

# Lake Manitoba

## 2011 Flood Class Action Settlement

### SUBDIVISION LAND DEVALUATION FAQs:

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Frequently asked questions and answers are for general information only with any final assessment of Claimant Eligibility or Claim amounts based only on the court-approved Claims Administration Procedure.

Question	Answer
1. Can I submit a claim for land I was planning on subdividing and that devalued due to the 2011 Flood waters?	<p>The court-approved Claims Administration Procedure allows you to claim for the Subdivision-related devaluation of your land that you planned to or had started to Subdivide <u>only</u> if:</p> <p><b><i>The Subdivision zoning or rezoning had been <u>approved by the Municipality or other government bodies prior to May 1, 2011.</u></i></b></p> <p>If you cannot provide evidence of that approval, you will not be eligible for compensation.</p>
2. Can I claim for both land damage and the devaluation of my land?	<p>Yes. You can claim for land damage costs <u>and / or</u> the devaluation of your subdivided approved land. This means that you may get compensated for both:</p> <ol style="list-style-type: none"><li>1. Any damage to land as outlined in the other sections <u>and / or</u></li><li>2. If subsequent to the 2011 Flood, your subdivided approved land devalued in its Sale / Fair Market Value between May 1, 2011, and December 31, 2013.</li></ol>

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3. What if I still own the land? Can I get compensation for its devaluation?	Yes. You can claim for your subdivided approved land devaluation between May 1, 2011, to December 31, 2013, by providing land appraisals for each date.
4. What if I have sold the land subsequent to the Flood? Can I still file a claim for my land's devaluation?	Yes. If you sold your subdivided approved land in an Arms-Length transaction before December 31, 2013, the sales documents will serve as evidence of the value of the land at the date of sale.  If you sold your subdivided approved land <u>after</u> December 31, 2013, the sales documents will <u>not</u> serve as the evidence of the value of the subdivided approved land as at December 31, 2013. Therefore, you will be required to provide a land appraisal as of December 31, 2013.
5. What if I sold my land (all or a portion) <u>prior</u> to May 1, 2011? Can I still claim its devaluation?	No. You are not eligible to make a devaluation claim for any land sold prior to May 1, 2011.
6. Can I use land appraisals of nearby land?	No. The appraisal you use must be for your land only.

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7. What kind of evidence do I need to determine my land's devaluation?	<p>For purposes of the subdivided-approved land devaluation claims, you may use either an <u>independent</u> land appraisal of your own subdivided-approved land or your Municipal Property Tax Assessed Value.</p> <p>However, when the Claims Administrator compares two subdivided-approved land valuation dates, the same subdivided-approved land appraisal document type must be used for both dates.</p> <p>If you sold your subdivided-approved land prior to December 31, 2013, the Arms-Length sales document is the evidence.</p>
8. How do I get an <u>independent</u> land appraisal for 2011 and 2013?	<p>There are independent appraisers who can retroactively determine a land's FMV.</p>
9. What if my land subsequently increased or lost its value after December 31, 2013?	<p>The court-approved Claims Administration Procedure limits the subdivided approved land devaluation to its appraised value as at December 31, 2013.</p>

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<p>10. What if my land increased in value because of all the repairs I made to the damage? If I hadn't made those repairs, then the land would have been devalued.</p>	<p>The court-approved Claims Administration Procedure allows for subdivided approved land <u>devaluation only</u> based on your land's appraised value as of December 31, 2013.</p> <p>If you had completed repairs that increased the value of the subdivided approved land, there is no criteria in the Administration Procedure for a devalued value based on if you had not performed the repairs.</p>
<p>11. Can I claim the costs of <u>independent</u> land appraisals of my property?</p>	<p>Yes. 50% of the independent land appraisals (reasonable cost) can be submitted as part of the Claimants' claim.</p> <p>The reasonable cost of the independent land appraisals will be determined by the Claims Administrator based on the costs of other independent land appraisals submitted by other Claimants and the Claims Administrator's knowledge and experience of the costs of independent land appraisals.</p>

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<p>12. Part of my submission to the Original Government Program included an independent land appraisal of my land as at May 1, 2011. Can I use that independent land appraisal filed with MASC?</p>	<p>Yes. If you submitted a claim with the Original Government Financial Assistance Program, when you submit your Claimant Registration Form, the Claims Administrator can receive your independent land appraisal from MASC if it remains available.</p> <p>Since the court-approved Claims Administration Procedure now includes the subdivided approved land devaluation criteria, you will still have to submit a land appraisal as at December 31, 2013, or its Arms-Length sale documents if sold prior to December 31, 2013.</p>
<p>13. What happens if I sold or transferred ownership to one of my relatives? Can I still make a claim for the land's devaluation?</p>	<p>Yes. If your subdivided approved land has been sold or transferred in a NON-arms-length transaction, any devaluation will be calculated as the difference between:</p> <ul style="list-style-type: none"><li>May 1, 2011, appraised value of the land and</li><li>December 31, 2013, appraised value of the land (if lower).</li></ul>
<p>14. What happens if I sold or transferred ownership to one of my relatives? Who makes the claim? The Seller or Purchaser?</p>	<p>Whoever owned the land as at May 1, 2011 is the only person who can make the subdivided approved land devaluation claim.</p>

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15. What is a Non-Arms-Length transaction?	<p>A Non-Arms-Length transaction is a transaction that takes place between two related parties. An example would be a parent selling their home to their child.</p> <p>The Claims Administrator will use the Canadian Income Tax Act guideline definition of a Non-Arms-Length transaction.</p>
16. What is an Arms-Length transaction?	<p>An Arm's Length transaction is a transaction, which takes place between two parties that are independent of each other. The parties come together independently for a transaction. In this case, the buying or selling of the land by two parties that are not related.</p> <p>The Claims Administrator will use the Canadian Income Tax Act guideline definition of an Arms-Length transaction.</p>
17. How do I prove the Purchaser of my land is Arms-Length or Non-Arms-Length?	<p>The Claims Administrator will require you to disclose that the Purchaser(s) of the subdivided approved land was or was not related to the Claimant.</p>

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	<p>Further, if requested by the Claims Administrator, you will be required to provide an affidavit that the Purchaser(s) of the subdivided approved land was an Arm-Length or Non-Arms-Length individual.</p> <p>The Claims Administrator will use the Canadian Income Tax Act guideline definition of a Non-Arms-Length transaction.</p>