



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I
PUBLISHED BY AUTHORITY

Vol. 95

ST. JOHN'S, FRIDAY, FEBRUARY 21, 2020

No. 08

PUBLIC TRUSTEE ACT



SUPREME COURT OF NEWFOUNDLAND AND LABRADOR Rules of the Supreme Court, 1986

PRACTICE NOTE
P.N. No. 2020-01

DATE ISSUED: February 17, 2020

RULES AFFECTED: N/A

EFFECTIVE DATE: Upon publication

The following Practice Note is published pursuant to Rule 4.04 of the *Rules of the Supreme Court*, 1986.

APPLICATIONS TO APPOINT THE PUBLIC TRUSTEE

Background and Purpose

1. Recent amendments to the *Public Trustee Act* have modified some of the procedures that must be followed and documents that must be filed for applications to appoint the public trustee.

2. According to the amended section 4 of the *Public Trustee Act*, a judge shall not appoint the public trustee unless the public trustee consents to the appointment and the terms of the appointment or the public trustee has an opportunity to make representations regarding the appointment.
3. In light of these changes, the following practice note is issued to provide guidance to parties and counsel on the process for applying to appoint the public trustee.

Practice Note

1. All applications in the General Division for the appointment of the Public Trustee must include written documentation from the Office of the Public Trustee, indicating the public trustee's consent or objection to the appointment.
2. Requests for consent must be directed to the Office of the Public Trustee: Office of the Public Trustee

The Viking Building
Suite 401 – 136 Crosbie Road
St. John's, NL A1B 3K3
Tel: (709) 729-0850
Fax: (709) 729-3063
3. Where the public trustee consents to the appointment and the terms of the appointment, the applicant must file the written consent from the Office of the Public Trustee. The Court Officer shall ensure that the written consent is filed with the application and provided to the judge who will be deciding the application.
4. Where the public trustee does not consent to the appointment and/or the terms of the appointment, the applicant must file written confirmation of the objection from the Office of the Public Trustee. The Court Officer shall ensure that the written objection is filed with the application and provided to the judge who will be deciding the application.
5. A hearing may be scheduled. If a hearing is scheduled, the Court will provide notice to the applicant and the public trustee, indicating the hearing date, time, and location.

Authorized by:

Raymond P. Whalen
CHIEF JUSTICE OF THE SUPREME COURT

Ethel Chaulk
REGISTRAR

Feb 21

MECHANICS LIEN ACT

**NOTICE OF INTENTION TO RELEASE
HOLDBACK PURSUANT TO SECTIONS
12.1 TO 12.3 OF THE *MECHANICS' LIEN ACT*,
RSNL 1990, C M-3 (THE "*ACT*")**

PROJECT: Memorial University of Newfoundland - CSF-001-12 Core Science Facility CP-3R (the "Project"), located at 45 Arctic Ave, St. John's, Newfoundland and Labrador.

MEMORIAL UNIVERSITY (the "Owner") has received an application from MARCO SERVICES LIMITED ("Marco") for release of annual holdback pursuant to section 12.1 of the *Act*.

MARCO'S application for release of holdback relates to work done on the Project under its contract with the Owner (the "Prime Contract") in the period from April 25, 2017 to April 25, 2019.

Pursuant to section 12.2 of the *Act*, the Owner hereby gives notice to all persons providing services or materials in the performance of the Prime Contract and/or any subcontract from April 25, 2017 to April 25, 2019 that the Owner intends to release MARCO'S requested holdback upon the expiration of 30 days from the date of this notice.

Any persons having outstanding claims against MARCO, or subcontractors to MARCO, in relation to the Project, in order to make a claim for payment against holdback monies certified as owing up to April 25, 2019, are instructed to notify the Owner in writing within 30 days of the date of this notice by registered mail or courier at the following address. Owner: Facilities Management Building FM-2040, Project Management Office, 14 Phelan Rd, St. John's, NL A1C 587 Attention: Kirk Saunders.

Pursuant to section 12.3(1) and (2) of the *Act*, any proceedings to enforce a claim for lien of a contractor, subcontractor, or other person providing services or materials under the Prime Contract or a subcontract from April 25, 2017 to April 25,

2019 must be commenced within 30 days of this notice. After that time, any lien for services or materials provided under the Prime Contract or a subcontract on or before April 25, 2019 will expire, in accordance with the *Act*.

Any claims for liens regarding services or materials provided after April 25, 2019 are not affected by section 12.3(1) and (2), but remain subject to the other provisions of the *Act* regarding lien claims.

M. Kirk Saunders, P.Tech, GSC
Project Lead, Core Science Facility

Feb 21

URBAN AND RURAL PLANNING ACT, 2000

NOTICE OF REGISTRATION TOWN OF ST. GEORGE'S AMENDMENTS NO. 1-2019 TO THE MUNICIPAL PLAN 2011-2021 AND DEVELOPMENT REGULATIONS 2011-2021

TAKE NOTICE that amendments No. 1-2019 to the TOWN OF ST. GEORGE'S Municipal Plan 2011-2021 and Development Regulations 2011-2021, adopted on the 7th day of October, 2019 and approved on the 2nd day of December, 2019, have been registered by the Minister of Municipal Affairs and Environment.

The said amendments come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the said amendments may do so at the St. George's Town Hall at 195 Main Street, St. George's, Newfoundland and Labrador, during normal working hours.

TOWN OF ST. GEORGE'S
Jocelyn Butt, Town Clerk/Manager

Feb 21

NOTICE OF REGISTRATION CITY OF ST. JOHN'S DEVELOPMENT REGULATIONS NO. 704, 2019

TAKE NOTICE that the CITY OF ST. JOHN'S amendment adopted on the 9th day of December 2019, has been registered by the Minister of Municipal Affairs and Environment.

IN GENERAL TERMS, the purpose of Development Regulations Amendment Number 704, 2019, is to rezone land at 98 Cornwall Avenue from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone for the development of Townhouses.

This amendment comes into effect on the date that this notice is printed in *The Newfoundland and Labrador Gazette*. For further information, please contact (709) 576-8220 or planning@stjohns.ca.

CITY OF ST. JOHN'S
Ken O'Brien, MCIP, Chief Municipal Planner

Feb 21

NOTICE OF REGISTRATION TOWN OF PARADISE DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2019

TAKE NOTICE that the TOWN OF PARADISE Development Regulations Amendment No. 2, 2019, adopted on the 4th day of February, 2020, has been registered by the Minister of Municipal Affairs and Environment.

IN GENERAL TERMS, this Development Regulations Amendment adds 'Child Care' to the permitted uses in the Commercial General (CG) Use Zone Table of the Town of Paradise Development Regulations.

This Amendment comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone wishing to inspect a copy of Development Regulations Amendment No. 2, 2019 may do so at the Paradise Town Hall, 28 McNamara Drive, during normal hours of operation.

TOWN OF PARADISE
Terrilynn Smith, Town Clerk

Feb 21

LANDS ACT

NOTICE OF INTENT, SECTION 7 LANDS ACT, SNL1991 c36 AS AMENDED

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Alexander Bay for the purpose of an intrusion of the shoreline reservation for a residence.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <http://www.ma.gov.nl.ca/lands/sec7notifications.html>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries and Land Resources website, Crown Lands, <http://www.ma.gov.nl.ca/lands/index.html>, to the Minister of Fisheries and Land Resources by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca

• Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca

• Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Feb 21

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Middle Brook River for the purpose of an intrusion of the shoreline reservation for a walking trail.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <http://www.ma.gov.nl.ca/lands/sec7notifications.html>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries and Land Resources website, Crown Lands, <http://www.ma.gov.nl.ca/lands/index.html>, to the Minister of Fisheries and Land Resources by mail or email to the nearest Regional Lands Office:

• Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca

• Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca

• Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca

• Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Feb 21

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Wolf Island, Bonavista Bay for the purpose of an intrusion of the shoreline reservation for an intrusion of residence.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <http://www.ma.gov.nl.ca/lands/sec7notifications.html>.

Please note: It may take up to five (5) days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries and Land Resources website, Crown Lands, <http://www.ma.gov.nl.ca/lands/index.html>, to the Minister of Fisheries and Land Resources by mail or email to the nearest Regional Lands Office:

• Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca

• Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca

• Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca

• Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Feb 21

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of MAXWELL DAVID KENNEDY, Late of St. John's, in the Province of Newfoundland and Labrador, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by blood, legal adoption or marriage) upon or affecting, the Estate of MAXWELL DAVID KENNEDY, Gentleman, who died at St. John's, NL on or about January 23, 2020, are hereby requested to send particulars thereof in writing, duly

attested, to: Office of the Public Trustee, Viking Building,
Suite 401 - 136 Crosbie Road, St. John's, NL A1B 3K3.

Particulars will be received by the Public Trustee, as
Administrator of the Estate of MAXWELL DAVID
KENNEDY, on or before March 23, 2020, after which date
the said Administrator will proceed to distribute the Estate
having regard only to the claims of which he then shall have
had notice.

DATED at the City of St. John's, in the Province of
Newfoundland and Labrador, this 21st day of February, 2020.

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
MAXWELL DAVID KENNEDY

ADDRESS FOR SERVICE:
Viking Building
Suite 401 - 136 Crosbie Road
St. John's, NL A1B 3K3

Tel: (709) 729-0850
Fax: (709) 729-3063

Feb 21

ESTATE NOTICE

IN THE MATTER OF the Estate of CARL VAUGHAN
LACEY, Late of St. John's, in the Province of
Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of, or who have any
claims or demands either as beneficiaries or next-of-kin
(by blood, legal adoption or marriage) upon or affecting,
the Estate of CARL VAUGHAN LACEY, Gentleman,
who died at St. John's, NL on or about May 9, 2019, are
hereby requested to send particulars thereof in writing, duly
attested, to: Office of the Public Trustee, Viking Building,
Suite 401 - 136 Crosbie Road, St. John's, NL A1B 3K3.

Particulars will be received by the Public Trustee, as
Administrator of the Estate of CARL VAUGHAN LACEY,
on or before March 23, 2020, after which date the said
Administrator will proceed to distribute the Estate having
regard only to the claims of which he then shall have had
notice.

DATED at the City of St. John's, in the Province of
Newfoundland and Labrador, this 21st day of February, 2020.

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
CARL VAUGHAN LACEY

ADDRESS FOR SERVICE:
Viking Building
Suite 401 - 136 Crosbie Road
St. John's, NL A1B 3K3

Tel: (709) 729-0850
Fax: (709) 729-3063

Feb 21

ESTATE NOTICE

IN THE MATTER OF the Estate of GEORGE FREEMAN
UPSHALL, Late of Placentia, in the Province of
Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of, or who have any
claims or demands either as beneficiaries or next-of-kin (by
blood, legal adoption or marriage) upon or affecting, the
Estate of GEORGE FREEMAN UPSHALL, Gentleman,
who died at Placentia, NL on or about July 25, 2019, are
hereby requested to send particulars thereof in writing, duly
attested, to: Office of the Public Trustee, Viking Building,
Suite 401 - 136 Crosbie Road, St. John's, NL A1B 3K3.

Particulars will be received by the Public Trustee, as
Administrator of the Estate of GEORGE FREEMAN
UPSHALL, on or before March 23, 2020, after which date
the said Administrator will proceed to distribute the Estate
having regard only to the claims of which he then shall have
had notice.

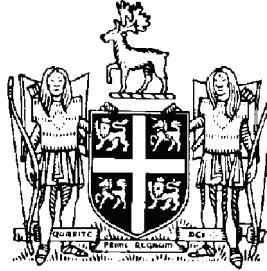
DATED at the City of St. John's, in the Province of
Newfoundland and Labrador, this 21st day of February, 2020.

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
CARL VAUGHAN LACEY

ADDRESS FOR SERVICE:
Viking Building
Suite 401 - 136 Crosbie Road
St. John's, NL A1B 3K3

Tel: (709) 729-0850
Fax: (709) 729-3063

Feb 21



THE NEWFOUNDLAND AND LABRADOR GAZETTE

**PART II
SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

Vol. 95

ST. JOHN'S, FRIDAY, FEBRUARY 21, 2020

No. 08

**NEWFOUNDLAND AND LABRADOR
REGULATIONS**

**NLR 9/20
NLR 10/20**



**NEWFOUNDLAND AND LABRADOR
REGULATION 9/20**

Public Health Protection and Promotion Regulations (Amendment)
under the
Public Health Protection and Promotion Act

(Filed February 20, 2020)

Under the authority of section 60 of the *Public Health Protection and Promotion Act*, I make the following regulations.

Dated at St. John's, February 19, 2020.

Dr. John Haggie
Minister of Health and Community Services

REGULATIONS

Analysis

- | | |
|--|-----------------|
| 1. S.6 Amdt.
Duty to report
communicable disease | 2. Sch. A Amdt. |
|--|-----------------|

NLR 42/19

1. Subsection 6(1) of the *Public Health Protection and Promotion Regulations* is amended by adding immediately after paragraph (b) the following:

(b.1) COVID-19;

2. Schedule A of the regulations is amended by adding immediately below the reference "Clostridium Difficile" the reference "COVID-19".

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**NEWFOUNDLAND AND LABRADOR
REGULATION 10/20**

Labour Standards Regulations (Amendment)
under the
Labour Standards Act

(Filed February 21, 2020)

Under the authority of sections 26 and 27 of the *Labour Standards Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, February 20, 2020.

Elizabeth Day
Clerk of the Executive Council

REGULATIONS

Analysis

1. S.8 Amdt.
Minimum wage rate

CNLR 781/96
as amended

1. Paragraph 8(2)(b) of the *Labour Standards Regulations* is repealed and the following substituted:

- (b) rounding that amount up to the nearest \$0.05.

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Index

PART I

Lands Act – Notices	41
Mechanics Lien Act – Notice.....	40
Public Trustee Act - Supreme Court of Newfoundland and Labrador – Notice	39
Trustee Act – Notices	42
Urban and Rural Planning Act, 2000 – Notices	41

PART II

CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Public Health Protection and Promotion Act			
Public Health Protection and Promotion Regulations (Amendment)	NLR 9/20	Amends NLR 42/19 S.6 Amdt. Sch. A Amdt.	Feb 21/20 p. 51
Labour Standards Act			
Labour Standards Regulations (Amendment)	NLR 10/20	Amends CNLR 781/96 S.8 Amdt.	Feb 21/20 p. 53

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Copy for publication must be received by **Friday, 4:30 p.m.**, seven days before publication date to ensure inclusion in next issue. Advertisements must be submitted in either PDF format or as a MSWord file. When this is not possible, advertisements must be either, typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

Copy may be mailed to the address below, faxed to (709) 729-1900 or emailed to queensprinter@gov.nl.ca. Subscription rate for *The Newfoundland and Labrador Gazette* is \$144.38 for 52 weeks plus 15% HST (\$166.04). Weekly issues, \$3.47 per copy, plus 15% HST (\$3.99) payable in advance.

All cheques, money orders, etc., should be made payable to THE NEWFOUNDLAND EXCHEQUER ACCOUNT and all correspondence should be addressed to: Office of the Queen's Printer, P. O. Box 8700, Ground Floor, East Block, Confederation Building, St. John's, NL A1B 4J6, Telephone: (709) 729-3649, Fax: (709) 729-1900.

Web Site: www.gov.nl.ca/snl/printer/gazette/weekly-issues

The Newfoundland and Labrador Gazette
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Notices	Rate	15%	HST Total
Lands Act - Notice of Intent - 1 week	\$31.13	\$4.67	\$35.80
Motor Carrier Act - Notice - 1 week	\$39.90	\$5.99	\$45.89
Trustee Act - Estate Notice - 1 week	\$34.65	\$5.20	\$39.85
Trustee Act - Estate Notice - 2 weeks	\$62.37	\$9.36	\$71.73
Trustee Act - Estate Notice - 3 weeks	\$91.25	\$13.69	\$104.94
Trustee Act - Estate Notice - 4 weeks	\$118.97	\$17.85	\$136.82

All other public notices required by law to be published in *The Newfoundland and Labrador Gazette*, eg., Corporations Act, Municipalities Act, Quieting of Titles Act, Urban and Rural Planning Act, etc., are priced according to size: for Single Column \$3.47 per cm or Double Column \$6.93 per cm, plus 15% HST.

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