

No Subordinate Legislation  
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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

PUBLISHED BY AUTHORITY

Vol. 85

ST. JOHN'S, FRIDAY, FEBRUARY 5, 2010

No. 5

## JUDICATURE ACT

### RULES OF THE SUPREME COURT, 1986

#### PRACTICE NOTE P.N. (TD) NO. 2008-03

DATE ISSUED: November 20, 2008

RULES AFFECTED: 56C

EFFECTIVE DATE: December 1, 2008

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

#### FAMILY JUSTICE SERVICES DIVISION MEDIATION OF SPOUSAL SUPPORT MATTERS

#### Background

1. The Family Justice Service Division, (FJSD) was established Province-wide on March 1, 2007. F.J.S.D. operates as an adjunct to the Supreme Court of Newfoundland & Labrador, Trial Division and the Provincial Court of Newfoundland & Labrador providing mandatory parent information sessions, mediation and counseling in family law matters involving custody, access and support issues, including spousal support. F.J.S.D. operates within **Rule 56C** of the **Rules of the Supreme Court 1986** as amended.

2. Recently, for various reasons and after consultation with the various partners involved in F.J.S.D., a decision has been made by the Provincial Advisory Committee of F.J.S.D. to suspend the mediation of spousal support matters from the mandate of F.J.S.D. This initiative is a suspension only and it is contemplated that spousal support will once again be mediated in the future.
3. This Practice Note was already published on November 21, 2008, with the suspension date of September 1, 2009, and subsequently changed on August 28, 2009, to a suspension date of December 31, 2009. The date of the suspension has now been extended until further notification.

#### Practice Note

4. As a result, mediation of spousal support matters by F.J.S.D. will be suspended until further notification.
5. As of December 1, 2008, the Court Registries will no longer forward applications for spousal support to F.J.S.D. for mediation. Accordingly, for the suspension period, leave to file an interim application will no longer be required where either of the parties seek to file an interim application for spousal support.
6. While spousal support claims will no longer be dealt with by F.J.S.D. for services during the suspension period, all other claims related to custody, access and child support will continue to be dealt with as in the past.

AUTHORIZED BY:

DAVID B. ORSBORN  
Chief Justice of the Supreme Court  
of Newfoundland and Labrador, Trial Division

CHRISTOPHER P. CURRAN Q.C.  
Registrar of the Supreme Court  
Secretary, Rules Committee

Feb 5

#### MINERAL ACT

#### NOTICE

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

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

A portion of license 014798M  
Held by White, Jason  
Situates near Argentia, Avalon Peninsula  
On map sheet 01N/05  
more particularly described in an application on file at Department of Natural Resources

A portion of license 015790M  
Held by Clode Sound Resources Inc  
Situates near Taylors Mountain, Southern NL  
On map sheet 01M/10  
more particularly described in an application on file at Department of Natural Resources

Mineral License 010512M  
Held by Terra Nova Granite (2007) Inc.  
Situates near Lewis Lake, Central NL  
On map sheet 02D/14

Mineral License 011348M  
Held by Keats, Kevin D.

Situates near Inner Pond, Great Northern Peninsula  
On map sheet 12I/03

Mineral License 014797M 014932M  
Held by White, Jason  
Situates near Argentia, Avalon Peninsula  
On map sheet 01N/05

Mineral License 011861M  
Held by Alterra Resources Inc.  
Situates near Gander River, Central NL  
On map sheet 02E/02

Mineral License 012674M  
Held by Penney, Brian  
Situates near Gilbert Lake  
On map sheet 13A/09 13A/16

Mineral License 013970M  
Held by Ryan, Kevin  
Situates near Harbour Mille, Burin Peninsula  
On map sheet 01M/10

Mineral License 013975M  
Held by Ryan, Kevin  
Situates near Boswarlos, Western NL  
On map sheet 12B/10

Mineral License 013998M  
Held by North Range Resources Ltd.  
Situates near Star Lake, Central NL  
On map sheet 12A/06 12A/11

THE NEWFOUNDLAND AND LABRADOR GAZETTE  
February 5, 2010

Mineral License Held by Situates near On map sheet	016467M 017058M Golden Dory Resources Corp. Flaherty Hill, Burin Peninsula 01L/13	Mineral License Held by Situates near On map sheet	014086M North Range Resources Ltd. North of Star Lake, Central NL 12A/11
Mineral License Held by Situates near On map sheet	016004M Golden Dory Resources Corp. Piercey Brook, Burin Peninsula 01L/13	Mineral License Held by Situates near On map sheet	014088M Metals Creek Resources Corp. Pittmans Pond, Central NL 12H/08 12H/07 12H/09 12H/10
Mineral License Held by Situates near On map sheet	014061M Keats Jr, Suley West Brook, Central NL 12A/16	Mineral License Held by Situates near On map sheet	014100M McLennon, Tom Dwyers Pond Area, Baie Verte Peninsula 12H/16
Mineral License Held by Situates near On map sheet	014073M Quinlan Prospecting Indian Brook, Central NL 12H/08 12H/09	Mineral License Held by Situates near On map sheet	014101M Hicks, Darrin Dwyers Pond, Baie Verte Peninsula 12H/09 12H/16
Mineral License Held by Situates near On map sheet	014074M Quinlan Prospecting Burnt Berry Pond Area, Central NL 12H/08	Mineral License Held by Situates near On map sheet	015502M Stares Prospecting Gander Lake, Central NL 02D/15
Mineral License Held by Situates near On map sheet	014075M Quinlan Prospecting Burnt Berry Pond, Central NL 12H/08	Mineral License Held by Situates near On map sheet	015508M 10565 Nfld Inc Wilson Lake 13E/07
Mineral License Held by Situates near On map sheet	014077M Quinlan Prospecting Springdale Area, Central NL 12H/08	Mineral License Held by Situates near On map sheet	015509M 10565 Nfld Inc Wilson Lake 13E/07
Mineral License Held by Situates near On map sheet	014078M Quinlan Prospecting Birchy Lake Brook, Central NL 12H/08 12H/07	Mineral License Held by Situates near On map sheet	015517M Burton, Job E. Crescent Lake, Central NL 02E/05
Mineral License Held by Situates near On map sheet	014080M Hicks, Darrin Dwyers Pond, Baie Verte Peninsula 12H/09 12H/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, 78/2006, 8/2008 and 28/2009 and outlined on 1:50 000 scale digital maps maintained by the Department of Natural Resources, will be open for staking after the hour of 9:00 a.m. on the 32 <sup>nd</sup> clear day after the date of this publication.	
Mineral License Held by Situates near On map sheet	014081M North Range Resources Ltd. Halfway Mountain, Central NL 12A/10 12A/11 12A/15 12A/14	JIM HINCHEY P.Geo Manager - Mineral Rights	
Mineral License Held by Situates near On map sheet	014082M North Range Resources Ltd. Halfway Mountain, Central NL 12A/10 12A/11		
Mineral License Held by Situates near On map sheet	014083M North Range Resources Ltd. Shanadithit Brook, West - Central NL 12A/11	File #:774:5601, 5840, 5847, 6414, 6659, 6860, 7553, 8781, 8786, 8805, 8810, 8816, 8868, 8880, 8881, 8882, 8884, 8885, 8886, 8887, 8888, 8889, 8890, 8891, 8892, 8894, 8906, 8907, 9949, 9954, 9955, 9961	
Mineral License Held by Situates near On map sheet	014084M North Range Resources Ltd. Lloyds Lake, Central NL 12A/06 12A/05	Feb 5	
Mineral License Held by Situates near On map sheet	014085M North Range Resources Ltd. Lloyds Lake, Central NL 12A/06 12A/05		

**URBAN AND RURAL PLANNING ACT**

**NOTICE OF REGISTRATION  
CITY OF MOUNT PEARL  
MUNICIPAL PLAN  
AMENDMENT NO. 75, 2009  
DEVELOPMENT REGULATIONS  
AMENDMENT NO. 195, 2009**

TAKE NOTICE that the City of Mount Pearl Municipal Plan Amendment No. 75, 2009, and Development Regulations Amendment No. 195, 2009, adopted by Council on the 10<sup>th</sup> day of November, 2009, and approved on the 8<sup>th</sup> day of December, 2009, have been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 75, 2009 is to redesignate land at 9 – 15 Olympic Drive from Open Space to General Commercial.

In general terms, the purpose of Development Regulations Amendment No. 195, 2009 is to rezone land at 9 – 15 Olympic Drive from Open Space (OS), Commercial-Local (LC), and Commercial-Recreation (CR) to Commercial-General (GC), and Open Space (OS) to Commercial-Recreation (CR).

Some minor boundary corrections will also be undertaken to ensure that the boundaries of the municipal land use designation and zoning correspond to the land ownership in the area.

The Municipal Plan Amendment No. 75, 2009, and Development Regulations Amendment No. 195, 2009, come into effect on the day that this notice is published in *The Newfoundland & Labrador Gazette*. Anyone who wishes to inspect a copy of these Amendments may do so at the Mount Pearl City Hall, 3 Centennial Street, during normal working hours.

CITY OF MOUNT PEARL  
Per: Gerard Lewis, Chief Administrative Officer

Feb 5

**MOTOR CARRIER ACT**

**IN THE MATTER OF THE *MOTOR CARRIER ACT*,  
cM-19, RSNL 1990  
AND  
IN THE MATTER OF THE APPLICATION FOR A  
MOTOR CARRIER CERTIFICATE**

**NOTICE OF APPLICATION**

TAKE NOTICE that FEWER'S AMBULANCE SERVICE LIMITED of 299 Memorial Drive, Clarenville, NL A5A 1R6, has applied to the Board of Commissioners of Public Utilities under the provisions of the *Motor Carrier Act*, cM-19, RSNL 1990, for the issuance of a Certificate as a motor carrier to provide the following services:

1. *IRREGULAR SPECIALTY AMBULANCE SERVICE* for the transportation of persons requiring medical attention or under medical care upon the request of a medical doctor or a registered nurse

from Bonavista, Old and New Bonaventure, Dunfield, Trinity, Port Rexton, Trinity East, Champney's East, West and Central, English Harbour, Melrose, Catalina, Port Union, Knight's Cove, Stock Cove, Dantera, Keels, Little Catalina, Trouty, Lockston, and Broad Cove to any hospital, nursing home, first aid station or home for senior citizens and upon the specific request of a medical doctor, registered nurse or a police officer between any two points within the province of Newfoundland and Labrador.

2. *IRREGULAR ROUTE SPECIALTY AMBULANCE SERVICE* for the transportation of persons requiring medical attention or under medical care upon the request of a medical doctor or a registered nurse

from Clarenville, Hillview, Ivany's Cove, Long Beach, Little Heart's Ease, Butter Cove, North Harbour, Sunnyside, Southern Harbour, Charlottetown, Deep Bight, Hatchet Cove, North West Brook, Caplin Cove, Southport, Goobies, Garden Cove, Come-By-Chance, Chance Cove, Shoal Harbour, Adeytown, St. Jones Within, Queen's Cove, Hodge's Cove, Gooseberry Cove, Swift Current, Arnold's Cove, Port Blandford, Milton, Lethbridge, George's Brook, Apsey Brook, Bunyan's Cove, Musgravetown, Portland, Charleston, Princeton, Plate Cove West, Tickle Cove, Elliotts Cove, Harcourt, Cannings Cove, Jamestown, Sweet Bay, Summerville, Openhall, Kings Cove, Snook's Harbour, Monroe, Burgoynes, Bloomfield, Winterbrook, Southern Bay, Plate Cove East, Red Cliff, Siding, Little Harbour, Island Cove, Black Cove, Barton, Sommerset, Gin Cove, Waterville, Clifton, Brooklyn, La Manche, Rantem, Goose Bay, Morley's Siding, Terrenceville, Monkston, Grand Le Pierre, English Harbour, Amherst Cove, Birchy Cove (Bonavista Bay), Elliston, Elliston Point, Lancaster, Maberly (Trinity Bay), Middle Amherst Cove, Newmans Cove, Paradise (Bonavista Bay), Spillars Cove, Upper Amherst Cove, Arnold's Cove Station, Goose Cove (Placentia Bay), Davis Cove (Placentia Bay), Black River (Placentia Bay), Little Harbour East (Placentia Bay), Mills Siding, New Burnt Cove (Trinity Bay), Random Heights, Thorbourn Lake, Plate Cove, Champney's Arm and Goose Cove (Trinity Bay) to any hospital, nursing home, first aid station or home for senior citizens and upon the specific request of a medical doctor, registered nurse or a police officer between any two points within the province of Newfoundland and Labrador.

The Board, having reviewed the application, has granted provisional approval and shall issue said Certificate, unless a person who objects to the application files with the Board a notice of objection to the application together with a written statement setting out in full the reasons why the

application should be denied and relevant documentary evidence. The objector must also serve on the applicant a copy of the notice of objection, the statement of reasons and the relevant documentary evidence filed with the Board by personal service or by prepaid, registered mail, at the address shown on the application, and proof of service must be supplied to the Board.

The evidence to be submitted must be received by the Board within twenty days of the date of the publication of this notice, at the office of the Board at Suite East 210, Prince Charles Building, Torbay Road, NL or by mail to P. O. Box 21040, St. John's, NL A1A 5B2.

Dated at Clarenville, Newfoundland and Labrador, this 28<sup>th</sup> day of January, 2008.

Denise Randell for Robert Fewer  
Signature of Applicant

Feb 5

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## LANDS ACT

### NOTICE OF INTENT

#### LANDS ACT, c36, SNL 1991

Notice is hereby given that GREGORY BUTLER of Conception Bay South, NL 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) (d) of the said Act, to that piece of Crown Land situated within the ten (10) metre reservation of Butler's River, in the Electoral District of Conception Bay South for the purpose of the intrusion of existing residence and being more particularly described as follows:

*Bounded on the North by Crown Land Reservation  
for a distance of 0.45m;  
Bounded on the East by property of  
Gregory Butler for a distance of 0.53m;  
Bounded on the South Crown Land Reservation  
for a distance of 4.29m  
Bounded on the West by Crown Land Reservation  
for a distance of 4.29m;  
and containing an area of  
approximately 2.3 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, and mail to the nearest Regional Lands Office:

Choose Area Applicable:

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 GREGORY BUTLER Telephone (709) 834-1714

Feb 5

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## QUIETING OF TITLES ACT

### 2010 05T 0016 IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR TRIAL DIVISION

Notice of Application under the *Quieting of Titles Act*, cQ-3 of the RSNL 1990 and amendments thereto

Notice is hereby given to all parties that FREDERICK GARDNER and ELAINE CLOUTER, of Harcourt, in the District of Trinity North, in the Province of Newfoundland and Labrador, have applied to the Supreme Court, Trial Division, Gander, to have title to all that piece or parcel of property situate at Harcourt, in the Province of Newfoundland and Labrador, which property is more particularly described in Schedules "A" and "C" hereto annexed and shown in Schedules "B" and "D" hereto annexed.

ALL BEARINGS aforementioned, for which Frederick Gardner and Elaine Clouter claim to be the owners investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said Frederick Gardner and Elaine Clouter have been ordered to public Notice of Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said Frederick Gardner and Elaine Clouter shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Petitioner on or before the 1<sup>st</sup> day of March, 2010, 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 such adverse claims shall be investigated then in such manner as the Supreme Court of Newfoundland, Trial Division, Gander, may direct.

DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 29<sup>th</sup> day of January, A.D., 2010.

MILLS PITTMAN LAW OFFICES  
Solicitors for the Applicants  
PER: Corwin Mills, Q.C.

ADDRESS FOR SERVICE:  
111 Manitoba Drive  
Suite 201

Clarenville, NL A5A 1K2v  
Tel: (709) 466-2641  
Fax: (709) 466-7109

**CHRISTOPER and ANNE SMYTHE**  
**Barton, NL**

**SCHEDULE "A"**

ALL THAT piece or parcel of land situate and being in the Community of Barton near Harcourt, in the electoral District of Trinity North abutted and bounded as follows;

THAT IS TO SAY: Beginning at a point on the southern limit of Smith Sound Road, the said point having coordinates N 5 342 969.43 metres and E 237 909.53 metres of the Three Degree Modified Transverse Mercator Projection (NAD-83) for the Province of Newfoundland and Labrador;

THENCE along the said southern limit of Smith Sound Road south eighty-eight degrees twenty-eight minutes thirty seconds east (S 88-28-30E) forty decimal one seven (40.17) metres;

THENCE along the said southern limit of Smith Sound Road along the arc of a curve having a radius of four hundred and thirteen decimal six nine (413.69) metres to a point, the said point being distant seventy-two decimal one five (72.15) metres as measured on a bearing of north eighty-five degrees thirteen minutes forty seconds east (N 85-13-40 E) from the last mentioned point;

THENCE along the said southern limit of Smith Sound Road north seventy-seven degrees forty-six minutes thirty seconds east (N 77-46-30 E) thirty-nine decimal seven seven (39.77) metres;

THENCE by property granted to Robert Stone now Wayne Russell south thirty-one degrees sixteen minutes zero five seconds east (S 31-16-05 E) thirty-six decimal five five (36.55) metres;

THENCE along a Reservation (10 metres wide) of the waters of Smith Sound to a point, the said point being distant one hundred and forty-six decimal eight zero (146.80) metres as measured on a bearing of south sixty-four degrees forty-two minutes fifty-five seconds west (S 64-42-55 W) from the last mentioned point;

THENCE by property granted to Robert Stone (Vol. 54-Fol. 160) now Donald Horton and Sherry Baker north twenty-four degrees forty-five minutes fifteen seconds west (N 24-45-15 W) eighty-eight decimal seven four (88.74) metres, more or less to the point of beginning and containing an area of 1.0045 hectares.

All bearings refer to the above mentioned Projection

The above described piece or parcel of land is subject to a portion of a Service Line Easement (9.0 metres wide) extending through the property as shown on the plan (Schedule "B") hereto attached.

Control Surveys Ltd.

**CHRISTOPER and ANNE SMYTHE**  
**Barton, NL**

**SCHEDULE "C"**

ALL THAT piece or parcel of land situate and being in the Community of Barton near Harcourt, in the electoral District of Trinity North abutted and bounded as follows;

THAT IS TO SAY: Beginning at a point on the northern limit of Smith Sound Road, the said point having coordinates N 5 343 000.743 metres and E 238 049.55 metres of the Three Degree Modified Transverse Mercator Projection (NAD-83) for the Province of Newfoundland and Labrador;

THENCE along the said northern limit of Smith Sound Road south seventy-eight degrees zero one minutes forty seconds west (S 78-01-40E) thirty-two decimal four four (32.44) metres;

THENCE along the said northern limit of Smith Sound Road along the arc of a curve having a radius of three hundred and ninety-three decimal six nine (393.69) metres to a point, the said point being distant sixty-eight decimal zero six (68.06) metres as measured on a bearing of south eighty-five degrees fourteen minutes fifteen seconds west (S 85-14-15 W) from the last mentioned point;

THENCE along the said northern limit of Smith Sound Road north eighty-eight degrees twenty-eight minutes thirty seconds west (N 88-28-30 W) forty-nine decimal eight two (49.82) metres;

THENCE by property granted to Robert Stone (Vol. 54 – Fol. 160) now Wayne Russell north twenty-four degrees forty-five minutes fifteen seconds west (N 24-45-15 W) one hundred decimal nine six (100.96) metres;

THENCE by property now or formerly William Laite north one degree fourteen minutes fifty-five seconds west (N 1-14-55 W) two hundred and eighty-three decimal three zero (200.30) metres;

THENCE by Crown Land south eighty-seven degrees zero two minutes zero zero seconds east (S 87-02-00 E) ninety-six decimal one one (96.11) metres;

THENCE by property granted to Robert Stone (Vol. 54 – Fol. 160) now Wayne Russell south one degree fourteen minutes forty seconds east (S 1-14-40 E) one hundred and ninety-eight decimal three three (198.33) metres, south thirty-one degrees sixteen minutes zero five seconds east (S 31-16-05 E) one hundred eighty-seven decimal eight nine (187.89) metres, more or less to the point of beginning and containing an area of 3.9756 hectares;

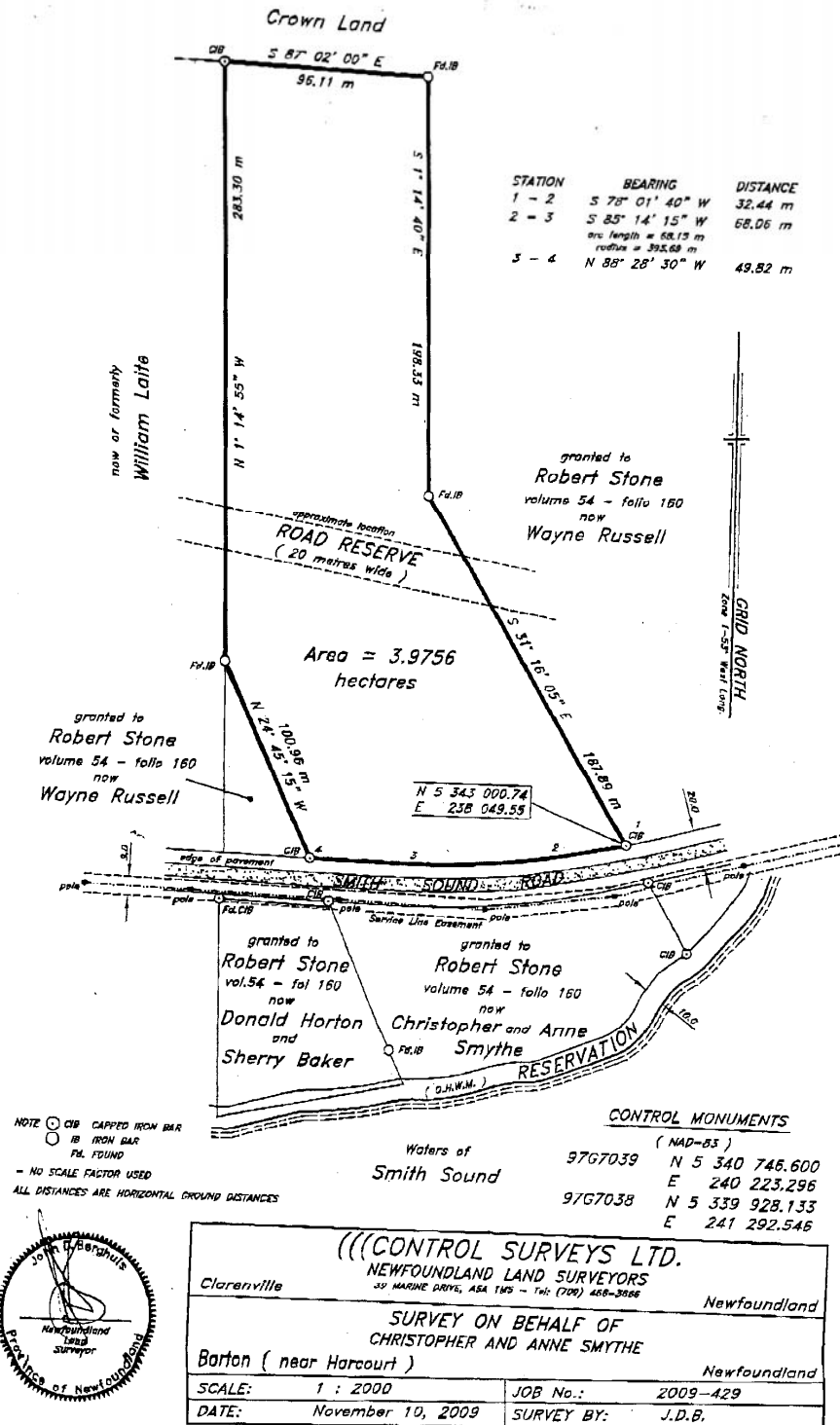
All bearings refer to the above mentioned Projection.

Reserving nevertheless out of the above described piece or parcel of land a road reserve (20 metres wide) extending through the property as shown on the plan (Schedule "D") hereto attached.

Control Surveys Ltd.



SCHEDULE "D"







# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

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

Vol. 85

ST. JOHN'S, FRIDAY, FEBRUARY 5, 2010

No. 5

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**No Subordinate Legislation  
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