba Change of Name Act allows people to change their names – given or surname – on certain conditions.

If you have resided in Manitoba for three months before applying, if you are over 18 years of age, if you have been married or lived common-law or if you are a parent with custody, you can apply – for a fee.

Full details are required on the form, as well as any consents needed from any other people. The reason for the requested change must be spelled out. If any person should have notice of the application, proof of service must be filed too.

The Director of the Change of Name Act can refuse the application if the requirements in the application are not met, if the proposed name might reasonably cause mistake or confusion, if the Director feels the change is for an improper purpose or is objectionable on public policy grounds, and if the Director believes the

application has made “frequent” changes of name.

So if you want a new name to evade creditors or have some sex-related or swear word name, forget it!

Even those people under care via the Mental Health Act or the Vulnerable Persons Living with a Mental Disability Act can apply for a changed name through their authorized caretakers.

Any child over 12 years of age, who is the subject of an application, must give his or her written consent.

Any child under an Order of Guardianship can be the subject of an application provided full consents are obtained or their parents served with notice. Any person served with notice can object on grounds the change would not be in the child’s best interests.

When a certificate of change of name is issued, notice of the change is published in the Manitoba Gazette unless it would cause hardship, be

against the public interest, or the applicant was commonly known by the “new” name. A certificate of change of name is effective for all legal reasons and a notation of same is made, for no charge, on all Vital Statistics records. If those records are outside Manitoba, that jurisdiction is notified of the change of name too.

The certificate of change of name can be annulled or cancelled if it was obtained by fraud or misrepresentation. A hearing would be held by the Director first.

If a person obtains a change of name by fraud or misrepresentation, on conviction a maximum fine of \$2,000.00 is payable; same for using a name improperly obtained.

A change of name certificate is not needed by a spouse or common-law partner electing to use their mate’s surname, or hyphenated surname; same for electing to use your old surname as a given name when marrying or entering a common-law relationship.

Resuming your old name after divorce, or after a common-law relationship or death of your spouse/partner also does not require you to apply for a change of name. A common-law partner must, however, file a Declaration of Name Resumption with the Director. If you want a piece of paper showing the new changes you have the option to apply for a Certificate of Election or Resumption of Surname.

What's in a name? Sometimes a little and sometimes a lot!