



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 79

ST. JOHN'S, FRIDAY, NOVEMBER 19, 2004

No. 47

**URBAN AND RURAL PLANNING ACT
NOTICE OF REGISTRATION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NO. 326, 2004**

Take notice that the St. John's Development Regulations Amendment No. 326, 2004 adopted on the 1st day of November, 2004, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of St. John's Development Regulations Amendment No. 326, 2004 is to establish maximum building heights in the Industrial General (IG) Zone.

The St. John's Development Regulations Amendment No. 326, 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 amendment may do so at the Department of Planning, 3rd Floor, St. John's City Hall during regular business hours.

CITY OF ST. JOHN'S
Planning Department

Nov 19

**NOTICE OF REGISTRATION
ST. JOHN'S MUNICIPAL PLAN AMENDMENT NO.
15, 2004 AND ST. JOHN'S DEVELOPMENT
REGULATIONS AMENDMENT NO. 329, 2004**

Take notice that the St. John's Municipal Plan Amendment No. 15, 2004 and St. John's Development Regulations Amendment No. 329, 2004 adopted on the 12th day of October, 2004 and approved on the 8th day of November, 2004, have been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 15, 2004 is to redesignate property to the rear of Civic Number 55 Stavanger Drive to the Commercial General Land Use District.

In general terms, the purpose of Development Regulations Amendment No. 329, 2004 is to rezone land to the rear of Civic Number 55 Stavanger Drive to the Commercial Regional (CR) Zone.

The St. John's Municipal Plan Amendment No. 15, 2004 and St. John's Development Regulations Amendment No. 329, 2004 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 amendments may do so at the Department of Planning, 3rd Floor, St. John's City Hall during regular business hours.

CITY OF ST. JOHN'S
Planning Department

Nov 19

**NOTICE OF REGISTRATION
TOWN OF GAMBO
MUNICIPAL PLAN AMENDMENT NO. 1, 2004
AND DEVELOPMENT REGULATIONS
AMENDMENT NO. 1, 2004**

Take notice that the Town of Gambo Municipal Plan Amendment No. 1, 2004 and Development Regulations No. 1, 2004, adopted on the 1st day of September, 2004, (as amended) and approved on the 6th day of October, 2004, has been registered by the Minister of Municipal and Provincial Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 1, 2004 is to give council the authority to permit commercial residential development in areas of the

Town designated as Rural, subject to consideration of public comments or objections. Specifically this amendment is proposed to allow Council to consider the approval of an application by Allesandro Bracci to develop tourist cabins in the vicinity of Clay Cove in the northern area of the Town.

In general terms, the purpose of Development Regulations Amendment No. 1, 2004 is to give council the authority to permit commercial residential development in areas of the Town designated as Rural, subject to consideration of public comments or objections. Specifically this amendment is proposed to allow Council to consider the approval of an application by Allesandro Bracci to develop tourist cabins in the vicinity of Clay Cove in the northern area of the Town.

The Town of Gambo Municipal Plan Amendment No. 1, 2004 and Development Regulations Amendment No. 1, 2004 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 Gambo Municipal Plan Amendment No. 1, 2004 and Development Regulations Amendment No. 1, 2004 may do so at the Town Office, Gambo during normal working hours.

TOWN OF GAMBO
Town Clerk

Nov 19

TRUSTEE ACT
ESTATE NOTICE

IN THE MATTER OF the Estate of Michael Conway, late of St. John's, in the Province of Newfoundland and Labrador, retired maintenance worker, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of the Michael Conway, the aforesaid deceased who died at St. John's, in the Province of Newfoundland and Labrador, on or about the 30th day of October, 2004, are hereby requested to send particulars thereof in writing, duly attested to the undersigned Solicitor for the Executor of the Estate on or before the 13th day of December, 2004, after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at Carbonear, in the Province of Newfoundland and Labrador, this 8th day of November, 2004.

J. WILLIAM FINN LAW OFFICE
Solicitor for the Executor of the
Estate of Michael Conway
PER: J. William Finn

Address for Service:
66 Powell Drive
Carbonear, NL A1Y 1A5

Nov 19

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:-

BRIAN STEPHEN WILLETTE

of 6A Wells Place, Stephenville, A2N 3B6, in the Province of Newfoundland and Labrador, as follows:

To change my name from

BRIAN STEPHEN WILLETTE
to
BRIAN JOHN WILLETT

DATED this 5th day of November, 2004.

BRIAN WILLETTE
(Signature of Applicant)

Nov 19

**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:-

PAIGE DOLLY RUSSELL

of P. O. Box 1842, Stn B, Happy Valley, A0P 1E0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

ALISON-AMBER BRIDE KIPPENHUCK
to
ALISON-AMBER BRIDE RUSSELL

DATED this 18th day of October, 2004.

PAIGE RUSSELL
(Signature of Applicant)

Nov 19

**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:-

SONYA MARIE CAUL

of 4 Cherrywood Drive, P. O. Box 1057, Stephenville Crossing, A0N 2C0, in the Province of Newfoundland and Labrador, as follows:

To change my name from

SONYA MARIE CAUL
to
SONYA MARIE POWER

To change my minor unmarried child's name from

JOHNSTON DAVID CAUL
to
JOHNSTON DAVID POWER

DATED this 4th day of November, 2004.

SONYA MARIE CAUL
(Signature of Applicant)

Nov 19

**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:-

JANINE NADINE ENNIS

of P. O. Box 146 Placentia, A0B 2Y0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

AMBER-LYNN GRIFFIN
to
AMBER-LYNN ENNIS

DATED this 23rd day of September, 2004.

JANINE ENNIS
(Signature of Applicant)

Nov 19

**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:-

MADONNA MARIE HEARN

of 23 Farrell Drive, Mount Pearl, A1N 3E9, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried children's name from

COREY KEVIN GOSSE
to
COREY KEVIN HEARN

JUSTIN ERNEST GOSSE
to
JUSTIN ERNEST HEARN

DATED this 15th day of November, 2004.

MADONNA HEARN
(Signature of Applicant)

Nov 19

**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:-

TAMMY MARY GREENE

of 5 Snooks Lane, York Harbour, A0L 1L0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

BRADY THOMAS TREVOR GREENE
to
BRADY THOMAS TREVOR ROBERTS

DATED this 8th day of November, 2004.

TAMMY GREENE
(Signature of Applicant)

Nov 19

Legal Name Changes
Processed During the Period
OCTOBER, 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.

Former Name	Present Name	Address	District
Menchinton, Amy Leigh	Russell, Amy Leigh	St. John's	St. John's North
Lava, Zachary Eric	Lava-Purchase, Zachary Eric	Fortune	Grand Bank
Butt, Kyle Jacob	Phillips, Kyle Jacob	Bonavista	Bonavista South
Sparkes, Alyssa Judith Hope	Crewe, Alyssa Judith Hope	Conception Bay South	Conception Bay South
Martin, Briana Marie	Vallis, Briana Marie	St. John's	St. John's West
Williams, Chantel Elizabeth	O'Reilly, Chantel Elizabeth	Paradise	Topsail
Ansley-Blake, Lucas Dallas Bruce	Ansley, Lucas Corey Bruce	Corner Brook	Humber West
Downton, Tatum Lynnann	Whiteaway, Tatum Lynnann	Lewisporte	Lewisporte
Gale, Samantha Jane	Stagg, Samantha Jane	Cape Freels	Bonavista North
Carew, Noah Reginald	Harrigan, Noah Reginald	Witless Bay	Ferryland
Follett, Kevin William	Sigurdsson, Soren	St. John's	Kilbride

Dated this 4th day of November 2004

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



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

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

Vol. 79

ST. JOHN'S, FRIDAY, NOVEMBER 19, 2004

No. 47

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 137/04
NLR 138/04
NLR 139/04



**NEWFOUNDLAND AND LABRADOR
REGULATION 137/04**

*Repeal of Notice of Protected Water Supply Area of Indian Pond
under the
Water Resources Act*

(Filed November 12, 2004)

Under the authority of section 39 of the *Water Resources Act*, I
give the following notice.

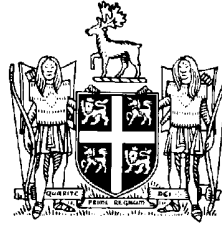
Dated at St. John's, October 4, 2004.

Tom Osborne
Minister of Environment and Conservation

NOTICE

The *Notice of Protected Water Supply Area of Indian Pond*, Consolidated Newfoundland and Labrador Regulation 608/96, is repealed.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 138/04**

Notice of Protected Water Supply Area of Bulley's Pond, 2004
under the
Water Resources Act

(Filed November 12, 2004)

Under the authority of section 39 of the *Water Resources Act*, I designate the area generally known as the *Bulley's Pond Water Supply Area* for the Town of King's Point as a protected water supply area.

Dated at St. John's, October 27, 2004.

Tom Osborne
Minister of Environment and Conservation

NOTICE

This area includes all lands in the Provincial Electoral District of Baie Verte abutted and bounded as follows:

Beginning at a point having scaled UTM co-ordinates of easting 558,695 metres and northing 5,494,639 metres;

Then running in a southeasterly direction for a distance of 781 metres, more or less, to a point having scaled UTM co-ordinates of easting 559,168 metres and northing 5,494,018 metres;

Then running in a southwesterly direction for a distance of 1,394 metres, more or less, to a point having scaled UTM co-ordinates of easting 557,996 metres and northing 5,493,264 metres;

Then running in a westerly direction for a distance of 1,233 metres, more or less, to a point having scaled UTM co-ordinates of easting 556,776 metres and northing 5,493,085 metres;

Then running in a southwesterly direction for a distance of 1,208 metres, more or less, to a point having scaled UTM co-ordinates of easting 555,850 metres and northing 5,492,309 metres;

Then running in a northwesterly direction for a distance of 626 metres, more or less, to a point having scaled UTM co-ordinates of easting 555,321 metres and northing 5,492,643 metres;

Then running in a westerly direction for a distance of 1,393 metres, more or less, to a point having scaled UTM co-ordinates of easting 553,975 metres and northing 5,492,285 metres;

Then running in a northwesterly direction for a distance of 1,093 metres, more or less, to a point having scaled UTM co-ordinates of easting 553,296 metres and northing 5,493,142 metres;

Then running in a westerly direction for a distance of 1,012 metres, more or less, to a point having scaled UTM co-ordinates of easting 552,334 metres and northing 5,493,456 metres;

Then running in a westerly direction for a distance of 780 metres, more or less, to a point having scaled UTM co-ordinates of easting 551,580 metres and northing 5,493,255 metres;

Then running in a southwesterly direction for a distance of 767 metres, more or less, to a point having scaled UTM co-ordinates of easting 551,128 metres and northing 5,492,635 metres;

Then running in a westerly direction for a distance of 1,150 metres, more or less, to a point having scaled UTM co-ordinates of easting 549,990 metres and northing 5,492,804 metres;

Then running in a northwesterly direction for a distance of 951 metres, more or less, to a point having scaled UTM co-ordinates of easting 549,254 metres and northing 5,493,407 metres;

Then running in a northeasterly direction for a distance of 768 metres, more or less, to a point having scaled UTM co-ordinates of easting 49,612 metres and northing 5,494,086 metres;

Then running in a northwesterly direction for a distance of 881 metres, more or less, to a point having scaled UTM co-ordinates of easting 548,995 metres and northing 5,94,715 metres;

Then running in a easterly direction for a distance of 1,505 metres, more or less, to a point having scaled UTM co-ordinates of easting 550,498 metres and northing 5,494,633 metres;

Then running in a northeasterly direction for a distance of 1,019 metres, more or less, to a point having scaled UTM co-ordinates of easting 551 392 metres and northing 5 495 122 metres;

Then running in a easterly direction for a distance of 1,046 metres, more or less, to a point having scaled UTM co-ordinates of easting 552 372 metres and northing 5 494 757 metres;

Then running in a easterly direction for a distance of 903 metres, more or less, to a point having scaled UTM co-ordinates of easting 553,261 metres and northing 5,494,917 metres;

Then running in a northeasterly direction for a distance of 1,032 metres, more or less, to a point having scaled UTM co-ordinates of easting 554,156 metres and northing 5,495,431 metres;

Then running in a southeasterly direction for a distance of 497 metres, more or less, to a point having scaled UTM co-ordinates of easting 554,515 metres and northing 5,495,087 metres;

Then running in a easterly direction for a distance of 566 metres, more or less, to a point having scaled UTM co-ordinates of easting 555,068 metres and northing 5,494,965 metres;

Then running in a northeasterly direction for a distance of 388 metres, more or less, to a point having scaled UTM co-ordinates of easting 555,397 metres and northing 5,495,170 metres;

Then running in a southeasterly direction for a distance of 379 metres, more or less, to a point having scaled UTM co-ordinates of easting 555,738 metres and northing 5,495,004 metres;

Then running in a northeasterly direction for a distance of 785 metres, more or less, to a point having scaled UTM co-ordinates of easting 556,396 metres and northing 5,495,432 metres;

Then running in a southeasterly direction for a distance of 660 metres, more or less, to a point having scaled UTM co-ordinates of easting 556,892 metres and northing 5,494,996 metres;

Then running in a southerly direction for a distance of 931 metres, more or less, to a point having scaled UTM co-ordinates of easting 557,207 metres and northing 5,494,120 metres;

Then running in a easterly direction for a distance of 407 metres, more or less, to a point having scaled UTM co-ordinates of easting 557,614 metres and northing 5,494,106 metres;

Then running in a northeasterly direction for a distance of 1,205 metres, more or less, to the point of commencement.

All co-ordinates refer Zone 21 of the NAD 83 Universal Transverse Mercator Projection.

The Notice of Protected Water Supply Area of Bulley's Pond, Consolidated Newfoundland and Labrador Regulation 538/96, is repealed.

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NEWFOUNDLAND AND LABRADOR REGULATION 139/04

Rules of the Supreme Court, 1986 (Amendment)
under the
Judicature Act

(Filed November 12, 2004)

Under the authority of section 55 of the *Judicature Act*, the Rules Committee makes the following rules.

Dated at St. John's, November 22, 2002.

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

RULES

Analysis

- | | |
|----------------------------------------------------------------|------------------------------------------------------------|
| 1. Rule 5 Amdt.
Commencement of proceedings | 4. Rule 49.05 Amdt.
Orders |
| 2. Rule 8.07A Added
Minors and mentally incompetent persons | 5. Rule 54.06 R&S
Crown practice rules in civil matters |
| 3. Rule 29.02 Amdt.
Application | 6. Commencement |

1. (1) Rule 5 of the *Rules of the Supreme Court, 1986* is amended by renumbering rule 5.02 as rule 5.02(1).

(2) Rule 5.02(1) of the rules is amended by inserting immediately after the words "by filing in the Registry" a comma and the phrase and comma "or with a commissioner of the Supreme Court for the issue of originating documents at the place where the commissioner resides,".

(3) Rule 5 of the rules is amended by adding immediately after rule 5.02(1) the following:

(2) Where the originating application is filed with a commissioner:

(a) the applicant shall state in the application the Judicial Centre or circuit, as the case may be, at which it is proposed that the application be heard; and

(b) the commissioner shall, before assigning a return date for the hearing of the application, obtain from the registry in the designated judicial centre or the registry responsible for the designated circuit, a suitable return date consistent with the docket of that centre or circuit and insert that date on the notice attached to the application.

(4) Rule 5.03 of the rules is amended by deleting the words "statements of claim" and substituting the words "originating applications or documents".

2. Rule 8 of the rules is amended by adding immediately after rule 8.07 the following:

Application for approval of settlement sealed

8.07A. Where an application for approval of settlement or compromise payment on behalf of a person under disability is refused by the court and the matter proceeds to trial, the application, other materials and written submissions, if any, made in respect of the application for approval shall be sealed and shall not be disclosed to the trial judge unless:

(a) the parties consent;

(b) the information, such as medical evidence, is properly admissible at trial; or

(c) following judgment, the information contained therein is relevant to an issue respecting costs.

3. (1) Rule 29.02 of the rules is amended by adding immediately after rule 29.02(4) the following:

(5) Each affidavit, memorandum or other document filed on or subsequent to the date of filing of an interlocutory application but in relation to that application shall have endorsed thereon immediately below the title of proceeding or at some convenient place, if there is no title of proceeding on the document, the following text box containing the information stipulated:

SUMMARY OF CURRENT DOCUMENT

Court File Number(s):

Date of Filing of Document:

Name of Filing Party or Person:

Application to which Document being filed relates: [e.g. Application of plaintiff for order for production of documents under rule 32.07]

Statement of purpose in filing: [e.g. to support/oppose application; to seek directions, etc.]

Court Sub-File Number, if any:

(2) Rule 29.02 of the rules is amended by repealing Form 29.02A and substituting the following:

Form 29.02A

(rule 29.02)

20____ O_ T____

In the Supreme Court of Newfoundland and Labrador
Trial Division

(Title of proceedings)

Interlocutory Application

Re: [Brief description of nature of application] Pursuant to [State Rule or Applicable Statute]

(InterPartes)

The application of (A.B. the plaintiff or C.D. the defendant) in this proceeding says:

Nature of Application

1. The Applicant seeks an order (or declaration or other relief, as the case may be) pursuant to (set forth the Rule or statutory provision or other authority relied on as the basis for the relief sought) that the Plaintiff (or Defendant, or some other party or person) (set forth the nature of the specific order, declaration or other relief sought) on the basis that

(i) (list in summary form, the individual grounds relied on for the relief sought)

(ii) ...

Procedural History

2. The procedural history of this proceeding, insofar as it is relevant to this application, is as follows:

(i) (list only the relevant previous pleadings filed, steps taken, etc. with pertinent dates that may be relevant to the disposition of the application)

(ii) ...

(iii) ...

Material Facts

3. (Set forth material facts.)

Other Pertinent Information and References

4. (Set forth any other pertinent information or reference.)

Relief Sought

5. The Applicant therefore applies for . . . (set forth the specific relief sought)

DATED at _____, Newfoundland and Labrador, this _____ day of _____, 20_____.

(Sgd.) (A.B., Plaintiff)

(or)

(C.D., Defendant)

(or)

(M.N., Solicitor for the plaintiff

whose address for service

is _____, Newfoundland and Labrador

(or)

(O.P., Solicitor for the defendant

whose address for service

is _____, Newfoundland and Labrador

Notice to the Plaintiff(s) or Defendant(s)

You are hereby notified that the foregoing application will be made to the judge presiding in Chambers at the Court House at _____,

Newfoundland and Labrador on _____ the _____ day of _____, 20____, at _____.m.

TO: (A.B., plaintiff
(or)
(M.N., Solicitor for the plaintiff
of _____ Street, _____ Newfoundland
and Labrador

or

(C.D., defendant)
(or)
(O.P., Solicitor for the defendant)
of _____ Street, _____ Newfoundland
and Labrador

4. (1) Rule 49.05(1)(b)(i)(B) of the rules is amended by adding immediately after the word and comma "claimants," the word "or".

(2) Rules 49.05(1)(b)(ii) of the rules is amended by deleting at the end of subclause (ii) the comma and the word "or" and by substituting a semi-colon and the word "and".

(3) Rule 49.05(1)(b)(iii) of the rules is repealed.

5. Rule 54.06 of the rules is repealed and the following substituted:

Application filed
and served within
six months

54.06. An originating application for an order in the nature of certiorari shall be filed and served within six months after the date of

- (a) filing of the judgment;
- (b) issuing of the order or award;
- (c) service of the warrant;
- (d) rendering of the report of the inquiry

to which it relates.

Commencement

6. These rules shall come into force on January 1, 2005.

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PART II

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Rules of the Supreme Court, 1986 (Amdt) (In force Jan. 1, 2005)	NLR 139/04	Rule 5 Amdt Rule 8.07A Added Rule 29.02 Amdt Rule 49.05 Amdt Rule 54.06 R & S	Nov 19/04, p. 701
Water Resources Act			
Notice of Protected Water Supply Area of Bulley's Pond, 2004	NLR 138/04	R & S CNLR 538/96	Nov 19/04, p. 697
Repeal of Notice of Protected Water Supply Area of Indian Pond	NLR 137/04	Rep. CNLR 608/96	Nov 19/04, p. 695

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

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