

This issue does not  
contain any  
Subordinate Legislation



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

**PUBLISHED BY AUTHORITY**

Vol. 78

ST. JOHN'S, FRIDAY, FEBRUARY 14, 2003

No. 7

### JUDICATURE ACT

#### IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR COURT OF APPEAL

**Pursuant to Rule 57.20(6) of the Civil Appeal Rules the following is a list of appeals that are deemed abandoned.**

1	1974 No. 869	Clyde Rose vs. Simpsons Sears Limited
2	1981 No. 165	Mary Louise Taylor vs. Francis Taylor
3	1983 No. 223	Advocate Mines Limited vs. Gerald Oxford and the Director of Labour Standards
4	1984 No. 148	Jerome Stamp vs. Kaycan Ltee/ Ltd.
5	1985 No. 3	Whitehorse Lounge Limited vs. Reginald Bennett et al.
6	1986 No. 71	Quinnsway Transport Ltd vs. Chaulks Limited and Chaulk Holdings
7	1988 No. 24	Ralph George Monster vs. Alberta Lillian Monster
8	1988 No. 124	Berrick King Surveys Limited vs. All Seasons Hovercraft Inc.
9	1988 No. 142	Oderin Management Ltd. vs. Construction, General Labourers, Rock and Tunnel Workers Local 1208
10	1989 No. 48	Stokes Construction Company vs. International Union of Operating Engineers Local 904
11	1991 No. 135	Geraldine Purchase vs. Herbert Pike, as Executor of the Last Will and Testament of the late William Henry Pike
12	1991 No. 163	The Royal Newfoundland Constabulary Association and Joseph Gullage vs. David Gale
13	1992 No. 120	Michael Thomas Heald vs. Ethel Mary Heald
14	1992 No. 141	Newfoundland Telephone Company vs. Her Majesty's Attorney General of Newfoundland, representing Her Majesty the Queen in Right of Newfoundland
15	1992 No. 219	Vera Muradova vs. Henry Drodge
16	1993 No. 12	Terra Nova Auctioneers Inc and Michael Kehoe vs. Newfoundland Telephone Company Limited
17	1993 No. 43	Robert Bartlett vs. Norma Bartlett
18	1993 No. 144	Richard John Phippard vs. Susan Catherine Fleming
19	1993 No. 226	George Saunders vs. Cora Saunders
20	1994 No. 1	Diana Tucker vs. James Reginald Huber Tucker
21	1994 No. 137	Diana Tucker vs. James Reginald Huber Tucker
22	1995 No. 75	Director of Child Welfare vs. Dale Francis Butt and Elizabeth Butt
23	1995 No. 119	Musgrave Harbour Town Council vs. Kevin Hayward
24	1995 No. 138	Alison Fern Dove vs. City of Cornerbrook and Western Newfoundland Regional Appeal Board

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February 14, 2003

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25	1996 No. 51 T	Thomas P. Rossiter vs. Penny Autohaus Limited
26	1996 No. 71	Quinnsway Transport vs. Chaulks Limited et al.
27	1996 No. 164	Harvey Slade vs. Alice Flynn
28	1997 No. 29	The Toronto Dominion Bank vs. Kevin Hackett and Vera Hackett
29	1998 No. 55	John O'Dell vs. Melvin Organ
30	1998 No. 122	Corner Brook Pulp and Paper Limited vs. Geocon, Division of SNC Lavalin Environment Inc.
31	1998 No. 221	Gerald Oxford and the Director of Labour Standards vs. Advocate Mines Limited
32	200001H0052	Town of Fogo vs. Her Majesty In Right of Newfoundland
33	200001H0055	The Town Council of the Town of Conception Bay South vs. Conception Bay South Local Board of Appeal and Donald S. Moores
34	200001H0070	Bennett's Transportation Limited and Ian Roger Pittman vs. Jason Matthews and Her Majesty the Queen in Right of Newfoundland
35	200001H0115	Raymond Fahey vs. Law Society of Newfoundland
36	200001H0121	Larry & Karen Hoddinott vs. Mel and Pauline Tessier
37	200101H0007	Ranjit Chandra vs. Shakti Chandra
38	200101H0040	Maritime Insurance Co vs. Labrador Fishermens Union Shrimp Co et al.
39	200101H0049	David Ballard vs. Joanne Ballard
40	200101H0053	Sayed Miraliakbari vs. Bibi Miraliakbari
41	200101H0055	Derek Banfield vs. Paradise Local Board of Appeal & Town Council of the Town of Paradise
42	200101H0060	M & M Engineering Ltd vs. IBEW, Local 2330
43	200101H0063	Richard Rooney vs. Bonnie Rooney
44	200101H0067	Roche Martin vs. Natalie Martin
45	200101H0079	Leslie Bella et al vs. Wanda Young
46	200101H0102	Arthur Chipman vs. Frances Chipman
47	200101H0108	Gaulton Enterprises vs. Irving Oil Ltd.
48	200101H0111	Steven Walker vs. Estate of Ian Reid et al.
49	200101H0112	James Delaney vs. Nancy Hynes
50	200101H0113	Martin Jerome Gaulton vs. Mary Bertha Gaulton
51	200201H0114	David Cluney, Jr., by his guardian <i>ad litem</i> , The Registrar of the Supreme Court of Newfoundland AND: David Cluney, Sr., deceased, by his representative, The Registrar of the Supreme Court of Newfoundland AND: Robert J. Kennedy, as Administrator of the Estate of Lillian Kennedy, and as guardian <i>ad litem</i> of his infant daughters Courtney Kennedy and Michelle Kennedy AND: Robert J. Kennedy
52	200101H0123	Kenneth Bradbury vs. Leslie Harris, Commissioner, Royal Newfoundland Constabulary Public Complaints Commission
53	200101H0128	Ranjit Chandra vs. Shakti Chandra
54	200101H0129	Ruby Ella Isaacs vs. Charles Augustus Lewis
55	200101H0136	Cecil Compagnon vs. Carol-Lynn Compagnon
56	200201H0006	PENINSULA CAR AND TRUCK CENTRE LIMITED et al vs. TERRY GRANDY

SUPREME COURT OF  
NEWFOUNDLAND AND LABRADOR  
COURT OF APPEAL

Feb 14

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**URBAN AND RURAL PLANNING ACT**

**NOTICE OF REGISTRATION  
TOWN OF STEPHENVILLE  
MUNICIPAL PLAN AMENDMENTS  
NOS. 2 AND 3, 2002 AND  
DEVELOPMENT REGULATIONS  
AMENDMENTS NOS. 2, 3 AND 4, 2002**

Take notice that the Town of Stephenville Municipal Plan Amendments Nos. 2 and 3, 2002 and Development Regulations Amendments Nos. 2, 3 and 4, 2002, adopted on the 12<sup>th</sup> day of December, 2002 and approved on the 16<sup>th</sup> day of January, 2003, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purposes of Municipal Plan Amendments Nos. 2 and 3, 2002 are to allow for a beauty salon at 1A Sunset Crescent (proposed Community Services designation, Commercial General Zone); and allow for unserviced residential development between the community of Noel's Pond and Minnesota Drive along Highway 460 (proposed Residential designation, Residential Rural Zone).

In general terms, the purposes of Development Regulations Amendments Nos. 2 and 3, 2002 are to give effect to the Municipal Plan Amendments Nos. 2 and 3, 2002, and the purpose of Development Regulations Amendment No. 4, 2002 is to alter certain requirements of the Residential Rural Zone.

The Stephenville Municipal Plan Amendments Nos. 2 and 3, 2002 and Development Regulations Amendments Nos. 2, 3 and 4, 2002 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 Stephenville Municipal Plan Amendments Nos. 2 and 3, 2002 and Development Regulations Amendments Nos. 2, 3 and 4, 2002 may do so at the Town Office, Stephenville during normal working hours.

TOWN OF STEPHENVILLE  
Town Clerk

Feb 14

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**NOTICE OF REGISTRATION  
CITY OF MOUNT PEARL  
DEVELOPMENT REGULATIONS AMENDMENT  
NO. 124, 2002**

TAKE NOTICE that the City of Mount Pearl Development Regulations Amendment Number 124, 2002,

adopted by Council on the 15<sup>th</sup> day of October, 2002, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Development Regulations Amendment Number 124, 2002 is to add "Automotive Sales Lot" to the Definitions section; add "Automotive Sales Lot" to the list of permitted uses in the Mixed Development (MD), Commercial-Highway (HC), and Industrial-Light (LI) land use zones subject to specific conditions; and add the "Automotive Sales Lot" use and requirements for this use to the Off-Street Parking Requirements.

The Mount Pearl Development Regulations Amendment Number 124, 2002 comes into effect on the day that this notice is published in *The Newfoundland & Labrador Gazette*. Anyone who wishes to inspect a copy of the Mount Pearl Development Regulations Number 124, 2002 may do so at City Hall, City of Mount Pearl during normal working hours.

CITY OF MOUNT PEARL  
Per: Gerard Lewis, City Clerk

Feb 14

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**QUIETING OF TITLES ACT  
2003 COURT NO. ST. J. 0093  
IN THE SUPREME COURT  
OF NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION**

**IN THE MATTER OF the application of Keith Morgan as Administrator of the Estate of the late Flora Morgan pursuant to the *Quieting of Titles Act*, Chapter Q-3, of the Revised Statutes of Newfoundland and Labrador, 1990**

**AND**

**IN THE MATTER OF a piece or parcel of land situate at South River, in the Province of Newfoundland and Labrador, Canada.**

**NOTICE OF APPLICATION**

**NOTICE IS HEREBY GIVEN** to all parties that Keith Morgan, of Scarborough, in the Province of Ontario, as Administrator of the estate of the late Flora Morgan, has applied to the Supreme Court of Newfoundland and Labrador, St John's, to have the title to ALL THOSE pieces

or parcels of land situate at South River, in the Province of Newfoundland and Labrador, being more particularly described in Schedules "A" and "B" hereunto annexed and which forms part of this Notice, of which the said Keith Morgan as Administrator of the estate of the late Flora Morgan claims to be the owner investigated and for a declaration that the said Keith Morgan as Administrator of the estate of the late Flora Morgan is the absolute owner in fee simple thereof, subject to the rights to those claiming through the *Quieting of Titles Act*, Chapter Q-E of the Revised Statutes of Newfoundland and Labrador, 1990, and His Honour Justice having ordered Notice of the said Application to be published as requested by the above named Act.

All persons having title adverse to the said title claimed by the Applicant shall file in the Registry of the Supreme Court at St. John's particulars of such adverse claim and serve the same together with an Affidavit verifying the same on the undersigned Solicitors for the Applicant on or before the 3<sup>rd</sup> day of March, 2003, after which date no party having any claim shall be permitted to file same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

DATED at Bay Roberts, in the Province of Newfoundland and Labrador, this 8<sup>th</sup> day of January, 2003.

SMALLWOOD & HARVEY  
Solicitors for the Applicant  
Per: Douglas G. Harvey

ADDRESS FOR SERVICE:  
P. O. Box 803  
Bay Roberts, NL  
A0A 1G0  
  
Feb 14

**SCHEDULE "A"**  
**(Parcel B)**

ALL THAT piece or parcel of land situate and being on Salmon Cove Road, in the town of South River, in the Electoral District of Harbour Main-Whitbourne, in the Province of Newfoundland and Labrador, Canada, bounded and abutted as follows; that is to say: Commencing at a point, the said point having T.M. Grid Co-ordinates of N 5, 267,067.146 and E 284, 958.045;

THENCE running south thirty-four degrees thirteen minutes twenty-six seconds east (S34° 13' 26"E), a distance of twenty decimal six four eight metres (20.648m) by land of Lorraine Moore;

THENCE turning and running south twenty-five degrees twenty-eight minutes zero eight seconds east (S25° 28' 08"E), a distance of eighty decimal five seven nine metres (80.579m) by land of Lorraine Moore;

THENCE running south twenty-four degrees twelve minutes fifty seconds east (S 24° 12' 50"E), a distance of sixty-one decimal four one six metres (61.416m) by land of Lorraine Moore;

THENCE turning and running south twenty-five degrees fifty-seven minutes eleven seconds east (S25° 57' 11"E), a distance of thirty-two decimal six six three metres (32.663m) by land of Lorraine Moore;

THENCE running south thirty-four degrees zero two minutes zero seven seconds east (S34° 02' 07"E), a distance of sixty decimal seven six eight metres (60.768m) by land of Lorraine Moore;

THENCE running south thirty-one degrees zero two minutes zero three seconds east (S31° 02' 03" E), a distance of one hundred eighty-eight decimal four three four metres (188.434 m) by land of Lorraine Moore;

THENCE running south forty-four degrees zero two minutes thirty-two seconds west (S44° 02' 32"W), a distance of forty-two decimal six seven two metres (42.672m) Old Cart Road;

THENCE turning and running north twenty-nine degrees eleven minutes fifty-seven seconds west (N29° 11' 57" W), a distance of two hundred seventy-six decimal one six one metres (276.161 m) by land of Lorraine Moore;

THENCE turning and running north thirty-two degrees twenty-seven minutes zero two seconds west (N 32° 27' 02"W), a distance of eight decimal zero two seven metres (8.027m) by land of Lorraine Moore;

THENCE turning and running north sixteen degrees twenty-eight minutes twenty-four seconds west (N 16° 28' 24" W), a distance of twenty decimal four nine five metres (20.495m) by land of Lorraine Moore;

THENCE turning and running north twenty-two degrees fifteen minutes fifteen seconds west (N22° 15' 15" W), a distance of twenty-one decimal four six eight metres (21.468m) by land of Lorraine Moore;

THENCE turning and running north twenty-seven degrees fourteen minutes thirty-nine seconds west (N 27° 14' 39"W), a distance of thirty-four decimal four four four metres (34.444m) by land of Lorraine Moore;

THENCE turning and running north twenty degrees twenty-

five minutes thirty seconds west (N 20° 25' 30" W), a distance of thirty-five decimal eight one eight metres (35.818 m) by land of Lorraine Moore;

THENCE turning and running north twenty-four degrees zero six minutes twenty-two seconds west (N24° 06' 22"W), a distance of thirty-three decimal one four five metres (33.145 m) by land of Lorraine Moore;

THENCE turning and running north fifty-four degrees forty minutes fifty-six seconds west (N 54° 40' 56" W), a distance of fourteen decimal zero eight four metres (14.084 m) by land of Lorraine Moore;

THENCE turning and running north thirty-four degrees twenty-six minutes twenty-nine seconds east (N 34° 26' 29" E), a distance of thirty-three decimal six four five metres (33.645m) along Salmon Cove Road to the point of commencement. Containing an area of 1.4646 hectares.

As reference to Robert T. Whiffen (N.L.S.) Job # RTW-171a

All bearings are referred to Grid North, (N.A.D. 83, C.M. 53° July/2002)

(34.415m) by land of Lorraine Moore;

THENCE turning and running north sixty-eight degrees thirty two minutes zero seven seconds east (N68° 32' 07"E), a distance of twenty-two decimal five nine three metres (22.593 m) by land occupied by Arthur Petten;

THENCE turning and running south twenty four degrees twenty-four minutes zero zero seconds east (S24°24' 00" E), a distance of fifty-one decimal three two zero metres (51.320 m) by land of Arthur Petten;

THENCE turning and running south twenty-nine degrees thirty-one minutes zero zero seconds east (S29° 31' 00"E), a distance of thirty-two decimal eight seven zero metres (32.870 m) by land of Arthur Petten to the point of commencement. Containing an area of 0.2733 hectares.

As reference to Robert T. Whiffen (N.L.S.) Job # RTW-171

All bearings are referred to Grid North, (N.A.D. 83, C.M. 53° July/2002)

#### **SCHEDULE B (Parcel A)**

ALL THAT piece or parcel of land situate and being on Salmon Cove Road, in the town of South River, in the Electoral District of Harbour Main-Whitbourne, in the Province of Newfoundland and Labrador, Canada, bounded and abutted as follows; that is to say: Commencing at a point, the said point having T.M. Grid Co-ordinates of N 5, 267,091.229 and E 284, 957.816;

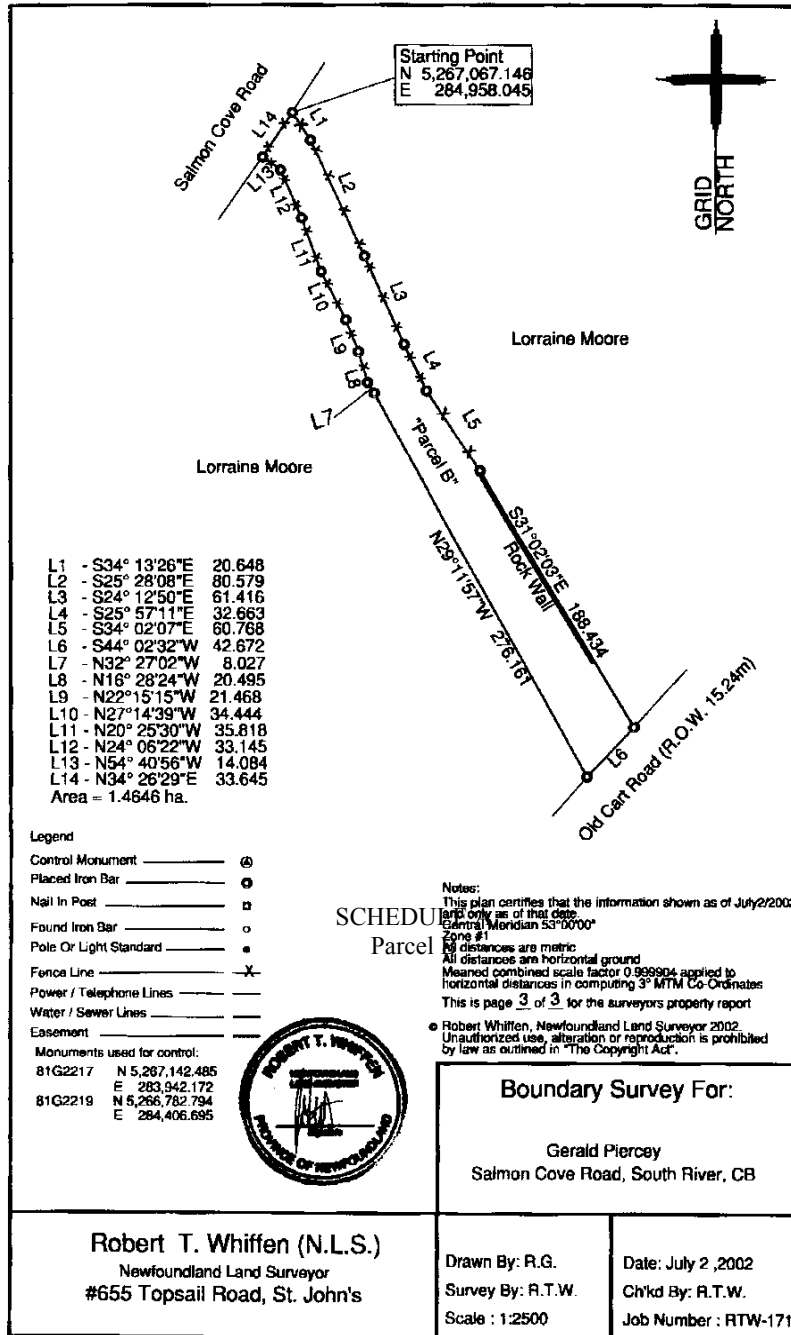
THENCE running south thirty-four degrees ten minutes fifteen seconds west (S34° 10' 15"W), a distance of forty-four decimal one eight one metres (44.181m) along the Main Road along Salmon Cove Road;

THENCE turning and running north sixteen degrees forty minutes thirty-seven seconds West (N16° 40' 37"W), a distance of twenty-four decimal seven nine six metres (24.796m) by land of Lorraine Moore;

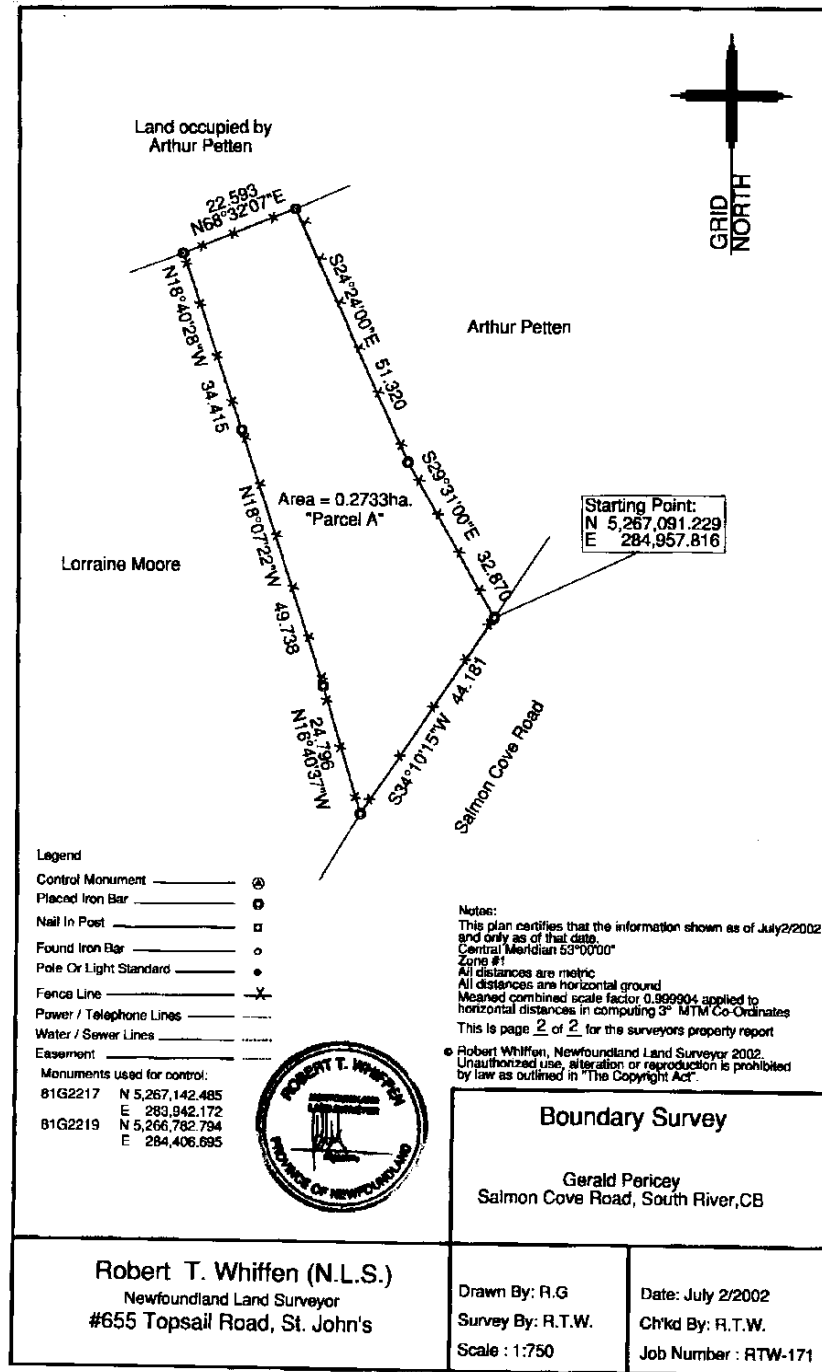
THENCE turning and running north eighteen degrees zero seven minutes twenty-two seconds west (N 18° 07' 22"W), a distance of forty-nine decimal seven three eight metres (49.738 m) by land of Lorraine Moore;

THENCE turning and running north eighteen degrees forty minutes twenty-eight seconds west (N18° 40' 28"W), a distance of thirty-four decimal four one five metres

SCHEDULE A  
(Parcel B)



**SCHEDULE "B"**  
**(Parcel A)**



**CHANGE OF NAME ACT**

-----  
C-8 RSN 1990  
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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

JOANNE PAULA KING

of P. O. Box 89, Dunville, Placentia, A0B 1S0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

KENNETH DAVID KING BICKFORD

to

KENNETH DAVID KING

DATED this 16<sup>th</sup> day of January, 2003.

JOANNE P. KING  
(Signature of Applicant)

Feb 14

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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

CLIFFORD JONATHON SCOTT COLEMAN

of 98 Wheeler's Road, Corner Brook, in the Province of Newfoundland and Labrador, as follows:

To change my name from

CLIFFORD JONATHON SCOTT COLEMAN

to

CLIFFORD JONATHON SCOTT BUTT

DATED this 23<sup>th</sup> day of January, 2003.

CLIFFORD JONATHAN SCOTT COLEMAN  
(Signature of Applicant)

Feb 14

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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

LELIA MARY YOUNG

of 52 Cornwall Heights, Stephenville, A2N 2V3, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

NASTASSIA LISA KINDEN

to

NASTAZIA LISA YOUNG

DATED this 1<sup>st</sup> day of February, 2003.

LELIA MARY YOUNG  
(Signature of Applicant)

Feb 14

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**NOTICE OF APPLICATION  
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services and Lands for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

CHARLOTTE M. BROWNE KELLY

of 12 Emerald Drive, Mount Pearl, A1N 4W8, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

FENG RUI LI

to

CHARLOTTE AGNES MARIA SARA AARYN  
BROWNE KELLY

DATED this 7<sup>th</sup> day of February, 2003.

CHARLOTTE M. BROWNE KELLY  
(Signature of Applicant)

Feb 14

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

### SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 78

ST. JOHN'S, FRIDAY, JANUARY 14, 2003

No. 7

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### 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.
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**No Subordinate Legislation  
Filed at Time of Publication**

*The Newfoundland and Labrador Gazette* is published from the office of Earl G. Tucker, Queen's Printer.

Copy for publication must be received before **Friday, 4:30 p.m.**, seven days before publication, to ensure inclusion in next issue. Advertisements should be 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.

Advertising rates are available upon request. Subscription rate for *The Newfoundland and Labrador Gazette* is \$125.00 for 52 weeks plus applicable tax (\$133.75). Weekly issues of \$3.00 per copy, plus tax 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, Confederation Building, St. John's, NL A1B 4J6. Telephone: (709) 729-3649. Fax: (709) 729-1900.

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