



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 84

ST. JOHN'S, FRIDAY, MAY 29, 2009

No. 22

CITY OF ST. JOHN'S ACT



ST. JOHN'S MUNICIPAL COUNCIL NOTICE ST. JOHN'S RULES OF PROCEDURE

TAKE NOTICE that the St. John's Municipal Council has enacted an amendment to the St. John's Rules of Procedure (Amendment No. 2 - 2009).

The said Amendment was passed by Council on the 27th day of April, 2009 with respect to voting by Council.

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 the payment of a reasonable charge as established by the St. John's Municipal Council for such copy.

Dated this 27th day of April, 2009.

P.O. # 35743

CITY OF ST. JOHN'S
Neil Martin, City Clerk

May 29

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF CHANNEL - PORT AUX BASQUES DEVELOPMENT REGULATIONS AMENDMENT NO. 12, 2009

Take notice that the Town of Channel - Port Aux Basques Development Regulations Amendment No. 12, 2009 as adopted on the 21st day of April 2009 has been registered by the Minister of Municipal Affairs.

This amendment increases the minimum size and height of accessory buildings, allows accessory buildings to be located off the dwelling lot, and reduces the distance that accessory buildings can be erected from the property boundaries. It also provides flexibility to the Town in determining what is a suitable appearance for accessory buildings on larger lots.

The Development Regulations Amendment No. 12, 2009 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 Channel - Port Aux Basques Development Regulations Amendment No. 12, 2009 may do so at the Channel - Port Aux Basques Town Office during normal working hours.

TOWN OF CHANNEL - PORT AUX BASQUE
Melvin Keeping, Town Manager

May 29

**NOTICE OF REGISTRATION
TOWN OF DEER LAKE
MUNICIPAL PLAN
AMENDMENT NO.5, 2009 AND
DEVELOPMENT REGULATIONS
AMENDMENT NO.5, 2009**

Take notice that the Town of Deer Lake Municipal Plan Amendment No.5, 2009 and Development Regulations Amendment No.5, 2009 as adopted on the 9th day of March, 2009 and approved on the 13th day of April, 2009, have been registered by the Minister of Municipal Affairs.

The amendments are designed to accommodate residential development off Tower Road (Designated Floodway to Residential Floodway Fringe) and Goose Arm Road (104 Goose Arm Road - Agriculture to Residential – former greenhouse).

The Municipal Plan Amendment No.5, 2009 and the Development Regulations Amendment No.5, 2009 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 Deer Lake Municipal Plan Amendment No.5, 2009 and Development Regulations Amendment No.5, 2009 may do so at the Deer Lake Town Office during normal working hours.

TOWN OF DEER LAKE
Kimberley Reid, Town Clerk

May 29

CHANGE OF NAME ACT

C-8 RSNL 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:

AIMEE CHARLOTTE MISTENAPEO

of P.O. Box 22, Natuahish, A0P 1A0, in the Province of Newfoundland and Labrador, as follows:

To change my name from

AIMEE CHARLOTTE MISTENAPEO

to

AIMEE CHARLOTTE TSHAKAPESH

DATED this 19th day of May, 2009.

AIMEE CHARLOTTE MISTENAPEO
(Signature of Applicant)

May 29

**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:

TRACY INDER

of 116 Cowan Avenue, St. John's, A1E 4W5, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

RACHEL MARY BUTT

to

RACHEL MARY INDER

DATED this 20th day of May, 2009.

TRACY INDER
(Signature of Applicant)

May 29

**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:

ADA BERYL LANGDON

of 10 Samson Street, Mt. Pearl, A1N 4A5, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

KARA HALINKA NICOLE BARTOLAC
to
KARA HALINKA NICOLE LANGDON
DATED this 21st day of May, 2009.

ADA BERYL LANGDON
(Signature of Applicant)

May 29

LANDS ACT
NOTICE OF INTENT
LANDS ACT, c36, SNL 1991

Notice is hereby given that NORMAN HISCOCK of P.O. Box 73, Norris Point, NL, A0K 3V0, 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 Bonne Bay Big Pond, in the Electoral District of Humber Valley for the purpose of construction of a wharf for personal use and being more particularly described as follows:

*Bounded on the North by Norm Hiscock
for a distance of 15 m;
Bounded on the East by Crown Land
for a distance of 20 m;
Bounded on the South by Bonne Bay Big Pond
for a distance of 10 m
Bounded on the West by Austin Langer
for a distance of 20 m;
and containing an area of
approximately 30 square metres.*

(Choose Area Applicable)

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, and mail to the nearest Regional Lands Office:

c/o Eastern Regional Lands Office, P. O. Box 8700, 5 Mews Place, St. John's, NL, A1B 4J6.

c/o Central Regional Lands Office, P. O. Box 2222, Gander, NL, A1V 2N9.

c/o Western Regional Lands Office, P. O. Box 2006, Noton Building, Corner Brook, NL, A2H 6J8.

c/o Labrador Regional Lands Office, P. O. Box 3014, Station "B", Happy Valley-Goose Bay, NL A0P 1E0.

For further information on the proposed application, please contact NORMAN HISCOCK Telephone (709) 458-2947

May 29

QUIETING OF TITLES ACT
2009 01T NO. 2173
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

IN THE MATTER OF the *Quieting of Titles Act*, RSNL 1990, cQ-3, and amendments thereto;

AND IN THE MATTER OF all that piece or parcel of land situate Southwest of Topsail Road, in the Town of Paradise, in the Province of Newfoundland and Labrador;

AND IN THE MATTER OF an Application of PETER GLADSTONE DUFF of the Town of Paradise, in the Province of Newfoundland and Labrador

NOTICE IS HEREBY GIVEN to all parties that PETER GLADSTONE DUFF, of the Town of Paradise, in the Province of Newfoundland and Labrador, as owner (hereinafter called "the owner") has applied to the Supreme Court of Newfoundland and Labrador to have investigated his title to ALL THAT piece or parcel of land situate and being southwest of Topsail Road, in the Town of Paradise, in the Province of Newfoundland and Labrador, Canada, the same being more particularly described and outlined in Schedule "A" annexed hereto.

All persons having title adverse to the said title claim by the owner shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, St. John's, particulars of such adverse claim and serve the same together with the Affidavit verifying the same to the undersigned solicitors for the owner on or before the 10th day of July, 2009, after which date no party having any claim shall be permitted to file the same or to be heard except by leave of the Court and subject to such conditions as the Court may deem just. All adverse claims shall then be investigated in such a manner as the Supreme Court may direct.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 22nd day of May, 2009.

ROSE VAN DRIEL SCOTT
Solicitors for the Applicant
PER: Annette E. Scott

ADDRESS FOR SERVICE:

2 Baird's Cove
P.O. Box 2430
St. John's, NL A1C 6M9
Tel: (709) 738-7575
Fax: (709) 726-7074

May 29

AUBREY K. BURT SURVEYS LTD.
NEWFOUNDLAND LAND SURVEYOR
74 O'LEARY AVE.
P.O. BOX 28071
ST. JOHN'S, NF A1B 4J8
PHONE: (709) 738 3363
FAX: (709) 738 3364

Client: PETER GLADSTONE DUFF

SCHEDULE "A"

All that piece or parcel of land situate, lying and being on the southwest side of an Abandoned

Railway Bed, southwest of Topsail Road and northeast of Ortega Drive, in the town of Paradise, in the province of Newfoundland & Labrador, Canada and being more particularly described as follows, that is to say:

BEGINNING at a point, said point being a placed iron pin set in the southwestern limit of the Abandoned Railway Bed and having co-ordinates of North 5 265 879.134 metres and East 311, 345.896 metres of the modified three degree transverse Mercator projection (Zone 1, NAD 83) for the province of Newfoundland & Labrador, Canada:

THENCE running along the aforementioned southwestern limit of the said Abandoned Railway Bed (30.48 metres wide) following the arc of a curve, counter-clockwise, having a radius of 300.000 metres, an arc distance of 157.874 metres (chord bearing and distance being S 62° 42' 42" E and 156.059 metres);

THENCE running following the arc of a curve, clockwise, having a radius of 207.500 metres, an arc

distance of 99.557 metres (chord bearing and distance being S 65° 53' 28" E and 98.605 metres);

THENCE running by land of Woodstock Colonial Inc. (Roll 2656 Frame 879 Registry of Deeds for Newfoundland) and by land, now or formerly, of Thomas Drowns (Volume 41 Folio 117 Crown Lands Registry) S 28° 25' 53" W a distance of 289.592 metres;

THENCE running by land of Triple R. Ventures (Ortega Heights Subdivision) N 66° 48' 02" W a distance of 11.919 metres;

THENCE running N 66° 26' 39" W a distance of 0.148 metres;

THENCE running N 39° 29' 39" W a distance of 20.607 metres;

THENCE running N 40° 27' 39" W a distance of 99.507 metres;

THENCE running S 50° 01' 41" W a distance of 43.865 metres;

THENCE running by land of Stephen Dunn (Roll 630 Frame 1613 Registry of Deeds for Newfoundland) N 16° 54' 05" W a distance of 88.436 metres;

THENCE running by land of Stanley Marshall (Roll 2390 Frame 2222 Registry of Deeds for Newfoundland) N 17° 41' 13" W a distance of 31.353 metres;

THENCE running by land, now or formerly, of Gleeson N 25° 26' 44" E a distance of 19.197 metres;

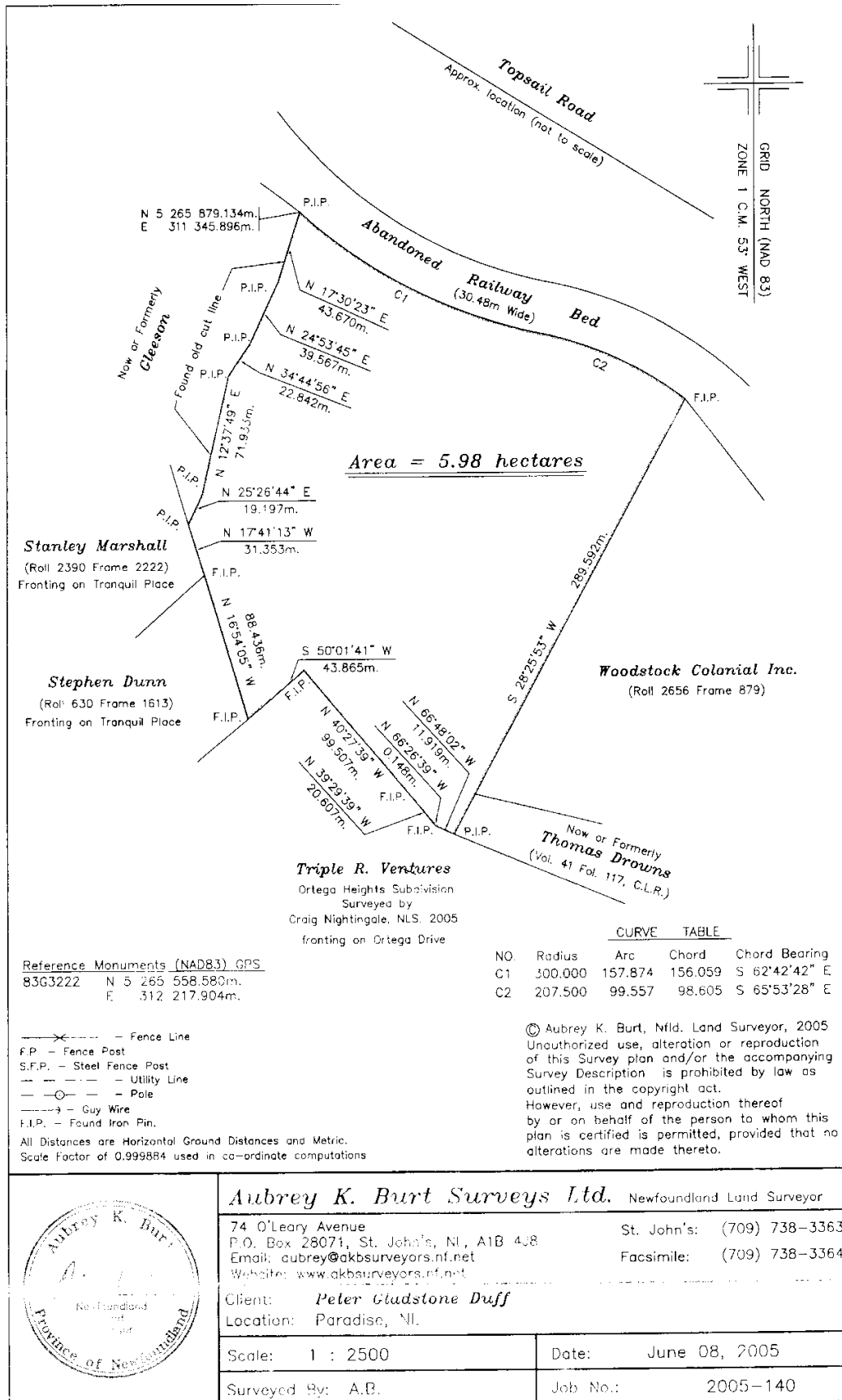
THENCE running N 12° 37' 49" E a distance of 71.933 metres;

THENCE running N 34° 44' 56" E a distance of 22.842 metres;

THENCE running N 24° 53' 45" E a distance of 39.567 metres;

THENCE running N 17° 30' 23" E a distance of 43.670 metres, more or less, to the principal Point of Beginning.

The above described piece or parcel of land contains an area of 5.98 hectares, the same being more particularly described on the drawing hereto attached. All bearings refer to Grid North (NAD 83).



Aubrey K. Burt Surveys Ltd. Newfoundland Land Surveyor
 74 O'Leary Avenue
 P.O. Box 28071, St. John's, NL, A1B 4J8
 Email: aubrey@akbsurveyors.nf.net
 Website: www.akbsurveyors.nf.net
 Client: **Peter Gladstone Duff**
 Location: Paradise, NL

Scale: 1 : 2500	Date: June 08, 2005
Surveyed By: A.B.	Job No.: 2005-140

St. John's: (709) 738-3363
 Facsimile: (709) 738-3364



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 84

ST. JOHN'S, FRIDAY, MAY 29, 2009

No. 22

NEWFOUNDLAND AND LABRADOR

REGULATION

NLR 43/09



**NEWFOUNDLAND AND LABRADOR
REGULATION 43/09**

Child and Parental Benefits Regulations
under the
Income Tax Act, 2000

(Filed May 26, 2009)

Under the authority of section 68 of the *Income Tax Act, 2000*, the Lieutenant-Governor in council makes the following regulations.

Dated at St. John's, May 13, 2009.

Gary Norris
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
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PART III
REPEAL AND
COMMENCEMENT

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Short title

1. These regulations may be cited as the *Child and Parental Benefits Regulations*.

Definition

2. In these regulations, "Act" means the *Income Tax Act, 2000*.

**PART I
NEWFOUNDLAND AND LABRADOR CHILD
BENEFIT**

Definition

3. In this Part, "NLCB" means the Newfoundland and Labrador child benefit defined in paragraph 38(1)(b) of the Act.

Qualified dependent

4. A person who is a qualified dependent of an eligible individual on the first day of a month is a qualified dependent of that individual for that month.

Child benefit calculation

5. The amount of the Newfoundland and Labrador child benefit that applies for a qualified dependent of an eligible individual that is considered to have arisen during a month in relation to which the year is the base taxation year is the amount of NLCB, if it is positive, calculated according to the following formula:

$$\text{NLCB} = 1/12[(A+B+C+D)-E]$$

where:

A = \$322 for the first qualified dependent

B = \$342 for the second qualified dependent

C = \$367 for the third qualified dependent

D = \$394 times the number of qualified dependents in excess of 3; and

E = the benefit reduction calculated under section 7

Nutritional supplement benefit

6. An eligible individual who receives on behalf of a qualified dependent the NLCB calculated in accordance with these regulations is

entitled to receive, for the 11 month period effective the first of the month following the month during which birth occurred, a supplementary benefit of \$60 a month.

Benefit reduction
calculation

7. Where the adjusted income of an eligible individual for a base taxation year, in relation to a month

- (a) is less than or equal to \$17,397, the benefit reduction "E" shall equal zero; and
- (b) is greater than \$17,397, the benefit reduction "E" shall be calculated by multiplying the difference between the adjusted income and \$17,397 by
 - (i) 6.44% where there is one qualified dependent,
 - (ii) 13.28% where there are 2 qualified dependents,
 - (iii) 20.62% where there are 3 qualified dependents, and
 - (iv) the total of 20.62%, and the product obtained by multiplying the number of qualified dependents in excess of 3 by 7.88%.

Indexation

8. All amounts expressed in dollars in this Part, except in section 7, shall be indexed in accordance with subsection 6.1(2) of the Act and for that purpose "relevant section" in paragraph 6.1(3)(b) of the Act is considered to include these regulations.

PART II PARENTAL BENEFITS

Definitions

9. In this Part

- (a) "adoptive parent" means a person who has adopted a child under the *Adoption Act* or has been approved for adoption placement from another jurisdiction under that Act, but does not include a step-parent who has adopted a step-child;
- (b) "child" means an unmarried person under the age of 19 years;

- (c) "eligible person" means, in respect of a qualified child, a person who at the time of the qualifying event
 - (i) is the parent, birth mother, or surrogate mother,
 - (ii) is resident in Newfoundland and Labrador,
 - (iii) is a Canadian citizen or a person who
 - (A) is a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*,
 - (B) is a temporary resident within the meaning of the *Immigration and Refugee Protection Act*, who was resident in Canada throughout the 18 month period preceding that time,
 - (C) is a protected person within the meaning of the *Immigration and Refugee Protection Act*, or
 - (D) was determined before that time to be a member of a class defined in the *Humanitarian Designated Classes Regulations* made under the *Immigration Act*, and
 - (iv) where the person is the parent of the qualified child, other than in the case of a stillbirth,
 - (A) resides with the qualified child, and
 - (B) primarily fulfills the responsibility for the care and upbringing of the qualified child;
- (d) "intended parent" means a person who has a child through the aid of a surrogate mother;
- (e) "natural parent" means a person who begets or who gives birth to and nurtures and raises a child;
- (f) "parent" means adoptive parent, intended parent, or natural parent;

- (g) "placement" means
 - (i) the placing of a child in the home of prospective adoptive parents pursuant to subsections 6(1) and (2) of the *Adoption Act*,
 - (ii) having a finalized adoption order from a foreign jurisdiction or with respect to a relative adoption, or
 - (iii) in a jurisdiction which does not finalize adoptions, having an adoption placement report that was prepared pursuant to the policy of the Department of Health and Community Services, by the relevant health authority;
- (h) "parental support supplement" means the supplement as set out in section 11 of these regulations;
- (i) "progressive family growth benefit" means the benefit as set out in section 10 of these regulations;
- (j) "qualified child" means a child who is born to or whose placement for adoption is with, on or after January 1, 2008, a resident of the province of Newfoundland and Labrador;
- (k) "qualifying event" means
 - (i) for a birth mother, surrogate mother, natural parent or intended parent, the live birth of a child,
 - (ii) for an adoptive parent(s), the placement of a child, or
 - (iii) for a birth mother, surrogate mother or natural parent, a stillbirth;
- (l) "stillbirth" means a birth that is required to be registered with Vital Statistics Division of the Department of Government Services as a stillbirth; and
- (m) "surrogate mother" means a woman who helps a couple to have a child by carrying to term an embryo conceived by the couple and transferred to her uterus, or by being inseminated with the man's sperm and carrying the embryo to term.

Progressive family growth benefit

10. An eligible person who receives the progressive family growth benefit in respect of his or her qualified child is deemed to have made a one time overpayment under this Act in the amount of \$1,000 in respect of the Progressive Family Growth Benefit where

- (a) a qualifying event occurs; and
- (b) the individual was resident in the province immediately before the day of the qualifying event.

Parental support supplement

11. (1) An eligible person other than a person referred to in (2) who receives or whose spouse receives the progressive family growth benefit in respect of his or her qualified child is deemed to have made an overpayment under this Act in respect of the parental support supplement in the amount of \$100 per month

- (a) for 4 months where the eligible person is the birth mother;
- (b) for 4 months where the eligible person is the surrogate mother;
- (c) for 12 months where the eligible person is the natural parent;
- (d) for 12 months where the eligible person is the adoptive parent; or
- (e) for 12 months where the eligible person is the intended parent.

(2) An eligible person who receives the progressive family growth benefit in respect of his or her stillbirth is deemed to have made an overpayment under the Act in respect of the Parental Support Supplement in the amount of \$100 per month for 4 months.

(3) Notwithstanding subsections (1) and (2) an eligible individual may only receive benefits under this section if the eligible individual is a resident of the province of Newfoundland and Labrador on the first day of the month of receipt of the benefit.

Overpayment

12. No overpayment is considered to have arisen under this Part in a month before January 1, 2008.

Where eligibility ceases

13. Where during a particular month a person ceases to be an eligible person in respect of a particular qualified child, other than the qualified child attaining the age of 19 years, the person shall notify the minister of that fact before the end of the first month following the particular month.

Presumption of responsibility

14. Where the qualified child resides with the child's female parent, the parent who primarily fulfils the responsibility for the care and upbringing of the qualified child is presumed to be the female parent.

Requirement to file notice

15. (1) For the purposes of this Part, a person may be considered to be an eligible person in respect of a particular qualified child at the beginning of a month only if the person has, no later than 36 months after the qualifying event, filed with the minister a notice in a form approved by the minister.

(2) The minister may at any time extend the time for filing a notice under subsection (1).

**PART III
REPEAL AND COMMENCEMENT**

Repeal

16. The *Child Benefit Regulations, 2007*, Newfoundland and Labrador Regulation 120/07, are repealed.

Commencement

17. (1) Part I is considered to have come into force on July 1, 2007.

(2) Part II is considered to have come into force on January 1, 2008.

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PART II

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Income Tax Act, 2000			
Child and Parental Benefits Regulations	NLR 43/09	R&S NLR 120/07	May 29/09, p. 201

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