

FALL 2006 COTTAGE LOT DRAW RULES AND GUIDELINES

<http://www.gov.mb.ca/conservation/cottaging>

In order to give Manitobans an opportunity to enjoy our natural areas, cottage lots in specified Provincial Crown Land subdivisions and Provincial Park subdivisions will be made available by means of a three-step process. First, eligible applicants are required to submit an application form. Second, a public draw will be held in order to identify those persons who will be eligible to select a cottage lot for a particular subdivision. Third, a lot selection meeting will be held in order for the successful applicants to choose their cottage lot.

SECTION A - ELIGIBILITY

The Fall 2006 Cottage Lot Draw ("Draw") is open to any person who is 18 years or older and who is classified as a resident of Manitoba under the Income Tax Act for the preceding tax year.

Government of Manitoba (*Manitoba*) employees, except those and their immediate families who are assigned to work on the draw, are eligible to participate in the Draw. Corporations, partnerships, sole proprietorships, associations and not-for-profit organizations are not eligible to apply for a lot in the Draw.

Applicants who entered previous Cottage Lot Draws are eligible to enter the Fall 2006 Cottage Lot Draw, whether or not they were successful in previous draws, provided they still meet the above eligibility requirements.

Manitoba reserves the right to apply additional eligibility criteria.




SECTION B - APPLICATIONS

Applicants must submit one – (1) completed **Fall 2006 Cottage Lot Draw Application Form** and personally deliver or mail the application to:

Address: Fall 2006 Cottage Lot Draw
Box 73, 200 Saulteaux Crescent
Winnipeg, Manitoba R3J 3W3

Applications must be received no later than **4:30 p.m. on Friday October 27, 2006** (the "Closing Date"). Applications received after the closing date will not be accepted. Applications submitted by facsimile transmission (fax) or electronic mail (e-mail) will not be accepted and no other forms or modifications to the approved forms will be accepted. Applications will not be accepted at any other Government office.

IF YOU REQUIRE ADDITIONAL INFORMATION:

-  Please call 945-6784 (Winnipeg), or 1-800-214-6497 (toll-free)
-  Visit our website at: <http://www.gov.mb.ca/conservation/cottaging/>
-  E-mail inquiries to: cottaging@gov.mb.ca

NOTICE: THE FALL 2006 COTTAGE LOT DRAW IS NOT A CONTEST, LOTTERY OR AUCTION. THE LOTS ALLOCATED DURING THIS DRAW ARE NOT PRIZES. THE PURPOSE OF THIS DRAW IS TO AFFORD ALL ELIGIBLE APPLICANTS AN EQUAL OPPORTUNITY TO ACQUIRE CROWN LAND OR LEASE PARK LAND FROM MANITOBA.

SECTION 1 - DRAW APPLICATIONS

1.1 PAYMENTS

The application must be accompanied with full remittance of the required \$100.00 payment. Payment options for Draw applicants include cash, debit card, credit card, personal cheque, certified cheque, bank draft or money order. Cheques, bank drafts and money orders are to be made payable to the Minister of Finance, Manitoba. Credit cards, cash and debit cards are accepted only in person at 200 Saulteaux Crescent. Phone or faxed credit card transactions are not permitted.

When the Draw is completed, the \$100.00 payments will be refunded by mail to all persons whose applications are unsuccessful. For successful applicants, the payment will be retained and applied to the administrative fees (Crown Lands) or lot development fees (Parks).

To withdraw from the Draw process and receive a refund, a written request signed by the applicant must be received on or before **4:30 p.m. Tuesday October 31, 2006**. If a request to withdraw is not received by the above date, the applicant will be entered into the Draw and a refund will not be granted. Successful applicants who do not select a cottage lot will forfeit their \$100.00 payment.

1.2 REJECTIONS

Draw applications will be rejected and will not be placed in the Draw if:

- they are on a form other than the Fall 2006 Cottage Lot Draw Application Form;
- they are illegible or **any areas** of the application are **not fully completed**;
- any part of the Applicant Declaration section is not completed or signed;
- they don't meet published eligibility guidelines;
- they do not contain the required \$100.00 payment;
- they are not the **original** signed application form (facsimile and photocopies are not permitted);
- they are late, the application Closing Date is 4:30 pm on Friday October 27, 2006. **Applications post stamped before - but received after the Closing Date are deemed to be late;**
- they are delivered to any office other than Manitoba Conservation's head office located at 200 Saulteaux Crescent in Winnipeg, MB R3J 3W3;
- the payment cheque is returned with non-sufficient funds (NSF);
- upon request of *Manitoba* the applicant failed to provide supporting documentation in relation to eligibility requirements; or
- it has been determined that more than one application has been submitted by the same person.

Rejected Draw applications will be returned by mail with an explanation of why the application was rejected. A refund will be processed and will follow in a separate mailing after the Draw.

All applications drawn and eligible for a cottage lot selection will become the property of *Manitoba* and will not be returned. *Manitoba* will not be responsible for any application which is lost, misdirected, illegible, incomplete or delayed for any reason.

Mail or deliver your application to:

Fall 2006 Cottage Lot Draw
Box 73, 200 Saulteaux Crescent
Winnipeg, Manitoba R3J 3W3

(Applications will not be accepted at any other Government Office)

Note: It is the responsibility of the applicant to ensure that all information is completed on application forms that are dropped off in person at 200 Saulteaux Crescent. It is not the responsibility of the cashiers to validate applications.

1.3 SELECTION OF SUBDIVISIONS

Applicants may indicate choices of up to **three (3)** subdivisions and should record the choice by circling a number (in order of preference) beside the subdivision name on page one of the application form. Do not indicate any specific lot within these subdivisions. The names of subdivisions to be chosen from are:

Crown Lands – Sale Only – Subdivision Listing			
NEW SUBDIVISION: Pebblestone Beach			
Existing Subdivisions:			
Benyks Point	Dropmore South	Lake Athapapuskow "D" - East	St. Malo
Blueberry Point	Dropmore South Drive	Arm Cranberry Portage	The Narrows North
Bodnaruk Hill	Eden Lake	Lake of the Prairies	Totem Road
Burge Lake – Site 1	First Cranberry	Little Deer	Traverse Woods
Burge Lake – Site 2	George Lake – Site 1	Maple Creek Estates	Twin Lakes
Cupar's Creek	Islandview (Matheson Island)	Mill Creek Beaches	Wanipigow Lake
Driftwood Beach	Lake Athapapuskow "A" - Boathouse Bay	Mitchell's East	Wekusko Lake
Dropmore North	Lake Athapapuskow "B" - North Arm	Red Deer River East	Whitefish Lake
		Shoal Lake	Woods Creek
Parks – Lease Only – Subdivision Listing			
Black's Point – Phase 2 & 3	Islandview North	North Cliffs	
Clearwater Lake	Islandview South	South Beach	

1.4 SITE INSPECTION

ATTENTION: Draw applicants are strongly encouraged to visit and inspect the subdivisions that interest them prior to the application Closing Date. Except for development of roads, hydro, and certain other site-specific improvements, subdivisions are generally provided in their natural state, with future lot clearing and development being the responsibility of the purchaser. In some instances construction and/or survey work may be in progress. Use caution when visiting subdivisions and keep clear of work crews and construction equipment. Prior to inspection, applicants may contact lands managers at regional Conservation offices for details on the state of the area. Please call 945-6784 (Winnipeg), or 1-800-214-6497 (toll-free) to obtain regional office contact information.

Take appropriate precautions while inspecting any subdivision. Manitoba is not responsible for any damage to personal property, or loss or injury incurred while accessing and inspecting subdivisions. All persons inspecting the Fall 2006 Cottage Lot Draw subdivisions do so at their own risk.

1.5 ASSIGNMENT OF APPLICATION

No application for the Draw may be assigned or transferred. In the case of death of the applicant, the applicant's estate may continue the application process.

***A \$100.00 payment must be included with each application.
Applications will not be accepted at any other government office.***

SUBMISSION OF AN APPLICATION CERTIFIES THAT THE RULES AND GUIDELINES FOR THE DRAW HAVE BEEN READ AND AGREED TO.

SECTION 2 - DRAW PROCESS

2.1 COTTAGE LOT DRAW

The Draw will take place in Winnipeg, Manitoba on Wednesday November 15, 2006 beginning at 9:00am at Canad Inns - Polo Park. Applicants are **not** required to attend the Draw. The draw will run until complete and will establish the list for eligibility to select a lot in a specific subdivision at the lot selection meetings to be held on Sunday December 10, 2006. The Draw will be supervised by an independent auditor, and will commence with the depositing of all draw cards into the draw drum.

2.2 SUCCESSFUL APPLICANTS

Each successful applicant will be listed in order of being drawn under the applicant's first choice subdivision. If the number of available lots in the first choice subdivision equals the number of applicants already listed for that subdivision, the applicant will be listed under the applicant's second choice subdivision and so on. The Draw will continue until all subdivisions have a full list of applicants or there are no draw cards left in the drum.

The list of applicants drawn and the subdivision they were successful for, based upon the Draw, will be placed on the Manitoba Conservation web site by Friday November 17, 2006, up until the lot selection meetings. Also, all successful applicants will be notified by mail after the draw with their lot choice position & further details of the lot selection meetings, etc. The lot selection meetings will take place in Winnipeg, Manitoba on Sunday December 10, 2006 at Canad Inns - Polo Park. Successful applicants will be notified by mail regarding time and location of their lot selection meeting.

SECTION 3 - COTTAGE LOT SELECTION MEETING

3.1 FOR SUCCESSFUL APPLICANTS

Successful Draw applicants should make a reasonable on-site examination of lot(s) prior to attending the meeting. The lot selection meetings will take place in Winnipeg, Manitoba on Sunday December 10, 2006 and will be held at Canad Inns - Polo Park. Remote teleconferencing locations may be set up based on where the majority of successful applicants reside.

Lot selection meetings require that the applicant (or authorized representative) be present to select a lot. The applicant (or authorized representative) must present proof of identity (valid photo or other identification that identifies your Date of Birth and Address) at the lot selection meeting.

3.2 REPRESENTATIVE SELECTING ON BEHALF OF APPLICANT

If a representative is making the lot selection on behalf of the applicant, at the lot selection meeting the representative must present written authorization from the applicant authorizing the representative to select a lot on behalf of the applicant (please use the attached authorization form on Page 10 for delegation of authority). The representative should also provide a photocopy of the **applicant's** valid identification (that identifies their Date of Birth and Address).

3.3 LOT SELECTION

The lot selection order will be determined at the Draw on November 15, 2006. At the lot selection meeting, if the applicant's desired lot is no longer available when it is their turn to select a lot they may withdraw from the selection process. Applicants who withdraw from lot selection at this point will forfeit their payment of \$100.00.

Once an applicant selects a lot their decision is final and changes will not be accepted.

All participants in the Draw who submit applications agree that the acceptance of any application by *Manitoba* or the lot selection by a successful applicant does not in any way constitute a binding Agreement for the sale of any Crown Land or lease of any Park Land. A valid purchase and sale of Crown Land or lease of Park Land will only occur upon the Minister or other government official responsible for execution of agreements, or his designate, affixing his signature to the Conditional Sale Agreement or Lease Agreement (in the form set out by *Manitoba*) and the delivery of such fully executed Agreement to the successful applicant.

3.4 UNASSIGNED COTTAGE LOTS:

Lots remaining after the selection process may be entered into a subsequent Draw that will be announced at a later date.

3.5 COTTAGE LOTS OFFERED FOR SALE - CROWN LANDS

The successful applicant is required to enter into a written Conditional Sale Agreement with *Manitoba* and pay the balance of the established lot price and any other required occupation, service or administrative fee within 30 days from the date of the notice from *Manitoba*. The lot prices are firm and are non-negotiable. Subject to *Manitoba's* sole discretion, all terms and conditions of the Conditional Sale Agreement are nonnegotiable.

Failure to pay the purchase price and any other required occupation, service or administrative fee by the payment date indicated in the notice from *Manitoba* may result in cancellation of all rights and privileges to the lot and the \$100.00 payment for the lot will be forfeited. The deadline for payment will be clearly indicated on the invoice.

3.6 TAXES – CROWN LANDS

Where applicable, the successful applicant will be responsible for the payment of any municipal realty taxes, GST, assessments and charges for the land commencing on the date of the Agreement and for any land transfer tax relating to the transfer of the lot.

3.7 COTTAGE LOTS OFFERED FOR LEASE – PROVINCIAL PARKS

The successful applicant will be required to sign a cottage lot lease application form and pay the balance of the one-time lot development fee within 30 days of the date of notice from *Manitoba*. The annual land rental and service fee for the first year is pro-rated from the date the application is approved to March 31, 2007 and are prescribed by the Park Fees Regulation (M.R. 148/96) under The Provincial Parks Act. Subject to *Manitoba's* sole discretion, all terms and conditions of the Lease Agreement are nonnegotiable.

Failure to pay the lot development fee and any other required occupation, service or administrative fee by the payment date indicated in the notice from *Manitoba* may result in cancellation of all rights and privileges to the lot and the \$100.00 payment for the lot will be forfeited. The deadline for payment will be clearly indicated on the invoice.

3.8 REPRESENTATIONS AND WARRANTIES:

Manitoba makes no warranties or representations, except those stated in the Conditional Sale Agreement or Lease Agreement, and the applicant acknowledges reliance solely on the applicant's own knowledge and inspection of the Crown land and that the applicant has not received or relied on any representations or warranties made with respect to the Crown land. In particular, the applicant acknowledges that *Manitoba* makes no representations or warranties to the applicant as to the fitness of any of the Crown land for any particular purpose, except for cottage development.

3.9 ASSIGNMENT OF AGREEMENT:

The Lease Agreement may not be assigned until the cottage is constructed to the lock-up stage, except where an assignment is necessary to arrange financing.

The Conditional Sale Agreement may not be assigned except:

- a) Where an assignment is necessary to arrange financing, or
- b) In the case of death of the purchaser, the purchaser's estate may continue.

Please note that upon completion of all conditions set out in the Conditional Sale Agreement, the Transfer document will be prepared in the name of the successful applicant ONLY. Addition of names or assignments to another party will not be permitted. Once you have registered your Transfer at Land Titles, there may be options to affect a transfer to include other persons (i.e. spouse).

SECTION 4 – CONSTRUCTION OF COTTAGES

It is a condition of the Conditional Sale Agreement (Crown Lands) and Lease Agreement (Parks) that the successful applicant must construct a cottage and complete the exterior of the cottage to **“lock up stage” within 2 years or such earlier date as may be prescribed by by-law of the applicable rural municipality.** The date will be set out in the Lease or Sale Agreement indicating when the two-year time frame begins. In subdivisions where road construction has not been completed, a notice will be sent at a later date once the road is completed and the two-year time frame will then begin as of the date of that notice. The exterior shall be considered complete and at **lock up stage** when doors, windows, finished exterior siding, and shingles or other roofing material have been installed.

Construction of cottages in *Provincial Parks* must comply with “The Cottagers Handbook” available at: http://www.gov.mb.ca/conservation/parks/cottaging/documents/cottagers_handbook.pdf

All lots offered for sale are on *Crown Land* and therefore the construction of cottages must comply with all applicable legislation, regulations, building standards and zoning by-laws that can be obtained from the local Rural Municipality office.

Individual lots offered for sale or lease may not be combined or amalgamated with adjacent lots for the purposes of creating a joint or “double lot”. One suitable vacation home is required on each lot.

If requested in writing prior to the construction deadline, a purchaser/lessee may be granted an extension of the time to construct if significant work has occurred and extenuating circumstances exist that prevented completion of construction to lock up stage. The granting of an extension is at the sole discretion of *Manitoba*.

Failure of the applicant to construct a cottage to lock-up stage prior to the deadline may result in the termination of the Conditional Sale/Lease Agreement.

SECTION 5 – ADDITIONAL INFORMATION




5.1 CAUTIONARY NOTES

When inspecting subdivisions please take note of the following:

1. Applicants are strongly encouraged to visit and inspect the subdivisions that interest them. Except for the development of roads, hydro, and certain other specific improvements, subdivisions are generally provided in their natural state, with future lot clearing and development being the responsibility of the purchaser. In some instances construction and/or survey work may be in progress. Use caution when visiting subdivisions and keep clear of work crews and construction equipment. Prior to inspection, applicants may contact land managers at regional Conservation offices for details on the state of the area. Please call 945-6784 (in Winnipeg), or 1-800-214-6497 (toll-free) to obtain regional office information.
2. Take appropriate precautions while inspecting any subdivision. Manitoba is not responsible for any damage to personal property, or loss or injury incurred while accessing and inspecting subdivisions. All persons inspecting the Fall 2006 Cottage Lot Draw subdivisions do so at their own risk.
3. Please follow the guidelines below:
 - wear appropriate footwear and clothing,
 - be cautious of natural hazards such as hanging trees and branches,
 - keep clear of work crews and construction equipment, and
 - do not smoke while visiting sites as there may be brush piles, dead grass, and trees that pose a natural fire hazard. Forests are particularly susceptible to fire during dry periods.

5.2 CONTACT INFORMATION

If you require additional information:

-  Please call 945-6784 (Winnipeg), or 1-800-214-6497 (toll-free)
-  Visit our website at: <http://www.gov.mb.ca/conservation/cottaging/>
-  E-mail inquiries to: cottaging@gov.mb.ca

5.3 REVISIONS TO PRINTED PACKAGE

Manitoba has made every effort to ensure the information provided is accurate and complete. If errors are discovered after publication of the handouts and web site, the web site will be corrected and a notice of correction will be placed on the main page of the web site. Applicants are encouraged to visit the web site at: <http://www.gov.mb.ca/conservation/cottaging/> on a regular basis to keep well informed of changes.

For detailed information on site locations, rules and guidelines, applications, agreements and copies of the Cottagers Handbook please visit our website at <http://www.gov.mb.ca/conservation/cottaging/>.

DELEGATION OF AUTHORITY – AUTHORIZED REPRESENTATIVE
FALL 2006 COTTAGE LOT DRAW LOT SELECTION MEETINGS

I, _____ having been selected to choose a lot in
(first and last name)

_____ am unable to attend the Lot Selection
(subdivision)

Meeting being held on Sunday, December 10, 2006 at Canad Inns – Polo Park.

The following individual has authorization to select a lot on my behalf at the Lot Selection Meetings.

Full Name of authorized Representative:

Name: _____

Address: _____

City: _____ Province: _____ Postal Code: _____

Because I am unable to attend, I am attaching a copy of proof of age and address with identification (such as both parts of Manitoba Driver's License, or MB Health Card) for your records.

Thank you.

Print Name

Signature

Date

/copy of identification attached

Please Note: This letter and the copy of identification should accompany the authorized representative at the Lot Selection Meeting. It is not necessary to notify Manitoba Conservation in advance that a delegate will be attending on your behalf.