

Manitoba Municipal Relations

Municipal Boundary Changes Handbook: Annexations

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I Municipal Boundary Changes

Municipalities can change their boundaries by merging entirely, called an amalgamation, or adjusting their boundaries by transferring land from one to the other through an annexation. Municipalities can also establish local urban districts. While they are special administrative areas within the municipality, they also follow a formal process for establishment or change. This is a guide to the annexation process for municipalities. For more information on amalgamations or local urban district boundaries, contact your regional Manitoba Municipal Relations office.

I What Are Annexations?

An annexation is a statutory process for changing the boundaries of existing municipalities. Boundaries are altered to transfer municipal jurisdiction over land from one municipality to another.

I Approving Authorities

The Manitoba government is responsible for administering and defining the boundaries of incorporated municipalities within the province. Provincial approval of annexations is governed by the Municipal Act, which outlines the steps required to initiate a municipal boundary change, and what processes must be followed in order for them to be approved. Annexations are enacted through amendments to the Municipal Status and Boundaries Regulation under the Municipal Act.

I Initiating an Annexation

The Municipal Act contains provisions for both annexations and minor annexations. For annexations, the proponent (the minister or council) initiates the process by submitting a written proposal to both the Municipal Board and all affected local authorities. The Municipal Board is a quasi-judicial independent tribunal established to make decisions or advise government on certain matters related to planning, land use and municipal affairs, as defined by provincial legislation. The Municipal Board plays an important role in the entire annexation process. They prepare a written report of their findings and recommendations, along with the reasons for the recommendations, to the Minister of Municipal Relations. The report and recommendations of the Municipal Board are critical to the provincial decision on the request, which ultimately falls to the Lieutenant Governor in Council.

I Proposal Contents

Municipalities are encouraged to work together before making an application. This will reduce delays and conflict, and address public concerns efficiently. However, individual municipal proponents may submit their proposals directly to The Municipal Board.

The Municipal Act requires that the following items be included in any annexation proposal (see Appendix 2 for the relevant sections of the Municipal Act that address these requirements):

- a statement of intent for the proposal
- a description of the land to be annexed
- the reasons for the proposal
- the name of each municipality and local authority affected by the proposal
- a description of the process for consulting about the proposal with:
 - local authorities that could be affected by the proposal
 - the public

I Municipal Consultation

The proponent(s) must conduct a process of consultation/negotiation with the affected municipalities and members of the public before the proposal will be considered. After concluding the consultation process, the proponent must prepare and file a report with the Municipal Board. The report must contain:

- a description of the negotiations and record of statements made
- what was agreed upon and not agreed
- a description of consultations and summary of views expressed
- a list of amendments to the original proposal
- a list of studies undertaken and a summary of their findings
- a statement of whether the proponent intends to proceed with the proposal or amend it

This report can be submitted with the original proposal or after the proposal has been accepted by the Municipal Board for review. It is required for the Municipal Board to complete their review.

I Review Process

Once the Municipal Board receives a proposal, they respond to the proponent(s) to provide acknowledgement of receipt, and request information that may be missing. Once the proposal is complete, the Municipal Board forwards it to Manitoba Municipal Relations (see Appendix 3 for a detailed timeline explaining how long each step of the process is likely to take).

When the department (c/o Community Planning Branch) receives the proposal, they will conduct their own review. This includes reviewing the land descriptions in the proposal for accuracy, preparing a map of the new boundaries, and circulating the proposal to other government departments for comments. They will then submit a report back to the Municipal Board.

Once the Municipal Board is satisfied that it has all the information it needs, the board will send a letter to the proponent(s) with a copy of the board's Notice of Public Hearing. This notice must be posted for 14 days and circulated in local publications.

The Municipal Board may also request additional information or actions from the proponent(s). The board has the authority to terminate the annexation process if they feel information is missing or requirements are not being met.

I Public Hearings

Following the posting of the Notice of Public Hearing, the Municipal Board will hold a public hearing if at least 25 voters from the affected municipalities file objections with the board. A public hearing will also be held if one of the affected municipalities files an objection, or if the board is not satisfied that there is general agreement with the proposal among the affected municipalities. **If none of these requirements are met, no public hearing will occur.** Any submissions and evidence presented at the hearing will be used by the board to help decide whether to recommend the application go forward to the minister.

| Municipal Board Recommendation

Before making its submission to the minister, the board may request further information, investigate, consider financial viability, conduct studies, require a vote (and consider the results of said vote) and anything else it considers necessary (see Appendix 4 for a description of key principles the Board uses to guide its review). It must also consider the evidence and submissions made at any public hearing it holds. Once satisfied, the board will submit its report and recommendation on the application to the minister.

| Annexation Approval

Once the minister receives the report and recommendation from the Municipal Board, they will make a decision on the proposal. If the proposal is rejected, the minister will notify the affected municipalities including the proponent(s), along with anyone who made a submission supporting or objecting to the proposal with the Municipal Board.

If the proposal is approved by the minister, the department will create a new legal description for the lands and boundaries and send them for legal review. Legislative Counsel drafts the actual regulation that will enact the annexation. Once Cabinet and the Lieutenant Governor in Council approve the amendment to the Regulation, the boundary change is complete.

| Minor Annexations

The Municipal Act has a provision for what it refers to as “minor annexations”, which may be approved without the involvement of the Municipal Board. Situations that could be considered minor are ones that would have little impact on local authorities and/or be separate from private land, or correct a mistake in a previous annexation. Making an irregular boundary more consistent is an example of an annexation that would have negligible impact on local authorities. Although the Municipal Board is not involved, this does not mean the process is always faster.

Similar to annexations, minor annexation proponents must submit a proposal containing a statement of intent, a description of the land to be annexed, the reasons for the proposal and proof of agreement to the proposal by all affected parties. However, this proposal is submitted directly to the minister, rather than the Municipal Board.

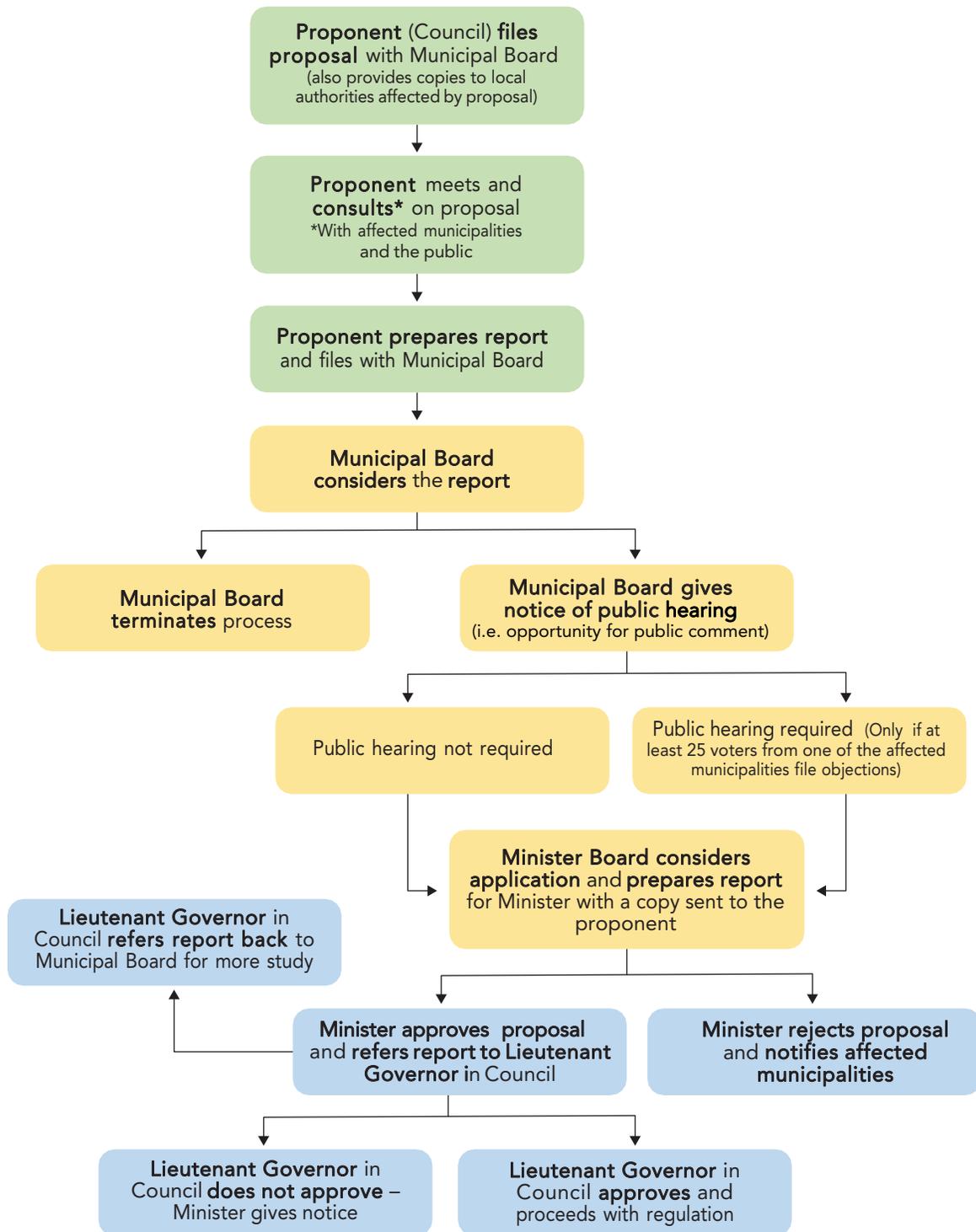
The minister will acknowledge receipt of the proposal, request any missing information and confirm that it qualifies as a minor annexation. If the minister agrees the proposal constitutes a minor annexation, they will indicate they are prepared to recommend that the proposal be approved by the Lieutenant Governor in Council.

Once the proposal is deemed complete, the Community Planning Branch will conduct its review confirming that the lands listed for annexation are correct and circulate the proposal to other provincial departments for comment. If no issues are identified, the Community Planning Branch will create a new legal description for the lands to be annexed and the new boundary, and a regulatory amendment is drafted. After approval by the Lieutenant Governor in Council, the Community Planning Branch will notify the proponent(s) of the approval and the date the new boundaries will come into effect.

Development Plans, Secondary Plans and Zoning By-laws

In accordance with the Planning Act, if land is transferred from one municipality to another, any development plan by-law, zoning by-law and secondary plan by-law in force and effect before the annexation occurred continues to apply. The municipality which gained jurisdiction over the land will continue to use the former municipality's by-laws until it amends its own by-laws to cover that land.

Appendix 1: Annexation Process as Prescribed in The Municipal Act



Appendix 2: Information Required for a Complete Annexation Proposal

From Section 35 of the Municipal Act:

A proposal must include

- a. a statement that the proposal is for the annexation by a municipality of land from another municipality;
- b. a description of the area of land to be annexed and the municipality in which it is located;
- c. the reasons for the proposal;
- d. the name of each municipality and local authority that could be affected by the proposed annexation;
- f. a description of a process for consulting about the proposal with
 - i. local authorities that could be affected by the proposed annexation, and
 - ii. the public.

From Section 37, subsections 1, 2 & 3 of the Municipal Act:

37(1) Negotiations and consultations

Without delay after the proposal is filed with the Municipal Board and copies of the proposal are given under section 36, the proponent must:

- a. meet with affected municipalities to discuss the proposal and to negotiate it in good faith; and
- b. consult about the proposal with local authorities and the public in a manner that substantially accords with the process for consultation set out in the proposal.

37(2) Report on negotiations and consultations

Without delay after concluding the negotiations and consultations, the proponent must prepare a report that describes the results of the negotiations and consultations and that includes:

- a. a description of the negotiations undertaken and a summary of the views expressed;
- b. a description of matters agreed on and not agreed on by the proponent and affected municipalities;
- c. a description of the consultations undertaken and a summary of the views expressed;
- d. a statement of the content of the original proposal and particulars of any amendments to the proposal made in the report and the reasons for them.

- e. a list of studies prepared by or for the proponent respecting the proposal and a summary of their findings; and
- f. a statement as to whether the proponent intends to proceed with the proposal at all or as initiated or in an amended form.

37(3) Report to Municipal Board

The proponent must without delay file with the Municipal Board the report and a copy of each study prepared by or for the proponent.

Appendix 3: Timelines

Annexations

Responsibility	Relevant Sections of Municipal Act	Activity	Target Time Frame
Proponent(s)	34(1), 36(2), 35 37(1), (2), 3)	Submits annexation proposal to the Municipal Board and all affected local authorities. Before the board posts the notice of its public hearing the following information must be provided: a description of the negotiations and record of statements made; what was agreed and not agreed; a description of consultations and summary of views expressed; a list of amendments to the original proposal; a list of studies and a summary of their findings; and a statement of whether the proponent intends to proceed.	N/A
The Municipal Board	N/A	Acknowledges receipt of the proposal and reviews proponent(s) submission. Requests any outstanding information. Requests review by the Community Planning Branch.	7 days 27 days (for proponent(s) to provide outstanding information)
Community Planning Branch	N/A	Reviews land description and prepares map.	7 days
Community Planning Branch	N/A	Circulates the relevant documents for interdepartmental review.	30 days
Community Planning Branch	N/A	Writes report and provides it to the Municipal Board.	7 days
Municipal Board	38 – Directs to 21(1) & (2)	Once all of the information requirements are satisfied, has notice of public hearing posted or requests the municipality post public notice for 14 days.	7 days for letter to municipality 14 days to advertise 14 days posted 7 days for municipality to report

Annexations (continued)

Responsibility	Relevant Sections of Municipal Act	Activity	Target Time Frame
Municipal Board	38 – Directs to 21(1) – Directs to 13	If one objection from any municipality or local authority that could be affected by the annexation is received, or 25 or more objections from voters in the affected municipalities are received, or if the board is not satisfied that there is general agreement among effected parties, a public hearing is held by the Municipal Board.	3 months to advertise and hold hearing
Municipal Board	39(1) 40(1), (2), (3), (4)	More information is requested from the proponent(s) if required. If satisfied, reviews information and considers within context of annexation principles. Then prepares and submits report and recommendation to the minister. Also provides copy to proponent(s), affected municipalities and objectors, or registered individuals.	30 days to prepare and send report
Minister	43	Acknowledges receipt of the report and recommendation. If the proposal is rejected, notifies proponent(s), affected municipalities and all people who filed a document with the Municipal Board supporting or objecting to the proposal. If the proposal is accepted, the Community Planning Branch is directed to proceed.	N/A
Community Planning Branch	N/A	Provides legal description for legal review.	30 days to draft and send
Legislative Counsel	N/A	Prepares regulation and Order in Council.	N/A
Community Planning Branch	N/A	Prepares approval documents.	30 days to draft and send
Cabinet	N/A	Approves or rejects the regulation.	N/A

Annexations (continued)

Responsibility	Relevant Sections of Municipal Act	Activity	Target Time Frame
Lieutenant Governor in Council	46 (1), 47	If Cabinet approves, signs Order in Council.	N/A
Community Planning Branch	N/A	Prepares letter to proponent(s), informs Assessment Services Branch of changes to municipal rolls, and updates municipal boundary at appropriate time.	N/A
Minister	N/A	Notifies the proponent(s) of approval and effective date.	N/A

Minor Annexations

Responsibility	Relevant Sections of Municipal Act	Activity	Target Time Frame
Proponent(s)	34(1), 35, 36(2)	Submits an annexation proposal to the minister and all affected local authorities. The proposal includes: statement of intent (the names of the municipalities affected, description of the subject land), a description of the public consultation process to be (or was) used, and the rationale.	N/A
Minister	N/A	Acknowledges receipt of the proposal and advises if any required information is missing. If no information is missing and it is deemed a minor amendment, the proponent is informed the department concurs and is prepared to recommend approval.	14 days (Extra time if more information is needed)
Community Planning Branch	N/A	Reviews land description and prepares map.	7 days
Community Planning Branch	N/A	Circulates the relevant documents for interdepartmental review.	30 days

Minor Annexations (continued)

Responsibility	Relevant Sections of Municipal Act	Activity	Target Time Frame
Community Planning Branch	N/A	Notifies minister of any concerns or issue.	7 days
Community Planning Branch	N/A	If directed to proceed, prepares legal description (if not already completed) and sends for legal review.	30 days to draft and send
Legislative Counsel	N/A	Prepares regulation and Order in Council.	N/A
Community Planning Branch	N/A	Prepares approval documents.	30 days to draft and send
Cabinet	N/A	Approves the regulation.	N/A
Lieutenant Governor in Council	N/A	Signs Order in Council.	N/A
Community Planning Branch	N/A	Prepares letter to proponents, informs Assessment Services Branch of changes to municipal rolls, and updates municipal boundary at appropriate time.	N/A
Minister	N/A	Notifies the proponent(s) of approval and effective date.	N/A

Appendix 4: Municipal Board Annexation Principles

The Municipal Board has published six principles that guide their review of proposals:

1. **Servicing:** The municipality that can best provide the required municipal infrastructure to the residents and landowners of a particular area should normally exercise municipal jurisdiction over that area. Environmental imperatives will be considered in determining the need for municipal infrastructure. The ability to provide water and sewer service to a particular area is a strong indicator that the area should be annexed to the municipality that provides the service.
2. **Social & Economic Ties:** Residents within a particular area should be under the jurisdiction of the municipality to which they have the greatest affinity or relationship.
3. **Land Uses in Area:** Agricultural and other rural uses should be confined to rural municipalities; urban land uses should be located within villages, towns and cities.
4. **Viability & Future Growth:** Annexation of the land needed to maintain the viability of a municipality and to enable it to fulfil its role in the broader community should be supported. Planning documents, such as development plans, will be considered.
5. **Will of the People:** An attempt should be made to accommodate the will of the majority of the residents and landowners of an area proposed for annexation.
6. **Geographical Boundaries:** Geographical or natural barriers which may serve as a logical boundary line should be considered.

