



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 82	ST. JOHN'S, FRIDAY, MARCH 9, 2007	No. 10
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MINERAL ACT

NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, M-12, RSNL 1990 as amended.

Mineral rights to the following mineral licenses have reverted to the Crown:

Mineral License	009187M
Held by	Rubicon Minerals Corporation
Situate near	Birchy Bay, Central NL
On map sheet	02E/07

Mineral License	012326M
Held by	Rubicon Minerals Corporation
Situate near	Exploits River, Central NL
On map sheet	12A/09 12A/10

Mineral License	012322M
Held by	Rubicon Minerals Corporation
Situate near	Exploits River, Central NL
On map sheet	12A/09 12A/16

Mineral License	012324M
Held by	Rubicon Minerals Corporation
Situate near	Exploits River, Central NL
On map sheet	12A/16 12A/15

Mineral License	010413M
Held by	Connors, Pat
Situate near	Ossokmanuan Lake
On map sheet	23H/07

Mineral License	010414M
Held by	Krats, Karl E.
Situate near	Ossokmanuan Lake
On map sheet	23H/07

Mineral License	011400M
Held by	Castmor Resources Ltd.
Situate near	White Bear Arm
On map sheet	03D/13 13A/16

Mineral License	011401M
Held by	Pickford Minerals Inc.
Situate near	Eagle River
On map sheet	13H/05

Mineral License	011402M
Held by	Pickford Minerals Inc.
Situate near	Eagle River
On map sheet	13H/05

Mineral License	011429M
Held by	Monster Copper Corporation
Situate near	Tukialik Bay
On map sheet	13J/16

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in CNLR 1143/96 and NLR 71/98, 104/98, 97/2000, 36/2001, 31/2004 and 78/2006 and outlined on 1:50 000 scale maps maintained by the Department of Natural Resources, will be open for staking after the hour of 9:00 a.m. on the 32nd clear day after the date of this publication.

JIM HINCHEY P.Geo
Manager - Mineral Rights

File # 774: 4506, 5018, 5784, 5792, 5793, 6465, 6466, 6467, 6492

Mar 9

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF PARADISE DEVELOPMENT REGULATIONS AMENDMENT #24-2007

Take notice that the Town of Paradise Municipal Development Regulations Amendment No. 24 – 2007, adopted on the 6th day of February 2007 has been registered by the Minister of Municipal Affairs.

In general terms, this Municipal Development Regulations Amendment adds “Place of Worship” as a Discretionary Use within the Commercial Local (CL) land use zone. This addition allows churches and other places of worship to be considered as discretionary land uses in the CL zone.

The amendment comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone wishing to inspect a copy of Development Regulations Amendment No. 24 – 2007, may do so at the Paradise Town Hall, 1655 Topsail Road, during normal hours of operation.

TOWN OF PARADISE,
Joyce Moss, Town Clerk

Mar 9

NOTICE OF REGISTRATION TOWN OF PASADENA MUNICIPAL PLAN AMENDMENT NO. 12, 2006 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 15, 2006

Take notice that the Town of Pasadena Municipal Plan Amendment No. 12, 2006 and Development Regulations Amendment No. 15, 2006, adopted on the 18th day of December, 2006, (as amended) and approved on the 5th day of February, 2007, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 12, 2006 is to allow vehicle access from Third Avenue to the property known as 59 Main Street (Good Buddy Sports – Philly’s Café).

In general terms, the purpose of Development Regulations Amendment No. 15, 2006 is to allow vehicle access from Third Avenue to the property known as 59 Main Street (Good Buddy Sports- Philly’s Café).

The Pasadena Municipal Plan Amendment No. 12, 2006 and Development Regulations Amendment No. 15, 2006 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 Pasadena Municipal Plan Amendment No. 12, 2006 and Development Regulations Amendment No. 15, 2006 may do so at the Town Office, Pasadena during normal working hours.

TOWN OF PASADENA
Town Clerk

Mar 9

NOTICE OF REGISTRATION ST. JOHN’S MUNICIPAL PLAN AMENDMENT NUMBER 44, 2007 AND ST. JOHN’S DEVELOPMENT REGULATIONS AMENDMENT NO. 400, 2007

Take notice that the St. John’s Municipal Plan Amendment Number 44, 2007 and the St. John’s Development Regulations Amendment Number 400, 2007, adopted on the 22nd day of January, 2007, have been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 44, 2007 is to redesignate property situated at Ricketts Road from the Residential High Density District to the Commercial General District. In general terms, the purpose of Development Regulations Amendment Number 400, 2007 is to rezone property situated at Rickett’s Road from the Apartment Medium Density (A2) Zone to the Commercial Neighbourhood (CN) Zone. These amendments are proposed in order to accommodate development of a two-storey office building. The amendments are prompted by an application from LeMarchant Road 1995 Limited.

The amendments come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the 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
Cliff Johnston, Dept of Planning

Mar 9

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of late Helen Osborne of the Town of Traytown, Bonavista Bay, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Helen Osborne, the aforesaid deceased, who died at the Town of St. John's, in the Province of Newfoundland and Labrador, on or about the 9th day of November, 2006, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executors of the Estate on or before the 12th day of March, 2007, after which date the Executors will proceed to distribute the said Estate having regard only to the claims of which they shall have had notice.

Dated at the Town of Gander, Newfoundland and Labrador, this 21st day of February, 2007.

BONNELL LAW
Solicitors for the Executors
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:
P. O. Box 563
218 Airport Boulevard
Gander, NL
A1V 2E1

Tel # 709-651-4949
Fax # 709-651-4951

Mar 2 & 9

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of late George Melvin Parsons of the Town of Noggin Cove, in the Province of Newfoundland and Labrador, Retired Carpenter, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of George Melvin Parsons, the aforesaid deceased, who died at the Town of Carbonear, in the Province of Newfoundland and Labrador on or about the 24th day of June, 2004, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Administrator of the Estate on or before the 19th day of March, 2007, after which date the Administrator will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

Dated at the Town of Gander, Newfoundland and Labrador, this 27th day of February, 2007.

BONNELL LAW
Solicitor for the Administrators
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:
P. O. Box 563
218 Airport Boulevard
Gander, NL A1V 2E1

Tel # 709-651-4949
Fax # 709-651-4951

Mar 9 & 16

ESTATE NOTICE

IN THE MATTER OF the Estate Francis Dyke, Sr., late of St. John's, in the Province of Newfoundland and Labrador, Retired, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Francis Dyke, Sr., late of St. John's, in the Province of Newfoundland and Labrador, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Executrix of the Estate of Francis Dyke, Sr., on or before April 9th, 2007, after which date the Executrix will proceed to distribute the Estate having regard only to the claims of which she shall then have notice.

Dated at St. John's in the Province of Newfoundland and Labrador, this 2nd day of March, 2007.

CURTIS, DAWE
Solicitors for the Executrix
PER: Aubrey L. Bonnell, Q.C.

ADDRESS FOR SERVICE:
P. O. Box 337
11th Floor, Fortis Building
139 Water Street
St. John's, NL A1C 5J9

Tel # 709-722-5181
Fax # 709-722-7521

Mar 9

QUIETING OF TITLES ACT

**2007 01T 0738
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION**

IN THE MATTER of an Application by Wallace MacDonald of Conception Bay South, in the Province of Newfoundland and Labrador, Adeline Rita MacDonald, of St. John's, in the Province of Newfoundland and Labrador, and Royal Trust Corporation of Canada, a body corporate, as Executors of the Estate and Effects of the late Heath

MacDonald, pursuant to the *Quieting of Titles Act*, RSNL 1990, cQ-3, as amended.

**NOTICE OF APPLICATION UNDER THE
QUIETING OF TITLES ACT,
RSNL 1990 cQ-3, AS AMENDED**

Notice is hereby given to all parties that Wallace MacDonald, Adeline Rita MacDonald and the Royal Trust Corporation of Canada, as Executors of the Estate of the late Heath MacDonald, have applied to the Supreme Court of Newfoundland and Labrador, Trial Division, to have their title to all that piece or parcel of land situate on the Salmonier Line, in the Community of St. Catherines, in the Province of Newfoundland and Labrador, and more particularly described in Schedule "A" as attached hereto and more particularly outlined on diagram annexed hereto as Schedule "B" as filed with this Application in the Registry of the Supreme court of Newfoundland and Labrador, Trial Division, at St. John's, investigated and for a declaration that the said Applicants, Wallace MacDonald, Adeline Rita MacDonald and the Royal Trust Corporation of Canada, as Executors of the Estate of the late Heath MacDonald, are the absolute owners thereof.

All persons having title adverse to the said title claimed by the Applicants shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, particulars of such adverse claim and shall serve same together with an Affidavit verifying the same on the undersigned solicitors for the Applicants on or before the 10th day April, 2007, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just. All adverse claims shall be investigated in such manner as the Supreme Court may direct.

DATED AT St. John's, in the Province of Newfoundland and Labrador, this 27th day of February, 2007.

WHITE, OTTENHEIMER & BAKER
Solicitors for the Applicants
PER: Robert J. Hickey

ADDRESS FOR SERVICE:
6th Floor, Baine Johnston Centre
10 Fort William Place
P. O. Box 5457
St. John's, NL A1C 5W4

Mar 9

SCHEDULE "A"

Estate of the late Heath MacDonald
Salmonier Line, St. Catherines, NL

ALL THAT piece or parcel of land situate and being Southeast of Salmonier Line, in the Town of St. Catherines, 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 5 227 751.385 and E 275 361.080;

THENCE RUNNING North thirty six degrees forty two minutes forty five seconds East (N36°42'45"E), a distance of 44.166 meters by the Southeastern limit of Salmonier Line to a point;

THENCE turning and running North thirty three degrees fifty one minutes forty five seconds east (N33°51'45"E), a distance of 55.016 meters by the Southeastern limit of Salmonier Line to a point;

THENCE turning and running North thirty nine degrees fifty three minutes forty-five seconds East (N39° 53'45"E), a distance of 71.476 meters by the Southeastern limit of Salmonier Line to a point;

THENCE turning and running conterminous with a 10m reservation of the waters of Salmonier River having a bearing of South ten degrees thirty nine minutes twenty five seconds west (S10° 39'25"W), a chord distance of 177.999 meters to a point;

THENCE turning and running North sixty degrees three minutes thirty seven seconds West (N60°03'37"W), a distance of 33.186 meters by land of Richard Didham [R212 F1500] to a point;

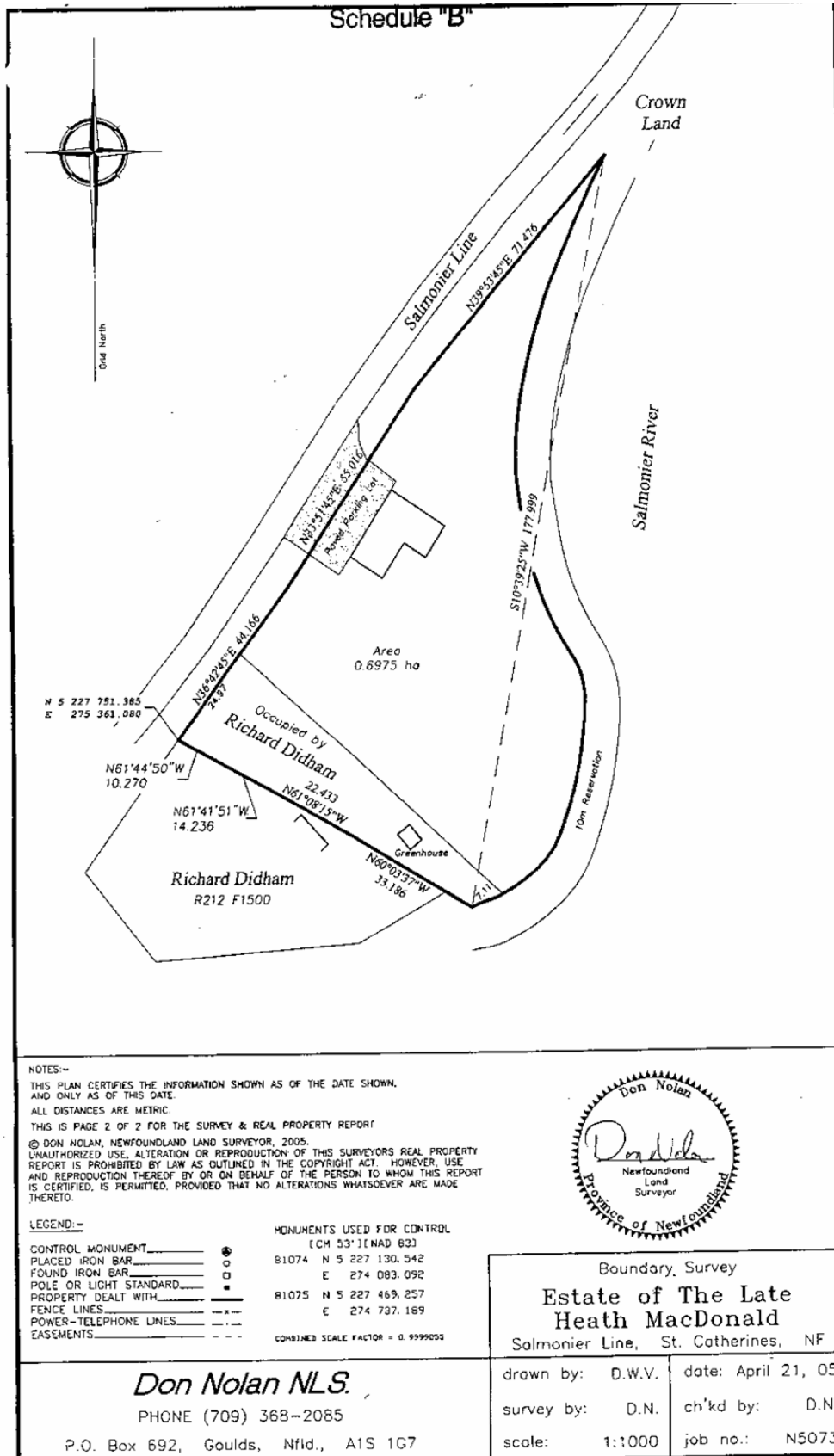
THENCE turning and running North sixty one degrees eight minutes fifteen seconds West (N61°08'15"W), a distance of 22.433 meters by land of Richard Didham [R212 F1500] to a point;

THENCE turning and running North sixty one degrees forty one minutes fifty one seconds West (N61°41'51"W), a distance of 14.236 meters by land of Richard Didham [R212 F1500] to a point;

THENCE turning and running North sixty one degrees forty four minutes fifty seconds West (N61°44'50"W), a distance of 10.270 meters by land of Richard Didham [R212 F1500] to the Place of Beginning and containing in all an area of 0.6975 hectares as more particularly described and delineated on plan N5073, April 21, 2005 hereto annexed.

Portion of described parcel of land occupied by Richard Didham.

ALL bearings are referred to Grid North.



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:-

BERNARD JAMES ABBOTT

of Apt 5, 22 Killick Place, Corner Brook, A2H 7E8, in the Province of Newfoundland and Labrador, as follows:

To change my name from

BERNARD JAMES ABBOTT
to
JAMES BERNARD CAREW

DATED this 21th day of February, 2007.

BERNARD JAMES ABBOTT
(Signature of Applicant)

Mar 9

**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:-

JAMES ROBERT BENNETT

of 33 Middle Road, Deer Lake A8A 1T3, in the Province of Newfoundland and Labrador, as follows:

To change my name from

JAMES ROBERT BENNETT
to
JAMES ROBERT BENNETT-GLODE

DATED this 26th day of February, 2007.

JAMES BENNETT
(Signature of Applicant)

Mar 9

**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:-

KIMBERLY ANN HANLON DAWE

of 12 Pine Marsh Road, Conception Bay South A1W 5A5, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

KELSEY NICOLE HANLON
to
KELSEY NICOLE DAWE

DATED this 26th day of February, 2007.

KIMBERLY DAWE
(Signature of Applicant)

Mar 9

**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:-

BERNADETTE TELLAC

of 638 Oceanview Drive, Red Brook, A0N 1T1, in the Province of Newfoundland and Labrador, as follows:

To change my name from

BERNADETTE TELLAC
to
BERNICE BENOIT

DATED this 9th day of February, 2007.

BERNADETTE TELLAC
(Signature of Applicant)

Mar 9

**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:-

ASHLEY ELAINE CHERYL VATERS

of Box 415, Whitbourne, in the Province of Newfoundland and Labrador, as follows:

To change my name from

ASHLEY ELAINE CHERYL VATERS
to
ASHLEY ELAINE CHERYL LUNDRIGAN

DATED this 31st day of December, 2006.

ASHLEY ELAINE CHERYL VATERS
(Signature of Applicant)

Mar 9

**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:-*

MAUD KERRIVAN

of 69 Chalker Place, St. John's, A1A 1T6, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried children's name from

CATHERINE LISA-MARIE KERRIVAN-WALSH

to

CATHERINE LISA-MARIE KERRIVAN

STEPHANIE ANN KERRIVAN-WALSH

to

STEPHANIE ANN KERRIVAN

DATED this 23rd day of February, 2007.

MAUD KERRIVAN
(Signature of Applicant)

Mar 9



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 82

ST. JOHN'S, FRIDAY, MARCH 9, 2007

No. 10

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 29/07
NLR 30/07
NLR 31/07



NEWFOUNDLAND AND LABRADOR REGULATION 29/07

Income and Employment Support Regulations
(Amendment)
under the
Income and Employment Support Act
(O.C. 2007-069)

(Filed March 6, 2007)

Under the authority of section 52 of the *Income and Employment Support Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, March 2, 2007.

Robert C. Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

1. S.8 Amdt.
Definitions

NLR 144/04
as amended

1. Paragraph 8(a) of the *Income and Employment Support Regulations* is amended by deleting the word "or" at the end of subparagraph (viii), by deleting the semi-colon at the end of subparagraph (ix) and substituting a comma and the word "or" and by adding immediately after that subparagraph the following:

- (x) a "Common Experience Payment" and an "Additional Compensation Payment" made by the Government of Canada to former students of Indian Residential Schools;

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NEWFOUNDLAND AND LABRADOR REGULATION 30/07

City of Mount Pearl Coat of Arms and Flag Order
under the
City of Mount Pearl Act
(O.C. 2007-072)

(Filed March 6, 2007)

Under the authority of sections 7 and 11 of the *City of Mount Pearl Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, March 2, 2007.

Robert C. Thompson
Clerk of the Executive Council

ORDER

Analysis

- | | |
|-----------------|------------|
| 1. Short title | Schedule A |
| 2. Coat of Arms | |
| 3. Flag | Schedule B |

Short title

1. This Order may be cited as the *City of Mount Pearl Coat of Arms and Flag Order*.

Coat of Arms

2. The Coat of Arms of the City of Mount Pearl is proclaimed as set out in Schedule A..

Flag

3. The flag of the City of Mount Pearl is proclaimed as set out in Schedule B.

Schedule A

City of Mount Pearl
COAT OF ARMS DESCRIPTION

The coat of arms is comprised of a red shield bearing a white bend symbolic of Sir James Pearl's military honour. The bend is charged with three groups of three progression roundels, representing continual growth. The crest, an encircled yellow cross, gives visual form to the motto "OMNIA AD DEI GLORIAM" (all to the glory of God). The black supporters are Newfoundland dogs. The one on the dexter faces the one on the sinister and vice versa. Together they stand strong and proud, radiating friendship and co-operation. Two light blue ribbons contain the coat of arms inscriptions. Flying above the crest in reverse type is the motto OMNIA AD DEI GLORIAM and standing below the base, also in reverse type, the inscription reads JAN 11 MOUNT PEARL 1955.

Schedule B



**City of Mount Pearl
FLAG DESCRIPTION**

The flag is composed of a three sectioned shield against a blue diagonal cross on a white background. The top left section of the shield is patterned after part of the British Union Jack while the top right section resembles a portion of the flag of Newfoundland and Labrador. The combination of the two represents the history of Mount Pearl as land granted by England to Commander Pearl.

The centre section of the shield displays the Mount Pearl Coat of Arms.

The lower portion of the shield is designed to express a visual concept of growth, signifying our association with industrial expansion and our dedication to the preservation of the environment and green spaces.

The blue cross against which the shield is laid reminds us of the flag of Nova Scotia, the birthplace of our founding father, Sir James Pearl.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 31/07**

Child Support Service Regulations
under the
Family Law Act
(O.C. 2007-081)

(Filed March 6, 2007)

Under the authority of section 85 of the *Family Law Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, March 5, 2007.

Robert C. Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|---|
| 1. Short title | 9. No recalculation where certain circumstances exist |
| 2. Definitions | 10. Application for retroactive child support |
| 3. Child support service | 11. Request by department |
| 4. Recalculation | 12. Where recalculation office unable to recalculate |
| 5. Application in respect of defective service | 13. NLR 9/02 Rep. |
| 6. Rounding to nearest dollar | 14. Commencement |
| 7. Foreign currency conversion | |
| 8. No recalculation of special expenses | |

Short title

1. These regulations may be cited as the *Child Support Service Regulations*.

Definitions

2. In these regulations

- (a) "Act" means the *Divorce Act* (Canada) or the *Family Law Act*;
- (b) "agreement" means an agreement as defined in section 61 of the *Family Law Act*, that has been filed with the Trial Division of the Supreme Court or the Unified Family Court in accordance with subsection 65(5) of the Act and that requires
 - (i) the payment of child support, and
 - (ii) the annual recalculation of the child support payable under the agreement in accordance with these regulations;
- (c) "child support order" means an order for the support of a child made by a court;
- (d) "child support service" means the child support service described in section 3;
- (e) "court" means the Trial Division of the Supreme Court, the Unified Family Court, and the Provincial Court;
- (f) "family justice services division" means the family justice services division of the Supreme Court and the Provincial Court;
- (g) "income information" means
 - (i) a copy of the personal income tax return filed by a party for the most recent taxation year, and
 - (ii) a copy of every notice of assessment and reassessment issued to the party for the most recent taxation year, or
 - (iii) where the annual recalculation takes place before a party filing his or her income tax return for the most recent taxation year, another document acceptable to the recalculation office setting out the party's total income from all sources for that year;

(h) "party" means

(i) a person who is obligated to pay child support under a child support order or an agreement,

(ii) a person who is entitled to receive child support under a child support order or an agreement, and

(iii) the Department of Human Resources, Labour and Employment, in the case of an assignment of a child support order under section 20.1 of the *Divorce Act* (Canada) or subsection 40(7) of the *Family Law Act*;

(i) "recalculation office" means the office referred to in section 3;

(j) "registered mail" includes another form of mail delivery that provides proof of delivery with a signature; and

(k) "table" means

(i) the child support table set out in Schedule I of the *Federal Child Support Guidelines* for the province or territory in which the person who is required to pay child support resides, or

(ii) where the residence of a person who is required to pay child support is not known at the time of recalculation, the table referred to in the most recent child support order or agreement.

Child support
service

3. (1) The recalculation office, a service of family justice services division, is designated as a child support service for the purpose of section 25.1 of the *Divorce Act* (Canada) and subparagraph 85(a)(iii) of the *Family Law Act*.

(2) The duties of the recalculation office include

(a) assisting the court in the determination and administration of child support orders;

(b) monitoring compliance with child support orders requiring the periodic filing of income information;

- (c) reviewing and recalculating the amount of a child support order as set out in the applicable table in accordance with sections 4 and 5; and
- (d) acting on behalf of a party for the purpose set out in section 26 of the *Federal Child Support Guidelines* and section 24 of the *Child Support Guidelines Regulations*.

Recalculation

4. (1) Where a person who is required to pay child support under a child support order or an agreement provides the recalculation office with income information in compliance with a child support order or an agreement, the recalculation office shall review and recalculate the amount of child support as set out in the applicable table using the income information provided.

(2) Where a person who is required to pay child support under a child support order or an agreement does not provide the recalculation office with income information in compliance with a child support order or an agreement, or where income information is not available and the order or agreement being recalculated so indicates, the income of the person required to pay child support shall be considered to be the sum of

- (a) the person's income for the most recent preceding year in which
 - (i) the person's income information was provided to the recalculation office under the child support order or agreement, or
 - (ii) a recalculation order was issued in respect of the child support order or agreement, as determined using the person's income information or the amount of the income set out in that recalculation order; and
- (b) 10 percent of the person's income as determined under paragraph (a).

(3) Where, as a result of the recalculation, the amount of child support would increase or decrease by \$5 or more a month, the recalculation office shall provide the parties to the child support order with a notice of recalculation, stating that

- (a) the amount of the child support order will be changed to the recalculated amount; and
- (b) the obligation to pay the recalculated amount shall come into effect 31 days after the recalculation office receives confirmation that the notice of recalculation was provided to all parties, unless, within 30 days after receipt of the notice of recalculation, a party objects to the recalculation by filing a notice of objection with the court that made the child support order.

(4) Where, as a result of the recalculation, the amount of child support would increase or decrease by less than \$5 a month, the recalculation office shall not recalculate the order for that year, and shall notify the parties by regular mail that there will be no change in the child support amount for that year.

(5) The recalculation office shall send a notice of recalculation under this section to each of the parties by registered mail at the last known address of each of the parties as shown in the records of the recalculation office.

(6) Service of a notice of recalculation under this section is effective on the date the receipt card for registered mail is signed by the party or by another person on his or her behalf.

(7) Where after 30 days from the date the notice of recalculation was sent to a party by registered mail it is unclaimed or where it was returned because the party has relocated and has not notified the recalculation office of a change of address as required by the child support order or agreement, the party shall be considered to have been served on the thirtieth day after the notice of recalculation was sent to the party by registered mail, and the obligation to pay the recalculated amount shall come into effect on the thirty first day after the notice of recalculation was considered to have been served.

(8) Where a notice of objection under paragraph (3)(b) is filed objecting to the recalculation, the amount of the child support order shall not change as a result of the recalculation, but the court may, upon hearing the parties, issue an order for the recalculated amount or another amount.

(9) Where a notice of objection under paragraph (3)(b) is not filed, the recalculation office shall file a notice of the recalculation with the registrar or clerk of the court and the court shall issue a child support order for the recalculated amount.

(10) Where a notice of objection under paragraph (3)(b) is filed,

(a) the party filing the notice of objection shall serve the notice of objection on the other party by registered mail or by personal service;

(b) the court shall notify the parties to the child support order by registered mail of the date set for the hearing of the objection; and

(c) on the date set by the court for the hearing of the objection the court shall, where the applicant has not served the other party and does not provide a reasonable excuse for failing to do so, issue a child support order for the recalculated amount.

Application in respect of defective service

5. Where a party has been served with a document by mail in accordance with these regulations and the party satisfies the court that he or she was not aware of the document or that it came to his or her attention only at some time later than when it was served or considered to have been served, the court may make the order that it considers appropriate and fair in the circumstances.

Rounding to nearest dollar

6. When recalculating child support under section 4, the recalculation office shall round the amount payable to the nearest dollar.

Foreign currency conversion

7. Where a person who is required to pay child support under a child support order or an agreement provides the recalculation office with income information that is reported in a currency other than Canadian dollars, the recalculation office shall convert the income information to Canadian dollars, applying the foreign currency exchange rate as set by the Bank of Canada on the recalculation date set out in the order or agreement.

No recalculation of special expenses

8. Where a child support order or an agreement provides for an amount to cover special or extraordinary expenses within the meaning of section 7 of the *Federal Child Support Guidelines* or section 7 of the

Child Support Guidelines Regulations, the recalculation office shall not recalculate that amount.

No recalculation
where certain
circumstances exist

9. The recalculation office shall not recalculate the amount of child support payable under a child support order or an agreement where

- (a) the child to whom the order or agreement applies has attained the age of 19 years in the case of the *Family Law Act* or 18 years in the case of the *Divorce Act* (Canada) and the amount of child support has been determined in a manner other than by applying the applicable table amount under the *Federal Child Support Guidelines* or the *Child Support Guidelines Regulations* as if the child were under the age of 19 years in the case of the *Family Law Act* or 18 years in the case of the *Divorce Act* (Canada);
- (b) in the case of a person who stands in the place of a parent, the amount of child support payable has been determined in a manner other than by applying the applicable table amount under the *Federal Child Support Guidelines* or the *Child Support Guidelines Regulations* as if the child were under the age of 19 years in the case of the *Family Law Act* or 18 years in the case of the *Divorce Act* (Canada);
- (c) the parties have a shared custody arrangement within the meaning of the *Federal Child Support Guidelines* or the *Child Support Guidelines Regulations*;
- (d) there has been a determination of undue hardship and, as a result of that finding, the amount of child support payable has been determined in a manner other than by applying the applicable table amount under the *Federal Child Support Guidelines* or the *Child Support Guidelines Regulations* as if the child were under the age of 19 years in the case of the *Family Law Act* or 18 years in the case of the *Divorce Act* (Canada);
- (e) the income of the person who is required to pay child support is greater than \$150,000 a year and the amount of child support payable has been determined in a manner other than by applying the applicable table amount under the *Federal Child Support Guidelines* or the *Child Support Guidelines Regulations* as if the child were under the age of 19 years in

the case of the *Family Law Act* or 18 years in the case of the *Divorce Act* (Canada); or

- (f) the annual income of the person who is required to pay child support has been determined in another manner than by using the sources of income set out under the heading "Total Income" in the T-1 General form issued by the Canada Revenue Agency and adjusted in accordance with Schedule III to the *Federal Child Support Guidelines* or Schedule B of the *Child Support Guidelines Regulations*.

Application for retroactive child support

10. The existence of a child support order or an agreement providing for the recalculation of child support shall not preclude an application for retroactive child support.

Request by department

11. Where the Department of Human Resources, Labour and Employment requests, the recalculation office shall provide a designated employee of the department with a copy of the notice of recalculation referred to in section 4.

Where recalculation office unable to recalculate

12. In an instance where the recalculation office is unable to recalculate the amount of child support payable under a child support order or an agreement, the recalculation office may return the order or agreement to the originating court and indicate why recalculation cannot take place.

NLR 9/02 Rep.

13. The *Western Child Support Service Regulations*, Newfoundland and Labrador Regulation 9/02, are repealed.

Commencement

14. These regulations come into force on April 1, 2007.

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Income and Employment Support Act			
Income and Employment Support Regulations (Amdt)	NLR 29/07	Amends NLR 144/04 S. 8 Amdt.	Mar 9/07, p. 157

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