



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 79

ST. JOHN'S, FRIDAY, AUGUST 20, 2004

No. 34

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF FLATROCK DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2004

Take notice that the Town of Flatrock Development Regulations Amendment No. 5, 2004 adopted on the 10th day of May 2004 has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Development Regulations Amendment No. 5, 2004 is to rezone a parcel of land off Deer Marsh Road from Residential Subdivision to Rural Residential to permit a 3 lot residential subdivision.

The Town of Flatrock Development Regulations Amendment No. 5, 2004 comes 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 Town of Flatrock Development Regulations Amendment No. 5, 2004 may do so at the Town Office, Flatrock, during normal working hours.

Rita M. Farrell
Town Clerk

Aug. 20

NOTICE OF REGISTRATION TOWN OF L'ANSE AU LOUP DEVELOPMENT REGULATIONS AMENDMENT NO. 2, 2004

Take notice that the Town of L'Anse au Loup Development Regulations Amendment No. 2, 2004, adopted on the 27th day of July, 2004, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Development Regulations Amendment No. 2, 2004 is to reduce the minimum building line setback standard of the Marine Industrial Zone from 10 metres (33 feet) to 3.5 metres (12 feet). This change will reflect a more reasonable standard in respect of the dimensions of much of the shoreline property currently falling within this zone.

The Development Regulations Amendment No. 2, 2004 comes 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 L'Anse au Loup Development Regulations Amendment No. 2, 2004, may do so at the Town Office, L'Anse au Loup during normal working hours.

Doreen Belben
Town Clerk

Aug. 20

NOTICE OF REGISTRATION TOWN OF PARADISE MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS 2004-2014

Take notice that the Town of Paradise Municipal Plan and Development Regulations 2004-2014, adopted on the 1st day of June, 2004 and approved, as amended on the 17th day of August 2004, have been registered by the Minister of Municipal and Provincial Affairs.

In general terms the Municipal Plan and Development Regulations 2004-2014 introduces a new municipal plan, comprised of text and maps, for the Town of Paradise.

The Town of Paradise Municipal Plan and Development Regulations 2004-2014 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*, and are now legally binding on the Town and all persons. Anyone wishing to inspect a copy of the Town of

Paradise Municipal Plan and Development Regulations
2004-2014 may do so at the Town Office, 1655 Topsail
Road, Paradise, during normal working hours.

Joyce Moss
Town Clerk

Aug. 20

RULES OF THE SUPREME COURT, 1986

PRACTICE NOTE

P.N. (TD) No. 2004-01

DATE ISSUED: August 16, 2004

RULES AFFECTED: 5.04.(4), 7, 18, 19 and 29

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*.

TITLE OF PROCEEDING ON COURT DOCUMENTS

Background

1. Concern has been raised pertaining to problems with counsel changing the style of cause on court documents, both in civil and criminal matters in the Trial Division.
2. The style of cause is referred to in the *Rules of the Supreme Court, 1986*, as "Title of Proceeding". The Supreme Court Case Management computer system has been designed to record only one title of proceeding for each file. Ongoing documentation, including other pleadings, affidavits and Interlocutory Applications, are expected to use the original unchanged title of proceeding.
3. A problem arises particularly in the issuance of applications in an ongoing matter. Whenever there is a multiplicity of parties so that it is not immediately obvious which party is filing a document, the applying party can be fully identified, as contemplated by Form 29.02A, in the opening sentence or paragraph, for example, "This is the Interlocutory Application of

C.D., the Respondent in the within matter, who says that ..."

4. Rule 5.04.(4) provides that all documents subsequently filed or delivered in a proceeding shall bear the same file number.
5. Rule 7, pertaining to causes of action and parties, deals with joinder of causes of actions and joinder of parties. The joinder of additional parties in a proceeding would result in a new title of proceeding that thereafter should remain unchanged.
6. In the case of consolidation of two or more proceedings, pursuant to Rule 18, it is the practice that the title of proceeding in the original proceeding be thereafter set out on all documents subsequently filed in the consolidated proceeding or a new title of proceeding may be ordered at the time the consolidation order is made. Confusion has also resulted with respect to the appropriate form of the title of proceeding on the consolidation application itself and the resulting order, as well as with respect to the calculation of filing fees relating to such matters.
7. The application of Rules 19.01 and 19.02, pertaining to discontinuance and withdrawal, may result in a change in the title of proceeding. Where there are multiple parties, the discontinuance against a particular defendant or third party may affect the description of the remaining parties. For example, if a plaintiff were to discontinue an action against the "first defendant", the question arises as to whether the "second defendant" should continue to be so described.
8. Rule 29 deals with applications. For example, Form 29.02A, being an Interlocutory Application (Inter Partes), provides for the "Title of Proceeding" followed by the opening words: "The application of (A.B. the plaintiff or C.D. the defendant) herein says". It follows that the "Title of Proceeding" would be the same regardless of which party makes the application.
9. To achieve consistency in the use of title of proceeding on court documents and to clarify the practice and procedure in relation thereto, it is considered appropriate to issue the following practice note.

Practice Note

10. Subject to this Practice Note, all pleadings and other documents filed subsequent to the originating document shall bear the original unchanged title of proceeding before being accepted by the Registry of the Trial Division for filing or issuance.
11. Where additional parties are joined in a proceeding pursuant to Rule 7 resulting in a new title of proceeding, that new title of proceeding shall be used

on all subsequent pleadings and other documents and shall remain unchanged unless otherwise ordered by the court.

12. Where the Court orders, pursuant to Rule 7.04 or otherwise, that a party shall cease to be a party in a proceeding, the name and description of the party who has been struck out shall, unless the Court otherwise orders, remain in the title of proceeding on all subsequent pleadings and documents subsequently filed in the proceeding but the word "deleted" shall be added immediately after the party's name in the title of proceeding. For example, if John Doe, the second plaintiff were to be struck out, his name and description would thereafter read "John Doe (deleted), second plaintiff".
13. In an application to combine two or more proceedings, by way of consolidation or otherwise under Rule 18,
 - (a) the title of proceeding on the application and any resulting order may consist of the file number and title of proceeding in each of the original proceedings, arranged one after the other;
 - (b) for the purpose of calculation and collection of filing fees with respect to the application and any resulting order, the application and resulting order shall be treated as having been filed only in the original proceeding first described in the title of proceeding on the application, but in all other respects the application and any resulting order shall be deemed to have been made in each of the original proceedings;
 - (c) in addition to the original application and order, counsel shall supply to the court a number of copies thereof equal to the number of original proceedings affected by the application so that copies may be filed in each original file;
 - (d) on all pleadings and other documents filed subsequent to an order consolidating or otherwise combining the original proceedings, the title of proceeding shall consist of:
 - (i) such new title of proceeding and file number as may be specified in the order; or
 - (ii) if a new title of proceeding and file number are not specified, the file number and title of proceeding in each of the original proceedings, arranged one after the other.
14. Where, pursuant to Rule 19.01, a plaintiff discontinues, without leave, a proceeding against one, or some, but not all, of a number of defendants or a defendant discontinues, without leave, a proceeding against one or some, but not all, of a number of third parties, the name and description of the party with respect to whom the proceeding has been discontinued shall, unless the Court otherwise orders, remain on the

title of proceeding on all subsequent pleadings and documents subsequently filed in the proceeding but the word "discontinued" shall be added immediately after the name of that party in the title of proceeding. For example, if a plaintiff were to discontinue against Richard Roe, the first defendant, the name and description of that party henceforth would appear as "Richard Roe (discontinued), first defendant".

15. In an Interlocutory Application, there shall be inserted, immediately below the title of proceeding, in block form on the left side of the document, wording to the following effect: "In the matter of an application by [name of party], the [plaintiff, defendant, third party, etc.] dated the day of , 20 , for [nature of application and general nature of relief requested]." Every subsequent document filed in an application shall specifically identify that application and the date of that application.
16. This Practice Note applies to both civil and criminal matters.
17. This Practice Note does not apply to family law proceedings, which are governed by Rule 56A.08.

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

Aug. 20

PRACTICE NOTE

P. N. (TD) No. 2004-02

DATE ISSUED: August 16, 2004
RULES AFFECTED: 22.01(2), 29.04(1), 48.02(1)
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.

EX PARTE INJUNCTIONS

Background

1. Section 105 of the *Judicature Act* provides that an injunction may be granted by an order of the Court "in all cases where it appears to the Court to be just or convenient that such an order should be made" and that such an order may be made either unconditionally or upon such terms and conditions as the Court thinks just.
2. While very broad, this provision does not confer an arbitrary or unregulated discretion on the Court. The power to grant an injunction must be exercised judicially according to recognized principles.
3. *Rule 22.01(2)* provides that an application for an injunction "shall" be made "upon notice" except where an "urgency" exists. *Rule 29.04*, which deals with *ex parte* applications generally, permits an *ex parte* application to be made where "the court is satisfied that the delay caused by giving notice would or might entail serious mischief".
4. With respect to an application for an injunction in a labour "dispute" within the meaning of s. 2(1)(l) of the *Labour Relations Act*, s. 134 of that Act provides that notwithstanding the *Judicature Act* or another Act or law, an injunction may not be granted where "a lawful strike or lockout exists" unless the parties to the dispute "have been given notice of the application and have been given an opportunity to appear" and that the notice "shall be served in sufficient time before the time fixed for the hearing, not being less than 24 hours, to enable the person to attend at the hearing".
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 procedural justice that both sides should be heard.
6. Injunction applications continue to be made *ex parte*, in situations involving labour disputes, without reference to the requirements of s. 134 of the *Labour Relations Act* and, in other situations, without apparent consideration of the importance of attempting to provide notice, either by way of proper service or by way of some other attenuated or substitute notification, to other persons potentially affected by the application.
7. In light of the confusion and inconsistencies in practice that may exist with respect to when it may be appropriate to proceed *ex parte* on an injunction application, it is considered appropriate to issue the following practice note to clarify the practice and procedure in this regard.

Practice Note

8. The basic rule is that no injunction shall be granted without notice to other parties or affected persons. The requirement of notice, unless otherwise modified by order of the court, means proper service according to the procedures and time limits stipulated in the rules of court.
9. In exceptional cases, such as, for example, urgency flowing from a proven immediate threat of irreparable harm to the applicant if prohibitory steps are not taken forthwith, an application for an injunction may, subject to paragraph 10, proceed in the absence of notice.
10. An application for an *ex parte* injunction will not generally be considered unless the judge is satisfied:
 - (a) that the threat of irreparable harm is so immediate and serious that even abbreviated notice (i.e. less than that stipulated by the rules of court) or informal notice (such as by telephone, facsimile or email either to the affected person or to known counsel) would not be appropriate; and
 - (b) that, in the case of a labour dispute, at least 24 hours' notice is not required by virtue of the application of s. 134 of the *Labour Relations Act*.
11. 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.
12. In an application for an *ex parte* injunction, the applicant will be expected to include in the applicant's papers:
 - (a) a statement as to whether or not the applicant believes s. 134 of the *Labour Relations Act* applies, and the reasons for that belief;
 - (b) information as to the steps, if any, taken by or on behalf of the applicant to bring the application to the attention of other parties and affected persons;
 - (c) a description of the circumstances that makes it inappropriate or not feasible to serve the application on, or give abbreviated or informal notice to, other parties and affected persons; and
 - (d) a statement as to whether the applicant is offering an undertaking or security, and the manner in which the provision of such an undertaking or security may alleviate prejudice that may otherwise accrue to other parties or affected

persons if the injunction were to be granted without notice.

13. While *Rule 48.02(1)* provides that affidavits used on an application may contain statements as to the belief of the deponent with the sources and grounds for the belief, a stricter rule applies in the case of a labour dispute to which s. 134 of the *Labour Relations Act* applies. In such a case, paragraph 134(1)(b) provides that affidavits "shall be confined to the facts that the person who swears or affirms the affidavit is able of his or her own knowledge to prove".
14. Where, on an application for an injunction, another party or affected person appears pursuant to abbreviated or informal notice (i.e. less than full and proper service in accordance with the rules of court), and satisfies the judge that the abbreviated or informal notice is not sufficient to enable that party or person to respond fully or properly to the application, the judge may nevertheless proceed with the hearing if the urgency of the case makes it appropriate to do so, but the matter shall be considered to be an *ex parte* hearing notwithstanding the presence or participation of the other party or person or counsel.
15. If an injunction is granted following an *ex parte* hearing or following a hearing considered as an *ex parte* hearing in the circumstances contemplated by paragraph 14, the earliest possible and feasible return date for an *inter partes* hearing shall be set. 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.
16. On the subsequent *inter partes* hearing, the party who obtained the *ex parte* order retains the burden of satisfying the court, on the basis of all of the evidence then before the court, that grounds exist for the granting of an order continuing the injunction.
17. The determination of the degree of urgency justifying the granting of an *ex parte* injunction and the selection of appropriate return dates for an *inter partes* hearing are in the discretion of the presiding judge and he or she may depart from the foregoing practice if the interests of justice so require.

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

Aug. 20

CITY OF ST. JOHN'S ACT



ST. JOHN'S MUNICIPAL COUNCIL NOTICE ST. JOHN'S PLUMBING BY-LAW

Take notice that the St. John's Municipal Council has enacted an amendment to the St. John's Plumbing By-Law.

The said Amendment was passed by Council on the 9th day of August, 2004 and will have the effect of repealing Section 28(1).

All persons are hereby required to take notice that any person who wishes to view such By-Law may view same at the Office of the City Solicitor of the St. John's Municipal Council at City Hall, and that any person who wishes to obtain a copy thereof may obtain it at the said office upon payment of a reasonable charge as established by the St. John's Municipal Council for such copy.

Dated this 13th day of August, 2004.

Neil Martin
City Clerk

P.O. # 35743

Aug. 20

LANDS ACT

NOTICE OF INTENT

LANDS ACT, Chapter 36, S.N. 1991

Notice is hereby given that Peter and Lisa Rae Pickersgill of Salvage, Province of Newfoundland and Labrador, intends to apply to the Department of Environment and Conservation, 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 (15) metres of the waters of Salvage, in the Electoral District of Terra Nova for the purpose of erecting a wharf and being more particularly described as follows:

*Bounded on the North by Crown Land adjacent to
municipal slipway,
for a distance of 15 m;
Bounded on the East by Salvage Harbour
for a distance of 2 m;
Bounded on the South by Crown Land
for a distance of 15 m;*

*Bounded on the West by Town Road,
for a distance of 2 m;
and containing an area of
approximately 30 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the publication of this notice, with reasons for it, to the Minister of Environment and Conservation, c/o the nearest Regional Lands Office.

For further information regarding the proposed application, please contact Peter and Lisa Rae Pickersgill, Salvage, NL, A0G 3X0, Telephone (709) 677-2770.

Aug. 20

NOTICE OF INTENT

LANDS ACT, Chapter 36, S.N. 1991

Notice is hereby given that Shallow Bay Motel of Cow Head, Province of Newfoundland and Labrador, intends to apply to the Department of Environment and Conservation, two months from the publication of this Notice, to acquire title, pursuant to Section 7(2) of the said Act, to that piece of Crown Land situated within fifteen (15) metres of the waters of Atlantic Ocean, in the Electoral District of St. Barbe for the purpose of extension of meeting room and being more particularly described as follows:

*Bounded on the North by Ocean Shallow Bay Motel
for a distance of 16 m;
Bounded on the East by Ocean Shallow Bay Motel
for a distance of 16 m;
Bounded on the South by Ocean Shallow Bay Motel
for a distance of 16 m;
Bounded on the West by Ocean Shallow Bay Motel
for a distance of 16 m;
and containing an area of
approximately 110 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the publication of this notice, with reasons for it, to the Minister of Environment and Conservation, c/o Western Regional Lands Office, P.O. Box 2006, Norton Building, Corner Brook, NL, A2H 6J8.

For further information regarding the proposed application, please contact Darel House, Shallow Bay Motel & Cabins, P.O. Box 44, Cow Head, NL, A0K 2A0. Telephone: (709) 243-2471.

Aug. 20

MECHANICS' LIEN ACT

Notice of sale pursuant to s.45(1) of the *Mechanics Lien Act*, R.S.N. 1990, c. M-3.

Notice is hereby given in compliance with s. 45(1) of the *Mechanics' Lien Act* that the sale by public auction of a 1992 Dodge Van bearing serial number 2B7HB212XNK112932, owned by Samuel Kevin Vance, formerly of St. John's, in the Province of Newfoundland

and Labrador, will take place at the law firm of Learmonth, Dunne & Clarke, 22 Church Hill, St. John's, Newfoundland and Labrador, on Monday, the 30th day of August, 2004, at 2:00 p.m., by the undersigned Solicitor, in order to realize monies owing by the aforesaid Samuel Kevin Vance to City Tire & Auto Centre Limited with respect to the said automobile, in the amount of \$2,230.31. Parties interested in viewing the said automobile may inspect the same at the offices of City Tire & Auto Centre Limited, 1123 Topsail Road, Mount Pearl, Newfoundland and Labrador.

Dated at St. John's, in the Province of Newfoundland and Labrador, this 12th day of August, 2004.

LEARMONTH, DUNNE & CLARKE
Barristers and Solicitors

Aug. 20

QUIETING OF TITLES ACT

2004 ST. J. NO. 01T 3028 IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR TRAIL 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 at the end of Hibbs Road at Kelligrews, in the Town of Conception Bay South, in the Province of Newfoundland and Labrador, Canada,

AND IN THE MATTER OF an Application of Peggy Hatcher of St. John's, in the Province of Newfoundland and Labrador, Married Woman.

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

NOTICE is hereby given to all parties, that Peggy Hatcher, of St. John's, in the Province of Newfoundland and Labrador, has 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 at the end of Hibbs Road at Kelligrews, in the Town of Conception Bay South, 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 Peggy Hatcher claims to be the owner, investigated for a declaration that the said Peggy Hatcher is the absolute owner thereof. All persons having title adverse to the said title claimed by the said Peggy Hatcher 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 Applicant on or before the 27th day of August, 2004 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, NL, this 27th day of July, 2004.

MERCER MACNAB VAVASOUR & FAGAN
Solicitors for the Applicant
Attn: James E. G. Vavasour, Q.C.

ADDRESS FOR SERVICE:

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

Aug. 20

SCHEDULE "A"

**Survey Description of the Estate of Bertram Porter
Hibbs Road, Kelligrews**

ALL THAT piece or parcel of land situate and being at the end of Hibbs Road in Kelligrews, in the electoral district of Conception Bay South, Newfoundland and Labrador, Canada and being abutted as follows, that is to say:

BEGINNING at a point, said point having NAD83 coordinates of North 5260500.451 meters and East 302869.122 meters with reference to Crown Land Monument No. 96G 6120 having coordinates of North 5261157.910 meters and East 303060.175 meters and Crown Land Monument No. 96G 6119 having coordinates of North 5260486.208 meters and East 302108.430 meters of the Modified Three Degree Transverse Mercator Projection for Newfoundland having a central meridian of 53 degrees west longitude;

THENCE running along by land belonging to Frederick W. Porter formerly the Estate of Abram Porter South seventy-eight degrees nineteen minutes thirty-seven seconds West, four hundred six decimal two seven eight meters;

THENCE following the sinuosities of Kelligrews River subtended by a line having a bearing and distance of North twenty-six degrees fifteen minutes fifty-nine seconds East, four hundred thirty-two decimal six nine nine meters;

THENCE running along the reservation on Kelligrews River according to survey by T.G. Scammell, NLS dated June 27, 1991 and thence along by land surveyed for the Estate of Frank Nugent by T.G. Scammell, NLS dated June 27, 1991 South eighty-four degrees twenty-nine minutes zero zero seconds East, twenty-eight decimal three one two meters;

THENCE running along by land surveyed for the Estate of Frank Nugent by T.G. Scammell, NLS dated June 27, 1991

North eighty-two degrees fifty-seven minutes zero zero seconds East, nineteen decimal three six eight meters;

AND THENCE running South eighty-nine degrees sixteen minutes zero zero seconds East, fifteen decimal two eight eight meters;

THENCE running along by land surveyed for the Estate of Frank Nugent by T.G. Scammell, NLS dated June 27, 1991 and thence running along by land belonging to Gerald Nugent surveyed by T.G. Scammell, NLS dated March 25, 1988 North eighty-four degrees forty-eight minutes zero zero seconds East, seventy decimal nine eight two meters;

THENCE running along by land belonging to Gerald Nugent surveyed by T.G. Scammell, NLS dated March 25, 1988 North seventy-nine degrees thirty-eight minutes zero zero seconds East, thirty decimal one seven seven meters;

AND THENCE running North seventy-eight degrees fifty-five minutes zero zero seconds East, twenty-four decimal zero seven seven meters;

THENCE running along by the right-of-way of Hibbs Road South zero degrees zero eight minutes twenty-three seconds East, seventeen decimal six zero two meters;

AND THENCE running South zero degrees fifty-three minutes fifteen seconds West, thirty decimal zero eight nine meters;

AND THENCE running South eighty-nine degrees zero six minutes twenty-two seconds East, fifteen decimal two three eight meters;

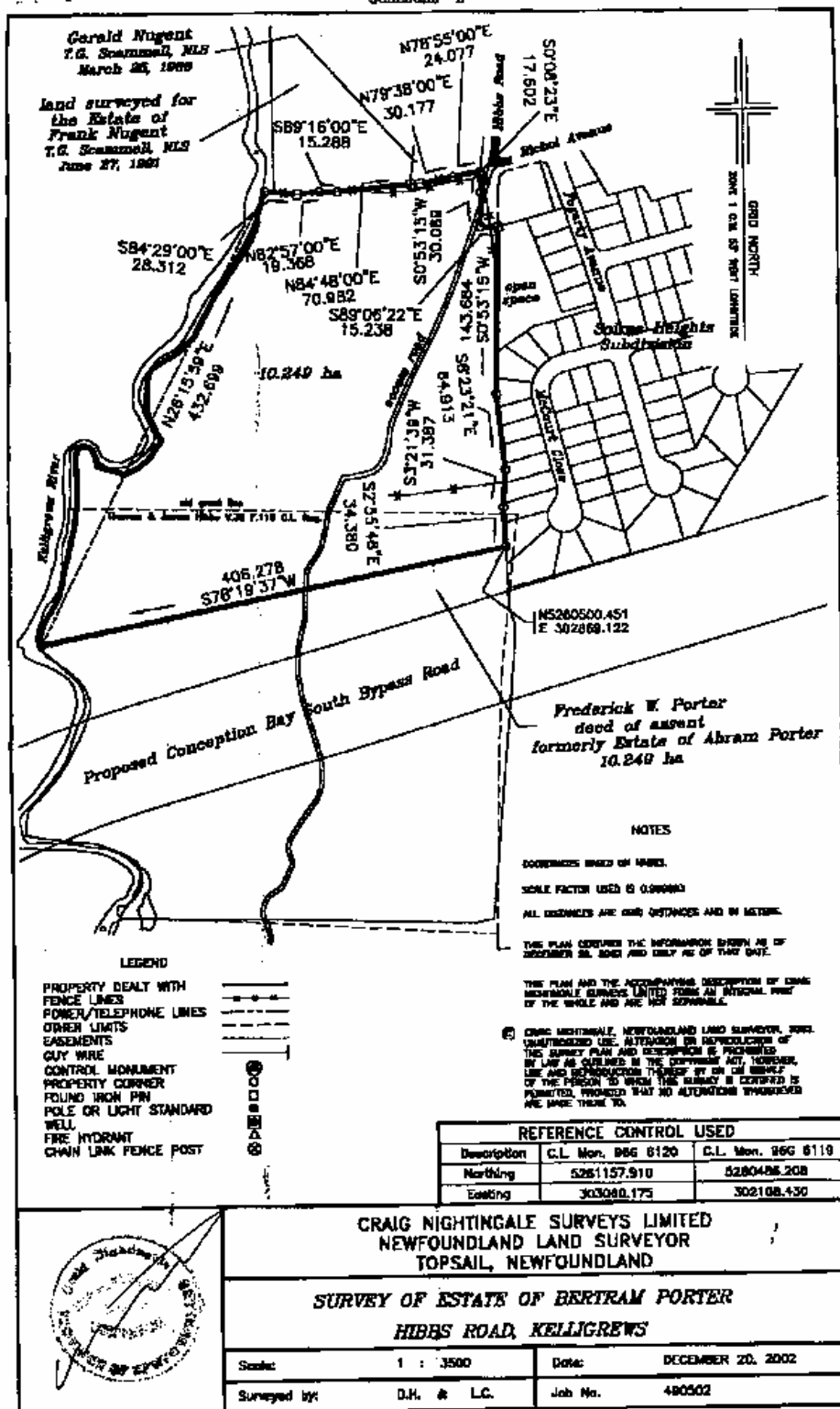
THENCE running along the open space of Soiree Heights Subdivision and thence by the lots fronting on McCourt Close in Soiree Heights Subdivision South zero degrees fifty-three minutes fifteen seconds West, one hundred forty-three decimal six eight four meters;

THENCE running along by the lots fronting on McCourt Close in Soiree Heights Subdivision South six degrees twenty-three minutes twenty-one seconds East, sixty-four decimal nine one three meters;

AND THENCE running South three degrees twenty-one minutes thirty-nine seconds West, thirty-one decimal three eight seven meters;

AND THENCE running South two degrees fifty-five minutes forty-six East, thirty-four decimal three eight zero meters, more or less, to the point of beginning.

The above described parcel of land has an area of 10.249 hectares, more or less, and is shown more fully delineated on the adjoining plan having Job no. 490502 dated December 20, 2002. Subject to, nevertheless, an access road for properties to the south as shown on the adjoining plan. All the bearings are referred to Grid North of the above mentioned projection. All distances are grid distances using a scale factor of 0.999893.



**2004 01 T 3164
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRAIL DIVISION**

IN THE MATTER OF an Application of Southern Holdings Limited to have title to that piece or parcel of land situate and being south west of Airport Heights Drive, in the City of St. John's, in the Province of Newfoundland and Labrador containing in all an area of Nine Decimal Three One Seven Seven Hectares (9.3177 ha.), 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 Southern Holdings Limited, a body corporate existing pursuant to the laws of the Province of Newfoundland and Labrador, having registered offices at 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 south west of Airport Heights Drive, in the City of St. John's, in the Province of Newfoundland and Labrador containing in all an area of Nine Decimal Three One Seven Seven Hectares (9.3177 ha.), and being abutted as follows, that is to say:

ALL THAT piece or parcel of land situate and being southwest of Airport Heights Drive, in the City of St. John's, in the Province of Newfoundland and Labrador, Canada, bounded and abutted as follows: that is to say beginning at a point, said point having M.T.M. Grid Co-ordinates (C.M. 53°) [NAD 83] of N 5 273 973.467 and E 323 844.004:

THEN RUNNING South twenty degrees forty three minutes zero seconds West (S20° 43' 00"W), a distance of 54.301 meters by land now or formerly James Dunn to a point;

THENCE turning and running South twenty one degrees thirty three minutes zero seconds West (S21° 33' 00"W), a distance of 68.550 meters by land now or formerly James Dunn to a point;

THENCE turning and running South twenty one degrees twenty minutes zero seconds West (S21° 20' 00"W), a distance of 75.790 meters by land now or formerly James Dunn to a point;

THENCE turning and running South twenty degrees two minutes forty seconds West (S20° 02' 40"W), a distance of 457.211 meters by land now or formerly James Dunn to a point;

THENCE turning and running North seventy three degrees two minutes zero seconds West (N73° 02' 00"W), a distance of 85.289 meters by land now or formerly Vincent Butler [V222 F546] to a point;

THEN turning and running North nineteen degrees fifty seven minutes twenty seconds East (N19° 57' 20"E), a distance of 28.477 meters by land now or formerly Douglas Furneaux and a reserved road (20.12m wide) to a point;

THENCE turning and running North seventy degrees two minutes thirty seven seconds West (N70° 02' 37"W), a distance of 58.817 meters by a reserved road (20.12m wide) to a point;

THENCE turning and running North nineteen degrees three minutes thirty three seconds East (N19° 03' 33"E), a distance of 53.197 meters by land of John Thibault [91 Firdale Dr., V261 F450] to a point;

THENCE turning and running North twenty one degrees four minutes zero seconds East (N21° 04' 00"E), a distance of 65.278 meters by land of City of St. John's [R918 F1054] and Eric Stacey & Elaine Cuza, 83 Firdale Dr. [R1410 F2742] to a point;

THENCE turning and running North eighteen degrees twenty nine minutes four seconds East (N18° 29' 04"E), a distance of 166.711 meters by land now or formerly William J. Vokey [V261 F450] to a point;

THENCE turning and running South seventy degrees forty minutes zero seconds East (S70° 40' 00"E), a distance of 5.429 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North nineteen degrees twenty minutes fourteen seconds East (N19° 20' 14"E), a distance of 22.860 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North twenty one degrees one minute twenty eight seconds East (N21° 01' 28"E), a distance of 30.644 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North seventeen degrees nineteen minutes seventeen seconds East (N17° 19' 17"E), a distance of 22.757 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North eighteen degrees forty nine minutes twenty seven seconds East (N18° 49' 27"E), a distance of 23.180 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North twenty degrees sixteen minutes one second East (N20° 16' 01"E), a distance of 30.730 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North nineteen degrees eighteen minutes thirty six seconds East (N19° 18' 36"E), a distance of 59.289 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North twenty degrees twenty eight minutes two seconds East (N20° 28' 02"E), a distance of 76.180 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North twenty degrees forty four minutes twenty two seconds East (N20° 44' 22"E), a distance of 15.677 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North twenty degrees twenty eight minutes fifty seven seconds East (N20° 28' 57"E), a distance of 15.240 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North twenty degrees forty four minutes forty two seconds East (N20° 44' 42"E), a distance of 15.240 meters by properties fronting Cedar Drive to a point;

THENCE turning and running North twenty degrees twenty two minutes fifty six seconds East (N20° 22' 56"E), a distance of 11.935 meters by properties fronting Cedar Drive to a point;

THENCE turning and running South sixty nine degrees eight minutes thirty seconds East (S69° 08' 30"E), a distance of 22.722 meters by land of Patrick Griffiths, 175 Airport Heights Dr. [R2266 F1467] to a point;

THENCE turning and running North twenty one degrees forty eight minutes zero seconds East (N21° 48' 00"E), a distance of 41.590 meters by land of Partick Griffiths, 175 Airport Heights Drive [R2266 F1467] to a point;

THENCE turning and running South seventy two degrees thirty seven minutes fifty seconds East (S72° 37' 50"E), a distance of 10.810 meters by the south west limit of Airport Heights Drive (20.12m wide) to a point;

THENCE turning and running South sixty eight degrees seventeen minutes eight seconds East (S68° 17' 08"E), a distance of 22.799 meters by the south west limit of Airport Heights Drive (20.12m wide) to a point;

THENCE turning and running South twenty degrees fifty eight minutes eight seconds West (S20° 58' 08"W), a distance of 57.012 meters by land of Graham Duffett to a point;

THENCE turning and running South fifty eight degrees nineteen minutes forty seconds East (S58° 19' 40"E), a distance of 24.381 meters by land of Graham Duffett to a point;

THENCE turning and running North twenty degrees fifty eight minutes twenty seconds East (N20° 58' 20"E), a distance of 56.998 meters by land of Graham Duffett to a point;

THENCE turning and running South fifty seven degrees forty four minutes thirteen seconds East (S57° 44' 13"E), a distance of 33.194 meters by the south west limit of Airport Heights Drive (20.12m wide) to a point;

THENCE turning and running South fifty nine degrees fifty six minutes fifty five seconds East (S59° 56' 55"E), a distance of 34.496 meters by the south west limit of Airport Heights Drive (20.12m wide) to the place of beginning and containing in all an area of 9.3177 hectares as more particularly described and delineated on plan N4016, March 2, 2004 hereto annexed.

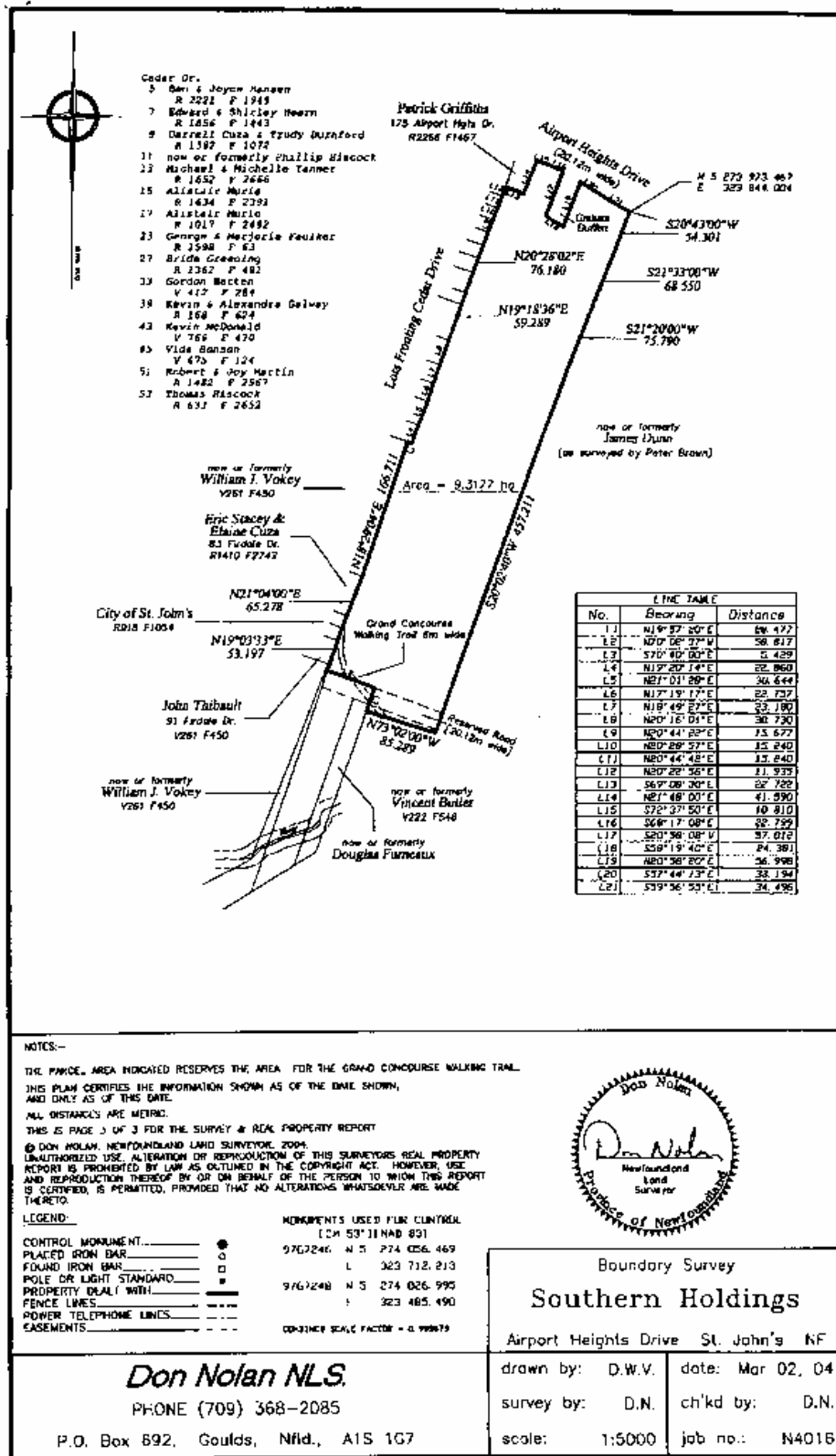
RESERVING THEREFROM a walking trail [6m wide] extending through the south western portion of the property as shown on the plan hereto annexed.

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 17th day of September, 2004, after which date no party having a claim shall be permitted to file the same or be heard except by leave to 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: Kenneth L. Baggs, Q.C

ADDRESS FOR SERVICE:
323 Duckworth Street
P.O. Box 5955
St. John's, NL
A1C 5X4
Aug. 20



TRUSTEE ACT

ESTATE NOTICE

NOTICE TO CREDITORS AND OTHERS Re: Estate of Michael Joseph Wade Sr. late of 1 Hayward Avenue, St. John's, NL, A1C 3W1.

Notice is hereby given that creditors and others having claims against the Estate of Michael Joseph Wade Sr., deceased, formerly of 1 Hayward Avenue, St. John's, NL, A1C 3W1, who died May 22, 2004 are required by section 24 of the *Trustee Act* to send them to the Co-Administrators, Kim Mahoney and Richard Wade, P.O. Box 273, Bay Roberts, NL, A0A 1G0 on or before the 14th day of September, 2004 after which date the Administrator will distribute the Estate among the parties entitled to it, having regard only to the claims of which the Administrator then has notice.

Dated at St. John's, Newfoundland and Labrador, this 20th day of August, 2004.

Richard Wade
Tel: 709-753-3671

Aug. 20

CHANGE OF NAME ACT

C-8 RSN 1990

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

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

ELIZABETH NINA GREHNAME

of Box 208, St. Anthony, NL, A0K 4T0, in the Province of Newfoundland and Labrador, as follows:

To change my name from

ELIZABETH NINA GREHNAME
to
ELIZABETH NINA GRINNAME

DATED this 7th day of August, 2004.

ELIZABETH GRINNAME
(Signature of Applicant)

Aug. 20

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

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

CYNTHIA MARLENE WHITEWAY

of P.O. Box 1329, Lewisporte, NL, A0G 3A0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

TATUM LYNANN DOWNTON
to
TATUM LYNANN WHITEWAY

DATED this 12th day of August, 2004.

CYNTHIA WHITEWAY
(Signature of Applicant)

Aug. 20

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

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

DONNA LORRAINE OWENS

of 44 Edmonton Pl, St. John's, A1A 2N7, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

LESLEY DALE ANDREWS
to
LESLEY DALE OWENS

DATED this 11th day of August, 2004.

DONNA OWENS
(Signature of Applicant)

Aug. 20

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

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

COURTNEY DROVER

of 11A Church Rd., Badger, NL, A0H 1A0 in the Province
of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

ALANA MARY BELLE COLBOURNE

to

ALANA MARY BELLE COLBOURNE-DROVER

DATED this 30th day of July, 2004.

COURTNEY DROVER
(Signature of Applicant)

Aug. 20

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

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

PENNY SUSAN MAE ANSTEY

of 12 Poplar Rd., Corner Brook, NL, A2H 4T7, in the
Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

LUCAS DALLAS BRUCE ANSTEY-BLAKE

to

LUCAS COREY BRUCH ANSTEY

DATED this 6th day of August, 2004.

PENNY ANSTEY
(Signature of Applicant)

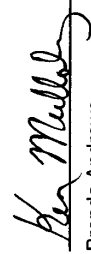
Aug. 20

Legal Name Changes
Processed During the Period
JULY, 2004

Under the authority vested in me by The Change of Name Act, Chapter C-8 of The Revised Statutes of Newfoundland, 1990, I hereby certify that the following names have been changed.

<u>Former Name</u>	<u>Present Name</u>	<u>Address</u>	<u>District</u>
Lowney, Rob Patrick	Labbe, Rob Patrick	Torbay	Cape St. Francis
Milligan, Quinten David	Taylor, Quinten David Milligan	Happy Valley-Goose Bay	Lake Melville
Janes-Tucker, Gracie Paige	Janes, Gracie Paige	Portugal Cove	Portugal Cove-St. Philip's
Hurley, Brian William	White, Brian William	St. John's	St. John's South
Vatcher, Emily Margaret	Head, Emily Margaret Vatcher	Mount Pearl	Mount Pearl
Martino (Carpenter), Donna Lee	Keats (Carpenter), Donna Lee	Catalina	Bonavista South
Gillingham, Nicholas Alex	Easton, Nicholas Alex	Carmenville	Bonavista North
Besarra-Downey, Winona Michelle Lela	Longridge, Winona Michelle Lela	Springdale	Windsor-Springdale
Parril, Gladys	Parril, Gladys	St. Anthony	Straits and White Bay North
McCarthy, Courtney Caroline	James, Courtney Caroline	Upper Island Cove	Harbour Grace
Seaward, Mark Maxwell Nelson	Warren, Marc Maxwell Nelson	Margaree	Burgeo and La Poile
Sweers, Hope Victoria Mary	Higgins, Hope Victoria Mary	Botwood	Exploits
Sweers, Wesley Roy Reginald	Higgins, Wesley Roy Reginald	Botwood	Exploits
Young, Chad Gerald William	Chipman, Chad Gerald William	St. John's	St. John's West
Young, Chelsea Elizabeth Louise	Chipman, Chelsea Elizabeth Louise	St. John's	St. John's West
Parsons, Douglas James Francis	Pike, Douglas James Francis	St. John's	St. John's South
Parsons, David Edward	Pike, David Edward	St. John's	St. John's South

Dated this 12 day of August, 2004

for 
Brenda Andrews
Registrar, Vital Statistics Division
Department of Government Services & Lands



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDIANTE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 79

ST. JOHN'S, FRIDAY, AUGUST 20, 2004

No. 34

Index

PART I

Change of Name Act – Applications	440
City of St. John's Act – Notice	433
Lands Act – Notices	433
Mechanics' Lien Act – Notice	434
Quieting of Titles Act – Notices	434
Rules of the Supreme Court, 1986 – Notices	430
Trustee Act – Notice	440
Urban and Rural Planning Act – Notices	429

PART II

CONTINUING INDEX OF SUBORDIANTE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
--	--------------------	-----------	-------------------------------

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, 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/queensprinter

Legislative History of the Judicature Act, 1791-1988

Price \$25.00 plus G.S.T.

(Plus \$2.00 postage and handling)

Place your order by contacting:

Office of The Queen's Printer

Confederation Building, East Block

St. John's, NL A1B 4J6

Telephone: (709) 729-3649 Fax: (709) 729-1900

Government Information Product

Publication Rate Mail

G.S.T. # R107442683

All requests for Subscription and Legislation MUST be prepaid.