

COTTAGE LOT DRAW RULES AND GUIDELINES

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

SECTION A - ELIGIBILITY

SECTION 1 - APPLICATIONS

- 1.1 PAYMENTS & DEADLINES
- 1.2 REJECTIONS
- 1.3 ASSIGNMENT OF APPLICATION
- 1.4 APPLICATION LOT CHOICES

SECTION 2 - DRAW PROCESS

- 2.1 COTTAGE LOT DRAW

SECTION 3 - COTTAGE LOT SELECTION MEETING(S)

- 3.1 FOR ALL APPLICANTS
- 3.2 REPRESENTATIVE SELECTING ON BEHALF OF THE APPLICANT
- 3.3 LOT SELECTION

SECTION 4 – AGREEMENTS

- 4.1 COTTAGE LOTS OFFERED FOR SALE - CROWN LANDS
- 4.2 TAXES – CROWN LANDS
- 4.3 COTTAGE LOTS OFFERED FOR LEASE – PROVINCIAL PARKS
- 4.4 REPRESENTATIONS AND WARRANTIES
- 4.5 ASSIGNMENT OF AGREEMENT

SECTION 5 – CONSTRUCTION OF COTTAGES/VACATION HOMES

SECTION 6 – LOT INFORMATION

- 6.1 LOT AVAILABILITY
- 6.2 UNASSIGNED COTTAGE LOTS
- 6.3 LOT PRICING
- 6.4 SITE INSPECTION
- 6.5 CAUTIONARY NOTES

SECTION 7 – CONTACT INFORMATION

SECTION 8 – REVISIONS TO PRINTED PACKAGE

COTTAGE LOT DRAW RULES AND GUIDELINES

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

In order to give Manitoba residents an opportunity to enjoy our natural areas, cottage lots in specified Crown Land and Provincial Park subdivisions will be made available through the Cottage Lot Draw process. First, eligible applicants are required to submit an application form. Second, a Draw will be held to identify the order in which eligible applicants will be able to select a cottage lot from a particular subdivision in an area. Third, lot selection meetings will be held for applicants to select their cottage lot.

The date(s) with references in bold in the RULES AND GUIDELINES are published separately in the document titled Cottage Lot Draw DATES AND AVAILABLE LOTS.

SECTION A - ELIGIBILITY

The Cottage Lot Draw ("Draw") is open to any person who is 18 years or older as of the **Application Deadline** and who is classified as a Manitoba resident.

For the purposes of the Draw a person will be classified as a Manitoba resident if he or she regularly, normally or customarily lives at a residence within the Province of Manitoba.

Government of Manitoba (*Manitoba*) employees, except those and their immediate families that 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 the Draw.

Applicants who entered previous Cottage Lot Draws are eligible to enter the current 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.

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

**NOTE: SUBMISSION OF AN APPLICATION CERTIFIES THAT
THE RULES AND GUIDELINES FOR THE DRAW HAVE BEEN READ AND AGREED UPON.**

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

SECTION 1 - APPLICATIONS

1.1 PAYMENTS & DEADLINES

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 (Visa and MasterCard), 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. Credit card transactions are not permitted by phone, mail, facsimile, or over the internet.

Applicants must submit only one (1) completed **Official Cottage Lot Draw Application Form** and must personally deliver or mail the application and payment to:

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

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

Applications must be received no later than 4:30 p.m. on the **Application Deadline**. Applications received after the **Application Deadline** will not be accepted. Applications submitted by facsimile transmission (fax) or electronic mail (e-mail) will not be accepted. No other forms or modifications to the approved forms will be accepted. Applications will not be accepted at any other Government office.

When the lot selection meetings are completed, the \$100.00 payment will be refunded to all applicants who do not select a lot. For applicants who select a lot, the \$100.00 will be applied toward the purchase or lease of your lot. If you choose a lot, and do not follow through with the purchase/lease, you will forfeit your \$100.00 payment, and it will not be refunded.

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. on the **Withdrawal Deadline**. If a request to withdraw is not received by the **Withdrawal Deadline**, the applicant will be entered into the Draw. Refunds will not be made until after the lot selection meetings have been completed.

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 Official 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 do not 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 deadline is at 4:30 pm on the **Application Deadline**). Applications post stamped before, but received after the **Application Deadline**, are deemed to be late;

1.2 REJECTIONS (CONTINUED)

- they are delivered to any office other than Manitoba Conservation's head office located at 200 Saulteaux Crescent in Winnipeg, Manitoba, R3J 3W3;
- the payment cheque is returned by the bank as a result of non-sufficient funds (NSF);
- upon request of *Manitoba* the applicant failed to provide supporting documentation for eligibility requirements; or
- it has been determined that more than one application has been submitted by the same person.

Following the Draw rejected applications will be returned by mail with an explanation on why their application was rejected. A refund will be processed and will follow in a separate mailing after the Draw, unless your payment was returned with non-sufficient funds.

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.

1.3 ASSIGNMENT OF APPLICATION

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

1.4 APPLICATION LOT CHOICES

Applicants may select up to five (5) choices of areas as outlined in the current Draw process. Each applicant will be assigned a choice position within that area, and will be able to choose from the available lots at their time of selection within that area. For a listing of available lots, please refer to the document titled Cottage Lot Draw DATES AND AVAILABLE LOTS contained in this package.

SECTION 2 - DRAW PROCESS

2.1 COTTAGE LOT DRAW

The Draw will take place in Winnipeg, Manitoba on the **Cottage Lot Draw Date**. The Draw will establish the order list to select a lot at the **Lot Selection Meeting Date(s) and Location(s)**. The Draw will be supervised by Internal Audit, Manitoba Finance, and will be conducted by an electronic randomized numbering system. Applicants are no longer able to attend the Draw.

Each applicant will be assigned a randomized number within each area of their choice. The assigned number will determine the order in which applicants will choose their lot at the lot selection meeting(s). Every applicant will have the opportunity to select from the available lots at their time of selection.

All applicants will be notified by mail after the Draw as to their lot choice position for each area and further details of their lot selection meeting(s). If you have not received your results within a week of the draw, please contact our office. Draw results will not be posted on our website, and phone inquiries will not be accepted prior to the mailing of results.

SECTION 3 - COTTAGE LOT SELECTION MEETING(S)

3.1 FOR ALL APPLICANTS

Applicants should make a reasonable on-site examination of lot(s) prior to attending the lot selection meeting(s). Applicants will be allowed to only select ONE (1) lot through the process. Once an applicant makes a selection, that selection will be final and no changes will be accepted.

The lot selection meetings will take place on the **Lot Selection Meeting Date(s) and Location(s)** noted in the published Cottage Lot Draw DATES AND AVAILABLE LOTS document.

Lot selection meeting(s) require that the applicant (or authorized representative) be present to select a lot. The applicant (or authorized representative) must present proof of identity and eligibility (valid photo or other identification that identifies your Date of Birth, Manitoba Address, and Signature) at the lot selection meeting(s). If a representative will be attending on your behalf, see further information in Section 3.2.

3.2 REPRESENTATIVE SELECTING ON BEHALF OF THE APPLICANT

If a representative is making the lot selection on behalf of the applicant, at the lot selection meeting(s) 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 for delegation of authority); and
- provide a photocopy of the applicant's valid identification (that identifies their Date of Birth, Manitoba Address, and Signature)

3.3 LOT SELECTION

The lot selection order will be determined at the Draw. Prior to or at the lot selection meeting(s), 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.

The lot selection meeting(s) will be conducted in the following order: Eastern, Western, Northwestern, Interlake, and then Lake Manitoba. The determination is based on order of popularity in the areas in previous draws. If an applicant has chosen more than one area on their application, they will be allowed to attend multiple lot selection meeting(s), but will only be allowed to select one (1) lot. Once an applicant makes a selection, they will be removed from any future lot selection meeting(s).

Meetings will begin at the designated time and if applicants are not present when their lot choice number is called, the meeting coordinator will announce the next name to choose a lot. If applicants arrive late, please inform the meeting coordinator and they will be slotted in at that point in the lot selection process.

Where multiple days are required for a lot selection meeting, every effort will be made to have the listing of remaining available lots updated prior to each new day of lot selection, to enable applicants to see if their desired lot is still available.

Applicants who do not select a lot will receive a refund of their \$100.00 payment. Applicants

who select a lot, and then withdraw from lot selection process will forfeit their \$100.00 payment.

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 the leasing 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.

Applicants selecting a lot will be required to make full payment of their lot after invoices are mailed out by the Crown Lands and Property Agency. Payment will be due within 30 days of the invoice date.

SECTION 4 – AGREEMENTS

4.1 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 non-negotiable.

Failure to pay the purchase price and any other required occupation, service or administrative fee by the payment date indicated in the Sales Journal 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.

Fees that you may be required to pay include the following:

- a. Purchase Price & GST (Less initial payment of \$100.00)
- b. Lands Application Fee \$106.00 (Includes GST)
- c. License of Occupation Fees \$10.81 (includes GST)
- d. Purchase Agreement Fee \$212.00 (includes GST)
- e. Legal Description/Titles \$106.00 (includes GST)
- f. Transfer Document \$50.00 (includes GST)

4.2 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.

Please note that Manitoba Consumer and Corporate Affairs, Land Titles Office will have fees (Land Transfer Tax) related to the registration of the transfer document. Further details related to their fees can be obtained by contacting the Land Titles Office directly at (204) 945-2042 or email lto@gov.mb.ca

Also if the cottage subdivision is located within a Rural Municipality, you will be responsible for payment of annual municipal taxes to the RM. If the cottage subdivision is located outside of a Rural Municipality, there may be service fees applied through Manitoba Aboriginal & Northern Affairs.

4.3 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, 2008 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 non-negotiable.

Failure to pay the lot development fee and any other required land rental or service fee by the payment date indicated in the letter 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.

4.4 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.

4.5 ASSIGNMENT OF AGREEMENT

Provincial Parks

The Provincial Parks Lease Agreement may not be assigned until the cottage/vacation home is constructed to the lock-up stage, except:

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

Crown Lands

The Crown Lands Conditional Sale Agreement may not be assigned except:

- a) Where an assignment is necessary to arrange financing, or
- b) Where a purchaser wants to add a person for estate planning purposes, and the person to be added meets the eligibility criteria of these Draw Rules, or
- c) 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, and any person who has been added to the Agreement by way of an assignment ONLY.

Assignment: a transfer of a right, interest, or estate in Crown lands.

Anyone wishing to assign their lease or sale agreement in accordance with the above criteria must complete an Application for Assignment or Application for Assignment for Collateral Purposes Only and submit the completed application to the Crown Lands and Property Agency, address: The Cashier, Manitoba Conservation, Box 42, 200 Saulteaux Cres., Winnipeg, Mb, R3J 3W3. Assignment application forms are available on the Conservation Web site : <http://www.gov.mb.ca/conservation/crownlands/forms.html> and are subject to a fee of \$50.00 under The Crown Land Fee Regulation.

SECTION 5 – CONSTRUCTION OF COTTAGES/VACATION HOMES

It is a condition of the Conditional Sale Agreement (Crown Lands) and Lease Agreement (Parks) that the successful applicant must construct a cottage/vacation home and complete the exterior of the cottage/vacation home 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.

Provincial Parks

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

Crown Lands

All lots offered for sale are on *Crown Land* and therefore the construction of cottages/vacation homes 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 cottage/vacation home is required on each lot.

You must provide a site plan with your Building Permit Application to Manitoba Labour, showing approximate dimensions of the building(s) and location on the lot, including distances in relation to lot boundaries. The application will be forwarded to the Regional Land Manager and you will then be notified of approval or changes required. A work permit must also be obtained from the local Natural Resources Officer at the District Conservation Office prior to any construction. There is no fee for a work permit.

Unless otherwise specified by the Rural Municipality building codes and conditions, the minimum cottage size will be 480 sq. ft. (20' x 24'). The maximum size is limited by the size of the lot to ensure there are appropriate distances from sides, front and back of 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/vacation home to lock-up stage prior to the deadline may result in the termination of the Conditional Sale/Lease Agreement.

SECTION 6 – LOT INFORMATION

6.1 LOT AVAILABILITY

Applicants applying for the Cottage Lot Draw are eligible for all available lots published in their area of selection on the Cottage Lot Draw DATES AND AVAILABLE LOTS document. All applicants will be drawn and assigned a number. At their time of selection, applicants will be able to choose any remaining lots available in any subdivision within the area offered in that Draw at their time of lot selection. *Manitoba* reserves the right to remove any lots from the Draw process prior to the lot selection meeting(s).

6.2 UNSELECTED COTTAGE LOTS

Lots remaining after the selection process will be offered for sale on a first-come/first-serve basis. More information will follow on how to obtain these lots.

Lots that have been selected but are subsequently returned to inventory, for reason of forfeit or cancellation of a sale agreement or lease, will not be available on a first come first serve basis, but will be held for the next Draw process.

6.3 LOT PRICING

Pricing of cottage lots is based on current appraised market value. Lots remaining after the selection process will be re-appraised prior to being offered for sale on a first-come/first-serve basis.

6.4 SITE INSPECTION

Draw applicants are strongly encouraged to visit and inspect the subdivisions that interest them prior to the submitting an application. 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 the land managers at regional Conservation offices for details on the state of the area. Contact information for regional land managers is shown on the individual subdivision information sheets.

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 Cottage Lot Draw subdivisions do so at their own risk.





6.5 CAUTIONARY NOTES

When inspecting subdivisions please take note of the following guidelines:

- 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.

SECTION 7 – 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/>
-  Mail inquiries to:
Cottage Lot Draw
Box 73, 200 Saulteaux Crescent
Winnipeg, Manitoba R3J 3W3
-  E-mail inquiries to: cottaging@gov.mb.ca

SECTION 8 – 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 website, the website will be corrected and a notice of correction will be placed on the home page of the website. Applicants are encouraged to visit the website at: <http://www.gov.mb.ca/conservation/cottaging/> on a regular basis to keep well informed of any changes.

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