

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

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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*.

UNDER THE MUNICIPAL BOARD ACT

Notice of Application to cancel part(s) of registered  
Plan No (s).                      and                      and for  
Registration of a new plan of Subdivision covering  
(Description of new plan),  
in the Province of Manitoba.

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TAKE NOTICE that the undersigned has filed with The Municipal Board at Winnipeg, an Application for cancellation of all those portion(s) of Plan No.(s)                      and contained with the limits outlined in Pink thereon and for the approval of a proposed Plan of Subdivision covering (description of new plan), prepared by (name of surveyor), Manitoba Land Surveyor, of The City of Winnipeg, in Manitoba, and sworn to by him on the                      day of                      , 2003.

AND FURTHER TAKE NOTICE that the undersigned has made Application for the registration of the said proposed Plan of Subdivision.

The application will be heard by The Municipal Board on                      , 200    at                      , Manitoba.

**(Entire boundaries that cover the new plan).** The property affected by this Application is situated in the (Municipality) and is bounded generally on the North by                      , on the East by                      , on the South by                      , on the West by                      , as shown coloured Pink on Plan No.                      .

Copies of the said Plan(s) to be cancelled and the said proposed Plan of Subdivision are on file and may be inspected by any person at The Municipal Board Office, 1144 - 363 Broadway, Winnipeg, Manitoba.

Any person having any interest in the matter may appear to make representations.

DATED at Winnipeg, in Manitoba, this                      day of                      , A. D. 200    .

(Name of firm)  
Solicitors for the Applicant.  
or  
(Applicant's name)

PROVINCE OF MANITOBA  
DEPARTMENT OF CONSERVATION  
CONSENT OF THE MINISTER

HER MAJESTY THE QUEEN, in Right of the Province of Manitoba, as herein represented by the Minister responsible for Conservation, HEREBY CONSENTS to THE MUNICIPAL BOARD of the Province of Manitoba to proceed with:

1. The cancellation of all that portion of the plan of subdivision registered in the Winnipeg Land Titles Office as No. more particularly hereinafter described and allow the surface of the Public Lanes being cancelled now held in the name of Her Majesty the Queen in Right of the Province of Manitoba to be dealt with under Section 96 of *The Municipal Board Act*.

2. The legal description of the Public Land to be dealt with under Section 96 is as follows:

All those portions of the Fractional Northeast Quarter of Section Four in the Twenty-first Township and Fourth Range East of the Principal Meridian in Manitoba taken for Public Lanes on a plan of survey registered in the Winnipeg Land Titles Office as No. 7545 contained within the limits bordered pink on plan of subdivision prepared by Cecil Noel Duncan of the City of Winnipeg, Manitoba Land Surveyor and sworn to by him on the 31st day of December 1979, excepting thereout all mines and minerals.

IN WITNESS WHEREOF the Minister responsible for Conservation for Her Majesty the Queen in Right of the Province of Manitoba has caused his seal of office to be affixed and attested to by his signature this                      day of                      A. D. 200 .

Minister Responsible for Conservation

CONSENT

I/We

being the registered owner(s) of the land legally described as follows:

Lots Fifteen (15) and Sixteen (16), in Block Five (5), which lots are shown on a Plan of Survey of part of Lot Sixteen (16), of the Parish of Kildonan, in Manitoba, registered in the Winnipeg Land Titles Office as No. 1123; and secondly, Lots Twenty (20) and Twenty-one (21), in Block Five (5), which lots are shown on a Plan of Survey of part of Lot Sixteen (16), of the Parish of Kildonan, in Manitoba, registered in the Winnipeg Land Titles Office as No. 1123;

- i) hereby consent to the cancellation of part of Plan No. 1123
- ii) hereby consent to the registration of a new plan of subdivision covering Parts of River Lots 15/18, of the Parish of Kildonan, in The City of Winnipeg, in the Province of Manitoba, prepared by \_\_\_\_\_, of The City of Winnipeg, in the Province of Manitoba, Manitoba Land Surveyor, and sworn to by him on November 9, 1973.

I/We do hereby agree to accept Lot(s) 20 and 21, in Block 2, of the said proposed plan of subdivision in substitution for and as full compensation for the land and premises herein above described and registered in my/our name(s) as aforesaid and I/We do hereby concur in any Order which may be made by The Municipal Board of the Province of Manitoba, and which will vest title to the said Lot(s) 20 and 21, in Block 2, in my/our name(s).

Dated at \_\_\_\_\_, in Manitoba, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 200 .

Owner

\_\_\_\_\_  
Witness

Owner

**THE MUNICIPAL BOARD**

(Name of Applicant) - Cancellation (Insert Old Plan Nos.)  
And Registration of New Plan Subdivision. - (Insert Land Description)  
(Name of Municipality)

<b>Item Number</b>	<b>Certificate of Title Number</b>	<b>Name and Description of Owner as taken from C.T.</b>	<b>Legal Description of Land to be Cancelled</b>	<b>Legal Description of Land to be Awarded as Compensation</b>	<b>Remarks</b>
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## AFFIDAVIT RE NOTICE OF HEARING

IN THE MATTER OF AN APPLICATION TO THE MUNICIPAL BOARD OF MANITOBA  
FOR THE CANCELLATION OF PLANS NO. \_\_\_\_\_ AND \_\_\_\_\_ WLTO AND THE  
SUBSTITUTION OF A NEW PLAN OF SURVEY THEREON.

APPLICANTS:

MUNICIPAL BOARD FILE NO. \_\_\_\_\_

I, \_\_\_\_\_ of The City of Winnipeg in the Province of Manitoba, MAKE  
OATH AND SAY:

1. That I am Barrister and Solicitor practicing with the firm of \_\_\_\_\_, solicitors for the Applicant, and as such have personal knowledge of the facts herein deposed to by me except where same are strictly to be based on information, in which case do verily believe same to be true.
2. That I caused to be published in the Winnipeg Free Press, a local newspaper in the area, in the issue of Friday, \_\_\_\_\_, 2006, Notice of Hearing on Wednesday, \_\_\_\_\_, 2006, by The Municipal Board of Manitoba to consider the application for cancellation of Plans No. 18348 and 28533 of the Winnipeg Land Titles Office (the "Notice of Hearing"). Attached hereto and marked as Exhibit "A" is a copy of the tear sheet containing said published Notice of Hearing.
3. That on Friday, January 13, 2006, I served the Notice of Hearing by registered mail to the following:
  - a) Running Room Canada Inc., located at 9750 47<sup>th</sup> Avenue, Edmonton, Alberta and to their solicitors, Gaffney & McGreer Barristers and solicitors, located at 22 Perron Street, St. Albert, Alberta, receipt of which was acknowledged on January 16, 2006.
4. That on Friday, January 13, 2006, I attempted to serve the Notice of Hearing, but the Notice of Hearing was marked as undeliverable and was returned to me.

SWORN BEFORE ME at The City of \_\_\_\_\_ )

Winnipeg in the Province of \_\_\_\_\_ )

Manitoba, on this \_\_\_\_\_ day )

of \_\_\_\_\_ 2006 )

\_\_\_\_\_  
A Notary Public in and for the  
Province of Manitoba

Or

A Commissioner for Oaths

\_\_\_\_\_ Expiry date

## AFFIDAVIT RE LAND NOT HOMESTEAD PROPERTY

IN THE MATTER OF AN APPLICATION TO THE MUNICIPAL BOARD OF MANITOBA  
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I, \_\_\_\_\_ of The City of Winnipeg in the Province of Manitoba, MAKE  
OATH AND SAY:

1. That I am Barrister and Solicitor practicing with the firm of \_\_\_\_\_, solicitors for the Applicant, and as such have personal knowledge of the facts herein deposed to by me except where same are strictly to be based on information, in which case do verily believe same to be true.
2. That the following described land is not homestead property as described in *The Homesteads Act* (Manitoba):

<u>Title No.</u>	<u>Legal Description</u>
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3. That I make this Affidavit bona fide in support of the within Application.

SWORN BEFORE ME at The City of \_\_\_\_\_ )

Winnipeg in the Province of \_\_\_\_\_ )

Manitoba, on this \_\_\_\_\_ day )

of \_\_\_\_\_ 2006 )

\_\_\_\_\_  
A Notary Public in and for the  
Province of Manitoba

Or

A Commissioner for Oaths

\_\_\_\_\_ Expiry date