

# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

PUBLISHED BY AUTHORITY

Vol. 78

ST. JOHN'S, FRIDAY, DECEMBER 5, 2003

No. 49

### EVACUATED COMMUNITIES ACT

#### ORDER RESPECTING PETITES PUBLIC NOTICE

Under the authority of section 3.(1) of the *Evacuated Communities Act*, the Minister of Municipal and Provincial Affairs declares Petites to be a vacated community effective November 1, 2003.

HONOURABLE JACK BYRNE  
Minister of Municipal & Provincial Affairs

Dec. 05

### MUNICIPALITIES ACT, 1999

#### ORDER RESPECTING PETITES PUBLIC NOTICE

Under the authority of section 387.(1)(c) of the *Municipalities Act, 1999*, the Minister of Municipal and Provincial Affairs disestablishes the Local Service District of Petites effective November 1, 2003.

HONOURABLE JACK BYRNE  
Minister of Municipal & Provincial Affairs

Dec. 05

### URBAN AND RURAL PLANNING ACT

#### NOTICE OF REGISTRATION ST. JOHN'S MUNICIPAL PLAN, 2003 AND ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 304, 2003

Take notice that St. John's Municipal Plan, 2003, and the St. John's Development Regulations Amendment Number 304, 2003, adopted on the 9<sup>th</sup> day of June, 2003 and approved as amended, on the 6<sup>th</sup> day of October, 2003, have been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the St. John's Municipal Plan, 2003 introduces a new Municipal Plan comprised of a text and maps, for the City of St. John's.

In general terms, the St. John's Development Regulations Amendment Number 304, 2003 introduces a new Zoning Plan for the City of St. John's.

The St. John's Municipal Plan, 2003 and the St. John's Development Regulations Amendment Number 304, 2003, come into effect on the day this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the St. John's Municipal Plan, 2003 and the St. John's Development Regulations Amendment Number 304, 2003 may do so at the Engineering and Planning Department, 3<sup>rd</sup> Floor, St. John's City Hall,

during regular business hours (Monday through Friday, (9:00 a.m. to 4:30 p.m.).

CITY OF ST. JOHN'S  
Engineering & Planning Department

Dec. 5

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**NOTICE OF REGISTRATION  
TOWN OF PARADISE  
MUNICIPAL PLAN AMENDMENT #33-2003  
AND DEVELOPMENT REGULATIONS  
AMENDMENT #41-2003**

Take notice that the Town of Paradise Municipal Plan Amendment No. 33 – 2003 and Development Regulations Amendment No. 41 – 2003, adopted on the 3rd day of June, 2003, and approved on the 7<sup>th</sup> day of October, 2003, have been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Paradise Municipal Plan Amendment No. 33 – 2003 is to re-designate lands situated south of Meadow Road and north of Ridgewood Drive. The amendment will re-designate the subject lands from “Residential - CDA” to “Residential” under the Paradise Municipal Plan, 1994.

In general terms, the purpose of Paradise Development Regulations Amendment No. 41 – 2003, is to re-zone lands situated south of Meadow Road and north of Ridgewood Drive. The amendment will re-zone lands from “Residential - CDA”, “Residential Rural” and “Rural” to “Residential Subdivision” under the Paradise Development Regulations, 1994.

The amendments will facilitate the development of a residential subdivision in the area.

The Paradise Municipal Plan Amendment No. 33 - 2003 and Paradise Development Regulations Amendment 41 – 2003 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 Paradise Municipal Plan Amendment No. 33 – 2003 and Paradise Development Regulations Amendment No. 41 – 2003, may do so at the Paradise Town Hall, 1655 Topsail Road, between 8:30 a.m. and 4:00 p.m.

TOWN OF PARADISE  
Town Clerk

Dec 5

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**TRUSTEE ACT**

**ESTATE NOTICE**

IN THE MATTER OF the Estate of Joseph Gordon Billard, late of the Town of Humber Arm South, in the Province of Newfoundland and Labrador, Canada, Retired Teacher, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Joseph Gordon Billard, late of the Town of Humber Arm South, aforesaid, Retired Teacher, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitors for the Executor of the Estate of the said deceased on or before the 5<sup>th</sup> day of January, 2004, after which date the said Executor will proceed to distribute the Estate having regard only to the claims of which he then shall have notice.

DATED at Corner Brook, Newfoundland and Labrador, this 28<sup>th</sup> day of November, 2003.

MONAGHAN, MARSHALL, MURPHY  
AND WATTON  
Solicitors for the Executor  
PER: Derrick Watton

**ADDRESS FOR SERVICE:**

P. O. Box 815  
17 West Street  
Corner Brook, NL  
A2H 6H9

Dec. 5

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**ESTATE NOTICE**

IN THE MATTER OF the Estate of Mary Grace O'Quinn, one and the same as Mary Grace Aucoin, late, of the Town of Kippens, in the Province of Newfoundland and Labrador, pensioner, widow, deceased:

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Mary Grace O'Quinn late of the Town of Kippens, in the Province of Newfoundland and Labrador deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Executrix of the Estate on or before the 29<sup>th</sup> day of December, 2003, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED at Stephenville, Newfoundland and Labrador, this 27<sup>th</sup> day of November, 2003.

MARIE MARCHE-WHITE  
Solicitor for the Executor

ADDRESS FOR SERVICE:  
P. O. Box 272  
43 Main Street  
Stephenville, NL  
A2N 2Z4

Dec. 5

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## LANDS ACT

### NOTICE OF INTENT

*Lands Act*, Chapter 36, S.N. 1991

Notice is hereby given that of Lindy Rideout, of Cottlesville, Newfoundland and Labrador intends to apply to the Department of Government Services and Lands, two months from the publication of this notice, to acquire title, pursuant to Section 7(2) (e) of the said Act, to that piece of Crown Land situated within fifteen metres of the waters of Intrigate Harbour, in the Electoral District of, Twillingate-Fogo, Newfoundland and Labrador, for the purpose of a wharf and shed and more particularly described as follows:

*Bounded on the North by Crown Land  
for a distance of 100 m;  
Bounded on the East by Water  
for a distance of 15 m;  
Bounded on the South by Water  
for a distance of 100 m;  
Bounded on the West by Crown Land  
for a distance of 15 m;  
and containing an area of  
approximately 1,500 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the date of publication of this notice, with reasons for it, to the Minister of Government Services and Lands, c/o Central Regional Lands Office, P. O. Box 2222, Gander, NL., A1V 2N9.

For further information regarding the proposed application, please contact, Lindy Rideout, Telephone (709) 629-7402.

Dec. 5

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## QUIETING OF TITLES ACT

### 2003 01T 4163 IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR

#### TRIAL DIVISION

IN THE MATTER OF the *Quieting of Titles Act*, Chapter Q-3 of the Revised Statutes of Newfoundland and Labrador, 1990, and amendments thereto;

AND IN THE MATTER OF all that piece or parcel of land situate and being on the South side of Dogberry Hill Road, in the Town of Portugal Cove-St. Philips, in the Province of Newfoundland and Labrador;

AND IN THE MATTER OF an Application of James Squires, Edward Squires, Richard Squires and Charles Squires, all now or formerly of the Town of Portugal Cove-St. Philips, in the Province of Newfoundland and Labrador.

NOTICE OF APPLICATION under the *Quieting of Titles Act*, Chapter Q-3 of the Revised Statutes of Newfoundland and Labrador, 1990.

NOTICE is hereby given to all parties that James Squires, Edward Squires, Richard Squires and Charles Squires, all now or formerly of the Town of Portugal Cove-St. Philips, in the Province of Newfoundland and Labrador, have applied to the Supreme Court of Newfoundland and Labrador, Trial Division, to have the title to ALL THAT piece or parcel of land situate and being on the South side of Dogberry Hill Road, in the Town of Portugal Cove-St. Philips, in the Province of Newfoundland and Labrador, and being more particularly described on the Schedule hereto annexed marked "A" and delineated on the survey hereto annexed marked "B" to which the said James Squires, Edward Squires, Richard Squires and Charles Squires claim to be the owners, investigated for a declaration that the said James Squires, Edward Squires, Richard Squires and Charles Squires are the absolute owners thereof. ALL PERSONS having title adverse to the said title claimed by the said James Squires, Edward Squires, Richard Squires and Charles Squires shall file at the Registry of the Supreme court of Newfoundland and Labrador, Trial Division, at St. John's, in the Province of Newfoundland and Labrador, particulars of such adverse claim and serve the same, together with an Affidavit certifying the same, to the undersigned Solicitors for the Applicants on or before the 27<sup>th</sup> day of December, 2003, after which date no party having any claim shall be permitted to file the same or be heard except by special leave of the Court and subject to such conditions as the court may deem just.

All adverse claims shall then be investigated in such manner as the said Court may direct.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 26<sup>th</sup> day of November, 2003.

MERCER, MACNAB, VAVASOUR & FAGAN  
Solicitors for the Applicants  
PER: R.A. Gordon MacNab, Q.C.

ADDRESS FOR SERVICE:  
70 Portugal Cove Road  
P. O. Box 1055  
St. John's, NL  
A1C 5M5

Dec. 5

#### **SCHEDULE 'A'**

Civic No. 364-372 Dogberry Hill Road  
Portugal Cove-St. Philips

All that piece or parcel of land situate and being on the south side of Dogberry Hill Road (20.12 metres wide), in the town of Portugal Cove-St. Philips, in the electoral district of Conception Bay East & Bell Island, in the Province of Newfoundland and Labrador, Canada, and being bounded and abutted as follows: that is to say, beginning at a point on the said south side of Dogberry Hill Road (20.12 metres wide), said point having co-ordinates of N 5 269 758.631 metres and E 313 885.693 metres of the Modified Three Degree Transverse Mercator Projection (NAD83) for the Province of Newfoundland and Labrador, Canada, thence running along the said south side of Dogberry Hill Road (20.12 metres wide) north fifty-nine degrees fifty-seven minutes zero zero seconds east sixty-one decimal five six zero (61.560) metres; thence turning and running the south side of a Road Reserve (20.12 m Wide) south sixty-six degrees fifty minutes thirteen seconds east three hundred thirty-five decimal two three six (335.236) metres, thence south eighty-one degrees fifty-six minutes zero two seconds west twenty-three decimal seven three zero (23.730) metres; thence turning and running by land Now or Formerly James Hanames (Volume 1462-Folio 524), Right of Way, south eighty-two degrees forty-three minutes zero zero seconds west one hundred seventy-nine decimal one nine two (179.192) metres; thence turning and running by land of James Hanames, Jr. (Roll 2016 Frame 1934) north thirty-eight degrees thirty-seven minutes zero zero seconds west forty-six decimal two six five (46.265) metres; thence turning and running by land Lisa Hanames (Roll 1720 - Frame 1545) north thirty-nine degrees twenty-six, minutes sixteen seconds west twenty-eight decimal five seven four (28.574) metres; thence turning and running by land of Russell Tucker & Aylie Gries (Roll 1826 - Frame

2253) north forty-four degrees fifty-six minutes fifty-nine seconds west forty-five decimal nine zero zero (45.900) metres; thence south sixty degrees nineteen minutes zero five seconds west forty-four decimal nine zero zero (44.900) metres to the east side of Dogberry Hill Road Extension (20.12 metres wide); thence turning and running along the said east side of Dogberry Hill Road Extension (20.12 metres wide), along the arc of a curve of radius eight hundred four decimal two zero zero (804.200) metres, a distance of seventy-two decimal zero one six (72.016) Metres (chord bearing and distance north thirty-five degrees twenty-nine minutes twenty seconds west seventy-one decimal nine nine two (71.992) metres, more or less to the point of beginning and containing an area of two decimal two three two eight (2.2328) Hectares. Which land is more particularly shown on Plan No. 5705-376-02 hereto attached. All bearings being referred to the above projection.



**2003 01 T2313**  
**IN THE SUPREME COURT OF**  
**NEWFOUNDLAND AND LABRADOR**  
**TRIAL DIVISION**

**SCHEDULE "G.1"**

**IN THE MATTER OF** an Application of William Ryan to have title to that piece or parcel of land situate and being at the end of a country road leading to Whitty's Lane, in the Town of Torbay, in the Province of Newfoundland and Labrador containing an area of Two Decimal Five Three One Hectares (2.531 ha.), more or less, investigated and declared under the *Quieting of Titles Act*, R.S.N.L. 1990, c. Q-3.

**NOTICE**

**NOTICE** is hereby given to all parties that William Ryan of the City of St. John's, in the Province of Newfoundland and Labrador (hereinafter called the "Owner") has applied to the Supreme Court of Newfoundland and Labrador, Trial Division to have investigated **ALL THAT** piece or parcel of land situate and being at the end of a country road leading to Whitty's Lane, in the Town of Torbay, in the Province of Newfoundland and Labrador containing an area of Two Decimal Five Three One Hectares (2.531 ha.), more or less, and being abutted as follows, that is to say:

ALL that piece of parcel of land situate and being at the end of a country road leading to Whitty's Lane, in the Town of Torbay, in the Province of Newfoundland and Labrador, abutted and bounded as follows, that is to say:

Beginning at a point at the end of the said country road, said point having Modified Three Degree Transverse Mercator Coordinates of N 5 281 589.590m and E 323 825.320m and being in zone one (1) with the reference meridian at fifty three degrees (53°) west longitude;

Thence running by land of Robert Young, south eighty two degrees zero six minutes zero zero seconds west, fifteen decimal six six zero meters; north eighty two degrees twenty five minutes zero zero seconds west, nine decimal seven eight zero meters; south seventy five degrees zero seven minutes zero zero seconds west, fourteen decimal four four zero meters; south seventy seven degrees thirty nine minutes zero zero seconds west, thirty six decimal nine nine zero meters; south sixty four degrees forty nine minutes zero zero seconds west, thirteen decimal zero three zero meters;

Thence turning and running by land of Michael Manning and others north twenty two degrees twenty minutes zero zero seconds west, twenty four decimal one four zero meters; north forty five degrees thirty one minutes zero zero seconds

west, thirty one decimal five six zero meters; north sixty nine degrees forty seven minutes zero zero seconds west, thirty one decimal three seven zero meters; north thirty seven degrees forty four minutes zero zero seconds west, thirty four decimal eight six zero meters; north sixty seven degrees zero two minutes zero zero seconds west, thirty seven decimal eight seven zero meters; north forty six degrees zero four minutes zero zero seconds west, thirty one decimal three six zero meters; north fifty five degrees forty two minutes zero zero seconds west, thirty nine decimal six eight zero meters; north thirty one degrees forty one minutes zero zero seconds west, twenty four decimal five four zero meters;

Thence turning and running by Crown Land, north eighty four degrees twenty eight minutes zero zero seconds east, two hundred and five decimal one three zero meters;

Thence turning and running by land of Stan Whitty, south eleven degrees seventeen minutes zero zero seconds east, forty nine decimal two six zero meters; south twenty one degrees zero four minutes zero zero seconds east, nine decimal six five zero meters; south thirty two degrees thirty four minutes zero zero seconds east, eleven decimal nine eight zero meters; south sixty eight degrees thirty nine minutes zero zero seconds east, thirty one decimal four two zero meters; south thirty seven degrees seventeen minutes zero zero seconds east, six decimal eight three zero meters; south one degree twelve minutes zero zero seconds east, fifteen decimal zero eight zero meters; south fourteen degrees forty five minutes zero zero seconds west, twenty seven decimal four zero zero meters; south twenty nine degrees fifty six minutes zero zero seconds east, forty four decimal four nine zero meters, more or less, to the point of beginning. The whole containing in all an area of two decimal five three one (2.531) hectares, more or less, being more particularly described and delineated on the plan hereto attached.

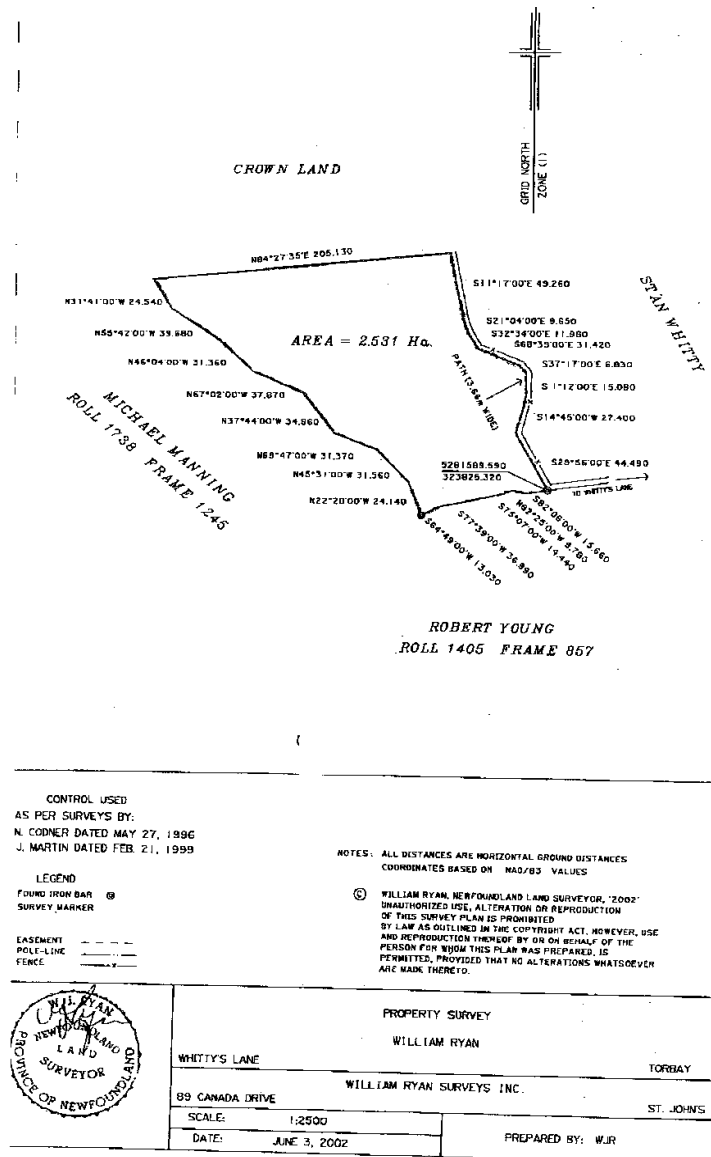
All bearings are referred to grid north.

All persons having title adverse to the said title claims by the Owner shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division particulars of such adverse claim and serve the same, together with an Affidavit verifying the same, on or before the 2<sup>nd</sup> day of January, 2004, after which date no party having a claim shall be permitted to file the same or be heard except by leave of the Court and subject to such conditions as the Court may deem just. All adverse claims shall then be registered on such manner as the Supreme Court may direct.

O'DEA, EARLE  
Solicitors for the Petitioner/Applicant  
PER: B. John Barrett

ADDRESS FOR SERVICE:  
323 Duckworth Street  
P.O. Box 5955  
St. John's, NL  
A1C 5X4

Dec. 5



**CHANGE OF NAME ACT**

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**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:-

TINA MACDONALD

of 267 Seal Cove Road, CBS, A1X 6S9, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried children's name from

JESSICA LEE MACDONALD  
to  
JESSICA LEE CHURCHILL

SAMANTHA LYNN MACDONALD  
to  
SAMANTHA LYNN CHURCHILL

DATED this 24<sup>th</sup> day of November, 2003.

TINA MACDONALD  
(Signature of Applicant)

Dec. 5

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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:-

SHARRON LYNN WHITE

of 109 McKay Street, St. John's, Province of Newfoundland and Labrador, as follows:

To change my name from

SHARRON LYNN WHITE  
to  
SHARON LYNN ANDREWS

DATED this 10<sup>th</sup> day of November, 2003.

SHARRON L. WHITE  
(Signature of Applicant)

Dec. 5

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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:-

ANGELA NOEL

of 48B Browns Avenue, Grand Falls-Windsor, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried children's name from

TODD WAYNE GREENING  
to  
TODD WAYNE NOEL

TYLER THEOPHILUS GREENING  
to  
TYLER THEOPHILUS NOEL

ALLIE KELLY-JO GREENING  
to  
ALLIE KELLY-JO NOEL

DATED this 19<sup>th</sup> day of November, 2003.

ANGELA NOEL  
(Signature of Applicant)

Dec. 5

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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:-

DEBBIE SIMMONDS

of P. O. Box 267, Musgravetown, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from



CORDELL NATHAN MARTIN  
to  
CORDELL NATHAN MARTIN GREENING

DATED this 20<sup>th</sup> day of November, 2003.

DEBBIE SIMMONDS  
(Signature of Applicant)

Dec. 5

## CORPORATIONS ACT

### NOTICE - SECTION 341(2)

**NOTICE IS HEREBY GIVEN** pursuant to section 341(2) of the *Corporations Act* that the Registrar, under authority of s. 341(1), has decided to dissolve the following corporations effective November 28, 2003:

18284	CONTINENTAL INVESTMENTS LIMITED
22250A	Formal Rentals Limited
22260	RACO GAS TANKS AND BODY PANELS (1988) LIMITED
22267	GOOD IMPRESSIONS INC.
22270A	ITALIA PIZZERIA INC.
22275	GENESIS GALLERY LIMITED
22277	WESTERN DEVELOPMENT SYSTEMS INC.
22279	RIVERHEAD TRANSPORTATION LIMITED
22281	Snowbird Ski Resort Inc.
22282	Western Medix Ltd.
22298	HEALEY'S CONSTRUCTION LIMITED
22305	Home Mortgage Centre Limited
22308	Red Rooster Management Services Limited
22314	Tuff Stuff Limited
22316	WILLIAM HARRIS & SONS LIMITED
22318	SERVICE BAY RENTALS LIMITED
22319	QUICK CENTER LIMITED
22324	TRI-STAR CONSTRUCTION INC.
22335	BAY ROBERTS SLIM-TRIM LIMITED
22343	Bay St. George Community Venture Capital Corporation
22345	Provincial Blind Manufacturers Limited
22349	PAULBAR ENTERPRISES LTD.
22350	TNC Incorporated
22356	ROUND THE BAY FISH AND VEGETABLES MARKET LTD.
22358	SHOPPERS CHOICE INC.
22365	Power & Associates Limited
22367	Thompson Chalker Agencies Limited
22374	JEER Enterprises Limited

22382	COVER - ALL - FLOORING LTD.
22387	SMYTH HOLDINGS LIMITED
22388	J. L. S. INVESTMENTS LIMITED
22389	Arctic Construction & Engineering Eighty-Six Limited
22390	CROWN VIDEO LIMITED
22394	AVALON PENINSULA EMERGENCY RESPONSE ORGANIZATION (INC.)
22404	PLAYLAND DAYCARE LTD.
22410	Valley Ventures Limited
22417	H. & G. SALES LIMITED
22423	J.J. FLASH LIMITED
22424	Mount Pearl Paint Store Limited
22430	Atlantis Engineering and CAD/CAM Inc.
22431	Smilies Donut Shop (1988) Limited
22432	Garland Enterprises Limited
22433	GARLAND HOLDINGS LIMITED
22435	CAPTAIN SUBMARINE LIMITED
22437	Shamrock Enterprises Limited
22441	INTRAFOREST INVESTMENTS CANADA LIMITED
22445	Supreme Dry Cleaners Limited
22447	National Clearance Warehouse Limited
22448	Brian Greene Public Relations Inc.
22449	K. G. C. Minibus Limited
22450	Labrador West Distributors Limited
22453	Provincial Tire Limited
22456	AVALON CONSERVATION SOCIETY INC.
22460	Relax and Tone Exercise Studio Ltd
22462	Kelloway Properties Limited
22466	WILLANN LIMITED
22474	Woolridge Maritime Marine Ltd.
22481	NEWLOOK CONTRACTING LIMITED
22482	OFFICE AND STATIONERY SUPPLIES LIMITED
22485	NORTHERN PENINSULA FISH AND GAME ASSOCIATION INC.
22488	MRM ENTERPRISES INC.
22490	AL JACKMAN REFRIGERATION INC.
22497	Phoenix Travel Limited
22500	A.M.F. INVESTMENTS LIMITED
22507	KAS Enterprises Limited
22510	CAMPRO PHOTOGRAPHY INC.
22511	GANDER COMMUNITY EMPLOYMENT CORPORATION
22514	SLAM TRADING LIMITED
22515	GOULDS SLIM-TRIM LIMITED
22516	MOUNT PEARL SLIM-TRIM LIMITED
22518	LAKES' HOUSE OF AESTHETICS LIMITED
22522	OCEANOR LIMITED
22525	Mountainview Club Inc.
22528	BTC Medical Emergency Fund Inc.
22535	NATIONAL GUARANTEED SAVINGS LIMITED

THE NEWFOUNDLAND AND LABRADOR GAZETTE  
December 5, 2003

22536	BARKER LEADED GLASS LIMITED	22802	Central Paving Limited
22538	TASTY FOODS LTD	22808	Provincial Network Corporation
22544	KIMBERLEY TIRE & RETREADING LIMITED	22811	GRAY ENTERPRISES LTD.
22559	NORCOR INDUSTRIAL PRODUCTS INC.	22813	Hotdog King LTD.
22561	TROJAN ASSOCIATES LIMITED	22821	PIKE'S PHOTOGRAPHY LIMITED
22563	EASTON HOLDINGS LIMITED	22822	SKILLED TRADES EMPLOYEES ASSOCIATION INC
22567	CARBONEAR SLIM-TRIM LIMITED	22826	ANDREWS ENTERPRISES LIMITED
22572	VIVAD ASSOCIATES LIMITED	22846	Faulkner's Rock Construction Limited
22573	ELIZABETH SLIM-TRIM LIMITED	22849	Community Health Nurses Association of Nfld & Lab. Inc.
22574	VIDEO EXPRESS INC.	22853	North American Steel Inc.
22577	JUNAN ENTERPRISES LIMITED	22856	THE AVALON OUTBACK LIMITED
22578	Gary Daley Limited	22857	SUDACA CONSTRUCTION LIMITED
22593	Gio. Lift Ltd.	22858B.	& C. Marine Ltd.
22599	INSHORE MIDSHORE (AVALON) LIMITED	22868	G. & H. FISHERIES LIMITED
22602	RAWLINS CROSS HOLDINGS LIMITED	22891	MAJESTIC SEAFOODS CANADA LIMITED
22609	GRAND FALLS BASEBALL ASSOCIATION INC.	22892	MAJESTIC VESSEL LIMITED
22612	Teen World Limited	22896	Liquidation Centre Services Ltd.
22615	Metrochem Janitorial Services Limited	22904	Midway Upholstery Limited
22621	MARYSTOWN MASONRY LIMITED	22912	C & D SALES INC.
22623	MASONRY CONTRACTING LIMITED	22914	HILLTOP SAND AND STONE LIMITED
22625	Vee Gees Limited	22916	Macsociates Limited
22644	TAS Construction Limited	22917	D & D WHOLESALE LIMITED
22650	Avalon Parking Services Corporation	22921	ASSOCIATION OF LIFE SKILLS COACHES OF NEWFOUNDLAND AND LABRADOR, INCORPORATED
22652	DELI & SANDWICH KING LIMITED	22929	NEWTEMPO LIMITED
22658	Indeco Leasing & Financial Canada Limited	22949	PRO-TEC ASPHALT (AVALON) LIMITED
22660	St. Stephen's Alumni Association Inc.	22950	T. & J. UPHOLSTERY LIMITED
22671	DENSTEP CORP.	22952	L D J BUILDING CONTRACTORS LIMITED
22677	Newfoundland Hardchrome & Hydraulics Ltd.	22953	RON & SON ENTERPRISES LTD
22678	THE EXECUTIVE BUSINESS CENTRE LIMITED	22956	NU-HOMES LIMITED
22679	Donut Shoppe Inc.	22957	WEST COAST GLASS LIMITED
22683	New Lab Aqua Foods Inc.	22964	C & C CAR CARE LTD.
22687	A & R ENTERPRISES LIMITED	22966	R. J. WHELAN ENTERPRISES INC.
22694	Cape John Enterprises Ltd.	22984	J & B CONSTRUCTION LIMITED
22705	Newfoundland Duct Cleaning Ltd.	22990	HIGH-LINE AVIATION (NFLD.) LTD.
22711	Kinsmen Club of Upper Island Cove & Area Inc.	22992	Blackwood Automotive Centre Limited
22712	Avalon Squash Club Inc.	22996	Gold Cove Enterprises Limited
22723	DUPLICITY INC.	23002	COASTAL INTERNATIONAL INCORPORATED
22726	EASTERN MINERALS LIMITED	23003	Nolan Aircraft Leasing Co. Ltd.
22729	THOMAS DEVELOPMENT CORPORATION	23004	RE TECH LIMITED
22745	Gittens and Casey Management Company Limited	23008	M. & M. TREMBLETT LTD.
22754	NEWFOUNDLAND TRADING CORPORATION	23016	PENINSULA VENTURES LIMITED
22768	ROSE BLANCHE ATHLETIC ASSOCIATION INC.	23027	W K Enterprises Limited
22775	Venice Pizzeria (Eastgate) Limited	23028	Winter Construction Limited
22782	Jillian Enterprises Limited	23035	Midland Newfoundland Limited
22786	C.J. CONSTRUCTION LIMITED	23036	Midland Terre-Neuve Limitee
22800	Highway Plaza Limited		F. & M. GENERAL CONTRACTORS LIMITED

23037	Sky-High Painters (1988) Ltd.	23521	The Newfoundland Horse Protection Society Inc.
23039	GABRIEL'S FINE FURNITURE & ACCESSORIES LTEE	23670	RADIO OCEAN INC.
23040	G. C. P. HOLDINGS LIMITED	23677	Insurance Agency Owners Association of Newfoundland Incorporated
23048	Lewis Real Estate Rentals Inc.23053Aven Computer Services Inc.	23896	BOOTH MEMORIAL HIGH SCHOOL ALUMNI FOUNDATION INCORPORATED
23054	Lady of Fashion Limited		
23055	BAXTER WHEADON SURVEYS INC.		
23063	ATLANTIC TRAINING INCORPORATED		
23161	MARIAN HOUSE INC.		
23401	HARBOUR GRACE BOARD OF TRADE INC.		

DATED AT ST. JOHN'S THIS 28<sup>TH</sup> DAY OF NOVEMBER,  
2003

DOUGLAS LAING  
Director of Commercial Registrations

Dec. 5

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## JUDICATURE ACT

### Rules of the Supreme Court, 1986

#### PRACTICE NOTE

#### P.N. (TD) No. 2003-01

##### DATE ISSUED:

December 2, 2003

##### RULES AFFECTED:

Rules 29.04; 56A.17; 56A.18 and 56A.19

##### EFFECTIVE DATE:

Upon Publication

##### PREVIOUS PRACTICE NOTES REVISED:

N/A

The following Practice Note was filed with The Registrar, as Secretary of the Rules Committee of the Trial Division, and is published pursuant to rule 4.04 of the *Rules of the Supreme Court, 1986*.

### **INTERIM PROHIBITORY ORDERS, STAYS OF PROCEEDINGS AND EX PARTE APPLICATIONS IN FAMILY PROCEEDINGS**

#### **Background**

1. In family matters, a litigant or potential litigant frequently considers it necessary to apply, on an urgent basis, to obtain an interim prohibitory order or stay of proceedings pending final resolution of a matter in dispute.
2. The issue may arise in diverse situations, such as where a parent seeks an order restraining the removal of a child from the jurisdiction pending a full custody or access determination or where a spouse in arrears of child support seeks a stay of execution pending an application to reduce or eliminate existing arrears or future payments.

3. There is an increasing tendency for such applications to be brought on *ex parte* (without notice) basis in circumstances where (a) the necessity of proceeding without first notifying the other affected party is not readily apparent; and (b) the originating application seeking the permanent relief is not filed before or concurrently with the application for interim relief.
4. There is also a continuing tendency for applicants for *ex parte* orders to seek prohibitions that are open-ended, without a future review date where the other party will be given an opportunity, in an *inter partes* hearing, to be heard in opposition to continuation of the prohibition and, in the past, such orders have occasionally been made. As noted by the Court of Appeal in **Chafe v. Henley**, 2003 NLCA 57, para. [15], it is "entirely wrong to not insist on an early return date."
5. There is a general reluctance on the part of the court to grant any order on an *ex parte* basis because, to do so, offends the general principle of natural justice that both sides should be heard.
6. A party seeking an *ex parte* order must be prepared to demonstrate to the court why it is appropriate, in the special circumstances of the case, to make an order without hearing the other party.
7. Rules 56A.17, 56A.18, and 56A.19, adopted as part of the *Family Law Rules* on April 1, 2003, specified more clearly what is the appropriate procedure to be followed on *ex parte* and *inter partes* interim applications.
8. Recently, amendments to Rule 56A.17 and 56A.18 were made, effective December 1, 2003. In particular, Rule 56A.18(2), as amended, reinforces the observation in **Chafe v. Henley** that an early return date for an *inter partes* hearing following an *ex parte* order must be given.
9. To clarify the practice and procedure which should be followed where interim prohibitory orders or stays are sought, either *ex parte* or *inter partes*, it is considered appropriate to issue the following practice note.

**Practice Note**

10. Applications for prohibitory orders and stays of proceedings, whether made *ex parte* or *inter partes* should, except in the most extenuating circumstances, be made in an existing proceeding, i.e. after commencing and filing an application for the final or permanent relief sought.
11. Even in extenuating circumstances justifying the making of an interim application for a prohibitory order or stay of proceedings without first commencing and filing an application for the final or permanent relief sought, the applicant for the interim relief shall, as contemplated by Rules 56A.17(2)(6) and 56A.17(2.1), prepare and submit a draft application claiming the final or permanent relief.
12. As contemplated by Rule 56A.16, all applications for interim relief should be made *inter partes*, except in exceptional cases or as expressly authorized by statute or a rule.
13. In the exceptional case, an interim application may be made *ex parte* but only in the circumstances outlined in Rule 56A.17(1) or where otherwise expressly authorized.
14. The judge hearing an *ex parte* interim application will generally not make an order *ex parte* unless
  - (a) the applicant files an affidavit, containing the information required by Rule 56A.17(2)(a); and
  - (b) the judge is satisfied there is sufficient urgency within Rules 56A.17(1)(b)(i) or (ii) that makes it inappropriate to give notice to the others affected by the application, or notice is otherwise not required.
15. Before making an *ex parte* interim order the judge will want to be satisfied that it is not appropriate to adopt some other form of procedure that would better protect the interests of any other affected party, such as
  - (a) requiring informal notice by telephone, email or facsimile to such party or his or her solicitor, if known;
  - (b) requiring notice but abridging the time for its service or delivery;

- (c) expediting the hearing on the substantive issues.
16. On an *ex parte* application the applicant has an obligation of good faith to disclose to the court all material information, whether favourable to the applicant's case or not. Subsequent discovery of a failure of an applicant to make full disclosure may result in discharge of an *ex parte* order *pro tanto* and/or an order for costs.
17. In making an order *ex parte* the court, in trying to balance the urgent interests of the applicant against the potential prejudice to the party not being heard, will consider imposing appropriate terms upon the granting of the order including the provision of security and the taking of undertakings. To enable the court to comply with Rule 56A.17(3)(d) and (e) and Rule 56A.18(1), an applicant should include in the application any reasonable and appropriate proposals, including undertakings and security, for minimizing the potential impact on the other party in the event that, following the hearing on the substantive issues, the claims of the applicant to final relief are not sustained.
18. Where an order is made *ex parte*, Rule 56A.18(2) now requires the court to set a return date for an *inter partes* hearing within 7 days of the making of the *ex parte* order. Counsel seeking the *ex parte* order will not be heard to say he or she is not available for the scheduled *inter partes* return date.
19. On the subsequent *inter partes* hearing, Rule 56A.19(3) provides that the party who obtained the *ex parte* order retains the burden of satisfying the court, on the basis of the evidence then before the court, that grounds continue to exist for the granting of the interim order and that it should be continued.
20. On any application for an interim order, whether made *ex parte* or *inter partes*, the applicant will be required to satisfy the court that the legal and equitable principles applicable to the granting of a stay of proceedings have been met, including
- (a) the existence, on the substantive issues relating to the claim for final relief, of either a *prima facie* case, or a serious issue to be tried (according to the applicable test);
  - (b) the existence of irreparable harm to the applicant if the interim order were not granted;
  - (c) the balance of convenience favours the granting of the order.
- An offer by the applicant of an appropriate undertaking or security will be an important factor influencing the court as to whether to grant the order.
21. Rule 56A.16(7) contemplates that as a general rule an interim hearing will be conducted on the basis of affidavit rather than *viva voce* evidence. Cross-examination on affidavits is not a matter of right; permission to cross-examine is within the discretion of the judge, exercisable according to Rule 56A.16(7)(a).

AUTHORIZED BY:

J. Derek Green  
Chief Justice of the Supreme Court  
of Newfoundland and Labrador, Trial Division

Barry R. Sparkes, Q.C.  
Registrar of the Supreme Court  
Secretary, Rules Committee

Dec. 5

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

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

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Vol. 78

ST. JOHN'S, FRIDAY, DECEMBER 5, 2003

No. 49

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### NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 131/03**

**NLR 132/03**

**NLR 133/03**



**NEWFOUNDLAND AND LABRADOR  
REGULATION 131/03**

*Feasibility Report Order Regarding the  
Disincorporation of the Town of Biscay Bay  
under the  
Municipalities Act, 1999*

*(Filed December 1, 2003)*

Under the authority of section 9 of the *Municipalities Act, 1999*, I  
make the following Order.

Dated at St. John's, November 25, 2003.

Jack Byrne  
Minister of Municipal and Provincial Affairs

**ORDER**

*Analysis*

- |                          |                               |
|--------------------------|-------------------------------|
| 1. Short title           | 4. Preparation and submission |
| 2. Report to be prepared | of report                     |
| 3. Appointment           |                               |

Short title

**1.** This Order may be cited as the *Feasibility Report Order Regarding the Disincorporation of the Town of Biscay Bay*.

Report to be prepared

**2.** A feasibility report shall be prepared concerning the matter of the disincorporation of the Town of Biscay Bay.

*Feasibility Report Order Regarding the  
Disincorporation of the Town of Biscay Bay*

131/03

- Appointment  
Preparation and  
submission of report
3. Dennis Hopkins, Regional Affairs Manager, is appointed to prepare the feasibility report.
4. The feasibility report shall be prepared in accordance with the provisions of the *Municipalities Act, 1999* and the Terms of Reference and shall be completed and submitted to me on or before December 31, 2003.

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## NEWFOUNDLAND AND LABRADOR REGULATION 132/03

*Local Service District of Burnt Cove -  
St. Michael's - Bauline East  
under the  
Municipalities Act, 1999*

*(Filed December 1, 2003)*

Under the authority of sections 387 and 390 of the *Municipalities Act, 1999* I make the following Order.

Dated at St. John's, November 24, 2003.

Jack Byrne  
Minister of Municipal and Provincial Affairs

### ORDER

#### *Analysis*

1. District established
2. Boundaries
3. Committee to be elected

District established

**1.** The area comprising the communities of Burnt Cove, St. Michaels and Bauline East in the electoral district of Ferryland is established as a local service district by the name of the *Local Service District of Burnt Cove - St. Michaels - Bauline East*.

Boundaries

**2.** The boundaries for the local service district shall be the area comprising the communities.

Committee to be  
elected

**3.** A local service district committee shall be elected to control and manage the affairs of the local service district according to the *Municipalities Act, 1999* and the *Local Service District Regulations*.

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## NEWFOUNDLAND AND LABRADOR REGULATION 133/03

*Local Service District of Burnt Point -  
Gull Island - Northern Bay  
under the  
Municipalities Act, 1999*

*(Filed December 1, 2003)*

Under the authority of sections 387 and 390 of the *Municipalities Act, 1999* I make the following Order.

Dated at St. John's, November 27, 2003.

Jack Byrne  
Minister of Municipal and Provincial Affairs

### ORDER

#### *Analysis*

1. District established
2. Boundaries
3. Committee to be elected

District established

**1.** The area comprising the communities of Burnt Point, Gull Island and Northern Bay in the Electoral District of Trinity-Bay de Verde is established as a local service district by the name of the *Local Service District of Burnt Point-Gull Island-Northern Bay*.

Boundaries

**2.** The boundaries for the local service district shall be the area comprising the communities.

Committee to be  
elected

**3.** A local service district committee shall be elected to control and manage the affairs of the local service district according to the *Municipalities Act, 1999* and the *Local Service District Regulations*.

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## Index

### PART I

Change of Name Act — Applications .....	732
Corporations Act — Notices .....	733
Evacuated Communities Act — Notice .....	725
Judicature Act — Practice Note .....	735
Lands Act — Notice of Intent .....	727
Quieting of Titles Act — Notices .....	727
Municipalities Act, 1999 — Notice .....	725
Trustee Act — Notices .....	726
Urban and Rural Planning Act — Notices of Registration .....	725

### 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.
<b>Municipalities Act, 1999</b>			
Feasibility Report Regarding the Disincorporation of the Town of Biscay Bay	NLR 131/03	New	Dec. 5/03, p. 1231
Local Service District of Burnt Cove-St. Michael's- Bauline East	NLR 132/03	New	Dec. 5/03, p. 1233
Local Service District of Burnt Point-Gull Island- Northern Bay	NLR 133/03	New	Dec. 5/03, p. 1235

*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.

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