

# Lake Manitoba

## 2011 Flood Class Action Settlement

### PROPERTY 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.

**FAQs for Property Types include questions that apply to:**

- A. All Property Types
- B. Personal Principal and Non-Principal Residences
- C. Business Property
- D. Farm Property
- E. Vehicles, Farm, Recreational and Other Equipment

## A. ALL PROPERTY TYPES

Question	Answer
1. What kind of evidence do I need to provide to show that I owned or rented the property as of May 1, 2011?	Ownership or Rental documents' supporting evidence includes but is <u>not limited to</u> : <ul style="list-style-type: none"><li>1. Land Deeds</li><li>2. Property Tax Assessments – Education Provincial Tax Credit</li><li>3. Driver's license or vehicle registration.</li><li>4. Income tax records (MB 479).</li><li>5. Health Records.</li><li>6. Rental Agreements.</li></ul>

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Question	Answer
2. What types of evidence do I need to support my property claim?	<p>Supporting evidence includes but is <u>not limited to</u>:</p> <ul style="list-style-type: none"><li>a. If you submitted a claim with the Original Government Financial Assistance Programs, the Claims Administrator can receive that information from MASC if it remains available.</li><li>b. Supplier invoices charged to you with your payment to the Supplier.</li><li>c. Affidavits from Suppliers where you made payments to the Suppliers but the you cannot locate past invoices / payments evidence.</li><li>d. Independent Property Appraisals.</li><li>e. Independent Agronomist Reports.</li><li>f. Municipality Property Tax Assessed Value.</li><li>g. Listing of all Government and Non-Governmental Compensation received relating to the 2011 Flood.</li></ul>

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Question	Answer
<p>3. Do I have to provide evidence of my property being damaged? What if I no longer have any of the invoices / payments I made for the repairs since it was 10 years ago?</p>	<p>You will not be eligible for compensation without evidence of your property damage.</p> <p>If you submit a Claim Registration Form and the Claims Administrator determines you are eligible for compensation based on evidence of previously uncompensated damage, including if you received compensation from the Original Government Financial Assistance Programs through MASC, then you can accept the <b>Option 1 Fixed Payment</b> amount(s) which is based on the compensation amounts you received from the Original Government Financial Assistance Program without the need to submit any further support invoices, etc.</p>
<p>4. What if I can provide evidence of my property being damaged, and I have invoices / payments I made for the repairs I made 10 years ago?</p>	<p>If you submit a Claim Registration Form and the Claims Administrator determines you are eligible for compensation based on evidence of previously uncompensated damage, including if you received compensation from the Original Government Financial Assistance Programs through MASC, then you can accept the <b>Option 1 Fixed Payment</b> amount(s) based on the compensation amounts you received from the Original Government Financial Assistance Program without the need to submit any further support invoices, etc.</p>

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Question	Answer
	<p>If you choose not to select Option 1 Fixed Payment amount(s), you could participate in the claims process by selecting <b>Option 2 Detailed Assessment</b>.</p> <p>You would need to provide evidence supporting the value of the damaged property, including:</p> <ul style="list-style-type: none"><li>• an appraised May 1, 2011, FMV of the property, or property tax assessment value,</li><li>• the actual reasonable repair cost of the damaged property, or</li><li>• the actual reasonable replacement cost of the property.</li></ul> <p>The Claims Administrator will need this information to assess your claim.</p> <p>It may take up to two years for all Option 2 Claims to be assessed. The Claims Administrator will notify you of the assessed amount for potential compensation based on the Claims Administration Criteria.</p> <p>Further, if all the Claims assessed exceed the total amount of the Class Action Settlement fund, all claims will be prorated.</p>

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Question	Answer
5. What are “Repair Costs”?	<p><b>“Repair Cost”</b> means the cost to <u>repair or restore</u> the damaged property to a condition most closely resembling its pre-damage condition as at May 1, 2011, using materials of a similar kind, quality and construction.</p> <p>For example, repair and repaint the damage to water-damaged drywall.</p>
6. What is “Replacement Cost”?	<p><b>“Replacement Cost”</b> means the cost to <u>replace</u> the damaged property to a condition most closely resembling its pre-damage condition as at May 1, 2011, with materials of a similar kind, quality and construction.</p> <p>For example, building a new house.</p>
7. What does FMV mean?	<p>FMV means the Fair Market Value of your property if you had sold it to another independent person on May 1, 2011.</p> <p>Typically, this would require an appraisal of the property or your municipality's property tax assessed value.</p>

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Question	Answer
<p>8. How do I get a Fair Market Value appraisal for 2011, and how much does it cost?</p>	<p>There are independent appraisers who can retroactively determine a property's FMV.</p> <p>While appraisal cost can differ between appraisers, the Class Action Settlement Claims Administration Criteria allows you to submit the appraiser's invoice as part of your claim. 50% of this cost can be included in your claim for compensation, provided the appraisal cost is reasonable.</p>
<p>9. What if I can show I had damage and can provide invoices and other supporting documents showing how much I paid? However, I cannot get an appraisal or choose not to incur the cost of an appraiser?</p>	<p>As per the court-approved Claims Administration Procedure, in this situation, the maximum you would be compensated is the amount of your costs as provided by the supporting documents (less any Original Government Financial Assistance Program amounts) to a maximum of \$25,000.</p> <p>Further, if all the Claims assessed exceed the total amount of the Class Action Settlement, all claims will be prorated.</p>

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<b>Question</b>	<b>Answer</b>
10. What kind of damage to my property is included in the Class Action Settlement?	<p>Property damage as a result of the flooding could include:</p> <ul style="list-style-type: none"><li>a. Buildings</li><li>b. Infrastructure</li><li>c. Landscaping</li><li>d. Contents in the Building</li><li>e. Demolition Costs</li></ul> <p>Examples of property may include:</p> <ul style="list-style-type: none"><li>▪ House</li><li>▪ Cottage</li><li>▪ Garage</li><li>▪ Sheds</li><li>▪ Boat Houses</li><li>▪ Wells</li><li>▪ Plumbing</li><li>▪ Electrical</li><li>▪ Driveways</li><li>▪ Trees</li><li>▪ Shrubs</li><li>▪ Contents inside the property</li><li>▪ Business building structures</li><li>▪ Farm building structures</li></ul>

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Question	Answer
<p>11. If my property (e.g. home) was damaged by the flood and the appraised May 1, 2011 FMV of my property is less than how much it cost me to repair the damage to my property, how much will I get compensated?</p>	<p>If you submit a Claim Registration Form and the Claims Administrator determines you are eligible for compensation, your compensation will be based on whichever is less:</p> <ul style="list-style-type: none"><li>▪ the reasonable repair cost <u>or</u></li><li>▪ the reasonable replacement cost <u>or</u></li><li>▪ the FMV of the property at May 1, 2011.</li></ul> <p><b>Example One:</b></p> <ul style="list-style-type: none"><li>▪ Claimant paid \$150,000 to restore their home (built a larger home).</li><li>▪ Quote was obtained that the replacement cost was <b>\$115,000</b> (cost it would have been to rebuild the identical home).</li><li>▪ The May 1, 2011, FMV of the home was \$120,000 (Independent appraisal).</li><li>▪ Compensation would be based on replacement cost of <b>\$115,000</b>.</li></ul> <p><b>Example Two:</b></p> <ul style="list-style-type: none"><li>▪ Claimant paid \$150,000 to restore their home (built a larger home).</li><li>▪ Quote was obtained that the replacement cost was \$130,000 (cost it would have been to rebuild the identical home).</li></ul>



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Question	Answer
	<ul style="list-style-type: none"><li>▪ The May 1, 2011, FMV of the home was <b>\$120,000</b>.</li><li>▪ Compensation would be based on the Fair Market Value cost of <b>\$120,000</b>.</li></ul>
12. Can I claim the damage to my property (e.g. home) plus the contents of my property?	Yes. Evidence and supporting documents will be required to determine the reasonable Repair or Replacement Cost of the contents up to May 1, 2011, FMV of the content property.
13. Can I claim a new or increased mortgage payments / interest that I had to get to make the property repairs?	No. The court-approved Claims Administration Criteria and Procedures does not provide for a Claimant to claim for mortgage or loan payments or interest.

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## B. PERSONAL PRINCIPAL AND NON-PRINCIPAL RESIDENCES

Question	Notes
14. Did you own, rent or occupy a Principal Residence and / or a Non-Principal Residence within the Lake Manitoba Flood Zone (30km surrounding Lake Manitoba) as of May 1, 2011, that was damaged or destroyed by Floodwaters?	Yes. You may be eligible for compensation. No. You are not eligible for compensation.
15. Am I eligible for compensation if I was only renting the property?	Yes. If any of your personal property in the rental property was damaged you may be eligible for compensation.

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## C. BUSINESS PROPERTY

Claim	Answer
16. Did you own, rent, lease or occupy a Business within the Lake Manitoba Flood Zone (30km surrounding Lake Manitoba) as of May 1, 2011, that was damaged or destroyed by the 2011 Floodwaters?	Yes. Your business may be eligible for property damage compensation.  No. Your business is not eligible for property damage compensation.
17. Are there any limitations to the size of my business like there were in the Original Government Financial Assistance Program?	There are <u>no limitations</u> to the size of the business in the Class Action Settlement.  In the Original Government Financial Assistance Program, the business could not have revenues that exceeded \$10 million in their completed fiscal year immediately prior to May 1, 2011. This limitation has been removed in the Class Action Settlement.
18. Can I claim for damaged inventory?	Yes. Evidence and supporting documents will be required to determine the reasonable Repair or Replacement Cost of the inventory up to its May 1, 2011, Fair Market Value.

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**D. FARM PROPERTY**

Question	Answer
<p>19. Did you own, rent, lease or occupy a Farm within the Lake Manitoba Flood Zone (30km surrounding Lake Manitoba) as of May 1, 2011, that was damaged or destroyed by Floodwaters?</p>	<p>Yes. Your Farm may be eligible for property damage compensation.</p> <p>No. Your Farm is not eligible for property damage compensation.</p>
<p>20. Are there any limitations to the size of my Farm like there were in the Original Government Financial Assistance Program?</p>	<p>There are <u>no limitations</u> to the size of the Farm in the Class Action Settlement.</p> <p>In the Original Government Financial Assistance Program, the Farms could not have revenues that exceeded \$10 million in their completed fiscal year immediately prior to May 1, 2011. This limitation has been removed in the Class Action Settlement.</p>
<p>21. Which date am I supposed to use for my Farm damage since the Claims Administration Procedure uses the property damage date of May 1, 2011, and Farmland Damage and Herd Loss damage date of April 1, 2011?</p>	<p>The court-approved Claims Administration Procedure criteria outline:</p> <ul style="list-style-type: none"> <li>a. All property damage to be compensated as of May 1, 2011 which includes a farm's physical property.</li> <li>b. All Farmland (Crop) Damage and Herd Loss (Animal) compensation is calculated as of April 1, 2011.</li> </ul>

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<b>Question</b>	<b>Answer</b>
	See Section B Farmland Damage and Crop Loss for the Claims Administration Criteria and Procedures.

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## E. VEHICLES, FARM, RECREATIONAL AND OTHER EQUIPMENT

Question	Answer
22. Did you own Vehicles, Farm, Recreational or Other Equipment <u>on the property</u> within the Lake Manitoba Flood Zone (30km surrounding Lake Manitoba) as of May 1, 2011, where it was damaged or destroyed?	If the equipment was on your property within the Lake Manitoba Flood Zone as of May 1, 2011, where it was damaged or destroyed due to the 2011 Flood water, you may be eligible for compensation.
23. Am I eligible for compensation for damage to my Vehicles, Farm, Recreational or Other Equipment <u>on the property</u> , even if I was only renting the property?	If the equipment was on the property you were renting within the Lake Manitoba Flood Zone as of May 1, 2011 (30km surrounding Lake Manitoba) where it was damaged or destroyed due to the 2011 Flood water, you may be eligible for compensation.
24. What if I received insurance for my damaged Vehicles, Farm, Recreational or Other Equipment?	You will be required to report to the Claims Administrator any insurance amounts you received, with that amount being deducted from any Class Action Settlement compensation you may be eligible to receive.

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Question	Answer
25. How much compensation can I receive for damage to my Vehicles, Farm, Recreational or Other Equipment <u>on the property</u> ?	<p>With supporting evidence, you may be eligible to be compensated (NET of any insurance proceeds received) to a maximum of (whichever is less):</p> <ul style="list-style-type: none"><li>a. <b>Cost of Repairing</b> of the equipment to pre-flood condition or</li><li>b. <b>50% of Replacement Cost</b> which is based on an average depreciated value (wear and tear) of the damaged Vehicles, Farm, Recreational and Other Equipment.</li></ul> <p>You may also claim for <u>Demolition or Disposal</u> costs which are in addition to the costs noted above.</p>