

# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

### PUBLISHED BY AUTHORITY

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Vol. 85	ST. JOHN'S, FRIDAY, MAY 28, 2010	No. 21
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#### MINERAL ACT

#### NOTICE

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

Mineral License 010092M 010093M  
Held by SVB Nickel Company Ltd  
Situates near Ross Lake  
On map sheet 13N/05

A portion of license 016168M  
Held by SVB Nickel Company Ltd  
Situates near East of Notakwanon River  
On map sheet 13M/09  
more particularly described in an application on file at Department of Natural Resources

Mineral License 015697M  
Held by Paragon Minerals Corporation  
Situates near Jonathans Pond, Central NL  
On map sheet 02E/02

Mineral License 015742M  
Held by Gary E. Lewis(34%)/Cyril Reid(33%)/Paul Chafe(33%)  
Situates near Jonathans Pond, Central NL  
On map sheet 02E/02

A portion of license 012068M  
Held by Paragon Minerals Corporation  
Situates near Dans Pond, Central NL  
On map sheet 02E/02  
more particularly described in an application on file at Department of Natural Resources

A portion of license 017604M  
Held by Golden Dory Resources Corp.  
Situates near Northwest Gander River, Central NL  
On map sheet 02D/05 02D/12  
more particularly described in an application on file at Department of Natural Resources

Mineral License 010779M  
Held by Mega Uranium Ltd.  
Situates near Nipishish Lake  
On map sheet 13K/07

Mineral License 010780M  
Held by Mega Uranium Ltd.  
Situates near West Micmac Lake  
On map sheet 13K/08 13K/09

Mineral License 010781M  
Held by Mega Uranium Ltd.  
Situates near West Micmac Lake  
On map sheet 13K/09

Mineral License 011753M  
Held by Fraser, Garry B.  
Situates near Jacksons Arm, White Bay Area  
On map sheet 12H/15

Mineral License 013059M  
Held by Noel, E. Michele  
Situates near Northwest Gander River, Central NL  
On map sheet 02D/11

Mineral License 015720M 015721M  
Held by Metals Creek Resources Corp.  
Situates near Birchy Lake, Central NL  
On map sheet 12H/07

THE NEWFOUNDLAND AND LABRADOR GAZETTE  
May 28, 2010

Mineral License Held by Situates near On map sheet	013077M Metals Creek Resources Corp. Jacksons Arm, White Bay 12H/15	Mineral License Held by Situates near On map sheet	015895M Altius Resources Inc. (50%)/ Cornerstone Resources Inc. (50%) Seward Lake 23I/05 23I/12
Mineral License Held by Situates near On map sheet	013092M Quinlan, Eddie Grand Beach, Burin Peninsula 01M/03 01M/04	Mineral License Held by Situates near On map sheet	015896M Altius Resources Inc. (50%)/ Cornerstone Resources Inc. (50%) Wet Lake 23I/05
Mineral License Held by Situates near On map sheet	017054M Golden Dory Resources Corp. St. Lawrence Area, Burin Peninsula 01L/14	Mineral License Held by Situates near On map sheet	015897M Altius Resources Inc. (50%)/ Cornerstone Resources Inc. (50%) Wet Lake 23I/05
A portion of license Held by Situates near On map sheet more particularly described in an application on file at Department of Natural Resources	013465M 017681M 017682M Metals Creek Resources Corp. Gabbro Lake 23H/12 23H/11	Mineral License Held by Situates near On map sheet	014596M Altius Resources Inc. (50%)/ Cornerstone Resources Inc. (50%) Lean Lake 23J/16 23I/13
A portion of license Held by Situates near On map sheet more particularly described in an application on file at Department of Natural Resources	013469M Metals Creek Resources Corp. Way Bay 23H/12 23H/11	Mineral License Held by Situates near On map sheet	015898M Altius Resources Inc. (50%)/ Cornerstone Resources Inc. (50%) Wade Lake 23I/05
A portion of license Held by Situates near On map sheet more particularly described in an application on file at Department of Natural Resources	013470M Metals Creek Resources Corp. McKay Lake 23H/12 23H/11	A portion of license Held by Situates near On map sheet more particularly described in an application on file at Department of Natural Resources	014848M Noel, E. Michele Greenwood Pond, Central NL 02D/11
Mineral License Held by Situates near On map sheet	014572M Quinlan, Marilyn Harmsworth Steady, Central NL 12A/10	A portion of license Held by Situates near On map sheet more particularly described in an application on file at Department of Natural Resources	014849M Noel, E. Michele Greenwood Pond, Central NL 02D/11
Mineral License Held by Situates near On map sheet	014576M Hicks, Darrin Pipestone Pond, Central NL 12A/08	Mineral License Held by Situates near On map sheet	015830M Turpin, Alec Long Pond, Eastern NL 01M/16
Mineral License Held by Situates near On map sheet	014577M Hicks, Darrin Northeast Adies River, Western NL 12H/11	Mineral License Held by Situates near On map sheet	015831M Turpin, Alec Whitehead Pond, Southern NL 02D/01
Mineral License Held by Situates near On map sheet	014578M Hicks, Darrin Wild Bight, Central NL 02E/12	Mineral License Held by Situates near On map sheet	015837M Ryan, Kevin Glovertown, Eastern NL 02D/09
Mineral License Held by Situates near On map sheet	015893M Altius Resources Inc. (50%)/ Cornerstone Resources Inc. (50%) Snelgrove Lake 23I/12	Mineral License Held by Situates near On map sheet	015838M Cooper, Gordon E. Alexander Bay, Eastern NL 02D/16
Mineral License Held by Situates near On map sheet	015894M Altius Resources Inc. (50%)/ Cornerstone Resources Inc. (50%) Seward Lake 23I/05 23I/12	Mineral License Held by Situates near On map sheet	015839M Stares, Shane Cloud River, Great Northern Peninsula 12I/09 12I/16

Mineral License 015842M  
Held by Lannon, George  
Situates near Kings Point, Central NL  
On map sheet 12H/09

Mineral License 015848M  
Held by Quinlan, Eddie  
Situates near Noble Pond, Baie Verte Peninsula  
On map sheet 02E/13

Mineral License 015849M  
Held by Stares, Alexander T.  
Situates near Noble Pond, Baie Verte Peninsula  
On map sheet 02E/13

Mineral License 015854M  
Held by Pathfinder Resources Ltd.  
Situates near Bluff Head Brook, Western NL  
On map sheet 12B/15

Mineral License 015855M  
Held by Stares, Alexander T.  
Situates near Fox Island River, Western NL  
On map sheet 12B/16

Mineral License 015856M  
Held by Stares, Alexander T.  
Situates near Fox Island River, Western NL  
On map sheet 12B/16

Mineral License 015857M  
Held by Gordon, Troy  
Situates near Hawkes Bay, Great Northern Peninsula  
On map sheet 12I/11

Mineral License 015858M  
Held by Stares, Shane  
Situates near Torrent River, Great Northern Peninsula  
On map sheet 12I/10

Mineral License 015859M  
Held by Stares, Shane  
Situates near Cloud River, Great Northern Peninsula  
On map sheet 12I/16

Mineral License 015860M  
Held by Benton Resources Corp.  
Situates near Whitehead Pond, Southern NL  
On map sheet 02D/01

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.

JIM HINCHEY P. Geo  
Manager - Mineral Rights

File #: 774:0927, 1917, 4531, 4648, 4939, 6031, 6032, 6033, 6770, 7917, 7931, 7934, 7949, 7975, 8297, 8301, 8302, 9308, 9312, 9313, 9314, 9327, 9328, 9329, 9330, 9331, 9332, 9333, 9524, 9525, 775:0101, 0102, 0103, 0104, 0105, 0108, 0114, 0115, 0120, 0121, 0122, 0123, 0124, 0125, 0126

May 28

## QUIETING OF TITLES ACT

### 2010 04T 0179 IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR TRIAL DIVISION

IN THE MATTER OF that piece or parcel of land situate and being at Bear Cove Pond, in the Community of Red Rocks, in the Province of Newfoundland and Labrador

AND

IN THE MATTER OF the Application of MARJORY YOUNG for a Certificate of Title of the said piece or parcel of land pursuant to the *Quieting of Titles Act*, RSNL. 1990, cQ-3, as amended

## NOTICE

Notice is hereby given to all persons that MARJORY YOUNG and the Estate of JEAN BALFOUR, as Applicants, have applied to the Supreme Court of Newfoundland and Labrador, Trial Division, at Corner Brook, Newfoundland and Labrador, to have investigated the title to ALL THAT piece or parcel of land situate and being at Bear Cove Pond, in the Community of Red Rocks, in the Province of Newfoundland and Labrador, and further bounded and described as set forth in the Schedule "A" attached hereto; and for a Declaration that the said Applicants are the absolute owners thereof and the said Applicants have been ordered to publish a notice of the Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said Applicants shall file with the Deputy Registrar of the Supreme Court of Newfoundland and Labrador, Trial Division, at Corner Brook, Newfoundland and Labrador, particulars of such adverse claim and serve same together with an Affidavit verifying the same to the undersigned solicitor for the Applicants on or before the 29<sup>th</sup> day of June, 2010, after which date no party having any claim shall be permitted to file the same or be heard except by leave of the Court and subject to such terms and conditions as the Court may deem just.

All such adverse claims shall then be investigated in such manner as the Court may direct.

DATED at the City of Corner Brook, in the Province of Newfoundland and Labrador, this 19<sup>th</sup> day of May, 2010.

POOLE ALTHOUSE  
Solicitor for the Applicants  
PER: J. Annette Bennett

ADDRESS FOR SERVICE IS:  
49-51 Park Street  
P.O. Box 812  
Corner Brook, NL  
A2H 6H7  
Tel: (709) 634-3136  
Fax: (709) 634-8247/9815

SCHEDULE "A"

Description of Land Surveyed for  
Marjory Young  
Red Rocks  
Newfoundland and Labrador

All that piece or parcel of land situate and being at Red Rocks, District of St. George's-Stephenville East, Newfoundland and Labrador, Canada abutted and bounded as follows,

That is to say, Beginning at a point having grid coordinates N 5280736.123E 244784.035 as related to Control Monument number 82G2348,

Thence by Crown Land and Harold Janes or Assigns N 16° 58' 40" E a distance of 1153.710 metres,

Thence by land of Harold Janes or Assigns, and Crown Land N 66° 01' 20" W a distance of 551.994 metres,

Thence by Crown Land S 15° 38' 27" W a distance of 1156.231 metres,

Thence S 29° 21' 33" E a distance of 201.170 metres,

Thence S 84° 08' 56" E a distance of 382.563 metres to the point of beginning,

Reserving nevertheless from the above described parcel of land the land under Bear Cove brook and a reservation, 10 metres wide, on either side of the Bear Cove Brook running through the property, and a Road Reserve, 20 metres wide, as shown as well as land owned by Willoughby Munden, R. Chevalier, Gordon Loder, Richard Hardy, Greg Hardy and the Roman Catholic Episcopal Corporation of Corner Brook and Labrador described as follows;

Willoughby Munden

All that piece or parcel of land situate and being at Red Rocks, District of St. George's-Stephenville East, Newfoundland and Labrador, Canada abutted and bounded as follows,

That is to say, Beginning at a point having grid coordinates N 5281047.720E 244384.583 as related to Control Monument number 82G2348,

Thence by Marjory Young S 13° 28' 04" E a distance of 95.399 metres,

Thence N 71° 34' 33" E a distance of 59.211 metres to a point in the limit of a reservation 10, metres wide, along the shore of Bear Cove Brook,

Thence following the said reservation, 10 metres wide, along the shore of Bear Cove Brook in a general northerly direction to a second point in the reservation being N 4° 39' 00" W a distance of 122.177 metres, from the last mentioned point,

Thence by the sideline of a Road Reserve, 20 metres wide, S 55° 08' 13" W a distance of 83.471 metres to the point of beginning,

The herein described piece or parcel of land contains an area of 7491.2 square metres and is more particularly delineated on the plan number 8115-1R1 hereto attached,

R. Chevalier

All that piece or parcel of land situate and being at Red Rocks, District of St. George's-Stephenville East, Newfoundland and Labrador, Canada abutted and bounded as follows,

That is to say, Beginning at a point having grid coordinates N 5280950.455E 244304.834 as related to Control Monument number 82G2348,

Thence by land of Marjory Young S 29° 21' 33" E a distance of 9.766 metres,

Thence S 86° 46' 23" E a distance of 19.397 metres,

Thence N 31° 10' 14" E a distance of 34.303 metres,

Thence N 31° 53' 51" W a distance of 36.155 metres,

Thence S 49° 36' 33" W a distance of 12.961 metres,

Thence S 48° 18' 59" W a distance of 2.127 metres,

Thence S 15° 38' 27" W a distance of 42.334 metres to the point of beginning,

The herein described piece or parcel of land contains an area of 1527.6 square metres, and is more particularly delineated on the plan number 8115-1R1 hereto attached,

Gordon Loder  
Richard Hardy  
Greg Hardy

All that piece or parcel of land situate and being at Red Rocks, District of St. George's-Stephenville East, Newfoundland and Labrador, Canada abutted and bounded as follows,

That is to say, Beginning at a point having grid coordinates N 5281890.925E 245005.412 as related to Control Monument number 82G2348,

Thence by land of Marjory Young S 24° 15' 45" W a distance of 81.720 metres,

Thence S 52° 56' 37" W a distance of 49.182 metres,

Thence N 65° 14' 08" W a distance of 56.030 metres,

Thence by the sideline of a road reserve N 35° 55' 52" E a distance of 48.200 metres,

Thence N 24° 15' 49" E a distance of 86.614 metres,

Thence by land of Gordon Loder S 66° 01' 20" E a distance of 69.886 metres to the point of beginning,

The herein described piece or parcel of land contains an area of 8768.0 square metres, and is more particularly delineated on the plan number 8115-1R1 hereto attached,

Roman Catholic Episcopal Corporation  
of Corner Brook and Labrador

All that piece or parcel of land situate and being at Red Rocks, District of St. George's-Stephenville East, Newfoundland and Labrador, Canada abutted and bounded as follows,

That is to say, Beginning at a point having grid coordinates N 5281036.041E 244614.550 as related to Control Monument number 82G2348,

Thence by land of Marjory Young S 57° 14' 50" W a distance of 63.171 metres,

Thence by the sideline of a Road Reserve, 20 metres wide, N 27° 08' 24" W a distance of 65.318 metres,

Thence by land of Marjory Young N 57° 14' 50" E a distance of 56.782 metres,

Thence S 32° 45' 10" E a distance of 65.005 metres to the point of beginning,

The herein described piece or parcel of land contains an area of 3898.7 square metres and is more particularly delineated on the plan number 8115-1R1 hereto attached,

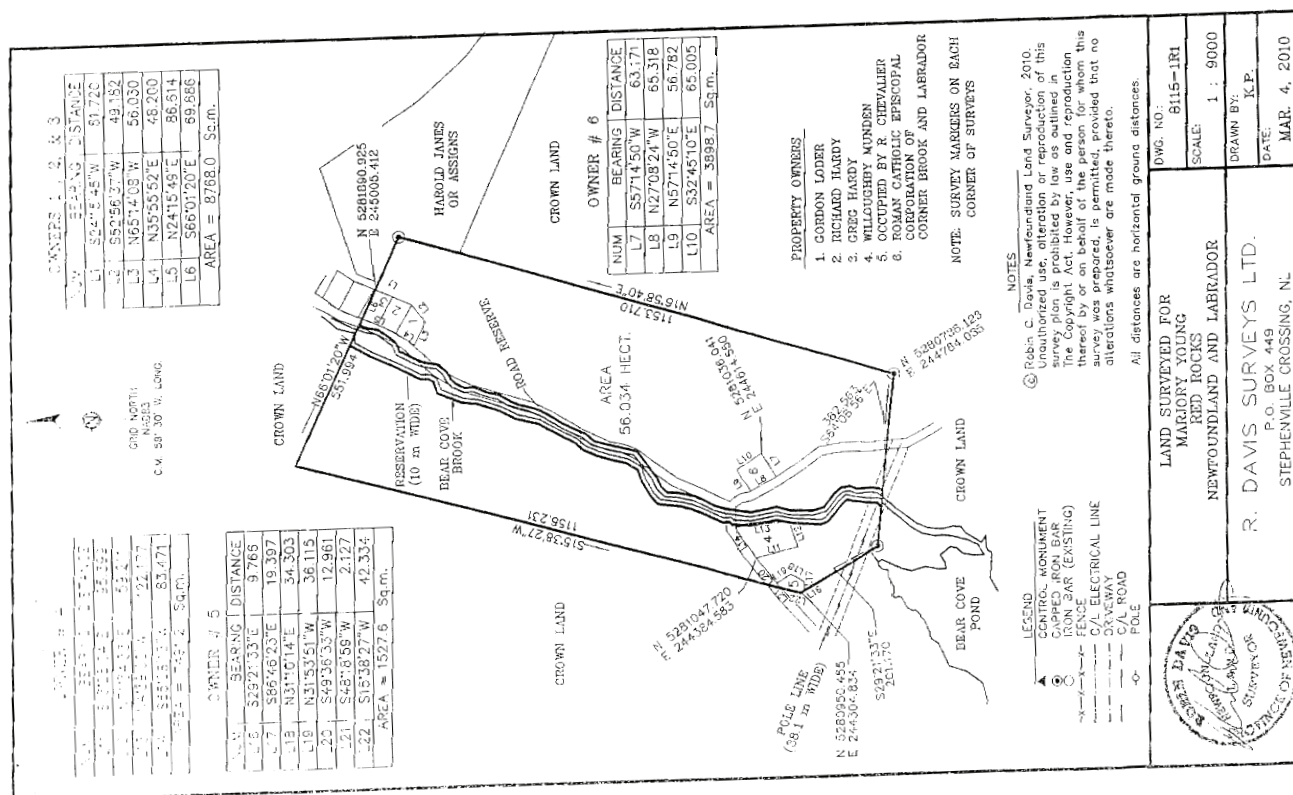
The parcel of land owned by Marjory Young is subject to a portion of a pole line easement, 38.1 metres wide, passing through the southern part of the property as shown,

The herein described piece or parcel of land contains an area of 56.034 hectares and is more particularly delineated on the plan number 8115-1R1 hereto attached,

All bearings refer to the meridian of fifty-eight degrees thirty minutes west longitude of the Three Degree Transverse Mercator Projection (NAD83).

Robin C. Davis  
Newfoundland Land Surveyor

March 4, 2010  
Stephenville Crossing, NL



**2010 01T 2719  
IN THE SUPREME COURT OF  
NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION**

Notice of Application under the *Quieting of Titles Act*, RSNL 1990, cQ-3, as amended;

Notice is hereby given to all parties that CITY REALTY LIMITED has applied to the Supreme Court of Newfoundland and Labrador, Trial Division, at St. John's, to have title to all that piece or parcel of land situate and being on the northwestern side of Blackmarsh Road, in the City of St. John's, in the province of Newfoundland and Labrador, as more particularly described and set forth in the Schedule hereunto annexed marked "A" of which the Applicant claims to be the owner, investigated and for a Declaration that City Realty Limited is the absolute owner thereof.

By a Deed of Conveyance dated May 23, 1940 and registered at Volume 153, Folio 576 at the Registry of Deeds for the province of Newfoundland and Labrador, City Realty Limited acquired the subject property from Sarah Maud Stone.

The Applicant has been ordered to publish notice of the application as required by the above named Act. All persons having title adverse to the said title claimed by the Applicant shall file in the Registry of the Supreme Court of Newfoundland and Labrador at St. John's particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned solicitors for the Applicant on or before the 2<sup>nd</sup> day of July, 2010, after which date no party having any claim shall be permitted to file the same or be heard except by leave of the Court and subject to such conditions as the Court may deem just. All such adverse claims shall be then investigated as the said Supreme Court of Newfoundland and Labrador at St. John's may direct.

DATED AT the City of St. John's, in the province of Newfoundland and Labrador, this 19<sup>th</sup> day of May, 2010.

FRENCH, NOSEWORTHY & ASSOCIATES  
Solicitors for the Applicant  
PER: Christopher E. Gill

ADDRESS FOR SERVICE  
Suite 122, Elizabeth Towers  
100 Elizabeth Towers  
St. John's, NL A1B 1S1  
Tel: (709) 754-1800  
Fax: (709) 754-2701

R. Young NLS

Sept 2009

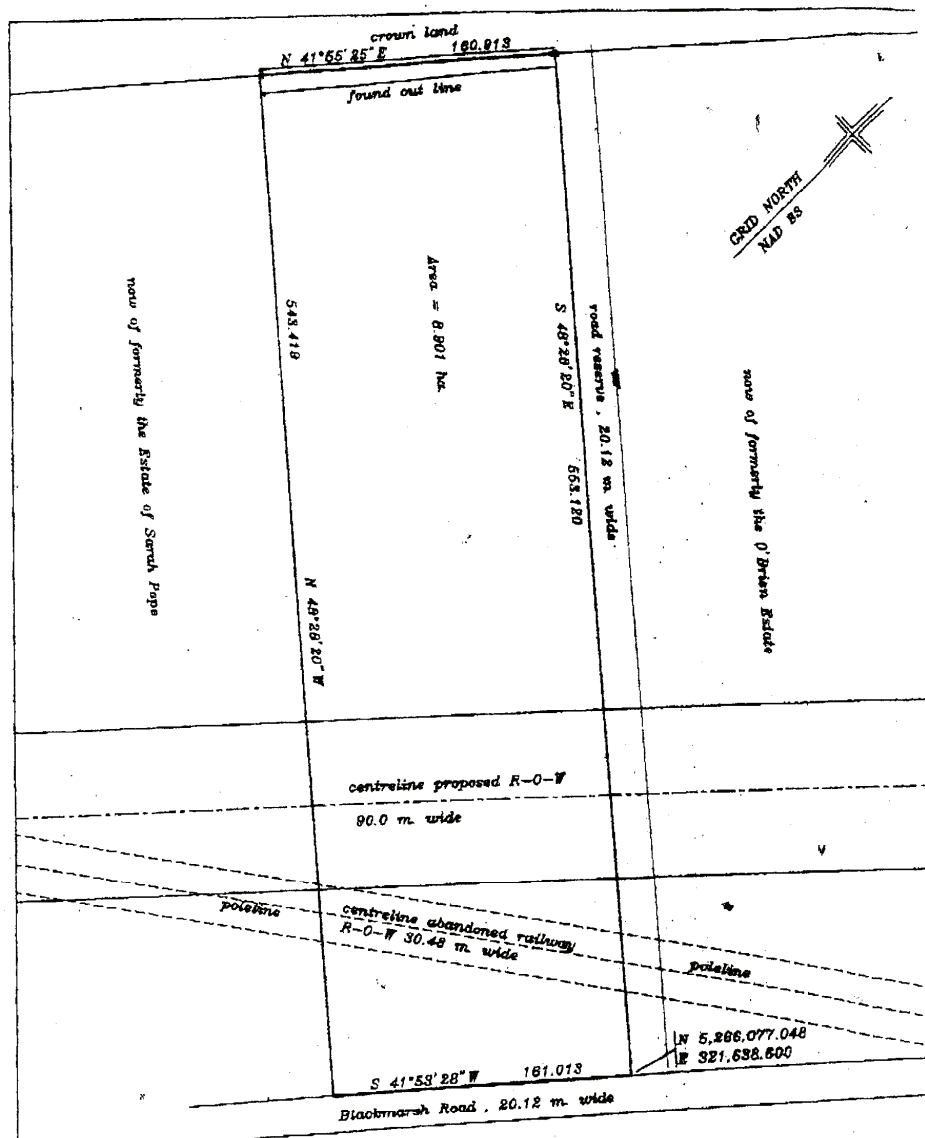
**SCHEDULE "A"**

ALL THAT piece or parcel of land situate and being to the northwest of Blackmarsh Road in the City of St. John's in the Province of Newfoundland and Labrador being bounded and abutted as follows, that is to say beginning at a point said point having coordinates of North 5,266,077.048 and East 321, 638.600 thence extending along the North West limit of Blackmarsh Road South 41 degrees 53 minutes 28 seconds West, 161.013 meters; thence by lands now or formerly of the Estate of Sarah Pope, North 48 degrees, 28 minutes, 20 seconds West, 543.419 meters, thence by crown lands, North 41 degrees, 55 minutes, 25 seconds East, 160.913 meters; thence by a road reserve 20.12 meters wide, South 48 degrees, 28 minutes, 20 seconds East, 553.120 meters, to the principal point of beginning;

THE ABOVE described parcel contains in all an area of 8.901 hectares and is more particularly shown on the attached plan no. 0975.

SUBJECT TO the abandoned railway and pole line right of way 30.48 meters wide extending across the said lands as shown.

All bearings being referred to Grid North NAD 83.



ALL MEASUREMENTS ARE HORIZONTAL GROUND DISTANCES AND ARE IN METRES ON MAPS DATUM.

THIS PLAN AND THE ACCOMPANYING REPORT OF RICHARD YOUNG & ASSOC. CO. LTD. FORM AN INTEGRAL PART OF THE WHOLE AND ARE NOT SEPARABLE.

© RICHARD YOUNG, NEWFOUNDLAND LAND SURVEYOR, 2006. UNAUTHORIZED USE, ALTERATION OR REPRODUCTION OF THIS SURVEY PLAN AND DESCRIPTION IS PROHIBITED BY LAW AS OUTLINED IN THE COPYRIGHT ACT. HOWEVER, USE AND REPRODUCTION THEREOF BY OR ON BEHALF OF THE PERSON TO WHOM THIS SURVEY IS CERTIFIED IS PERMITTED, PROVIDED THAT NO ALTERATIONS WHATSOEVER ARE MADE THERE TO.

Description	80G2170
Northing	5,276,399.219
Easting	325,521.102

PROPERTY SURVEYED  
FENCE LINES —x— x—  
PLACED STEEL PIN O  
FOUND STEEL PIN O F.S.P.

**RICHARD YOUNG & ASSOC.**  
NEWFOUNDLAND LAND SURVEYORS  
St. John's

boundary survey  
lands granted to Joseph Skinner  
Blackmarsh Road — St. John's

Scale:	1 : 2500	Date:	March, 1998, revised Sept 2009
Surveyed by:	R.Y.	Job No.	0875



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

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

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Vol. 85

ST. JOHN'S, FRIDAY, MAY 28, 2010

No. 21

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### NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 28/10  
NLR 29/10  
NLR 30/10  
NLR 31/10



**NEWFOUNDLAND AND LABRADOR  
REGULATION 28/10**

*Proclamation bringing the Act into force*  
(SNL 2009 c16) (June 1, 2010)  
under  
*An Act to Amend the Judicature Act*  
(O.C 2010-142)

*(Filed May 25, 2010)*

*ELIZABETH THE SECOND, by the Grace of God of the  
United Kingdom, Canada and Her Other Realms and Territories  
QUEEN, Head of the Commonwealth, Defender of the Faith.*

JOHN C. CROSBIE  
Lieutenant Governor

DON BURRAGE  
Deputy Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 12 of “*An Act to Amend the Judicature Act*, “ SNL2009 c16 (the “Act”) it is provided that the Act shall come into force on a day to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that “*An Act to Amend the Judicature Act*”, SNL2009 c16, shall come into force on June 1, 2010.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable John Carnell Crosbie, Member of the Privy Council of Canada, Officer of the Order of Canada, Chancellor of the Order of Newfoundland and Labrador, and one of Her Majesty's Counsel learned in the law, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's this 6<sup>th</sup> day of May in the year of Our Lord two thousand and ten in the fifty-ninth year of Our Reign.

BY COMMAND,

SANDRA N. BARNES  
Deputy Registrar General



## NEWFOUNDLAND AND LABRADOR REGULATION 29/10

*Family Division Judicial Area Regulations*  
under the  
*Judicature Act*  
(O.C. 2010-152)

*(Filed May 25, 2010)*

Under the authority of subsection 43.5(2) of the *Judicature Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 25, 2010.

Gary Norris  
Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

- |                  |                 |
|------------------|-----------------|
| 1. Short title   | 3. Commencement |
| 2. Judicial Area | Schedule        |

Short title

**1.** These regulations may be cited as the *Family Division Judicial Area Regulations*.

Judicial Area

**2.** The area set out in the Schedule is designated as a judicial area in which the Supreme Court of Newfoundland and Labrador Trial Division - Family Division shall operate.

**3. These regulations come into force on June 1, 2010.**

Commencement

**Schedule**

All the area from Grey River west along the South coast of the island portion of Newfoundland and Labrador to Channel-Port aux Basques, then north to include the whole of the Great Northern Peninsula and west to the turnoff of the Trans Canada Highway to routes 420 and 421 to Jackson's Arm and the Beaches respectively, to include all of the communities along both routes 420 and 421.

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## NEWFOUNDLAND AND LABRADOR REGULATION 30/10

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

*(Filed May 25, 2010)*

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

Dated at St. John's, May 21, 2010.

Christopher P. Curran, Q.C.  
Registrar of the Supreme Court  
Secretary, Rules Committee

### **RULES**

#### *Analysis*

- |  |  |
|--|--|
| 1. Rule 1.03 Amdt.<br>Definitions                              | 7. Rule 18A.02 Amdt.<br>Definitions                              |
| 2. Rule 4.01 Amdt.<br>Form                                     | 8. Form 47.01D R&S   |
| 3. Rule 5.04 Amdt.<br>Commencing a proceeding<br>(Application) | 9. Rule 53A.01 R&S<br>Notice of appeal not a Stay                |
| 4. Rule 5A.01 Amdt.<br>Interpretation                          | 10. Rule 53A.02 R&S<br>Judge on application may<br>stay an order |
| 5. Rule 5A.02 Amdt.<br>Entry of judgment                       | 11. Rule 54.04 R&S<br>Appeals                                    |
| 6. Rule 7A.01 Amdt.<br>Interpretation                          | 12. Rule 55.35 Amdt.<br>Time and contents of appeal              |
|  | 13. Form 56.04A R&S  |

- |  |   |
|--|---|
| 14. Form 56.05A R&S  | 56A.74 Proceedings  |
| 15. Rule 56A.01 Amdt.<br>Definitions of terms  | 56A.75 Summary judgment   |
| 16. Rule 56A.02 Amdt.<br>Interpretation  | 56A.76 Judicial case<br>conference  |
| 17. Rule 56A.03 R&S<br>When hearings may be held<br>in private                                   | 32. Rule 56A.81 Amdt.<br>Commencing an application<br>for the return of a child   |
| 18. Rule 56A.06 Amdt.<br>Starting a family law proceed-<br>ing                                   | 33. Rule 56A.82 Amdt.<br>Service of the application                               |
| 19. Rule 56A.07(2) Amdt.<br>Joining 2 or more claims   | 34. Rule 56A.83 R&S<br>Notice to the central author-<br>ity and the contact judge |
| 20. Rule 56A.09 Amdt.<br>Location, transfer of family<br>law proceedings                         | 35. Form 56A.06A R&S  |
| 21. Rule 56A.12(2) Amdt.<br>How to oppose a claim and<br>make a claim against the ap-<br>plicant | 36. Form 56A.06B R&S  |
| 22. Rule 56A.14 R&S<br>How to reply to a response  | 37. Form 56A.12A R&S  |
| 23. Rule 56A.21 Amdt.<br>How case management works   | 38. Form 56A.15A R&S  |
| 24. Rule 56A.23 Amdt.<br>How to set a trial or hearing<br>date                                   | 39. Form 56A.16A R&S  |
| 25. Rule 56A.25 Amdt.<br>Judgments and orders  | 40. Form 56A.21A R&S  |
| 26. Rule 56A.28 Amdt.<br>Child support   | 41. Form 56A.21B Added  |
| 27. Rule 56A.42 R&S<br>How to apply for a divorce  | 42. Form 56A.24A R&S  |
| 28. Rule 56A.46 Amdt.<br>Judgment of divorce   | 43. Form 56A.24C R&S  |
| 29. Rule 56A.58 Amdt.<br>Documents required in claim<br>for child support                        | 44. Form 56A.25A Added  |
| 30. Rules 56A.72 to 56A.87<br>renumbered as Rules 56A.77<br>to 56A.92                            | 45. Form 56A.25B Added  |
| 31. Rules 56A.72 to 56A.76<br>Added  | 46. Form 56A.27A R&S  |
| 56A.72 Settlement<br>conference  | 47. Form 56A.46A R&S  |
| 56A.73 Trial readiness<br>Inquiry  | 48. Form 56A.58A R&S  |
|  | 49. Forms 56A.76A, 56A.76B<br>and 56A.78A Rep.                                    |
|  | 50. Form 56A.81A Added  |
|  | 51. Form 56A.81B Added  |
|  | 52. Form 56A.83A Added  |
|  | 53. Rule 56B Rep.<br>Proceedings in the Unified<br>Family Court                   |
|  | 54. Rule 56C.01 Amdt.<br>Definitions  |
|  | 55. Rule 58 heading R&S<br>RULE 58<br>CIVIL APPEALS -<br>GENERAL DIVISION         |
|  | 56. Rule 58.01 R&S<br>Rule 57 applies with neces-<br>sary changes                 |
|  | 57. General Forms Amdt.   |
|  | 58. Commencement  |

**1. (1) The *Rules of the Supreme Court, 1986* are amended by adding immediately after rule 1.03(c) the following:**

(c.1) "Court" means

(i) the Trial Division, or

(ii) either or both of the General Division and Family Division,

as the context may require;

**(2) The rules are amended by adding immediately after rule 1.03(g) the following:**

(g.1) "Family Division" means the division of the Trial Division constituted as the Family Division under subsection 21(2) of the *Judicature Act*;

(g.2) "General Division" means the division of the Trial Division constituted as the General Division under subsection 21(2) of the *Judicature Act*;

**(3) The rules are amended by deleting the word "and" at the end of rule 1.03(v) and by adding immediately after that rule the following:**

(v.1) "Trial Division" means the Supreme Court of Newfoundland and Labrador, Trial Division constituted under section 20.1 of the *Judicature Act* and consisting of the General Division and the Family Division; and

**2. Rule 4.01(3) of the rules is repealed and the following substituted:**

(3) All proceedings started in the province over which the General Division has jurisdiction shall be titled, "In the Supreme Court of Newfoundland and Labrador, Trial Division (General)" and proceedings started in the province over which the Family Division has jurisdiction shall be titled, "In the Supreme Court of Newfoundland and Labrador, Trial Division (Family)".

**3. Rule 5.04(3) of the rules is repealed and the following substituted:**

(3) The file number assigned to a proceeding in the General Division shall consist of the year of issue, a number to identify the

judicial centre where the proceeding is commenced followed by the letter "G" as follows:

01G	St. John's
03G	Grand Falls
04G	Corner Brook
05G	Gander
06G	Grand Bank
08G	Happy Valley-Goose Bay

and then followed by the consecutive number of the proceeding in the order of filing in the Registry of the judicial centre where the proceeding is commenced.

**4. (1) Rule 5A.01(1)(a) of the rules is repealed and the following substituted:**

- (a) "adjudicating body" means the Court, the Provincial Court of Newfoundland and Labrador, the Workplace, Health, Safety and Compensation Commission or the Minister of Finance, as the case may be;

**(2) Rule 5A.01(1)(e) of the rules is repealed and the following substituted:**

- (e) "electronic seal" means a screened image of the Seal of the Court which is used by software applications authorized by the Registrar that are protected by a password to which only the Registrar or persons designated by the Registrar have access;

**5. Rule 5A.02(1) of the rules is repealed and the following substituted:**

**Entry of judgment**

**5A.02.**(1) Where a judgment claimant seeks to enforce payment of a fine, late payment penalty, forfeiture, assessment or tax by causing a judgment of the Court to be entered against the person liable to pay it, the judgment claimant shall, using the certificate template, file in the registry in the Judicial Centre of St. John's a certificate, verified by the signature or the electronic signature of a designated certifying official, certifying

- (a) the name and current known address of the person who is subject to and liable to pay the fine, late payment penalty, forfeiture, assessment or tax;
- (b) the fact that the fine, late payment penalty, forfeiture, assessment or tax as the case may be, was imposed and the amount or amounts thereof as well as the date of imposition and the date when it became payable;
- (c) the fact that the fine, late payment penalty, forfeiture, assessment or tax or any portion thereof (and if a portion, the amount of that portion) was not paid within the time allowed for payment;
- (d) the amount or amounts for which judgment is sought to be entered; and
- (e) that the person making the certificate has knowledge of the information in the certificate and has been duly authorized to make the certificate and to request that the amount claimed be entered as a judgment or to file it as a judgment of the court.

**6. Rule 7A.01(3) of the rules is repealed and the following substituted:**

(3) The rules of court and the general practice and procedure of the General Division shall apply to class proceedings unless they are inconsistent with the Act or this rule.

**7. Rule 18A.02(2) of the rules is repealed and the following substituted:**

- (2) This rule does not apply to
  - (a) a family law proceeding to which Rule 56A or 56C applies;
  - (b) a class proceeding to which Rule 7A applies; or
  - (c) any other proceeding which has been exempted by order.

**8. Form 47.01D of the rules is repealed and the following substituted:**

**Form 47.01D**

(rule 47.01(2)(c))

20\_\_\_\_ No. \_\_\_\_

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

*(Title of proceeding)*

**Letter of Request for Examination of  
Witness Out of the Jurisdiction**

To the Judicial Authority of \_\_\_\_\_ in the \_\_\_\_\_  
of \_\_\_\_\_

WHEREAS a proceeding is now pending in the Supreme Court of Newfoundland and Labrador, Trial Division (General / Family) in which, A.B., is plaintiff and C.D., is defendant, and in which the plaintiff claims \_\_\_\_\_

AND WHEREAS it has been represented to the Court that it is necessary for the purposes of justice and for the due determination of the matters in dispute between the parties that the following persons should be examined, upon oath or affirmation touching such matters, namely A.B. of \_\_\_\_\_, and C.D. of \_\_\_\_\_ and such other persons as the solicitors or agents of the parties shall mutually request you in writing to examine, and it appears that such persons are resident within your jurisdiction.

NOW THEREFORE I, M.N., a Judge of the Supreme Court of Newfoundland and Labrador, Trial Division, hereby request that for the reasons aforesaid and for the assistance of the Court, you will be pleased to summon the solicitors or agents of the parties and the persons to be examined, to attend at such time and place as you shall appoint, either before you or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such person to be examined orally or by interrogatories touching the matters in question, in the presence of the solicitors or agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend the examination.

AND I FURTHER REQUEST THAT you will permit the solicitors or agents of any party, or such of them as shall be present to examine orally or by interrogatories, any person, as may, after due notice in writing, be produced on his or her behalf, and the opposing party to cross-examine the person orally or by interrogatories, and the party producing the person for examination to re-examine him or her orally or by interrogatories.

AND I FURTHER REQUEST THAT you will be pleased to cause the evidence of any such person to be reduced into writing, and any book, letter, paper and document produced on the examination to be duly marked for identification, and that you will be further pleased to authenticate the depositions taken on the examination and any book, letter, paper or document, or a certified copy of the same or any extract therefrom by the seal of your tribunal or in such other ways as is in accordance with your procedure, and to return the same, together with any interrogatories and a note of the charges and expenses payable in respect of the execution of this request to the Under Secretary of State for External Affairs of Canada at \_\_\_\_\_, Ottawa, Canada, for transmission to the Registrar of the Supreme Court of Newfoundland and Labrador, at \_\_\_\_\_, Newfoundland and Labrador.

AND I FURTHER REQUEST THAT you will cause the examination to be conducted in accordance with the enclosed instructions, with such modifications as may be necessary.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

A Judge of the Supreme Court of  
Newfoundland and Labrador, Trial Division.

**9. Rule 53A.01 of the rules is repealed and the following substituted:**

**Notice of appeal not a Stay**

**53A.01.** The filing of a Notice of Appeal to the Court of Appeal from an order of the Court shall not operate as a stay of the order.

**10. Rule 53A.02 of the rules is repealed and the following substituted:**

**Judge on application may stay an order**

**53A.02.** A judge of the Trial Division on the application of a party to an appeal to the Court of Appeal from an order of the Court may stay the order appealed from pending the disposition of the appeal and may stay any order of or proceeding before a judge of the Provincial Court or a tribunal in respect of which an order of the Court granting or refusing relief under Rule 54 or otherwise has been appealed.

**11. Rule 54.04 of the rules is repealed and the following substituted:**

**Appeals**

**54.04.** An appeal shall lie from an order of the Court to the Court of Appeal.

**12. Rule 55.35(2) of the rules is repealed and the following substituted:**

(2) An appellant shall appeal to a judge of the General Division by filing with the taxing officer and the Registrar a notice of appeal and serving it upon every other party.

**13. Form 56.04A of the rules is repealed and the following substituted:**

**Form 56.04A**

(rule 56.04)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General)

**Notice of Application**

*In the Estate of \_\_\_\_\_, of the \_\_\_\_\_  
of \_\_\_\_\_ in the Province of \_\_\_\_\_,  
\_\_\_\_\_ (occupation), deceased, who died on or about the  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.*

FIVE DAYS after the date hereof, application will be made to one of the judges of the General Division of the Supreme Court of Newfoundland and Labrador, for Letters of \_\_\_\_\_ to be granted to \_\_\_\_\_

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Address for Service:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Applicant or Solicitor for Applicant  
Telephone No. \_\_\_\_\_

Note: This Notice of Application will lapse and be of no further force or effect 6 months from the date of its posting in the Registry of the Court unless within that time an application for letters of probate or administration, as the case may be, is filed in the Registry, or unless, within that time, a Caveat opposing such application is entered in the Registry.

I HEREBY CERTIFY that the above Notice of Application has been posted in the Registry from the date thereof to the present day, and that no caveat or other objection has been entered.

The \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registrar

**14. Form 56.05A of the rules is repealed and the following substituted:**

**Form 56.05A**

(rule 56.05)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General)

*In the Estate of*

**Petition for Probate, Administration  
or Guardianship**

TO THE SUPREME COURT OF NEWFOUNDLAND AND  
LABRADOR TRIAL DIVISION (GENERAL) - OR ONE OF THE  
JUDGES THEREOF

The petitioner of A.B. says

1. (Set forth material facts)

2.

The petitioner therefore applies for a grant of Letters of \_\_\_\_\_ of  
the estate of \_\_\_\_\_ to be issued to the petitioner \_\_\_\_\_ (or  
*as the case may be*).

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

(Sgd.) (A.B.)

**Affidavit**

I, \_\_\_\_\_ of \_\_\_\_\_ in the Province of  
\_\_\_\_\_, make oath (or affirm) and say as follows:

1. I have read and I understand the foregoing petition.

2. I have personal knowledge of the facts contained therein and in the Inventory thereto annexed and they are true to the best of my knowledge, information and belief.

(Sgd.) (A.B.)

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me

A Commissioner, etc.

**15. (1) Rule 56A.01(b) is repealed.**

**(2) Rule 56A.01(c) of the rules is repealed and the following substituted:**

- (c) "family law proceeding" means a proceeding in either the General Division or the Family Division under an Act of the province or of Canada or under the common law or in equity related to family law including:
  - (i) child protection,
  - (ii) custody and access,
  - (iii) child, parent, spousal and partner support,
  - (iv) enforcement of support orders,
  - (v) adoption,
  - (vi) dividing the property of spouses, former spouses, partners and former partners,
  - (vii) marriage,
  - (viii) separation,

- (ix) divorce,
- (x) consent to medical treatment of minors, and
- (xi) other matters listed in section 43.9 of the *Judicature Act*;

**(3) Rule 56A.01(h) of the rules is repealed and the following substituted:**

- (h) "registrar" includes a Deputy Registrar or Assistant Deputy Registrar of the Supreme Court of Newfoundland and Labrador, Trial Division and a person appointed by one of those office holders to perform the role of the registrar under this Act;

**16. (1) Rule 56A.02(1) of the rules is repealed and the following substituted:**

**Interpretation**

**56A.02.** (1) Rules 56A and 56C apply to family law proceedings in the Court and may be cited separately as the *Family Law Rules*.

**(2) Rule 56A.02(3) of the rules is repealed.**

**(3) The rules are amended by adding immediately after rule 56A.02(5) the following:**

(5.1) All family law proceedings started in the province over which the Family Division has jurisdiction shall be titled "In the Supreme Court of Newfoundland and Labrador, Trial Division (Family)" and all family law proceedings started in the province over which the General Division has jurisdiction shall be titled "In the Supreme Court of Newfoundland and Labrador, Trial Division (General)".

**17. Rule 56A.03 of the rules is repealed and the following substituted:**

**When hearings may be held in private**

**56A.03.** Where a judge in a family law proceeding is of the opinion

- (a) that evidence or information presented to the Court would be seriously injurious or seriously prejudicial to
  - (i) the person who is being dealt with in the proceeding, or
  - (ii) a person under 16 years of age who is a witness in or is affected by the proceeding; or
- (b) that it would be in the best interest of the proper administration of justice to exclude the members of the public from the court room,

the judge may exclude a person other than counsel and witnesses from all or part of the proceeding where the judge considers that person's presence to be unnecessary to the conduct of the proceeding.

**18. (1) Rule 56A.06(5) of the rules is repealed and the following substituted:**

(5) An entry of every proceeding shall be made by the proper officer in an appropriate record maintained manually or in electronic form.

**(2) The rules are amended by adding immediately after rule 56A.06(5) the following:**

(5.1) The file number assigned to a family law proceeding in the Family Division shall consist of the year of issue, a number to identify the judicial centre where the proceeding is commenced followed by the letter "F" as follows:

02F	St. John's
04F	Corner Brook

and then followed by the consecutive number of the proceeding in the order of filing in the Registry of the judicial centre where the proceeding is commenced.

(5.2) The file number assigned to a family law proceeding in the General Division shall consist of the year of issue, a number to identify the judicial centre where the proceeding is commenced followed by the letter "G" as follows:

03G	Grand Falls
05G	Gander
06G	Grand Bank
08G	Happy Valley-Goose Bay

and then followed by the consecutive number of the proceeding in the order of filing in the Registry of the judicial centre where the proceeding is commenced.

(5.3) All documents subsequently filed or delivered in the proceeding shall bear the same file number.

(5.4) Where a proceeding is subsequently issued in relation to the same parties but in another judicial centre, the registrar shall make arrangements to transfer the file to that judicial centre.

**(3) Rule 56A.06(6)(a) of the rules is repealed and the following substituted:**

- (a) in addition to the file reference required by rules 56A.06(5.1) and (5.2), assign to that divorce proceeding a separate number, to be known as a divorce registry number, that follows in sequence the last number assigned to a divorce proceeding in that judicial centre, as the case may be; and

**19. Rule 56A.07(2) of the rules is repealed and the following substituted:**

(2) Subject to section 43.11 of the *Judicature Act*, the Court, on application, may direct that a non-family law claim be continued in a family law proceeding if the claim is related to or connected with a claim in that proceeding.

**20. Rule 56A.09(1) of the rules is repealed and the following substituted:**

**Location, transfer of family law proceedings**

**56A.09.** (1) A party may start a family law proceeding in the General Division unless the *Judicature Act* requires that it must be started in the Family Division.

**(2) The rules are amended by adding immediately after rule 56A.09(1) the following:**

(1.1) A party filing an application shall indicate at the top of the form where they wish to have the matter heard and shall start the proceeding in the corresponding judicial centre.

(1.2) Unless ordered otherwise, all documents in a family law proceeding must be filed in the same judicial centre as the originating application.

(1.3) Where a party has requested that a family law proceeding be heard at a circuit location, the Registrar may, if he or she considers it necessary, set the proceeding to be heard at a location other than the requested circuit location.

**(3) Rule 56A.09(2) of the rules is repealed and the following substituted:**

(2) On application, the Court may order that a family law proceeding be transferred to another judicial centre.

**(4) Rule 56A.09(4) of the rules is repealed.**

**21. (1) Rule 56A.12(2) of the rules is repealed and the following substituted:**

(2) Even if the time for responding or replying expires, a response or reply may be served and filed as long as a Notice of Default in Form 56A.15A has not been filed.

**(2) Rule 56A.12(4) of the rules is repealed and the following substituted:**

(4) A respondent who claims an unequal division of matrimonial property, division of property by common law spouses, entitlement to a share of business assets or undue hardship in a child support proceeding, shall state the material facts supporting the claim.

**(3) The rules are amended by adding immediately after rule 56A.12(4) the following:**

(5) A response in Form 56A.12A shall be served in the manner set out in rule 56A.10.

**22. Rule 56A.14 of the rules is repealed and the following substituted:**

**How to reply to a response**

**56A.14.** Where the applicant wishes to oppose an allegation or a claim made in the response, the applicant shall serve and file a reply in Form 56A.14A within 10 days of service of the response.

**23. The rules are amended by adding immediately after rule 56A.21(8) the following:**

(9) Unless otherwise ordered, a party seeking to have a trial date set at a case management meeting shall complete Form 56A.21B and also shall be prepared to discuss each of the matters set out in the form at the case management meeting.

(10) A Notice of Case Management requesting that a trial date be set shall have attached to it a copy of the completed Form 56A.21B when provided to the other parties.

(11) A party who receives a Notice of Case Management requesting a trial date which has a completed Form 56A.21B attached to it shall file his or her own completed Form 56A.21B with the court, provide it to the other parties and be prepared to discuss each of the matters set out in the form at the case management meeting.

**24. Rule 56A.23(2) of the rules is repealed and the following substituted:**

(2) At the case management meeting the judge shall determine whether the parties are ready for trial or a hearing and the Court may make an order described in rule 56A.21(4).

**25. (1) Rule 56A.25(1) of the rules is repealed and the following substituted:**

**Judgments and orders**

**56A.25.** (1) Subject to rule 56A.45 (Applying jointly for divorce) and 56A.25(1.1) (Judgments and orders), where a party claims relief under more than one statute the Court may issue one judgment with respect to all relief naming the relevant statute.

**(2) Rule 56A.25 of the rules is amended by adding immediately after rule 56A.25(1) the following:**

(1.1) A separate formal order for support shall be issued by the Court where child support and/or spousal support is granted and such order shall be in Form 56A.25B.

**(3) Rule 56A.25(3)(b) of the rules is repealed and the following substituted:**

- (b) the written consent of each party who is acting in person, and of each party who has not appeared, witnessed by a person authorized to take an oath or affirmation unless a judge determines that such written acknowledgement of consent is not required.

**26. Rule 56A.28(4) of the rules is repealed and the following substituted:**

(4) The person responding to the claim is required to file and serve forms required by this rule

- (a) within 30 days after service of the application claiming support if the respondent was served in Canada or the United States of America; and
- (b) within 60 days after service of the application claiming support if the respondent was served outside Canada and the United States of America.

**27. Rule 56A.42 of the rules is repealed and the following substituted:**

**How to apply for a divorce**

**56A.42.** (1) A divorce proceeding may be started by,

- (a) either spouse filing an originating application naming the other spouse as a respondent;
- (b) both spouses filing a joint originating application under rule 56A.45 with no named respondent, or
- (c) the respondent claiming a divorce in a response.

(2) A divorce proceeding includes any application for corollary relief contained in the originating application or response seeking a divorce.

(3) In an application for divorce claiming that the other spouse committed adultery with another person, that person does not need to be named, but if named, shall be served with the originating application or response and has all the rights of a respondent in the case related to the allegation of adultery.

(4) The party filing an application for divorce shall file a certificate of the marriage or of registration of the marriage with the originating application or response.

(5) Where a certificate of marriage or of registration of marriage is in a language other than English or French, the person claiming the divorce shall file with the originating application or response a translation of that certificate, certified as a true and correct translation.

(6) A person may apply to the Court without giving notice to the other party for permission to file an originating application or response without a certificate of the marriage or of registration of the marriage if the person applying files an undertaking to file that certificate within a time specified by the Court.

(7) Where it is impossible or impractical to obtain a certificate of the marriage or of the registration of the marriage, the applicant or respondent may apply without giving notice to the other party for an order dispensing with the need to file one of these documents.

(8) The Court shall not grant a judgment for divorce until a written notification issued from the central registry of divorce proceedings under the *Central Registry of Divorce Proceedings Regulations* under the *Divorce Act* (Canada) has been filed indicating that no other divorce proceedings are pending.

**28. Rule 56A.46(2) of the rules is repealed and the following substituted:**

- (2) Orders for one or more of the following:
  - (a) child support;
  - (b) spousal support;
  - (c) partner support; and
  - (d) parental support

shall be issued by the Court in one separate formal order and shall be in Form 56A.25B.

**29. Rule 56A.58(2) of the rules is repealed and the following substituted:**

- (2) Where there is a claim for child support, the registrar shall not accept a party's financial information unless
  - (a) copies of the party's income tax returns and notices of assessment are attached as the form requires, except where a copy is identified as already in the court file;
  - (b) a statement from the Canada Revenue Agency that the party has not filed any income tax returns is attached;
  - (c) the party's signed Canada Revenue Agency Consent in Form 56A.58A for disclosure of the party's income tax returns and notices of assessment, is attached; or
  - (d) the party declares that he or she is not required to file an income tax return by reason of the *Indian Act* (Canada).

**30. Rules 56A.72 to 56A.87 of the rules are amended by renumbering them as rules 56A.77 to 56A.92.**

**31. The rules are amended by adding immediately after rule 56A.71 the following:**

**Settlement conference**

**56A.72.** A judge conducting a settlement conference may at the conclusion of the conference set a date for a case management meeting to set a hearing date or set a date for the hearing where all issues have not been resolved by the parties.

**Trial readiness inquiry**

**56A.73.** (1) Where a hearing date has been set, a judge may require the parties to attend a trial readiness inquiry.

(2) At the trial readiness inquiry the parties shall be present along with their counsel, if any, and be prepared to address trial process issues including:

- (a) providing the names of all witnesses to be called;
- (b) providing a brief description of the testimony expected from each of the witnesses to be called;
- (c) providing a full list as well as copies of documents and other exhibits to be tendered at the hearing;
- (d) providing an estimate of the time required for each party's case to be heard;
- (e) providing any expert reports to be tendered during the hearing; and
- (f) advising whether settlement discussions are occurring and the likelihood as to whether all, or any, issues will be resolved prior to the hearing.

(3) A trial readiness inquiry shall be scheduled for no more than 30 days before the hearing unless a judge directs otherwise.

(4) Based upon the information provided at a trial readiness inquiry, the judge may adjourn or otherwise vary the dates of the hearing.

**Division X.1**  
**Child Protection Cases**

**Proceedings**

**56A.74.** (1) Rules 56A and 56C do not apply to protective intervention proceedings or related matters under the *Child, Youth and Family Services Act* to the extent to which the procedure and time limits in that Act are inconsistent with those rules.

(2) A hearing under the *Child, Youth and Family Services Act* shall be

- (a) held as informally as the circumstances of the case permit;
- (b) scheduled as expeditiously as the schedule of the Court allows and as fairness to the parties and affected persons requires; and
- (c) held in private unless the judge hearing the matter determines that the proper administration of justice requires otherwise.

(3) An application for a protective intervention order and any other application under the *Child, Youth and Family Services Act* shall be started by presenting the original and one copy of an application to the Court.

(4) An application for another order relating to children in respect of whom a protective intervention order has already been sought or in respect of other children in the same family shall be given the same file number as the original application where the application is made in the same judicial centre.

**Summary judgment**

**56A.75.** (1) Upon completion of a presentation hearing as required by section 33 of the *Child, Youth and Family Services Act* and an order being made directing that a protective intervention hearing is to take place, a party may apply for a summary judgment for a final order without a trial on all or part of any claim made or defence to be presented in the case.

(2) The party applying under this rule shall serve an application for summary judgment along with an affidavit or other evidence that sets out the specific facts showing that there is no genuine issue requiring a full hearing.

(3) In response to the affidavit or other evidence served by the party making the application, the party responding to the application may not rely on mere allegations or denials but shall set out, in an affidavit or other evidence, specific facts showing that there is a genuine issue requiring a full hearing.

(4) If the judge finds that there is no genuine issue to warrant a full hearing, the Court shall make a final order accordingly.

(5) If the only genuine issue is a question of law, the Court shall decide the issue and make a final order accordingly.

(6) If the Court does not make a final order, or makes an order for the matter to proceed to a full hearing, the Court may also:

- (a) specify what facts are not in dispute, state the issues and give directions about how and when the hearing will take place;
- (b) give other directions; and
- (c) impose any other conditions related to the matter to ensure an expeditious and fair hearing of the issues in dispute.

(7) If the party applying for summary judgment does not succeed, the Court shall decide the amount of the other party's costs of the application on a full recovery basis and order the party who made the application to pay those costs immediately, unless the application is considered by the judge to have been justified, although unsuccessful.

(8) Where a party has acted in bad faith, the Court shall decide the costs of the application on a full recovery basis and shall order the party to pay them immediately.

#### **Judicial case conference**

**56A.76.** (1) Where a party requests a judicial case conference in a child protection case, the parties shall attend before a judge who shall con-

sider such documents, other materials and submissions as the judge deems appropriate and thereafter give a non-binding opinion on the probable outcome of a hearing of the proceeding.

(2) A judicial case conference shall only occur after the conclusion of the presentation hearing as required by section 33 of the *Child, Youth and Family Services Act*.

(3) A judge may conduct the judicial case conference in as informal a manner as the judge deems appropriate.

(4) A judge may hear from persons intended to be witnesses at the hearing, as well as the parties, either under oath or affirmation or not, during a judicial case conference if the judge so decides.

(5) A judge who conducts a judicial case conference shall not preside at the protective intervention hearing and shall note in the court file the date or dates upon which the judicial case conference took place.

(6) A judicial case conference may be recorded with minutes kept but in such event, the record kept and any submissions shall be sealed and may only be opened by order of a judge.

(7) Upon completion of the judicial case conference, the judge shall return to the parties or their counsel any materials filed or provided for the purpose of the judicial case conference not otherwise in the court file.

(8) The judge conducting the judicial case conference or any person attending the judicial case conference shall not disclose to the hearing judge or any other persons the positions taken by the parties or the opinions expressed at the hearing.

(9) A judge at a judicial case conference may give directions to the parties, including setting a date and time for a hearing, related to the conduct of the hearing and any such directions will be filed in the court file as an order.

(10) A judge at a judicial case conference may make a final or interim order where the parties to the proceeding consent and such order shall be filed in the court file.

**32. (1) Rule 56A.81(1) of the rules is repealed and the following substituted:**

**Commencing an application for the return of a child**

**56A.81.** (1) An application for the return of a child under the Hague Convention on International Child Abduction shall be commenced in the Court by presenting an original and 2 signed copies of an Originating Application for the Return of a Child in Form 56A.81A.

**(2) Rule 56A.81(3) of the rules is repealed and the following substituted:**

(3) Rules 56A.06(5) to (5.4) and 56A.08 apply with respect to applications under this division.

**(3) Rule 56A.81(4) of the rules is repealed and the following substituted:**

(4) All applications under this division shall be accompanied by affidavit evidence in Form 56A.81B which complies with rule 56A.20 and contains:

- (a) information concerning the identity of the applicant, the child and the person or persons alleged to have removed or retained the child;
- (b) where available, the date of birth of the child;
- (c) the grounds on which the applicant's claim for the return of the child is based; and
- (d) all available information relating to the whereabouts of the child and the identity of the person in whose care the child is presumed to be.

**33. Rule 56A.82(1) of the rules is repealed and the following substituted:**

**Service of the application**

**56A.82.** (1) The originating application along with

- (a) an affidavit in support of the application under rule 56A.81(4);
- (b) information under rule 56A.81(5) (if applicable); and
- (c) the Notice to Respondent

shall be served personally on the respondent(s) in accordance with rule 6.02 (Personal Service) within 7 days of filing the application with the Court.

**34. Rule 56A.83 of the rules is repealed and the following substituted:**

**Notice to the central authority and the contact judge**

**56A.83.** A Notice of Application to the central authority and contact judge in Form 56A.83A must be filed at the same time as the application under rule 56A.81 and a copy shall forthwith be provided to the central authority of the province of Newfoundland and Labrador and the contact judge.

**35. Form 56A.06A of the rules is repealed and the following substituted:**

**Form 56A.06A**

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Notice to Respondent**

**An Originating Application has been made for an order against you. The details are set out in the attached Originating Application.**

If you dispute any of the claims or if you wish to make a claim yourself, you must file a Response at the Court within the following times:

If served anywhere in Canada or the United States, within 30 days from the date of service.

If served outside of Canada or the United States, within 60 days from the date of service.

**If you do not file a Response, the Court may proceed without giving you further notice.**

**You must file a financial statement in Form 56A.27A if spousal, partner or parental support is claimed.**

**You must file a property statement in Form 56A.27C if a claim for division of matrimonial property or a claim for division of property of common law spouses has been made.**

**If the application relates to child support, you must also file with the Court and serve on the Applicant each of the following within the time set out above:**

- ▶ written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;
- ▶ copies of your tax return for the last 3 years; and
- ▶ copies of the notices of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Revenue Agency at 1-800-959-8281.

If you have income from self-employment, a partnership, or a corporation in which you have a controlling interest, or if you are a beneficiary of a trust, you **must** also **comply** with subsection 21(1) of the ***Federal Child Support Guidelines (Canada)*** and section 19 of the provincial ***Child Support Guidelines Regulations***. For more information relating to child support, consult the ***Federal or Provincial Child Support Guidelines***.

The financial information outlined above and a financial statement in Form 56A.27A must be provided as well if there is a claim for Special/Extraordinary Expenses or Undue Hardship.

**If you do not file the required documentation, an order may be made and enforced against you.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

**Form 56A.06A**

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Originating Application**

To this Honourable Court at: *(check the location where you wish this matter to be heard and note the filing requirements)*

IF YOU WISH YOUR MATTER TO BE HEARD IN ...	THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN ...
<input type="checkbox"/> Clarenville (Grand Bank circuit)	Grand Bank
<input type="checkbox"/> Corner Brook	Corner Brook at the Family Division
<input type="checkbox"/> Gander	Gander
<input type="checkbox"/> Grand Bank	Grand Bank
<input type="checkbox"/> Grand Falls-Windsor	Grand Falls-Windsor
<input type="checkbox"/> Happy Valley-Goose Bay	Happy Valley-Goose Bay
<input type="checkbox"/> Port aux Basques (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> Rocky Harbour (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> St. Anthony (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> St. John's	St. John's at the Family Division
<input type="checkbox"/> Stephenville (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> Wabush (Happy Valley-Goose Bay circuit)	Happy Valley-Goose Bay

1. I/We hereby seek an order for the following:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Divorce                                       | <input type="checkbox"/> Spousal Support  | <input type="checkbox"/> To File a Consent Order        |
| <input type="checkbox"/> Child Support                                 | <input type="checkbox"/> Parental Support | <input type="checkbox"/> Costs                          |
| <input type="checkbox"/> Custody                                       | <input type="checkbox"/> Partner Support  | <input type="checkbox"/> Other ( <i>specify</i> ) _____ |
| <input type="checkbox"/> Access  |   | (attach details to this application)                    |
| <input type="checkbox"/> Division of Matrimonial Property              |   |   |
| <input type="checkbox"/> Claim for Property made by Common Law Spouses |   |   |

**Where claim includes divorce**

2. My/Our grounds for seeking a divorce are a permanent breakdown of the marriage which has been established by:

- ☐ a. we have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding and were living separate and apart at the commencement of the proceeding;

**OR**

- b. the Respondent has, since celebration of the marriage,  
☐ committed adultery,  
(provide details of where and when)

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**OR**

- ☐ treated me with physical and/or mental cruelty of such a kind as to render our continued cohabitation intolerable  
(provide details)

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and there has been no condonation or connivance on my part with respect to the conduct alleged above.

3. It is no longer possible for me to reconcile or resume cohabitation with my spouse.

4. I have not entered into any agreement with my spouse or any other person to deceive this Court.

5. I/My spouse has/have been ordinarily resident in the Province of Newfoundland and Labrador for at least one year immediately preceding the date of this application.

6. Particulars of my marriage:

(a) Date of marriage \_\_\_\_\_.

(b) Place of marriage \_\_\_\_\_.

(c) Date I ceased cohabiting with my spouse \_\_\_\_\_.

(d) Immediately prior to the marriage I was:

☐ Single ☐ Divorced ☐ Widowed

My spouse was:

☐ Single ☐ Divorced ☐ Widowed

7. (Where no certificate of marriage or of registration of marriage has been filed.) It is impossible or impractical to obtain a certificate of marriage or of registration of marriage.

**To be completed for all claims other than divorce**

(a) That the parties were married on \_\_\_\_\_ and separated \_\_\_\_\_; and

☐ an originating application for divorce has been commenced in the Supreme Court at (place) \_\_\_\_\_ (province) \_\_\_\_\_ but has not yet been heard;

**OR**

☐ an originating application for divorce has not been commenced.

**OR**

(b) That the parties were divorced on \_\_\_\_\_ in the \_\_\_\_\_ Court at (place) \_\_\_\_\_ (province) \_\_\_\_\_.

**OR**

(c) That the parties were never married but lived together from \_\_\_\_\_ to \_\_\_\_\_.

**OR**

- (d) That the parties were never married and never lived together but were in a relationship that began \_\_\_\_\_ and ended \_\_\_\_\_.

**OR**

- (e) Other (provide details) \_\_\_\_\_.

***To be completed for all claims (if applicable):***

	Applicant	Respondent
Surname at birth		
Place of Birth		
Date of Birth		
Present Address (include postal code)		
Phone Number		

## 9. (a) Children:

Child's Full Name	Place & Date Of Birth	Resides With

- (b) The ***present*** parenting (custody and access) arrangements are:

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- (c) The ***proposed*** parenting (custody and access) arrangements are as follows:

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- (d) The ***present*** arrangements for the support of our child(ren) is/are :

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- (e) The **proposed** arrangements for the support of our child(ren) is/are:

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10. Listed below are all written agreements and court orders affecting the child(ren), me, or my spouse \_\_\_\_\_

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11. Child Support:

- ☐ I am claiming the basic table amount as per the **Federal Child Support Guidelines (Canada)**.  
*(If any of the following apply, you shall file a Financial Statement in Form 56A.27A)*
- ☐ I am claiming the basic table amount plus an amount for special expenses. *(complete Schedule A attached)*
- ☐ I am not claiming the basic table amount but I am claiming an amount for special expenses. *(complete Schedule A attached)*
- ☐ I am claiming an amount for child support which is different from the basic table amount in the **Federal Child Support Guidelines (Canada)** because:
- ☐ (a) of a claim for undue hardship. *(complete Schedule B attached)*
- ☐ (b) the child(ren) is/are at or over the age of majority.
- ☐ (c) I exercise a right of access to, or have physical custody of the child(ren) for not less than 40% of the time over the course of the year.
- ☐ (d) we have agreed to an amount of support.
- ☐ (e) of special provisions as per subsection 15.1(5) of the *Divorce Act* (Canada).
- ☐ (f) income is in excess of \$150,000 annually.

12. Spousal, Partner Or Parental Support

- ☐ I am not claiming spousal, partner or parental support.
- ☐ I am claiming spousal, partner or parental support. I am attaching a Financial Statement in Form 56A.27A. My reasons for claiming spousal, partner or parental support are \_\_\_\_\_.
- 

13. Property

A. Claim

I have attached a Property Statement (in Form 56A.27C). I am claiming the following:

- ☐ Exclusive possession of the matrimonial home (*complete paragraph 13(b) below*)
- ☐ Division of property
- ☐ Equal (*skip paragraph 13(b)*)

**OR**

- ☐ Unequal (*complete paragraph 13(b) below*)
- ☐ Other \_\_\_\_\_ (*complete paragraph 13(b) below*)

B. The reasons for my claim are \_\_\_\_\_

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14. Other Claims \_\_\_\_\_.

I/We, \_\_\_\_\_, the Applicant (Co-Applicants), declare the contents of the within originating application are true to the best of my information and belief.

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature of Applicant(s)

Name/Address of Applicant's Solicitor  
(if applicable)

**NOTE:**

*Where the Originating Application includes a claim for Divorce, this document, which consists of the Notice to the Respondent, Originating Application, Financial Statement (if applicable) and Property Statement (if applicable), must be personally served on the Respondent by an adult other than the Applicant.*

*Where the Originating Application includes any other claim but not a Divorce, this document, which consists of the Notice to the Respondent, Originating Application, Financial Statement (if applicable) and Property Statement (if applicable), must be served in accordance with the Rules of the Supreme Court, 1986.*

**To be completed where claim includes divorce and Applicant(s) is/are represented by a solicitor**

**Statement of Solicitor**

I, \_\_\_\_\_, the Solicitor for \_\_\_\_\_, the Applicant herein, certify to this Court that I have complied with the requirements of section 9 of the *Divorce Act* (Canada).

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of Solicitor

Address of Solicitor

Filed at \_\_\_\_\_, Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

**Schedule A**

**Claim for Special/Extraordinary Expenses:**

Under the *Federal or Provincial Child Support Guidelines*, a claim is made for additional support to defray the following special expenses: (*check appropriate items*)

1. ☐ Child care expenses incurred as a result of the custodial parent's employment or training for employment, illness, disability, education:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_

2. ☐ A portion of medical and dental insurance premiums:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_
3. ☐ Health related expenses that exceed insurance reimbursement by at least \$100 annually per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_
4. ☐ Extraordinary expenses for primary or secondary school education or for educational programs that meet the child's particular needs:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_
5. ☐ Post-secondary education expenses:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_
6. ☐ Extraordinary expenses for extracurricular activities:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_

The amount claimed is \$ \_\_\_\_\_, taking into account subsidies, benefits and income tax deductions or credits relating to the expense.

#### **Schedule B**

##### **Claim based on undue hardship:**

Under the *Federal or Provincial Child Support Guidelines*, a claim is made for an amount of support different from that which would be awarded under the provincial payment schedules contained in Schedule I of the *Federal Child Support Guidelines (Canada)* based upon undue hardship.

1. ☐ I have responsibility for an unusually high level of debts reasonably incurred to support my spouse/child(ren) before the separation or to earn a living.  
**Amount \$** \_\_\_\_\_
2. ☐ I have unusually high expenses in relation to the exercise

of my access rights.

Amount \$ \_\_\_\_\_

3. ☐ I have a legal duty under a judgment, order or written separation agreement for support.

Amount \$ \_\_\_\_\_

4. ☐ I have a legal duty to support a child, other than a child of the marriage who is

☐ under the age of majority:

**OR**

☐ the age of majority or over but unable by reason of illness, disability or other cause to obtain the necessities of life.

Amount \$ \_\_\_\_\_

5. ☐ I have a legal duty to support (*identify individual*) \_\_\_\_\_ who is unable to obtain the necessities of life due to an illness or disability.

Amount \$ \_\_\_\_\_

**36. Form 56A.06B of the rules is repealed and the following substituted:**

**Form 56A.06B**

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Notice to Respondent**

**An Originating Application for Variation has been made for an order against you. The details are set out in the attached Originating Application for Variation.**

If you dispute any of the claims or if you wish to make a claim yourself, you must file a Response at the Court within the following times:

If served anywhere in Canada or the United States, within 30 days from the date of service.

If served outside of Canada or the United States, within 60 days from the date of service.

**If you do not file a Response, the Court may proceed without giving you further notice.**

**You must file a financial statement in Form 56A.27A if spousal, partner or parental support is claimed.**

**If the application relates to child support, you must also file with the Court and serve on the Applicant each of the following within the time set out above:**

- written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;

- ▶ copies of your tax return for the last 3 years; and
- ▶ copies of the notices of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Revenue Agency at 1-800-959-8281.

If you have income from self-employment, a partnership, or a corporation in which you have a controlling interest, or if you are a beneficiary of a trust, you **must** also **comply** with subsection 21(1) of the ***Federal Child Support Guidelines (Canada)*** and section 19 of the provincial ***Child Support Guidelines Regulations***. *For more information relating to child support, consult the **Federal or Provincial Child Support Guidelines**.*

The financial information outlined above and a financial statement in Form 56A.27A must be provided as well if there is a claim for Special/Extraordinary Expenses or Undue Hardship.

**If you do not file the required documentation, an order may be made and enforced against you.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

**Form 56A.06B**

(rule 56A.06)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Originating Application for Variation**

To this Honourable Court at: *(check the location where you wish this matter to be heard and note the filing requirements)*

IF YOU WISH YOUR MATTER TO BE HEARD IN ...	THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN ...
<input type="checkbox"/> Clarenville (Grand Bank circuit)	Grand Bank
<input type="checkbox"/> Corner Brook	Corner Brook at the Family Division
<input type="checkbox"/> Gander	Gander
<input type="checkbox"/> Grand Bank	Grand Bank
<input type="checkbox"/> Grand Falls-Windsor	Grand Falls-Windsor
<input type="checkbox"/> Happy Valley-Goose Bay	Happy Valley-Goose Bay
<input type="checkbox"/> Port aux Basques (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> Rocky Harbour (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> St. Anthony (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> St. John's	St. John's at the Family Division
<input type="checkbox"/> Stephenville (Corner Brook circuit)	Corner Brook at the Family Division
<input type="checkbox"/> Wabush (Happy Valley-Goose Bay circuit)	Happy Valley-Goose Bay

1. I/We hereby seek a change of an existing order for the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Spousal Support             | <input type="checkbox"/> Child Support |
| <input type="checkbox"/> Partner Support             | <input type="checkbox"/> Custody       |
| <input type="checkbox"/> Parental Support            | <input type="checkbox"/> Access        |
| <input type="checkbox"/> To File a Consent Variation |  |

made by Justice (*name of judge*) \_\_\_\_\_ at the (*name of court*)  
 \_\_\_\_\_ at (*place of court*) \_\_\_\_\_ in the Province of  
 \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

2. ☐ I also request costs of this Application.

3.

	Applicant	Respondent
Marital Status		
Address		
City/Town		
Province		
Postal Code		
Telephone Number		

4.

Child's Full Name	Date Of Birth	Child Resides With

5. The **present** parenting (custody and access) arrangements are:

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6. I request the following **change(s)** to the present parenting (custody and access) arrangements: \_\_\_\_\_

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7. The **present** arrangements for the support of the child(ren) is/are: \_\_\_\_\_

---



---

8. I request the following **change(s)** to the present child support order: \_\_\_\_\_

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9. The **present** arrangements for spousal, parent or partner support are:

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---

10. I request the following **change(s)** to the spousal, parent or partner support order: \_\_\_\_\_

---

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11. The amount of arrears owing under the present Support Order is: \$\_\_\_\_\_.

12. The reason(s) that such a variation should be made is/are:

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I, \_\_\_\_\_, the Applicant, declare the contents of the within Originating Application for Variation are true to the best of my information and belief.

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of Newfoundland and Labrador, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

A Commissioner of Oaths/Justice of the Peace

Signature of Applicant

Name/Address of Applicant's Solicitor  
(if applicable)

**ATTACH (in addition to the requirements under Rule 56A):**

- (1) if existing custody, access or support order granted by another court, a certified copy of the existing order;
- (2) a copy of an agreement between the parties dealing with custody, access or support;
- (3) a financial statement in Form 56A.27A if claiming child support (special expenses or undue hardship) or spousal support.

Filed at \_\_\_\_\_, Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

**NOTE:**

*This document, which includes the Notice to Respondent, Originating Application for Variation and Financial Statement (if applicable), shall be served on the Respondent by an adult other than the Applicant in accordance with the Rules of the Supreme Court, 1986 .*

**Schedule A**

**Claim for Special/Extraordinary Expenses:**

Under the *Federal or Provincial Child Support Guidelines*, a claim is made for additional support to defray the following special expenses: *(check appropriate items)*

1. ☐ Child care expenses incurred as a result of the custodial parent's employment or training for employment, illness, disability, education:  
Monthly \$ \_\_\_\_\_ Yearly \$ \_\_\_\_\_

2. ☐ A portion of medical and dental insurance premiums:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_
3. ☐ Health related expenses that exceed insurance reimbursement by at least \$100 annually per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_
4. ☐ Extraordinary expenses for primary or secondary school education or for educational programs that meet the child's particular needs:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_
5. ☐ Post-secondary education expenses:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_
6. ☐ Extraordinary expenses for extracurricular activities:  
**Monthly \$** \_\_\_\_\_ **Yearly \$** \_\_\_\_\_

The amount claimed is \$\_\_\_\_\_, taking into account subsidies, benefits and income tax deductions or credits relating to the expense.

#### Schedule B

##### Claim based on undue hardship:

Under the *Federal or Provincial Child Support Guidelines*, a claim is made for an amount of support different from that which would be awarded under the provincial payment schedules contained in Schedule I of the *Federal Child Support Guidelines (Canada)* based upon undue hardship.

1. ☐ I have responsibility for an unusually high level of debts reasonably incurred to support my spouse/child(ren) before the separation or to earn a living.  
**Amount \$** \_\_\_\_\_

2. ☐ I have unusually high expenses in relation to the exercise of my access rights.  
Amount \$ \_\_\_\_\_
3. ☐ I have a legal duty under a judgment, order or written separation agreement for support.  
Amount \$ \_\_\_\_\_
4. ☐ I have a legal duty to support a child, other than a child of the marriage who is  
☐ under the age of majority:  
OR  
☐ the age of majority or over but unable by reason of illness, disability or other cause to obtain the necessities of life.  
Amount \$ \_\_\_\_\_
5. ☐ I have a legal duty to support (*identify individual*) \_\_\_\_\_ who is unable to obtain the necessities of life due to an illness or disability.  
Amount \$ \_\_\_\_\_

**37. Form 56A.12A of the rules is repealed and the following substituted:**

**Form 56A.12A**

(rule 56A.12)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Notice to Applicant**

**A Response may have been made for an order against you.** The details are set out in the attached Response.

If you dispute any of the claims or if you wish to make a claim yourself, you must file a Reply at the Court within 10 days from the date of service.

**If you do not file a Reply, the Court may proceed without giving you further notice.**

**You must file a financial statement in Form 56A.27A if spousal, partner or parental support is claimed.**

**You must file a property statement in Form 56A.27C if a division of matrimonial property or property claim by common law spouses is claimed.**

**If the application relates to child support, you must also file with the Court and serve on the Respondent each of the following within the time set out above:**

- ▶ written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;
- ▶ copies of your tax return for the last 3 years; and

- copies of the notices of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Revenue Agency at 1-800-959-8281.

If you have income from self-employment, a partnership, or a corporation in which you have a controlling interest, or if you are a beneficiary of a trust, you **must** also **comply** with subsection 21(1) of the ***Federal Child Support Guidelines (Canada)*** and section 19 of the provincial ***Child Support Guidelines Regulations***. *For more information relating to child support, consult the **Federal or Provincial Child Support Guidelines**.*

The financial information outlined above and a financial statement in Form 56A.27A must be provided as well if there is a claim for Special/Extraordinary Expenses or Undue Hardship.

**If you do not file the required documentation, an order may be made and enforced against you.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Response**

1. ☐ I do not contest any of the claims made by the Applicant.

**OR**

- ☐ I agree to the following claims made by the Applicant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AND**

I disagree with the following claims made by the Applicant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. I am making the following claim(s):

☐ Divorce (**attach Schedule A**)

☐ Parenting (**attach Schedule B**)

☐ Child Support and/or Spousal, Partner or Parental Support  
(**attach Schedule C**)

☐ Division of Matrimonial Property or a Property Claim by  
Common Law Spouses (**attach Schedule D**)

☐ Other: (*specify*) \_\_\_\_\_

I, \_\_\_\_\_ the Respondent, declare the contents of the within Response are true to the best of my information and belief.

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commission of Oaths / Justice of the Peace

Signature of Respondent

Address for Service of Respondent

**NOTE:**

*Where the Response includes a claim for Divorce, this document, which includes the Notice to the Applicant, Response, relevant Schedules, Financial Statement (if applicable) and Property Statement (if applicable), must be personally served on the Applicant by an adult other than the Respondent.*

*Where the Response includes any claim under paragraph 2 (but not a claim for Divorce), this document, which includes the Notice to the Applicant, Response, relevant Schedules, Financial Statement (if applicable) and Property Statement (if applicable), must be served in accordance with the Rules of the Supreme Court, 1986.*

**Schedule A to Response**

**(Claim for Divorce)**

**You must include an original marriage certificate unless paragraph A6 applies)**

**Divorce**

A1. My ground for seeking a divorce is a permanent breakdown of the marriage which has been established by:

- ☐ (i) we have lived separate and apart for at least one year immediately preceding the determination of the divorce proceeding and were living separate and apart at the commencement of the proceeding;

**OR**

- ☐ (ii) the Applicant has, since celebration of the marriage,
- ☐ committed adultery (*provide details of where and when*) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**OR**

- ☐ treated me with physical and/or mental cruelty of such a kind as to render our continued cohabitation intolerable (*provide details*) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

and there has been no condonation or connivance on my part with respect to the conduct alleged above.

A2. It is no longer possible for me to reconcile or resume cohabitation with my spouse.

A3. I have not entered into any agreement with my spouse or any other person to deceive this Court.

A4. I have/My spouse has been ordinarily resident in the Province of Newfoundland and Labrador for at least one year immediately preceding the date of this application.

A5. Particulars of my marriage:

(i) Date of marriage \_\_\_\_\_.

(ii) Place of marriage \_\_\_\_\_.

(iii) Date I ceased cohabiting with my spouse \_\_\_\_\_.

(iv) Immediately prior to the marriage I was  
☐ Single   ☐ Divorced   ☐ Widowed

My spouse was:  
☐ Single   ☐ Divorced   ☐ Widowed

A6. (*Where no certificate of marriage or of registration of marriage has been filed.*) It is impossible or impractical to obtain a certificate of marriage or of registration of marriage.

**To be completed where claim includes divorce and the Respondent is represented by a solicitor**

**Statement of Solicitor**

I, \_\_\_\_\_, the Solicitor for \_\_\_\_\_, the Respondent herein, certify to this Court that I have complied with the requirements of section 9 of the *Divorce Act* (Canada).

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature of Solicitor

Address of Solicitor

Filed at \_\_\_\_\_, Province of Newfoundland  
and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

**Schedule B to Respeonse****(Claim for Parenting)**

B1. Children:

Child's Full Name	Place & Date of Birth	Child Resides With

B2. The ***present*** parenting (custody and access) arrangements are:

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B3. The ***proposed*** parenting (custody and access) arrangements are:

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B4. The ***present*** arrangements for the support of the child(ren)  
is/are: \_\_\_\_\_

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---

B5. The ***proposed*** arrangements for the support of the child(ren)  
is/are: \_\_\_\_\_

---



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**Schedule C to Response**  
**(Claim for Child Support and/or Spousal,  
Partner or Parental Support)**

C1. Child Support

☐ I am claiming the basic table amount as per the *Federal Child Support Guidelines (Canada)*.

*(If any of the following apply, you must file a Financial Statement in Form 56A.27A)*

☐ I am claiming the basic table amount plus an amount for special expenses. *(complete and attach Schedule E of the Financial Statement)*

☐ I am not claiming the basic table amount but I am claiming an amount for special expenses. *(complete and attach Schedule E of the Financial Statement)*

☐ I am claiming an amount for child support which is different from the basic table amount in the *Federal Child Support Guidelines (Canada)* because:

☐ (a) of a claim for undue hardship. *(complete and attach Schedules F and G of the Financial Statement)*

☐ (b) the child(ren) is/are at or over the age of majority.

☐ (c) I exercise a right of access to, or have physical custody of the child(ren) for not less than 40% of the time over the course of the year.

☐ (d) we have agreed to an amount of support.

☐ (e) of special provisions as per subsection 15.1(5) of the *Divorce Act (Canada)*.

☐ (f) income is in excess of \$150,000 annually.

C2. Spousal, Partner or Parental Support (***you must file a Financial Statement in Form 56A.27A***)

- ☐ I am claiming spousal, partner or parental support. My reasons for claiming spousal, partner or parental support are:

---

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---

**Schedule D to Response**

**(Claim for Division of Matrimonial Property or Property Claim by Common Law Spouses)**

D1. Claim for Division of Matrimonial Property pursuant to the *Family Law Act*. (you must file a *Statement of Property in Form 56A.27C*)

a) I am claiming

☐ Exclusive possession of the matrimonial home

☐ Division of property

☐ Equal

**OR**

☐ Unequal

☐ Other: (specify) \_\_\_\_\_

b) The reasons for my claim are \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D2. Claim by Common Law Spouses (you must file a *Statement of Property in Form 56A.27C with necessary changes for common law claim*)

(a) I am claiming: (specify) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**38. Form 58A.15A of the rules is repealed and the following substituted:**

**Form 56A.15A**

(rule 56A.15)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Notice of Default**

I hereby certify that no Response/Reply or other documentation has been filed in response/reply to the Application/Response filed in this matter by the Respondent/Applicant and that the Applicant/Respondent is entitled to proceed without further notice to the Respondent/Applicant.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

Registrar

**39. Form 56A.16A of the rules is repealed and the following substituted:**

**Form 56A.16A**

(rule 56A.16)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Interim/Interlocutory Application  
(Family Law Proceeding)**

**TAKE NOTICE** that an application will be made to the presiding judge in chambers at the court house in \_\_\_\_\_, Newfoundland and Labrador, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ or so soon thereafter as the matter may be heard on behalf of the applicant (*or* respondent, *as the case may be*) for an order that:

(a) (*state the precise relief sought*)

(b)

on the grounds set out in the Affidavit(s) attached.

AND FURTHER TAKE NOTICE that in support of this application will be read the Affidavit of (*name of person bringing application*) \_\_\_\_\_.

(*Also set out here any other material to be used, including the financial disclosure required of you under Division III, where child support is sought.*)

AND FURTHER TAKE NOTICE if you wish to oppose the application, you or your lawyer must prepare an affidavit in response, serve a copy at the address for service given at the end of this document, and

file it in the court registry office, with proof of service, at least 2 days before the date set for hearing the application. You or your lawyer must also come to court for the hearing of the application on the date set.

***(Where spousal, partner or parental support is sought)*** AND FURTHER TAKE NOTICE that whether or not you oppose this application, you must file a Financial Statement in Form 56A.27A at least 2 days before the date set for hearing the application.

***(Where child support is sought)*** AND FURTHER TAKE NOTICE that whether or not you oppose this application, you must file the income information as required by the ***Federal or Provincial Child Support Guidelines*** including:

- ▶ a written statement from your employer confirming your year to date earnings, including overtime and rate of annual pay;
- ▶ copies of your tax return for the last 3 years; and
- ▶ copies of the notice of assessment or re-assessment issued by Canada Revenue Agency with respect to each of the last 3 years tax returns. You may contact Canada Revenue Agency at 1-800-959-8281

THE COURT MAY IMPUTE INCOME TO YOU AND MAY DETERMINE THE AMOUNT OF CHILD SUPPORT PAYABLE ON THE BASIS OF THAT IMPUTED INCOME. If you have been served with an application for child support, please consult the ***Federal or Provincial Child Support Guidelines***.

AND FURTHER TAKE NOTICE that if you do not appear at the hearing (or fail to provide the required financial information (*where a support order is sought*)) an order may be made in your absence and enforced against you. YOU WILL NOT RECEIVE FURTHER NOTICE OF THIS APPLICATION.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature

To: (Address for service on Applicant/Applicant's lawyer)

Attach Affidavit in Support of this Interim Application

Filed at \_\_\_\_\_, Province of Newfoundland and Labrador this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_  
Court File No. \_\_\_\_\_  
Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Affidavit in Support of Interim/Interlocutory Application**

I, \_\_\_\_\_, make oath (or affirm) and say as follows:

1. That I am the Applicant in the within matter and have personal knowledge of the matters referred to herein except where otherwise specified.

*(set out the reasons why you are making the application)*

2.

3.

4.

5.

6. That I make this application in support of my Interim / Interlocutory Application for an order that \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature

**40. Form 56A.21A of the rules is repealed and the following substituted:**

**Form 56A.21A**

(rule 56A.21)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Notice of Case Management Meeting**

You are hereby notified that you and your lawyer (if you have one) must appear at a Case Management Meeting in this proceeding at the Supreme Court of Newfoundland and Labrador, Trial Division (General / Family) located at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

Issue(s) for case management meeting (not necessary for first case management meeting): \_\_\_\_\_

\_\_\_\_\_

If you fail to appear at the date and time specified, a judge may proceed in your absence to make any order permitted by rule 56A.21(3) of the *Rules of the Supreme Court, 1986* including making any unopposed order, **including a divorce order** or an order as to costs.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registrar/Solicitor

Address of solicitor for party requesting case management

This document was delivered to (name) \_\_\_\_\_ at \_\_\_\_\_ in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**41. The rules are amended by adding immediately after Form 56A.21A the following:**

**Form 56A.21B**

(rule 56A.21(9))

**YOU MUST COMPLETE THIS SCHEDULE BEFORE A TRIAL  
DATE IS GIVEN.**

**YOU MUST BE PREPARED TO DISCUSS THESE MATTERS  
AT THE CASE MANAGEMENT MEETING.**

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Schedule A to  
Notice of Case Management Seeking a Trial Date**

The Applicant/Respondent, \_\_\_\_\_, certi-  
fies that: *(check and complete all that apply)*

**1. PLEADINGS/DISCLOSURE**

- ☐ All relevant parties are before the Court.
- ☐ All sworn Financial Statements and/or Property Statements  
have been filed with the Court.
- ☐ All appropriate pretrial applications have been made.
- ☐ No amendments to the pleadings are contemplated.
- ☐ No further disclosure is required or requested.

- ☐ A Settlement Conference has been held or the parties have been excused from a Settlement Conference by a Judge of this Court.

## 2. ISSUES

The issues to be determined/addressed at trial include the following: *(state briefly)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## 3. WITNESSES

- a) The witness(es) will be:

Name	Subject/Nature of Testimony (i.e. parenting, support, income)
1. _____	_____
2. _____	_____
3. _____	_____

- (b) The expert witness(es) will be:

Name	Subject/Nature of Testimony (i.e. parenting, support, income)
1. _____	_____
2. _____	_____
3. _____	_____

- ☐ In the event of an expert witness(es) testifying at the trial, the Applicant/Respondent shall provide to the other Party the expert's report(s) at least 10 days before the trial date, in accordance with rule 46.07 of the *Rules of the Supreme Court, 1986*.

## 4. DOCUMENTS/TRIAL BRIEF

- ☐ There shall/shall not be a joint Book of Documents filed prior to the trial.
- ☐ A Trial Brief shall/shall not be filed in this matter. It shall be filed by *(date)* \_\_\_\_\_

The issues that shall be dealt with in the Trial Brief are:  
(briefly) \_\_\_\_\_

## 5. EVIDENCE

At the trial, it is anticipated that: *(check all that apply)*

- ☐ audio recordings may be entered/played in evidence.
- ☐ video recordings may be entered/played in evidence.
- ☐ a \_\_\_\_\_ language interpreter may be required for the evidence of \_\_\_\_\_ (*state party / witness*). The Applicant/Respondent hereby undertakes to make all necessary arrangements to facilitate the attendance of the language interpreter at trial.
- ☐ the party/witness, \_\_\_\_\_, requests the opportunity to give evidence by teleconference or videoconference.

## 6. TIME

Not more than \_\_\_\_\_ days is a reasonable time for the hearing of all of the evidence and legal argument/summation.

- ☐ The Applicant/Respondent requests the following specific date and time for the trial to occur: \_\_\_\_\_

The reason for this request is: \_\_\_\_\_

## 7. UNDERTAKINGS/UPDATES

- ☐ The parties and their counsel shall participate in a Trial Readiness Conference when requested by the Court.
- ☐ The Applicant/Respondent undertakes to keep his/her financial information current by filing with the Court and delivering to the opposing party the updated financial information

at least 7 days before the trial, in accordance with rule 56A.39 of the *Rules of the Supreme Court, 1986*.

☐ The Applicant/Respondent undertakes to promptly advise the Court:

(a) if a settlement has been reached prior to the trial date.

**AND**

(b) if, after this Case Management date, it is anticipated that the estimated duration of the trial or contemplated procedural matters will delay or shorten the estimated trial time.

8. COUNSEL

*If the Applicant/Respondent has counsel:*

The Applicant/Respondent's lawyer who will take carriage of the trial is \_\_\_\_\_  
\_\_\_\_\_

*If the Applicant/Respondent is self-represented:*

I do/do not anticipate having a lawyer for the trial. If I do anticipate having a lawyer for the trial, the lawyer will be \_\_\_\_\_  
\_\_\_\_\_

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

Applicant/Respondent  
or Solicitor for the Applicant/Respondent

Address

TO: Applicant/Respondent  
Address

AND TO: The Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

**42. Form 56A.24A of the rules is repealed and the following substituted:**

**Form 56A.24A**

(rule 56A.24)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Notice of Application for Judgment  
(Uncontested Family Law Proceedings)**

To The Respondent (*or* the Applicant):

TAKE NOTICE that an application for judgment in this proceeding will be made to the presiding judge at the courthouse in \_\_\_\_\_, Newfoundland and Labrador.

AND FURTHER TAKE NOTICE that in support of the application will be read the pleadings in this proceeding, the affidavit of service of the originating application and the affidavit of the applicant/respondent (*also set out here any other material filed*) \_\_\_\_\_.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

Address of party/party's lawyer

This document was delivered to (name) \_\_\_\_\_ at \_\_\_\_\_  
in the Province of Newfoundland and Labrador this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

**(Proof of Service attached)**

**43. Form 56A.24C of the rules is repealed and the following  
substituted:**

**Form 56A.24C**

(rule 56A.24)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Affidavit of Applicant  
(Uncontested Family Law Proceeding)**

I, (name) \_\_\_\_\_, of (city) \_\_\_\_\_, in the Province  
of \_\_\_\_\_, make Oath and say/affirm as follows:

GENERAL

1. I am the Applicant/Respondent in the proceeding named  
above and I have personal knowledge of the facts herein de-  
posed, except where stated to be information learned from

someone else and where that is stated, I believe the information to be true.

2. No other legal proceedings have been commenced by me or the Applicant/Respondent with reference to the marriage, cohabitation, custody, support or division of property, except: *(specify)* \_\_\_\_\_

3. ☐ There is no Agreement reached between the Applicant/Respondent and myself.

**OR**

- ☐ There is an Agreement between the Applicant/Respondent and myself, a copy of which is:

- ☐ attached to this Affidavit

**OR**

- ☐ has been filed with the Court,

which pertains to:

- ☐ Custody
- ☐ Access
- ☐ Child Support
- ☐ Spousal/Partner Support
- ☐ Parental Support
- ☐ Matrimonial Property
- ☐ Property of Common Law Spouses
- ☐ Other: *(specify)* \_\_\_\_\_

4. All **claims for relief** referred to in my Originating Application/Response/Interim Application remain true and accurate as of the date I sign this Affidavit.
5. All **statements** referred to in my Originating Application/Response/Interim Application remain true and accurate as of the date I sign this Affidavit, except as follows:

☐ Custody

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☐ Access

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☐ Child Support *(In the event that there is a change in the financial circumstances of the parties since the filing of the Originating Application/Response, you must file an updated Financial Statement. If you are seeking child support and the payor has not filed his/her income information, you must also provide evidence of the payor's income.)* \_\_\_\_\_

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☐ Spousal/Partner/Parental Support *(In the event that there is a change in the financial circumstances of the parties since the filing of the original Financial Statement, you must file an updated Financial Statement.)* \_\_\_\_\_

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☐ Matrimonial Property/Property Claim by Common Law Spouses *(In the event that there is a change in the fi-*

*nancial circumstances of the parties since the filing of the original Property Statement, you must file an updated Property Statement.)* \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Other (specify) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### UNCONTESTED DIVORCE MATTERS

6. There is no prospect of reconciliation of the marriage between the Applicant/Respondent and myself.
7. The Applicant/Respondent and I have remained living separate and apart from the date of our separation to the date of this Affidavit.

#### JUDGMENTS

8. ☐ The present address of the Applicant/Respondent where service of the judgment may be made is: \_\_\_\_\_

\_\_\_\_\_

The basis of my information and belief as to the address of the Applicant/Respondent is as follows: \_\_\_\_\_

\_\_\_\_\_

**OR**

- ☐ Service of the judgment upon the Applicant/Respondent should be dispensed with for the following reasons: \_\_\_\_\_

\_\_\_\_\_

9. Where an earlier date of effect of a divorce judgment is sought

- ☐ The divorce judgment should take effect on the day the judgment is rendered.

**OR**

- ☐ The divorce judgment should take effect on the \_\_\_\_\_ day following the day the divorce judgment is rendered.

Reasons for requesting an earlier date of effect of the divorce judgment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

An undertaking by myself and the Applicant/Respondent that no appeal from the divorce judgment will be taken is attached as Exhibit "\_\_\_\_\_".

10. Costs are claimed in the amount of \$\_\_\_\_\_ for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**CLAIMS SOUGHT**

11. I seek the relief set forth in the draft judgment attached as Exhibit "\_\_\_\_\_".

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature

**44. The rules are amended by adding immediately after Form 56A.24C the following:**

**Form 56A.25A**

(rule 56A.25)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Affidavit of Execution**

I, *(name of witness)* \_\_\_\_\_, of *(city)* \_\_\_\_\_ in the Province of Newfoundland and Labrador make oath *(or affirm)* and say that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I was present and did see *(name)* \_\_\_\_\_ sign his / her name to the Order / Agreement attached.

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature

**45. The rules are amended by adding immediately after Form 56A.25A the following:**

**Form 56A.25B**

(rule 56A.25)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_  
Court File No. \_\_\_\_\_  
Central Divorce Registry No. \_\_\_\_\_ (if applicable)

Before the Honourable \_\_\_\_\_ Justice \_\_\_\_\_, this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Consent / Interim Order**

This proceeding coming on this day for hearing/case management/other, upon hearing \_\_\_\_\_, counsel for the Applicant, and \_\_\_\_\_, counsel for the Respondent, and reading the pleadings filed herein; and upon consent of the parties;

IT IS HEREBY ORDERED THAT pursuant to the *Family Law Act / Divorce Act* (Canada):

**A. Child Support**

1. The Applicant/Respondent, (*name of party*) \_\_\_\_\_, having been found to have a (*year*) \_\_\_\_\_ gross annual income of \$ \_\_\_\_\_, shall pay to the Respondent / Applicant, (*name of party*) \_\_\_\_\_, the sum of \$ \_\_\_\_\_ a month for the support of the following children:

1. \_\_\_\_\_, born \_\_\_\_\_;

2. \_\_\_\_\_, born \_\_\_\_\_;

3. \_\_\_\_\_, born \_\_\_\_\_;  
commencing (date) \_\_\_\_\_, and on the  
\_\_\_\_\_ day of each and every month thereafter.

2. (Include other child support provisions, e.g. special expenses.)

3. Pursuant to section 25 of the **Federal Child Support Guidelines (Canada)**, or section 23 of the provincial **Child Support Guidelines Regulations** the Applicant/Respondent shall provide to the Respondent/Applicant a copy of the Applicant/Respondent's income tax return and notice of assessment on or before June 1 each year, commencing in the year \_\_\_\_\_.

4. The amount of child support ordered shall be reviewed annually and, where necessary, recalculated as follows:

- (a) On or before the \_\_\_\_\_ day of (month) \_\_\_\_\_ of each year commencing (year) \_\_\_\_\_, the person paying child support shall provide the Recalculation Office located at P.O. Box 2006, Corner Brook, NL, A2H 6J8, (telephone (709) 634-4172, fax (709) 634-4155) with a copy of his/her income tax return and Notice(s) of Assessment (or other documents acceptable to the Recalculation Office) for the previous year, for review and possible recalculation of child support pursuant to the *Child Support Service Regulations* using the applicable table for the child support amount.
- (b) If the recalculation results in a difference of \$5 or more per month in the amount of child support, the Recalculation Office shall recalculate the amount of child support payable and provide notice to each party of the intended change in child support by registered mail.
- (c) If either party objects to the change in child support payable, he/she must apply to the court that made the order by completing and filing a Notice of Objection within 30 days after receipt of the Notice of Recalculation provided to him/her by the Recalculation Office. If a Notice of Objection is filed, no change shall be made to the amount of child support payable except by court order. If no Notice of Objection is filed, the recalculated amount will be effective 31 days after the Recalculation Office receives confirmation that notice

was provided to all parties and an order has been issued by the court. The new amount of child support shall then be payable to and enforceable by the Support Enforcement Program.

- (d) In the event of a change in address or telephone number, the parties shall notify the Recalculation Office within 30 days of such change.
- (e) The Recalculation Office shall have access to addresses and telephone information maintained by the Support Enforcement Program.
- (f) If an income tax return and notice of assessment (or other documents acceptable to the Recalculation Office) for the previous year are not provided to the Recalculation Office as required by this Order or by an agreement filed in accordance with subsection 65(5) of the *Family Law Act*, the Recalculation Office shall recalculate the amount of child support payable on the basis that the income of the person required to pay child support shall be considered to be the sum of
  - (i) the person's income for the most recent preceding year in which
    - (A) the person's income information was provided to the Recalculation Office under the child support order or agreement, or
    - (B) 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 the recalculation order; plus
  - (ii) 10% of the person's income, as determined under paragraph (i),

and using the applicable table to determine the child support amount.

- (g) Any recalculated amount of child support shall be payable to the Support Enforcement Program as is otherwise stated in this Order.

**B. Spousal Support**

5. *(Insert provisions where appropriate)*

**C. Support Enforcement**

6. All amounts owing under this Order shall be paid directly to:

Director  
Support Enforcement Agency  
P.O. Box 2006  
Corner Brook, NL A2H 6J8

This Order shall be enforced by the Director of Support Enforcement, unless withdrawn in accordance with section 5(1) of the *Support Orders Enforcement Act, 2006*.

Dated at \_\_\_\_\_, Newfoundland and Labrador, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Signature of Parties/Counsel**

I, \_\_\_\_\_, counsel for the Applicant, consent to the form and filing of this Consent Order on behalf of the Applicant.

Date

Signature of Counsel

I, \_\_\_\_\_, counsel for the Respondent consent to the form and filing of this Consent Order on behalf of the Respondent.

Date

Signature of Counsel

**OR**

I, \_\_\_\_\_, the Applicant, agree to the form and the filing of this Consent Order.

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature

I, \_\_\_\_\_, the Respondent, agree to the form and the filing of this Consent Order.

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature

*(If a party objects to inserting his/her contact information in the Order, that party **must** separately file his/her current contact information with the court when the order is being filed)*

The contact information of the Applicant is:

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

The contact information of the Respondent is:

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

**46. Form 56A.27A of the rules is repealed and the following substituted:**

**Form 56A.27A**

(rule 56A.27)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Financial Statement**

I, (name) \_\_\_\_\_, of (address) \_\_\_\_\_,  
(city) \_\_\_\_\_, (province) \_\_\_\_\_,  
(postal code) \_\_\_\_\_ (telephone) \_\_\_\_\_ swear (or affirm) that:

1. The information set out in this Financial Statement is true and complete to the best of my knowledge and belief, and sets out my financial situation as of the date of this Statement.

2. ☐ I do not anticipate any significant changes in the information set out in this Financial Statement.  
☐ I anticipate the following changes in the information set out in this Financial Statement: *(state the changes)*

---

---

3. Attached are the following:

- ☐ A. Employment Information & Disclosure
- ☐ B. Income Statement
- ☐ C. Expense Statement
- ☐ D. Adjustments to Annual Income for Child Support Purposes
- ☐ E. Special or Extraordinary Expenses
- ☐ F. Undue Hardship
- ☐ G. Income of Other Persons in Household

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**A - Employment Information & Disclosure**

1. I am (*choose all that apply*)

☐ employed as (*occupation*) \_\_\_\_\_  
(*name and address of employer*) \_\_\_\_\_  
\_\_\_\_\_

and paid

☐ every 2 weeks

☐ monthly

☐ other (*specify*) \_\_\_\_\_

☐ self-employed, carrying on business, professional practice  
or farming (*name and address of business, practice, farm*)  
\_\_\_\_\_

☐ unemployed (*date of last employment and last occupa-  
tion*) \_\_\_\_\_

☐ a shareholder, director, or officer of a corporation, in  
which I have an interest (*name and address of corpora-  
tion*) \_\_\_\_\_

☐ a beneficiary under a trust (*state trust settlement agree-  
ment*) \_\_\_\_\_

☐ a Registered Indian under the provisions of the *Indian Act*,  
(Canada) and I am exempt from payment of taxes to the  
Canada Revenue Agency. My gross income in the last 3  
years was

Year \_\_\_\_\_ \$ \_\_\_\_\_

Year \_\_\_\_\_ \$ \_\_\_\_\_

Year \_\_\_\_\_ \$ \_\_\_\_\_

2. I have attached to or served with this form:

- ☐ a copy of every income tax return filed by me for each of the 3 most recent taxation years, together with a copy of all material filed with the returns and a copy of every notice of assessment or reassessment issued to me for each of those years.
- ☐ a statement from Canada Revenue Agency that I have not filed any income tax returns for the last 3 years.
- ☐ a Canada Revenue Agency Consent in Form 56A.58A signed by me for the disclosure of my tax returns and assessments for the last 3 years.

**B - Annual Income\***

		Annual	Annual
1.	Employment income		\$
2.	Commissions		\$
3.	Other employment benefits (including taxable and non-taxable benefits)( <i>specify</i> )		\$
4.	Pension income		\$
5.	RRSP, RIF income		\$
6.	EI benefits		\$
7.	Interest, investment income		\$
8.	Taxable dividends from taxable Canadian Corpora- tions		\$
9.	Taxable capital gains		\$
10.	Partnership income	Gross \$	Net \$
11.	Rental income	Gross \$	Net \$
12.	Child support received	Total \$	Taxable \$
13.	Spousal support received		\$
14.	Workers compensation		\$
15.	Income support		\$
16.	Net federal supplements		\$
17.	Self-employment income		\$
	Business	Gross \$	Net \$
	Professional	Gross \$	Net \$
	Commission	Gross \$	Net \$
	Farming	Gross \$	Net \$
18.	Other income ( <i>specify</i> )	Gross \$	Net \$
Total Annual Income			\$

**\* Complete this form**

1. if a claim for child support is made and
  - the amount claimed differs from the table amount
  - there is, or a claim is made for, a shared or split parenting arrangement
  - there is a claim for special/extraordinary expenses
  - there is a claim for undue hardship
  - the payor's annual income is more than \$150,000
  - a child is 18 years of age or older
  - there is a claim against you for child support
2. if a claim for spousal, partner or parental support is claimed.

**C- Monthly Expenses\***

<b>Deductions from Employment</b>	<b>Personal</b>	<b>Health</b>
CPP \$	Hair care, toiletries \$	Medical, dental premiums (not deducted at source) \$
EI premiums \$	Clothing, footwear \$	Health care (therapy) \$
Pension \$	Entertainment \$	Drugs, prescriptions \$
Insurance \$	Alcohol/Tobacco \$	Dental care (ie. orthodontics) \$
Income tax \$	Vacation \$	Optical care \$
	School fees, etc. \$	
<b>Housing</b>	Other (specify) \$	<b>Savings for Future</b>
Rent/Mortgage \$		RRSP \$
Insurance \$	<b>Children</b>	RESP \$
Condo fees \$	School fees, supplies \$	Other (specify) \$
Property taxes \$	School activities \$	
Water, sewer \$	Clothing, footwear \$	<b>Other</b>
Repairs/maintenance \$	Daycare, sitter \$	Support paid in this case \$
Heat, Fuel \$	Allowances, gifts \$	Support paid in any other case \$
Electricity \$	Other (specify) \$	Banking, legal, accounting \$
Telephone \$		Church, charitable donations \$
Cable \$	<b>Transportation</b>	Life insurance premiums \$
Internet \$	Car payment \$	Newspapers, publications \$
Other (specify) \$	Insurance \$	Debts (other than mortgage) (specify) \$
	Licenses \$	Other (specify) \$
<b>Household Expenses</b>	Public transit, taxis \$	
Groceries, household supplies \$	Gas, oil \$	
Meals outside home \$	Maintenance \$	
Dry cleaning, laundry \$	Parking \$	
Furnishings \$	Other (specify) \$	
Repairs, maintenance \$		
Other (specify) \$		<b>Total Monthly Expenses</b>

**\* Do not complete this form if the only support claimed is the basic table amount of child support.**

**D - Adjustments to Annual Income for Child Support Purposes  
(Basic Child Support and Special Expenses)**

1. Annual Income to Determine Basic Child Support

A. Total Annual Income (from section B of this form) \$\_\_\_\_\_

B. Replacements in income

	<b>Annual</b>
Replace taxable amount of dividends from Canadian corporations with the actual amount of dividends. Insert net amount added to Income	\$
Replace taxable capital gains with the actual amount of capital gains realized in excess of the actual capital losses. Insert net amount added to income	
<b>Adjusted Income</b> (Total Annual Income plus replacements)	\$

C. Deductions from income

	<b>Annual</b>
Union, professional, association or like dues	\$
Other employment expenses ( <i>specify</i> )	
Taxable amount of child support received	
Spousal support received from the other party	
Income support received for other members of the family	
Actual amount of business investment losses	
Carrying charges, interest expenses deductible per the <i>Income Tax Act</i> (Canada)	
Prior period earnings included in self-employment income, net of reserves	
Portion of partnership or sole proprietorship properly required for capitalization	
<b>Total Deductions to Adjusted Income</b>	\$

## D. Additions to income:

	<b>Annual</b>
Payments to non-arm's length persons	\$
Allowable capital cost allowance with respect to real property	
Value of exercised stock options in Canadian controlled private corporations	
<b>Total Additions to Adjusted Income</b>	<b>\$</b>

**Total Adjusted Annual Income for Child Support (Basic)**

\$ \_\_\_\_\_

**E - Special or Extraordinary Expenses**

Complete this Part only if you claim special or extraordinary expenses as part of a child support claim. Refer to section 7 of the **Federal or Provincial Child Support Guidelines**.

1. I am claiming an amount to cover special or extraordinary expenses for one or more of the following reasons: *(Indicate which of the following you are claiming and complete the table below.)*

- ☐ child care expenses incurred as a result of my employment, illness, disability, education or training for employment;
- ☐ that portion of the medical and dental insurance premiums attributable to child;
- ☐ health-related expenses that exceed insurance reimbursement by at least \$100 annually per illness or event, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
- ☐ extraordinary expenses for primary or secondary school or for any education programs that meet the child's particular needs;
- ☐ expenses for post-secondary education;
- ☐ extraordinary expenses for extracurricular activities.

Child's Name	Details of Expense	Total Amount (indicate yearly or monthly)	Contributions/ Reimburse- ments *

*\*Indicate any reimbursement or contribution made by the child, by insurance coverage, etc.*

2. ☐ Receipts or other documentation which show the amount of the expenses I am claiming for each child are attached to this financial statement.

**OR**

- ☐ I cannot obtain receipts or other documentation to show the amount of the expense I am claiming because: *(provide details)* \_\_\_\_\_

3. ☐ I am eligible to claim or I receive the following subsidies, benefits or income tax deductions or credits relating to the above expenses: *(provide details)* \_\_\_\_\_  
\_\_\_\_\_

### F- Undue Hardship

Complete this Part only if you claim a different amount of child support on the basis of undue hardship

Refer to section 10 of the **Federal or Provincial Child Support Guidelines**.

*(Indicate which of the following you are claiming.)*

- ☐ Responsibility for unusually high level of debts reasonably incurred to support the family prior to the separation or to earn a living:

Owed to	Purpose	Date incurred	Terms of debt	Annual amount

- ☐ Unusually high expenses for exercising access to a child:

Details of expense	Annual amount

- ☐ Legal duty under a judgment, order or written separation agreement to support another person. *(complete table below)*

- ☐ Legal duty to support a child, other than a child for whom support is claimed in this application, who is under the age of 18 or at or above the age of 18 but unable to support himself or herself because of illness, disability or other cause (complete table below)
- ☐ Legal duty to support a person who is unable to support himself or herself because of illness or disability. (complete table below)

*Attach a copy of any judgment, order or written agreement under which the legal duty arises*

Name of person	Relationship	Nature of duty	Annual amount

- ☐ Other undue hardship circumstances:

Details	Annual amount

#### **G - Income of Other Persons in Household**

Complete this Part if either party is making a claim for a different amount of child support on the basis of undue hardship

The following are the names, occupations or sources of income, annual incomes and amount of federal and provincial taxes payable thereon, of

- (a) any person who has a legal duty to support me or whom I have a legal duty to support;
- (b) any person who shares living expenses with me or from whom I otherwise receive an economic benefit as a result of living with that person, and
- (c) any child whom I or the person described in paragraph (a) or (b) has a legal duty to support.

Other person's name	Occupation or source of income	Annual income*	Taxes paid

**\*Where the information on which to base the income determination is not provided, the court may impute income in the amount it considers appropriate.**

**You must also file current income tax returns, notices of assessment and proof of year to date earnings for every income-earner in the household.**

**47. Form 56A.46A of the rules is repealed and the following substituted:**

**Form 56A.46A**

(rule 56A.46)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

Before the Honourable \_\_\_\_\_ Justice \_\_\_\_\_, this  
\_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Judgment**

This proceeding coming on before the Court this day at \_\_\_\_\_,  
upon considering the pleadings and the evidence presented;

**Pursuant to the *Divorce Act* (Canada):**

1. It is ordered that \_\_\_\_\_ and \_\_\_\_\_ who were married  
on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, are divorced and,  
unless appealed, this judgment takes effect and the marriage is dis-  
solved on the 31<sup>st</sup> day after the date of this judgment.

*If a parenting order is being made, add:*

2. It is ordered that \_\_\_\_\_

\_\_\_\_\_

*If an order with respect to property is being made, add:*

**AND pursuant to the *Family Law Act*:**

3. It is ordered that \_\_\_\_\_

\_\_\_\_\_

[NOTE: Child support and spousal support orders must be in a separate order.]

Registrar of the Supreme Court  
of Newfoundland and Labrador

#### **Notice to Parties**

The spouses are not free to remarry until paragraph 1 of this Judgment takes effect, at which time any person may obtain a Certificate of Divorce from this Court. If an appeal is taken from paragraph 1 of this Judgment, it may delay paragraph 1 of this Judgment taking effect.

48. Form 56A.58A of the rules is repealed and the following substituted:

**Form 56A.58A**

(rule 56A.58)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Canada Revenue Agency Consent**

**TO: Canada Revenue Agency:**

This form authorizes Canada Revenue Agency to release taxpayer information to the designated persons.

My name is *(full legal name)*: \_\_\_\_\_

I live at *(latest address shown on tax records)*: \_\_\_\_\_

My social insurance number is: \_\_\_\_\_

I ASK AND AUTHORIZE YOU to send to:

1. \_\_\_\_\_  
*(name, address and telephone number of requesting party or requesting party's lawyer)*

2. \_\_\_\_\_  
*(name, address and telephone number of other party or other party's lawyer)*

a copy of:

(a) my income tax returns for the years \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_;

**AND**

- (b) any material that was filed with each of the returns for those same years; and

**AND**

- (c) any notice of assessment or re-assessment issued to me for those same years.

Signature of taxpayer

Date of signature

Telephone number

*Note: Upon receipt of the information requested, the requesting party or the requesting party's lawyer shall file the information with the Court.*

**49. Forms 56A.76A, 56A.76B and 56A.78A of the rules are repealed.**

**50. The rules are amended by adding immediately after Form 56A.64A the following:**

**Form 56A.81A**

(rule 56A.81)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Notice to Respondent**

An Originating Application has been made for an order against you. The details are set out in the attached Originating Application.

If you dispute the claim, you shall file a Response at the Supreme Court of Newfoundland and Labrador, Trial Division (General / Family) located in \_\_\_\_\_, Newfoundland and Labrador, Canada **within 7 days**.

**If you do not file a Response, the Court may determine the application in your absence without giving you further notice.**

A hearing in this matter will take place on \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ am/pm at the courthouse located at \_\_\_\_\_ in the Province of Newfoundland and Labrador, Canada.

**If you do not attend the hearing, the Court may proceed in your absence.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_  
Court File No. \_\_\_\_\_  
Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Originating Application for the Return of a Child**

To this Honourable Court at: *(check the location where you wish this matter to be heard and note the filing requirements)*

IF YOU WISH YOUR MATTER TO BE HEARD IN ...	THEN YOU <u>MUST</u> FILE YOUR DOCUMENTS IN ...
<input type="checkbox"/> Clarenville (Grand Bank circuit)	Grand Bank
<input type="checkbox"/> Corner Brook	Corner Brook
<input type="checkbox"/> Gander	Gander
<input type="checkbox"/> Grand Bank	Grand Bank
<input type="checkbox"/> Grand Falls-Windsor	Grand Falls-Windsor
<input type="checkbox"/> Happy Valley-Goose Bay	Happy Valley-Goose Bay
<input type="checkbox"/> Port aux Basques (Corner Brook circuit)	Corner Brook
<input type="checkbox"/> Rocky Harbour (Corner Brook circuit)	Corner Brook
<input type="checkbox"/> St. Anthony (Corner Brook circuit)	Corner Brook
<input type="checkbox"/> St. John's	St. John's at the Family Division
<input type="checkbox"/> Stephenville (Corner Brook circuit)	Corner Brook
<input type="checkbox"/> Wabush (Happy Valley-Goose Bay circuit)	Happy Valley-Goose Bay

I hereby seek an order for the return of the following child(ren) under the Hague Convention on International Child Abduction:

(a) \_\_\_\_\_  
*(full name of child)*

\_\_\_\_\_  
*(date of birth)*

(b) \_\_\_\_\_  
*(full name of child)*

\_\_\_\_\_  
*(date of birth)*

I, \_\_\_\_\_, the Applicant, declare the contents of the within originating application are true to the best of my information and belief.

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature of Applicant(s)

Name/Address of Applicant's Solicitor  
(if applicable)

A hearing in this matter will take place on \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ am/pm at the courthouse located at \_\_\_\_\_  
in the Province of Newfoundland and Labrador, Canada.

***This document, which includes the Originating Application for the Return of a Child, the Affidavit in Support of Originating Application for the Return of a Child and the Notice to Respondent, shall be personally served on the Respondent by an adult other than the Applicant.***

Filed at \_\_\_\_\_, in the Province of Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

**51. The rules are amended by adding immediately after Form 56A.81A the following:**

**Form 56A.81B**

(rule 56A.81)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Affidavit in Support of Originating Application  
for the Return of a Child**

I, \_\_\_\_\_, make oath (or affirm) and say as follows:

1. That I am the Applicant in the within matter and have personal knowledge of the matters referred to herein except where otherwise specified.

*(set out the reasons that you are making the application)*

2.

3.

4.

5. That I make this application in support of my Application for the return of the following child(ren) under the Hague Convention on International Child Abduction:

(a) \_\_\_\_\_  
*(full name of child)*  
\_\_\_\_\_

\_\_\_\_\_  
(date of birth)

(b) \_\_\_\_\_  
(full name of child)

\_\_\_\_\_  
(date of birth)

SWORN TO OR AFFIRMED at \_\_\_\_\_ in the Province of  
Newfoundland and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Commissioner of Oaths/Justice of the Peace

Signature of Applicant(s)

**52. The rules are amended by adding immediately after Form  
56A.81B the following:**

**Form 56A.83A**

(rule 56A.83)

In the Supreme Court of Newfoundland and Labrador  
Trial Division (General / Family)

Court No. \_\_\_\_\_

Court File No. \_\_\_\_\_

Central Divorce Registry No. \_\_\_\_\_ (if applicable)

BETWEEN: \_\_\_\_\_ APPLICANT

AND: \_\_\_\_\_ RESPONDENT

**Notice of Application to the Central Authority  
and Contact Judge**

TAKE NOTICE that an application for the return of a child pursuant to the Hague Convention on International Child Abduction has been made in the above noted proceeding.

A hearing in this matter will take place on \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ am/pm at the courthouse located at \_\_\_\_\_  
in the Province of Newfoundland and Labrador, Canada.

Filed at \_\_\_\_\_, in the Province of Newfoundland  
and Labrador this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_.

Registrar of the Supreme Court  
of Newfoundland and Labrador

**53. Rule 56B of the rules is repealed.**

**54. Rule 56C.01(a) of the rules is repealed and the following substituted:**

(a) "Family Justice Services Division" is a division of the Department of Justice offering education and information ses-

sions, mediation to parties and counselling services to parties and/or their children or any combination of these services considered required, or offered to these persons referred to in rule 56C.03(2) in order to assist in the non-adversarial resolution of their dispute.

**55. The heading of rule 58 of the rules is repealed and the following heading substituted:**

**RULE 58  
CIVIL APPEALS - GENERAL DIVISION**

**56. Rule 58.01 of the rules is repealed and the following substituted:**

**Rule 57 applies with necessary changes**

**58.01.** The provisions of Rule 57 apply with the necessary changes to Civil Appeals to the General Division.

**57. (1) The forms to the rules are amended by repealing the heading "In the Supreme Court of Newfoundland and Labrador Trial Division" wherever it occurs and substituting the heading "In the Supreme Court of Newfoundland and Labrador Trial Division (General)".**

**(2) The forms to the rules are amended by repealing the heading "In the Supreme Court of Newfoundland and Labrador, Trial Division" wherever it occurs and substituting the heading "In the Supreme Court of Newfoundland and Labrador Trial Division (General)".**

**(3) The forms to the rules are amended by repealing the heading "In the Supreme Court Trial Division" wherever it occurs and substituting the heading "In the Supreme Court Trial Division (General)".**

**(4) The forms to the rules are amended by repealing the heading "In the Supreme Court of Newfoundland and Labrador Trial Division/Unified Family Court" wherever it occurs and substituting the heading "In the Supreme Court of Newfoundland and Labrador Trial Division (General / Family)".**

**(5) The forms to the rules are amended by repealing the signature line "Deputy Registrar/Clerk of the Supreme Court of Newfoundland and Labrador Trial Division/Unified Family Court" wherever it occurs and substituting the signature line "Registrar of the Supreme Court of Newfoundland and Labrador".**

**(6) The forms to the rules are amended by repealing the signature line "Deputy Registrar, Clerk of the Supreme Court of Newfoundland and Labrador Trial Division/Unified Family Court" wherever it occurs and substituting the signature line "Registrar of the Supreme Court of Newfoundland and Labrador".**

Commencement

**58. These rules come into force on June 1, 2010.**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 31/10**

*Proclamation bringing the Act into force*

(SNL 2009 c37) (May 25, 2010)

under

*An Act to Amend the Labrador Inuit Land Claims Agreement Act No. 2*

(O.C 2010-150)

*(Filed May 25, 2010)*

*ELIZABETH THE SECOND, by the Grace of God of the  
United Kingdom, Canada and Her Other Realms and Territories  
QUEEN, Head of the Commonwealth, Defender of the Faith.*

JOHN C. CROSBIE  
Lieutenant Governor

FELIX COLLINS  
Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 4 of “*An Act to Amend the Labrador Inuit Land Claims Agreement Act No. 2*” SNL2009 c37 (the “Act”) it is provided that the Act shall come into force on a day to be fixed by Proclamation of Our Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall now come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that “*An Act to Amend the Labrador Inuit Land Claims Agreement Act No. 2*” SNL2009 c37, shall come into force on the date of publication of this proclamation in *The Newfoundland and Labrador Gazette*.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable John Carnell Crosbie, Member of the Privy Council of Canada, Officer of the Order of Canada, Chancellor of the Order of Newfoundland and Labrador, and one of Her Majesty's Counsel learned in the law, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE in Our City of St. John's this 19<sup>th</sup> day of May in the year of Our Lord two thousand and ten in the fifty-ninth year of Our Reign.

BY COMMAND,

DIANNE WHALEN  
Registrar General

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