

**MINIMUM REQUIREMENTS TO BE MET BY APPLICANTS
REQUESTING CANCELLATION OF AN OLD PLAN OF SUBDIVISION
AND THE SUBSTITUTION OF A NEW PLAN THEREON**

1. Statement, as per enclosed, showing in respect of each privately owned lot to be cancelled, the following:
 - (a) Certificate of Title Number;
 - (b) Name and description of registered owner;
 - (c) Legal description of lands to be cancelled;
 - (d) Tax Certificate for each parcel aforesaid;
 - (e) Legal description of land in the new plan to be awarded as compensation; and
 - (f) In the Remarks column, if correct, the statement that the written consents to the cancellation and acceptance of compensation are on file.
2. The written consents of all private owners numbered numerically in accordance with the statement required by (e) above, and where applicable, the suitable consent under ***The Homesteads Act***. If not a homestead, an Affidavit to this effect.
- 3(a) If any of the required consents (other than a Homesteads Act Consent) are unobtainable, the Board requires service of notice of the hearing on each non-consenting owner. Service of notice can be either personal delivery or by Registered Mail. The notice must be served as soon as possible and in any event not less than seven (7) days prior to the time fixed for the hearing. For the purpose of these instructions, "registered Owner" includes the registered owner under title and any other person appearing to have an interest in the said land by way of mortgage or otherwise.
- 3(b) Where a Homesteads Act consent is unobtainable, the application shall obtain the Consent of the Court of Queen's Bench pursuant to Section 10(1) of ***The Homesteads Act***.
4. Publication of Notice of Hearing in one issue of a newspaper, or newspapers, having a general circulation in the area not less than seven (7) days prior to the hearing.
5. Affidavit of confirmation of mailing and publication of Notice, with a copy of the published Notice attached, to be filed with the Board at or prior to the date fixed for the hearing.
6. One print of each old plan being cancelled showing outlined in pink the parts being cancelled.
7. Certificates of Search in respect of the lands being cancelled.
8. Affidavit of Manitoba Land Surveyor stating:

- (i) that all of the lands being cancelled are included in the new plan, and that there are no other lands than those being cancelled included in the new plan;
- (ii) that the evidence of ownership supplied covers all the lands being cancelled, or as the case may be;
- (iii) that the lands being offered in compensation to the owner are identical to the lands held in the old plan.

If such is not the case, an explanation for same.

- 9. Surveyor's sketch of all buildings in relation to the old plans and the new plan of subdivision.
- 10. In cases where lands held in the name of Her Majesty the Queen are being substantially changed in area, the consent of the Minister of Conservation.
- 11. A Resolution of the Council of the municipality, city, town, etc. approving the application for cancellation.
- 12. Where a new plan of subdivision is to be filed, please provide the Board with a tracing of the new plan. (Linens and mylars must be filed at the time of Municipal Board Hearing).
- 13. A copy of the letter of tentative approval of proposed subdivision from the Approving Authority.
- 14. Filing Fee - \$75.00

We are advised by the Winnipeg Land Titles Office that it will not register a Municipal Board Order cancelling a plan of subdivision until all existing building restriction caveats with respect to the land have been removed.

PLANS OF SUBDIVISIONS

Refer to Sections 95 to 103 inclusive of *The Municipal Board Act*.