

Application for Transfer of Operating Authority

This Application is made pursuant to the provisions of *The Resource Tourism Operators Act*

VENDOR

I/We

being the owner(s) of

(Present Name of Operation)

hereby make application for transfer of operating authority of the following *Resource Tourism Operators Licence/Permit(s)*:

Licence #

Permit(s) #

To

PURCHASER

(Purchaser, Partnership, Corporation Name)

at

(Mailing Address)

This operation will now be known, and carry on business, as

All Applications for Transfer of Operating Authority are subject to review by the Licensing Advisory Committee prior to transfer of *Licence/Permits*. The prospective purchaser(s), by signing this application, gives consent to the Manitoba Government to conduct a prerequisite background check, for the purpose of determining eligibility to operate an outfitting service. If approved, purchaser(s) will be subject to all existing conditions as outlined on the *Conditions of Licence*, attached herewith, in addition to any specific conditions as outlined by the Licensing Advisory Committee. Applications for Transfer of Operating Authority must be accompanied by the documents and non-refundable application fee as listed below.

If purchaser is partnership or corporation, a copy of partnership agreement or articles of incorporation and a list of names and dates of births of all directors or shareholders who hold more than 10% of all voting shares must be provided.

*Purchaser – Please Print Name

*Present Owner/Vendor – Please Print Name

*Purchaser Date of Birth (day/month/year)

*Purchaser – Signature

*Present Owner/Vendor – Signature

Date

Date

Tel. (H) / Tel. (W)

Tel. (H) / Tel. (W)

***Attach additional sheet, if necessary**

<p>MAKE CHEQUE OR MONEY ORDER PAYABLE TO: Minister of Finance</p> <p>MAIL TO: LAC Coordinator Manitoba Conservation Box 38 – 200 Saulteaux Crescent Winnipeg, Manitoba CANADA R3J 3W3</p>	<p>PLEASE SUBMIT WITH THIS APPLICATION:</p> <ul style="list-style-type: none"> • Application fee - \$15.00 per Licence/Permit • Fully Executed Bill of Sale, Accepted Offer to Purchase, or Share Purchase Agreement, each complete with Schedules, Promissory Notes, Security Agreements, etc., if applicable • Copy of Articles of Incorporation, if applicable • Copy of Partnership Agreement, if applicable
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CONDITIONS OF LICENCE

1. The Licencee shall provide outfitting services only in the specified area(s) of the Province for which he/she is approved/authorized to operate.
2. The *Licence* is valid only for the services listed on the *Licence*.
3. The *Licence* is valid for use only by the person(s) named on the *Licence*, and for the period specified.
4. The *Licence* is not transferable without prior approval of the Administrator of Resource Tourism.
5. The Licencee shall not employ as a hunting guide any person not licenced as a guide under ***The Wildlife Act***.
6. Big game outfitters shall provide an officer or other authorized employee of Manitoba Conservation with any biological sample of wildlife that the officer or employee requests.
7. **The Administrator of Resource Tourism may cancel or refuse to renew the *Licence* of a person, partnership, or corporation that fails to comply with any condition of this *Licence*, including the conditions outlined in *Appendix A*.**
8. In the event that a *Licence* has been terminated or refused to be renewed in accordance with Condition #7, the Licencee may apply in writing to the Chair of the Resource Tourism Appeal Committee for continuation or reinstatement of the *Licence*, as provided in *Appendix A*.

Appendix A

The full text of *Appendix A* is available on request. In brief, it provides that no one may be given a *Resource Based Tourism Facility Licence*, or continue to hold such a *Licence*, if they have been convicted of any of the offenses listed below under *Schedule "A"* or any three listed below under *Schedule "B"*. This applies to the sole owner of an operation, either of the partners in a partnership, and, in the case of a Licencee that is a corporation, to **any** of its directors, officers, or shareholders where the shareholder owns more than 25% of voting shares **or** is actively involved in the management of the outfitting operation. This applies only to convictions that occurred less than five years before the date of an application.

In the case of an individual who is already licensed being convicted of any of these offenses, their *Licence* will be cancelled thirty days following the conviction. Such individual will not be eligible to reapply until five years after the date of conviction. All allocated game and fisheries licences will be

forfeited. A second *Schedule “A”* offense within five years results in the licencing suspension being extended to ten years.

Offences are identified in two lists, *Schedule “A”*, and *Schedule “B”* as listed below. Cancellation follows conviction of any one of the offenses listed in *Schedule “A”*. In respect of offenses in *Schedule “B”*, cancellation occurs following conviction of any three offenses within a five-year period.

Appeals to *Licence* disapprovals or cancellations can be made to the Resource Tourism Appeal Committee, by contacting its Chair, Mr. Dave Wotton, Assistant Deputy Minister, Manitoba Conservation, at Box 80, 200 Saulteaux Crescent, Winnipeg MB R3J 3W3, telephone 945-7008. The application for appeal must be in writing and include reasons why the *Licence* should not be denied or terminated, including, in the case of partnerships and corporations, any steps which may be taken to ensure that the person who has been convicted of offenses no longer has an active interest in the operation or participates in its management. “Participation in management” is defined as *any position that has authority to make decisions integral to management and/or day-to-day operation of the business or relating to resource-based activities*.

SCHEDULE “A” OFFENSES

1. *Manitoba Fishery Regulations* under the **Fisheries Act** (Canada):
Catch and retain fish over limit (more than authorized in the *Schedule to the Regulation*), where set fine exceeds \$300.00.
2. **The Tourism and Recreation Act:**
Operate, enlarge or move to a new location, any transient accommodation facility, without a valid licence.
3. **The Wildlife Act:**
Hunt dangerously,
Hunt while intoxicated,
Hunt at night by means of lights,
Hunt in restricted area,
Possess more big-game carcasses than permitted by Act/Regulation,
Possess more game birds than permitted, where set fine exceeds \$300.00,
Use poison,
Hunt on Sunday in areas closed to Sunday hunting,
Hunt during closed season,
Buy or sell wild animal or part without licence or permit,
Transport illegally taken wildlife,
Fail to retrieve game bird or big game,
Hunt or discharge firearm from a vehicle,
Import or export without permit,
Destroy nest or eggs,
Destroy or damage habitat,
Make false statement in application for licence.
4. *Trapping of Wild Animals Regulation*
Place bait for purpose of attracting polar bears.
5. *Use of Guides for Hunting Regulation*
Hunt while guiding,
Guide in area client not authorized to hunt in.
6. **The Environment Act**
Failure to comply with provision of a *Director’s Order* or *Judge’s Order*,
Conviction under Sections 33(1) or 33(2).
7. **The Dangerous Goods Handling and Transportation Act**
Failure to comply with provision of a *Director’s Order* or *Judge’s Order*,
Conviction under Sections 32.1(1), 32.1(2) or 32.3.
8. **Criminal Code**
Cause damage by fire or explosion to property with disregard for human life,
Cause damage by fire or explosion to property (set or cause forest fire).

9. ***The Endangered Species Act***
Any conviction.
10. ***Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act***
Any conviction related to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Schedule “B” Offenses

Any offense under the following Acts and Regulations, other than those listed specifically in *Schedule “A”*:

The Tourism and Recreation Act,
The Wildlife Act,
The Fisheries Act (Manitoba),
The Environment Act,
The Provincial Park Lands Act,
The Wild Fires Act,
The Crown Lands Act,
Fisheries Act (Canada),
Migratory Birds Convention Act (Canada).

In addition to the above conditions, a *Resource Tourism Operators Licence* and associated *Permit(s)* may be denied or cancelled where the applicant or Licencee has been convicted of an offense where serious resource impacts are involved.