

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)*:

Resource Tourism Operators Licence #

Resource Tourism Operators 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: Licensing Advisory Committee Manitoba Sustainable Development 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
---	---

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 Sustainable Development 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 Tourism Operators 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 licensing 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:

Chair, Resource Tourism Appeal Committee
Assistant Deputy Minister
Manitoba Sustainable Development
Box 38, 200 Saulteaux Crescent
Winnipeg MB R3J 3W3

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” OFFENCES

1. A contravention of one of the following provisions of ***The Wildlife Act***:
 - section 10 – dangerous hunting
 - section 11 – hunting while intoxicated
 - section 12 – night hunting with lights
 - section 17 – hunting in restricted area
 - section 22 – hunting from vehicles
 - section 24(1) – use of poison
 - section 25 – Sunday hunting
 - section 26 – hunting out of season
 - section 28 (bag limits) if the contravention involves the taking, killing or trapping of at least twice the prescribed number of wild animals
 - section 30 – trading in wild animals
 - section 31 – transporting illegally taken animals
 - subsection 32(1) – failure to retrieve game
 - clause 34(1)(a) – discharge of firearm from vehicle
 - subsection 48(2) – prohibited import or export
 - section 49 – destruction of nest or eggs
 - subsection 50(1) – destruction of habitat
 - section 59 – false statements;

2. A contravention of subsection 7(1) or clause 11(1)(b) of the *Hunting Guides Regulation*;

3. A contravention of section 6.1 of the *Trapping of Wild Animals Regulation*;

4. A contravention of subsections 14(1), 19(2), (3), (4), (5) or (6) of the *Manitoba Fishery Regulations* under the ***Fisheries Act*** (Canada), if the contravention involves the catching and retention, or the possession, of
 - at least three times the amount of fish in excess of prescribed quota, or
 - three or more fish that do not comply with the prescribed size limit;

5. A contravention of section 7 or subsections 10(1) or (2) of the *Migratory Birds Regulation* under the ***Migratory Birds Convention Act*** (Canada) if the contravention involves the killing or possession of at least twice the prescribed limit of migratory birds;

6. A contravention of subsection 12(1) of ***The Wildfires Act***;

7. Any contravention under ***The Endangered Species Act*** and regulations made under that Act;
8. Any contravention under ***The Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*** (Canada) and regulations made under that Act.

SCHEDULE “B” OFFENCES

1. Any contravention under ***The Wildlife Act*** and regulations under that Act, other than a contravention set out in Schedule A;
2. A contravention of section 28 of ***The Wildlife Act*** if the contravention involves less than twice the prescribed number of wild animals;
3. Any contravention under the ***Fisheries Act*** (Canada) and regulations made under that Act, other than a contravention set out in Schedule A;
4. A contravention of subsections 14(1) or 19(2), (3), (4), (5) or (6) of the ***Manitoba Fishery Regulations*** under the ***Fisheries Act*** (Canada) if the contravention involves the catching and retention, or the possession, of
 - less than three times the amount of fish in excess of prescribed quota, or
 - less than three fish that do not comply with the prescribed size limit;
5. Any contravention under the ***Migratory Birds Convention Act*** (Canada) and regulations made under that Act, other than a contravention set out in Schedule A;
6. A contravention of section 7 or subsections 10(1) or (2) of the ***Migratory Birds Regulation*** under the ***Migratory Birds Convention Act*** (Canada) if the contravention involves the killing or possession of less than twice the prescribed limit of migratory birds;
7. Any contravention under ***The Environment Act*** and regulations made under that Act;
8. Any contravention under ***The Fisheries Act*** and regulations made under that Act;

9. Any contravention under **The Wildfires Act** and regulations made under that Act, other than the contravention set out in Schedule A. A *Resource Tourism Operators Licence* and associated *Permit(s)* may also be denied or cancelled where the applicant or Licensee has been convicted of an offence where serious resource impacts are involved.

Further, **The Resource Tourism Operators Act** also specifies that the Administrator *may suspend, cancel or refuse to renew a licence or permit if he or she is satisfied that a licence or permit holder has failed to comply with this act or an order issued under section 13.*

Section 13 states, “An officer who is satisfied that

- (a) *the holder of a licence is not providing outfitting services in compliance with the requirements or standards set out in the regulation; or*
- (b) *the holder of a permit is not operating or maintaining an accommodation facility or related facility in compliance with the requirements or standards set out in the regulations;*

may, by written order served upon the licence or permit holder, require such measures to be taken as are specified in the order within stated time limits to remedy the non-compliance.”