



MANITOBA

ORDER IN COUNCIL

DATE: **June 7, 2023**

ORDER IN COUNCIL NO.: **200/2023**

RECOMMENDED BY: **Minister of Health**

ORDER

1. The property, rights, debts, obligations and liabilities of the Government of Manitoba ("Manitoba") described in Schedule A are transferred to and vest in the provincial health authority in accordance with any terms and conditions specified in the Schedule. The interest of Manitoba in the land described in section 2 of Schedule A is transferred to and vests in the provincial health authority subject to all liens, mortgages and encumbrances in accordance with Schedule A.
2. The Minister of Health may execute any documents necessary to give effect to this Order.
3. This Order takes effect on the day it is made.

AUTHORITY

The Health System Governance and Accountability Act, C.C.S.M. c. H26.5, states:

Transfer to health authority by order in council

50.1(1) Despite any other provision of this Act, any other Act, including a private Act, or the terms of any agreement, the Lieutenant Governor in Council may, by order,

(a) subject to any terms and conditions that may be set out in the order, transfer or assign to, and vest in, a health authority any operations, activities, property, rights, debts, obligations or liabilities of the government, a government agency or another health authority relating to the delivery of health services; and

(b) address any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to effect the transfer, assignment or vesting or remedy any difficulty encountered in relation to the transfer, assignment or vesting.

Effect of order

50.1(2) An order under subsection (1) constitutes, for all purposes, a legal and valid transfer, assignment or vesting of the operations, activities, property, rights, debts, obligations and liabilities set out in the order in accordance with the terms and conditions of the order.

Rights or claims may be continued

50.1(3) Any person who may have a right or claim in relation to anything that has been transferred or assigned to, or vested in, a health authority under subsection (1) may continue to assert that right or claim against that authority.

Transfer or assignment valid

50.1(4) No prohibition of any transfer, assignment or vesting, nor the absence of any required consent or approval, voids or affects the validity of a transfer, assignment or vesting under this section.

Transfer or assignment not a breach or default

50.1(5) A transfer, assignment or vesting under this section is deemed not to be a breach, default or contravention of or under any lease, agreement, contract of insurance, licence, permit or other instrument.

SCHEDULE A

1. In this Schedule:

- a) **“Liabilities”** means obligations, commitments and liabilities (whether absolute, accrued or contingent), including, without limitation: debts, promissory notes, the payment of all accounts payable, taxes and any or all other financial obligations;
- b) **“Liens, Mortgages and Encumbrances”** means, whether or not registered or recorded,
 - i. all claims, interests and estates; and
 - ii. all mortgages, liens, charges, security interests, hypothecs and pledges (whether fixed or floating) against or in property (whether real, personal, tangible or intangible); and
- c) **“Real Property”** means the land described below in section 2 and includes any buildings or structures on the land.

2. The following Real Property:

Title No.	Legal Description
1347705/1	LOT 6 BLOCK "B" PLAN 901 WLTO IN RL 7 PARISH OF ST JOHN
1407613/1	FIRSTLY: SP LOTS 21 AND 24 PLAN 32669 WLTO IN RL 6 AND 7 PARISH OF ST JOHN SECONDLY: LOTS 1 TO 3 AND 37 TO 44 BLOCK "B" PLAN 901 WLTO IN SAID RL 7
1407614/1	FIRSTLY: SP LOT 22 PLAN 32669 WLTO IN RL 6 AND 7 PARISH OF ST JOHN SECONDLY: PARCEL 1 PLAN 7543 WLTO IN RL 7 PARISH OF ST JOHN
1407615/1	SP LOT 23 PLAN 32669 WLTO IN RL 6 AND 7 PARISH OF ST JOHN

- 3. All Liabilities associated with or related to the Real Property.
- 4. The Real Property is transferred on an as is, where is basis subject to any Liens, Mortgages and Encumbrances.