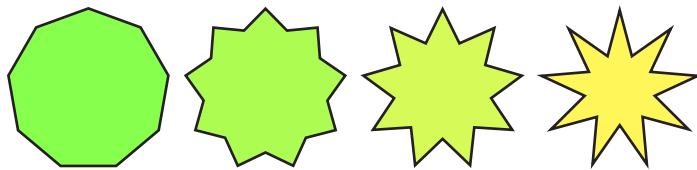


Navigating Name and Gender Marker Changes: Ontario and Canada

Authored by Alex Verman · for Maggie's Toronto Sex Worker Action Project

This guide deals with Ontario name and gender marker changes; updating one's provincial identification streamlines the process for updating federal identification. If any confusion or complication arises, seek out a qualified legal professional for assistance.



ORDER OF OPERATIONS:

1. Legal gender change (provincial)
2. Legal name change (provincial)
3. Legal name and gender change (federal)

Total timeline: 2 - 12 months

Total cost: \$ 0 - \$ 560

Often, people start by changing their provincial documents (e.g. your birth certificate, health card, Ontario photo ID card, driver's license, etc), then move on to their federal documents next (e.g. your passport, social insurance number, certificate of Indian status, permanent residence card, etc). At the provincial level, changing your name and

gender markers are two separate processes, which you can nevertheless complete at about the same time simply by combining your application documents and sending in the application packages together.

After completing any provincial documents that are required before changing federal documents, you can move on to the steps for changing federal documents. At the federal level, these two changes can be made simultaneously, and doing it together saves time and money.

HOW TO CHANGE YOUR LEGAL GENDER IN ONTARIO:

Changing the gender on your birth certificate According to the ServiceOntario website, once you have an updated Ontario birth certificate, you can then use that to get the gender marker changed on your other provincial documents. This guide will therefore focus mostly on changing your birth certificate/birth registration. It only applies to people born in Ontario. You can change your official legal gender to M, F, or X.

If the application requirements are fully met, the Ontario government will update its birth register and provide you a new birth

certificate with your correct gender via mail in 6-8 weeks from the date it is received. Mail the application package to:

Office of the Registrar General
189 Red River Road, P.O. Box 3000
Thunder Bay, Ontario
P7B 5W0

Once you have an updated birth certificate, you can use this to change your other Ontario ID gender markers. You may want to wait until after your name change, but you don't have to. Either way, the information for how to change the gender on your provincial ID is [provided on the Service Ontario website](#).

THE APPLICATION PACKAGE INCLUDES:

- 1.** Cover page
Though not a legal requirement, any time you mail an application somewhere, it is a good idea to type up a page stating what the application package is for and listing all the items included.
- 2.** The gender marker change application form—[available at this link](#)
- 3.** The statutory declaration form—[available at this link](#)
- 4.** All previous birth certificates/birth registrations, and/or other birth documents.

If you can't locate or access your original birth documents, you can apply to get a replacement one [either by mail or online](#). This typically costs \$25-75.

- 5.** The request for birth certificate form—[available at this link](#). This form gives you a new birth certificate, which you can then use for the other changes.
- 6.** Fees
Until October 31, 2022, this portion of the gender change is free; after October 31, 2022, it will cost about \$37, which can be paid with cash if desired.
- 7.** Evidence
You must provide a letter from a doctor or counsellor attesting to and endorsing the gender marker change.

If you are already working with a doctor on your transition, they're probably familiar with these kind of letters and write them all the time; you can likely call or email their office to get a letter on official letterhead that you can use. You can also give them simple instructions on what to include in the letter, such as that they are a practising member in good standing of the appropriate regulatory body, that they have treated or evaluated you, confirming that you are in fact transgender, and endorsing your decision to change the sex designation on the birth registration and provide a new birth certificate. They will have to use your full legal name.

If you are not already working with a doctor on your transition, or if your doctor is not being helpful, you may be able to find someone who is qualified to do this for you by contacting local community health centres; [this website offers a list of various CHC in Toronto](#).

Because they offer a lot of LGBTQ-specific programming, [Sherbourne Health](#) may also be a good place to start.

In Ontario, primary care providers (e.g. your family doctor or a doctor working at a walk-in clinic or a community health centre) can prescribe hormones, and therefore, they should also be qualified to provide a letter for you. Having said that, it may cost a nominal fee (getting forms signed/filled out typically costs about \$25-50), and not all doctors are comfortable doing so. However, “not comfortable” is not a good reason to deny you access to care.

If you’re going to ask a doctor to provide a letter of this kind, and you don’t know for certain that they’re familiar doing this kind of work, you may want to come into the meeting with evidence of prior treatment (e.g. hormone prescriptions, other referral letters, etc) and knowledge of the relevant professional guidelines (e.g. [through Rainbow Health Ontario resources](#)). Doctors often operate from a position of assumed authority, and respond well to a mixture of assertiveness and deference. They may get defensive if challenged, but may be intrigued if presented with well-evidenced new information. Tone is always important, e.g. try to state “I’m frustrated because of…” rather than expressing frustration through your voice and actions, and request that the doctor make a note of any refusal despite your insistence.

CHANGING THE GENDER ON ID WITHOUT CHANGING YOUR BIRTH CERTIFICATE

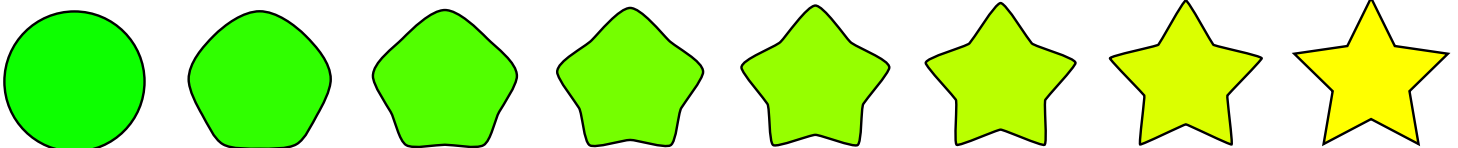
It is also possible to change the gender markers on your provincial ID (e.g. health card, driver’s license, photo card) without changing your birth certificate.

If you only want to change your provincial ID gender markers, and do not want to or are not currently able to also change your birth certificate or any federal ID, you can apply to get the gender marker changed by providing two letters to a ServiceOntario centre:

- 1.** A signed letter from a licensed Ontario healthcare provider:
The letter should be on official letter head and state that the doctor has examined or treated you and endorses the gender marker change. You can follow the same steps as with the doctor’s letter for a birth certificate change.
- 2.** A signed letter from you:
The letter should state the desired change, your full name and current address, your current ID number, and the name and address of the healthcare provider who signed the other letter.

Total timeline: 2 - 5 months

Total cost: \$ 0 - \$ 212



HOW TO CHANGE YOUR LEGAL NAME IN ONTARIO

Changing your name in Ontario is actually a relatively straightforward process. It requires filling out a form, paying a fee, and sending the application in to a government office. The difficult part is ensuring that you have all the documents necessary to get the process started, and have collected all of the information required to complete the form, which can take a lot longer. Throughout the process, you'll have to provide originals of various forms and documents; before you start filling things out or sending things in, it's a good idea to get good quality photo copies of these documents so you can refer to them later if needed. The Toronto Public Library offers black and white printing and copying for 15 cents per page (check out the TPL website). You should submit all pages of the application, even the sections that don't apply to you.

THE APPLICATION PACKAGE INCLUDES:

- 1.** Cover page
Though not a legal requirement, any time you mail an application somewhere, it is a good idea to type up a page that states what the application is for and lists all the items included in the package.
- 2.** The name change application form—[available at this link](#)
In the eyes of the government, a person's legal name is a link connecting all kinds of diverse and complex pieces of information. The first part of the name change application asks you to provide all the information that the government

needs to locate your old legal name in its various systems, and replace it with your new legal name, without breaking any of those links. To that end, the form will ask about your name, current address, marriage status, your parents, and your criminal and financial history.

If you don't have a permanent address, you can include an address of a friend, family member, or organization where you are temporarily staying and where you know someone is able to receive mail for you. It's better to have a workable address than no address at all; if you're at all concerned about how to fill out this information, you can also include a letter from a shelter or organization where you're staying in Ontario confirming that you are a resident there.

In Ontario, a person who changes their name is also legally required to disclose if they have a criminal record that has not been expunged, and/or if they are facing any outstanding or pending charges or court orders. This requirement is laid out in Section D of the name change form. Similarly, a person who changes their name is also legally required to disclose any major financial liabilities associated with their old legal name, such as any liens, bankruptcies, or fines. This requirement is laid out in Section E of the name change form.

Having a criminal record does not prevent you from changing your name. As well, your financial situation does not prevent you from changing your name.

2(a). Police record check — [available at this link](#)

If you have criminal charges or convictions, then you will have to submit the name change form along with a current original police record check, which has to be filled out by the police force. Given that police are generally slow-moving and untrustworthy, it is probably wise to begin this process early.

Remember: you do not have to disclose anything for which there is no past or pending court proceeding. If you're a witness to an offence or if your partner has been charged with an offence, etc, you also do not have to disclose it. Nothing you do here should result in any new charges or penalties against you. Its purpose is just to ensure that everything associated with your old legal name gets migrated over to your new name.

3. Signed guarantor statement regarding your Ontario residence — [available at this link](#)

To change your name in Ontario, you have to have lived in the province for a minimum of 12 months (one year). Resident doesn't mean you can't have left the province at all in the past year, only that any trips out have been temporary. The guarantor must fill out the Guarantor's Statement form, attesting that they know you to be an ordinary resident of Ontario for a year.

If you don't have a permanent address in Ontario, you can still complete this section if you have been living temporarily at various locations in the province for at least a year. There is no

official requirement that you have a permanent address, only that you have been living in Ontario with the consistent intention to stay ordinarily in the province for at least a year.

Ideally, your guarantor should be some official or authority figure; this includes a judge or justice, a medical practitioner, a legal professional, a banking professional, a city clerk, an educator, a band chief, or anyone authorized to solemnize marriages. Alternatively, you can find someone (other than a relative) who has known you for at least five years to sign the form.

4. Give notice of your name change — only required of married people or conjugal partners — [available at this link](#)

If you are married now, or if you signed a joint declaration of conjugal relationship as part of the name change application, you also have to provide notice of your name change, which will be provided to your partner or spouse. This is just to provide notice; it does not give anyone any power to approve or deny your name change. Though you are required to give notice, you are not required to obtain signed consent for the name change to go through.

Additionally, though this is not part of the notice requirement, you should know that all Ontario name changes are published in the official Ontario Government publication, the Ontario Gazette, which can be searched online. If you don't want your name change published online, you can submit a request for non-publication form at the same time as your general application, available online.

5. Fees

The standard fee for this change is \$137, payable by credit card, money order, or cheque.

6. All previous birth certificates/birth registrations, and/or other birth documents.

If you can't locate or access your original birth documents, you can apply to get a replacement one [either by mail or online](#). This typically costs \$ 25 - \$ 75.

7. Statutory declaration – [available at this link](#). This is the final page/component of the name change, and it must be completed in the presence of a commissioner for taking affidavits. You can find someone like this at a ServiceOntario location.

If the application requirements are fully met, then in 6-8 weeks, you will get a change of name certificate. It will show your previous name and your new name. You can use this certificate to change your name on other documents such as your driver's licence or your credit cards. If you were born in Ontario, you will also get a new birth certificate in your new name. If you were born in another part of Canada and want a new birth certificate, you must contact the province or territory where you were born after you get your change of name certificate.

Mail the application package to:

Office of the Registrar General
189 Red River Road, P.O. Box 3000
Thunder Bay, Ontario
P7B 5W0

Total timeline: 2 - 5 months

Total cost: \$ 137 - \$ 210

HOW TO CHANGE YOUR FEDERAL ID:

PASSPORT:

Passport Canada uses the information from your birth certificate (which is why it's often a good idea to change that first); now that you have an updated birth certificate, you can apply to change the name and gender your Canadian travel documents using the same process as is required for a regular passport renewal. For instructions on this process, see [this link](#).

Total timeline: variable

Total cost: \$ 120 - \$ 160

SOCIAL INSURANCE NUMBER:

Your SIN is an important piece of identification for employment and taxation purposes. It is generally advised that you attempt this last, as you will likely need all your other updated documents to make this change.

It is also probably better to do this in person, rather than mailing off several original identity documents at once. The application form is available at [this link](#). This web page lists the various Service Canada offices in Ontario where you can request to make this change.

Total timeline: Variable

Total cost: \$ 0



OTHER FEDERAL GOVERNMENT ID SYSTEMS:

Canada Revenue Agency—
If you are only updating your first name, you can do this by phone by calling 1-800-959-8281; you can attempt a name change online, if you have an updated SIN and your name change certificate. This process will likely require you to reference recent tax documents, so if this is not realistic or convenient, it might be something you will have to handle by talking to someone directly, after having already updated your legal name and gender markers. If you have not recently paid taxes or received tax returns, this is likely a low priority.

Elections Canada—
Check the Online Voter Registration Service to see whether your name is accurate; if not, you can update your information when you go in to vote, or call 1-800-463-6868 to request an update form.

Indian Status—
You can change your gender marker to F, M, or X on your Indian Status Card by filling in the Secure Certificate of Indian Status Application form and updated passport-style photos — this application is available online

IMMIGRATION DOCUMENTS

Non-citizens seeking to change their gender markers on their IRCC documents can apply with a Request Form for a Change of Sex or Gender Identifier; however, it is much more difficult to change one's legal name in the IRCC system without corresponding

documents from the country you emigrated from. The limitations are provided here. If you are a non-citizen seeking to change your name, you should start by speaking with a qualified immigration lawyer or paralegal who can help navigate this system. There are qualified lawyers you can help you with this issue that accept low-income clients through Legal Aid Ontario; the 519 can also likely connect you to someone qualified to help with this issue.

USING YOUR PREFERRED NAME IN THE CONTEXT OF SOCIAL ASSISTANCE:

You may be able to request a preferred name or gender in some contexts when dealing with the social assistance system without a legal name change. Social assistance includes Ontario Disability Support Program (ODSP) and Ontario Works (OW). If you have to deal with the adjudication bodies associated with these systems (e.g. the Disability Adjudication Unit (DAU) or the Social Benefits Tribunal (SBT)), you will be able to update your name at any point during an internal review or appeal, even if you have not yet legally changed it.

Social assistance requires you to present various forms of identity to set up a file in the Social Assistance Management System (SAMS). The file can be made to include both a legal name and an alternative name; so long as all your documents relating to social assistance are consistently properly marked with the same Member ID, you should be able to use your preferred name. If you are working

with a lawyer or case worker, be sure to inform them that you will be using an alternative name, and to follow best practices for name and gender issues in helping you navigate that process. Neighbourhood Legal Services has recently updated its internal policies and recommendations to ensure that its legal team is informed on how to best advocate for clients on social assistance regarding name and gender issues; if you need advice on how to approach this issue in the context of social assistance, try connecting with them!

Maggie's Toronto Sex Workers Action Project

WHO WE ARE

We are one of Canada's oldest by and for sex worker justice organizations. Our mission is to advocate and fight for the rights of all sex workers in society, by offering a wide variety of services, educational resources, and creating community so that we may live and work with health, safety, and dignity. We believe in the full decriminalization of sex work and believe it is a crucial step towards sex worker justice.

We offer supportive programming for sex workers including weekly drop-ins, harm reduction services, outreach programs, legal supports and broader advocacy including food security efforts, public health initiatives and educational workshops for sex workers.

Learn more about our work and upcoming projects at maggiesto.org or check us out on instagram @maggiestoronto. You can reach us through email at info@maggiesto.org.

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