

No Subordinate Legislation
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THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 87

ST. JOHN'S, FRIDAY, FEBRUARY 10, 2012

No. 6

JUDICATURE ACT

RULES OF THE SUPREME COURT OF NEWFOUNDLAND, 1986

COURT OF APPEAL PRACTICE NOTE

CAPN No. 2012-02

DATE ISSUED: February 6, 2012

RULES AFFECTED: Rule 57

EFFECTIVE DATE: Upon publication

The following Practice Note was filed with the Office of the Registrar, as Secretary of the Rules Committee of the Court of Appeal, and is published pursuant to Rule 57.31(3) of the *Rules of the Supreme Court, 1986*.

Civil Appeal Procedures Involving Children

Background and Purpose

1. At present the rules of court apply equally to all civil appeals, including those where the interests of a child may be directly affected.
2. In some cases where the interests of a child are potentially directly affected by the outcome of an appeal, the Court has expressed concern about potential adverse consequences resulting from delay in conduct of the proceeding and has noted also that the child's circumstances may have changed since the time of the original judgment such that any variation on appeal, even if legally justified on the basis of the trial record, might be counterproductive to the current

interests of the child. See for example, *J.F. v. T.P.S.*, 2011 NLCA 70 at paragraphs 15-16; and *M.W. v. Director of Child, Youth and Family Services*, 2011 NLCA 76 at paragraph 19.

3. All steps should be taken by counsel, and the Court itself, to ensure to the extent possible, that appeal proceedings respecting children should be processed to conclusion expeditiously.
4. To respond to this concern, the Rules Committee of the Court of Appeal has recently passed an amendment to Rule 57.11. The amendments were published in *The Newfoundland and Labrador Gazette* on February 3, 2012 as NLR 10/12 and are effective immediately. They can be accessed on line at:
<http://www.assembly.nl.ca/legislation/sr/annualregs/2012/nr120010.htm>

Practice Note

5. Counsel contemplating an appeal from an order affecting the interests of a child should familiarize themselves with the provisions of rule 57.11(2) – (6) and comply with its letter and spirit.
6. The rules in question apply to all appeals and any related proceeding where the interests of a child may be directly affected by the outcome of an appeal. This includes appeals involving;
 - custody;
 - access;
 - protective intervention for a child;
 - guardianship of a child or of the estate of a child;
 - child support;
 - possession of a matrimonial home where s. 15(3)(a) of the *Family Law Act* applies;
 - the application of a domestic contract where s. 66(1) of the *Family Law Act* applies;
 - change of a child's name.
7. Counsel should strive to work co-operatively to perfect the appeal and should take all steps needed to expedite the preparation of any necessary transcripts and the filing of the appeal book and factums notwithstanding that the time available under the rules has not expired. Cases falling within the scope of this Practice Note must be given priority. For example, counsel will be regarded as having the obligation to follow-up regularly to ensure that the preparation of the transcript occurs in a timely way and, if necessary, require its preparation, if it is lengthy, on an overtime basis.
8. When the Deputy Registrar attempts to contact counsel for the purpose of consultation pursuant to rule 57.11(3) and is unsuccessful, counsel must attempt to make return contact on a priority basis.
9. Where a party or his or her counsel, or the Deputy Registrar, believes that the objective of the amendment to rule 57.11 can be better achieved by a form of pre-hearing intervention by the Court, he or she may, on notice to all other parties, request the Chief Justice by letter to make an order or give directions pursuant to rule 57.11(6). The Chief Justice may, if he or she considers it appropriate to do so, give interim directions without hearing from the parties or request the Deputy Registrar to consult with all parties to determine if agreement can be reached as to the desirability of the suggested intervention or some variation thereof, or may, on notice to all parties, set the matter down for a hearing before a judge of the Court with directions as to what material, if any, should be filed to expedite resolution of the issue.

Authorized by:

CHIEF JUSTICE OF NEWFOUNDLAND AND LABRADOR
Derek Green

Debbie Brennan, Deputy Registrar
(for the Registrar of the Supreme Court of Newfoundland and Labrador
Secretary, Rules Committee of the Court of Appeal)

Feb 10

CORPORATIONS ACT

NOTICE

IN THE MATTER of the *Corporations Act*, RSNL 1990 cC-36, and in the matter of COMTECH COMMUNICATIONS INC., Corporation number 58257.

Notice of Issuance of Certificate of Intent to Dissolve

TAKE NOTICE that on January 10th, 2012, the Registrar of Companies for the Province of Newfoundland and Labrador issued a Certificate of Intent to Dissolve in relation to COMTECH COMMUNICATIONS INC., which has now stopped carrying on business, except to the extent necessary for its dissolution. It is currently in the process of collecting its property for distribution to its shareholders and discharging its obligations. If you claim to be a creditor of this corporation, you are directed to forward particulars of the nature of your claim to the Solicitors for the Corporation at the address below on or before March 16th, 2012, the date set for the distribution of the Corporation's assets to its shareholders.

Dated at Corner Brook, Newfoundland and Labrador this 6th day of February, 2012.

KING PENNEY AND BROWN

Barristers and Solicitors

Solicitors for COMTECH COMMUNICATIONS INC.

PER: David A. King Q.C.

ADDRESS FOR SERVICE:

37 West Street
Corner Brook, NL
A2H 2Y6

Tel: (709) 634-9888

Fax: (709) 634-1497

Email: dking@kingpenney.com

URBAN AND RURAL PLANNING ACT

**NOTICE OF REGISTRATION
ST. JOHN'S DEVELOPMENT
REGULATIONS AMENDMENT
NUMBER 529, 2012**

TAKE NOTICE that the ST. JOHN'S Development Regulations Amendment Number 529, 2012 adopted on the 16th day of January, 2012, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Development Regulations Amendment Number 529, 2012 is to introduce "Heritage Use" as a Discretionary Use in the Commercial Office (CO) Zone.

This Amendment comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of it may

do so at the Department of Planning, St. John's City Hall during regular business hours.

CITY OF ST. JOHN'S
Cliff Johnston, MCIP - Director of Planning

Feb 10

**NOTICE OF REGISTRATION
TOWN OF CHAPEL ARM
MUNICIPAL PLAN AMENDMENT #1, 2011 AND
DEVELOPMENT REGULATION
AMENDMENT #1, 2011**

TAKE NOTICE that the TOWN OF CHAPEL ARM Municipal Plan Amendment No.1, 2011 and Development Regulation Amendment No. 1, 2011, adopted on the 28th day of September, 2011, and approved on the 21st day of December, 2011, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 1, 2011 is to re designate the lands either side of Arch Path and Wood Path and the south of the hydro transmission line for approximately 500 meters from "Rural" to the "Urban" land use class.

In general terms, the purpose of Development Regulations Amendment No. 1, 2011 is to rezone land either side of Arch Path and Wood Path for approximately 500 meters south of the hydro transmission line from the Rural Special (R-S) zone to the Mixed Development (MD) zone.

The Municipal Plan Amendment No.1, 2011 and Development Regulations Amendment No.1, 2011 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*.

Anyone who wishes to inspect a copy of the proposed Municipal Plan Amendment No.1, 2011 and Development Regulations Amendment No.1, 2011 may do so at the Town Office, Chapel Arm during working hours.

TOWN OF CHAPEL ARM
Cecil Warren, Mayor

Feb 10

**NOTICE OF REGISTRATION
TOWN OF EASTPORT
MUNICIPAL PLAN, 2011-2021
AND
DEVELOPMENT REGULATIONS, 2011-2021**

TAKE NOTICE that the TOWN OF EASTPORT Municipal Plan and Development Regulations, 2011-2021, adopted on the 5th day of February, 2009, and approved (as amended) on the 11th day of May, 2011 has been registered by the Minister of Municipal Affairs.

The Eastport Municipal Plan and Development Regulations come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who

wishes to inspect a copy of these documents may do so at the Town Office during normal working hours.

TOWN OF EASTPORT
Cynthia Bull, Town Clerk

Feb 10

OUIETING OF TITLES ACT

**2011 01 G-7677
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (GENERAL)**

IN THE MATTER of the *Quieting of Titles Act*, RSNL 1990, cQ-3

AND IN THE MATTER of property situate at Oliver's Pond Road, Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, hereinafter referred to as "Parcel A"

AND IN THE MATTER of property situate at Oliver's Pond Road, Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, hereinafter referred to as "Parcel B"

AND IN THE MATTER of property situate at Oliver's Pond Road, Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, hereinafter referred to as "Parcel C"

AND IN THE MATTER of property situate at Oliver's Pond Road, Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, hereinafter referred to as "Parcel D", ALL OF WHICH are collectively referred to as the "Property", being particularly described and delineated in Schedule "A" annexed hereto

AND IN THE MATTER of the Application of AUSTIN and JEAN TUCKER, both of Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, with respect to the Property.

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

NOTICE is hereby given to all parties that AUSTIN TUCKER and JEAN TUCKER, of Portugal Cove-St. Philips, in the Province of Newfoundland and Labrador, have applied to the Supreme Court of Newfoundland and Labrador Trial Division to have the title to ALL THAT piece or parcel of land situate and being located at Oliver's Pond Road, Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, aforesaid, and more particularly described and delineated in the Schedule hereunto annexed and marked "A", of which the said AUSTIN TUCKER and JEAN TUCKER claim on their behalf to be the owners, investigated and for a declaration that the said AUSTIN TUCKER and JEAN TUCKER are the absolute owners thereof subject to the rights of those

claiming through them, and the said AUSTIN TUCKER and JEAN TUCKER having been ordered Notice of the said application to be published as required by the above-named Act.

All persons having title adverse to the said title claimed by the said AUSTIN TUCKER and JEAN TUCKER 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 the same on the undersigned Solicitor for the Applicant on or before the 26th day of February, 2012, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

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

Dated at St. John's, this 26th day of January, 2012.

McDONALD & HOUNSELL LAW OFFICES
Solicitors for the Applicant
PER: Susan C. Hounsell

ADDRESS FOR SERVICE:
74 O'Leary Avenue
St. John's, NL A1B 2C7

Tel: 709-726-9818
Fax: 709-726-9849

SCHEDULE "A"

**BOUNDARY DESCRIPTION
Parcel "B", "C" & "D" Combined**

Reserved Road off Oliver's Pond Road, in the Town of Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, Canada.

BEGINNING at a point, said point having the following NAD83 coordinates in Zone I of the Transverse Mercator Projection as modified for the Province of Newfoundland and Labrador:

N 5 272 225,083 metres
E 317 454,144 metres

THENCE running along land of Leith Quinton, registered in Roll 68, Frame 2829 in the Registry of Deeds of Newfoundland and Labrador S45°26'00"E for a distance of 276.483 metres;

THENCE running along land reserved for the City of St. John's S20°49'00"W for a distance of 79.155 metres and S62°04'35"W for a distance of 136.332 metres;

THENCE running along land now or formerly the Horan Estate registered in Vol. 65A, Fol. 86 in the Registry of Crown Grants of Newfoundland and Labrador N28°50'20"W for a distance of 127.737 metres,

S54°46'00"W for a distance of 25.609 metres, S49°43'40"W for a distance of 161.413 metres and S55°25'19"W for a distance of 184.625 metres;

THENCE running along land of the City of St. John's, registered in Roll 46, Frame 1243 in the Registry of Deeds of Newfoundland and Labrador S69°34'00"W for a distance of 50.990 metres;

THENCE running along land of now or formerly David Sharpe, registered in Vol. 2463, Fol. 275 in the Registry of Crown Grants of Newfoundland and Labrador N24°47'01"W for a distance of 78.420 metres;

THENCE running along land of now or formerly Gordon and Catherine Bradbury N25°39'43"W for a distance of 27.150 metres and N27°29'11"W for a distance of 37.345 metres;

THENCE running along land of Gordon and Catherine Bradbury registered in Roll 8739, Frame 662 in the Registry of Deeds of Newfoundland and Labrador N32°15'49"W for a distance of 97.453 metres;

THENCE running along land of now or formerly Robert King N30°02'30"W for a distance of 23.544 metres;

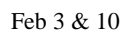
THENCE running along the southern limit of a Reserve Rood, being 20.117 metres wide, N64°58'05"E for a distance of 309.765 metres, N66°00'34"E for a distance of 21.346 metres, N66°33'45"E for a distance of 30.073 metres, N66°15'54"E for a distance of 29.768 metres, N64°37'45"E for a distance of 41.142 metres and N61°42'45"E for a distance of 102.864 metres, more or less, to the Point of Beginning;

All bearings are Grid North NAD83 in Zone 1 of the Transverse Mercator Projection as modified for the Province of Newfoundland and Labrador;

The above described piece or parcel of land contains an area of 14.755 hectares, more or less, and is more particularly shown, on the drawing hereto attached dated 2011 01 31.

This description and accompanying plan are integral parts necessary to adequately reflect the legal boundary of the subject property and therefore invalid if separated,

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2011 04T 00192
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

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

NOTICE IS HEREBY given to all parties that ANNE MARIE YOUNG and GERALD YOUNG (hereinafter called the "Applicants"), have applied to the Supreme Court of Newfoundland and Labrador, Trial Division, at Corner Brook, Newfoundland and Labrador, to have the title to ALL THOSE certain lots, pieces or parcels of land situate, lying and being at Flat Bay, in the Province of Newfoundland and Labrador, Canada, more particularly described in Schedule "A" and Schedule "B" hereto annexed of which ANNE MARIE YOUNG and GERALD YOUNG claim to be the owners thereof, investigated, and for a Declaration that ANNE MARIE YOUNG and GERALD YOUNG are the absolute owners thereof subject to the rights of those claiming through them and the said Applicants have been ordered to publish a Notice of the Application as required by the above-noted Act.

All persons having title adverse to the said title claimed by the said ANNE MARIE YOUNG and GERALD YOUNG shall file in the Registry of Supreme Court of Newfoundland and Labrador, Trial Division, at Corner Brook, Newfoundland and Labrador, particulars of such adverse claim and serve the same, together with an Affidavit verifying same, on the undersigned solicitor for the Applicants on or before the 10th day of March, 2012, after which date no party having any claim shall be permitted to file same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just. All such adverse claims shall then be investigated in such manner as the said Supreme Court may direct.

DATED at Stephenville, in the Province of Newfoundland and Labrador this 18th day of September, 2011.

MILLS & GALLANT
Solicitor for the Applicants
PER: David A. Mills, Q.C.

ADDRESS FOR SERVICE:
P. O. Box 447, 87 Gallant Street
Stephenville, NL A2N 3A3

Tel: (709) 643-5688
Fax (709) 643-2906
Email: dmills@nfld.net

SCHEDULE "A"
DESCRIPTION

Land Surveyed for Jerry Young
Lot 1, Off-Main Road, Flat Bay, NL

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

That is to say; Beginning at a point N 3°42'38" E a distance of 257.077 metres from Control Monument number 84G4148,

THENCE by land of Jerry Young S 65°37'24" W, a distance of 47.371 metres,

THENCE by Crown Land N 14° 41' 48" W a distance of 48.237 metres;

THENCE N 66°37'08" W a distance of 46.226 metres,

THENCE by the sideline of a Public Road S 15°54'35" E a distance of 47.262 metres to the point of beginning,

The herein described piece or parcel of land contains an area of 2209.3 square metres and is more particularly shown and delineated on the plan number 3002-2 hereto attached,

All bearings refer to the meridian of fifty-eight degrees thirty minutes west longitude of the Three Degree Transverse Mercator Projection (NAD 83).

SCHEDULE "B"
DESCRIPTION

Land Surveyed for Jerry Young
Lot 2, Off-Main Road, Flat Bay, NL

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

That is to say; Beginning at a point N 5°24'32" E a distance of 176.912 metres from Control Monument number 84G4148,

THENCE by land of John Snook N 9°10'45" W, a distance of 61.651 metres,

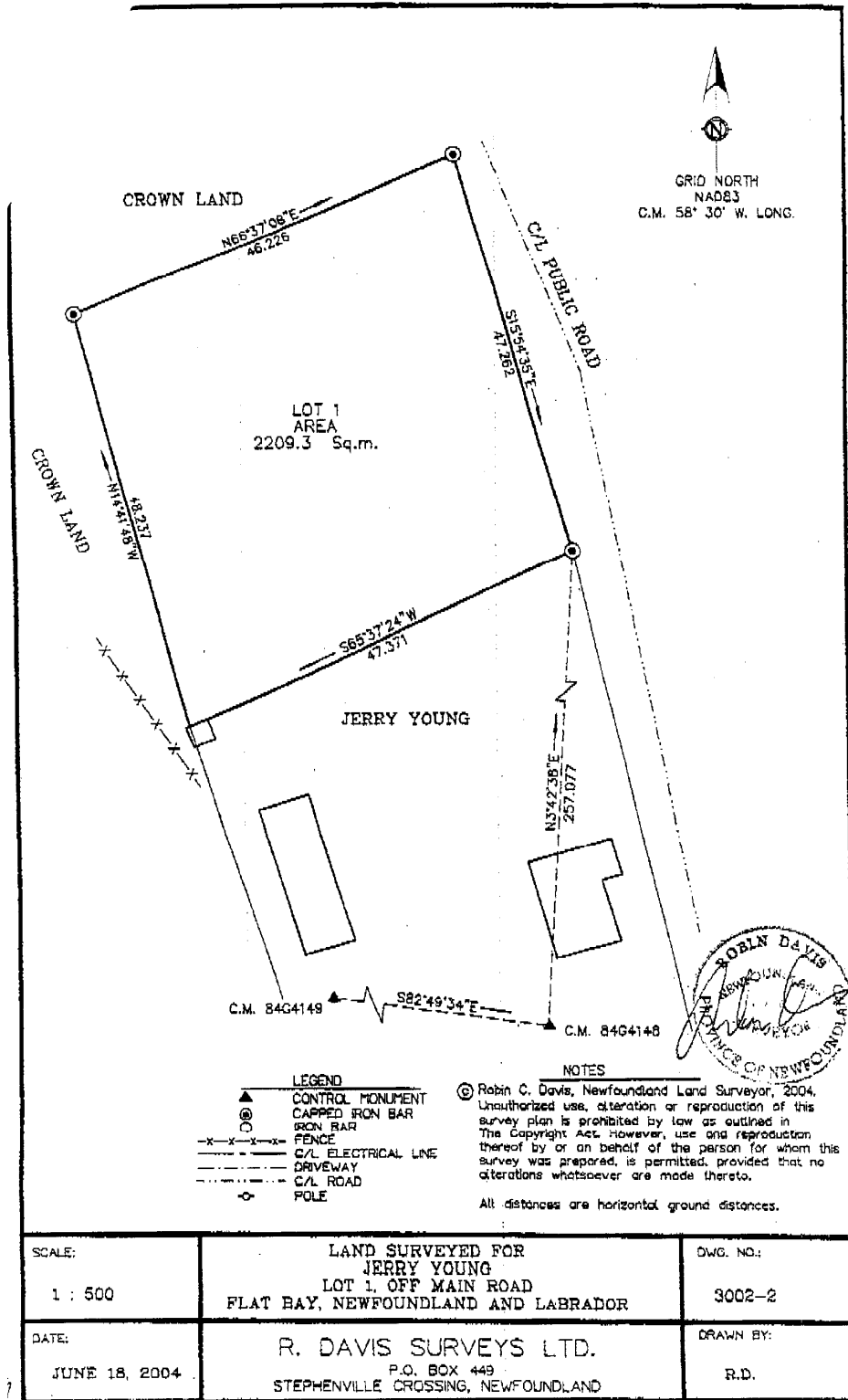
THENCE by land of Jerry Young S 17°51'56" E a distance of 32.204 metres,

THENCE S 0°05'06" W a distance of 30.211 metres to the point of beginning,

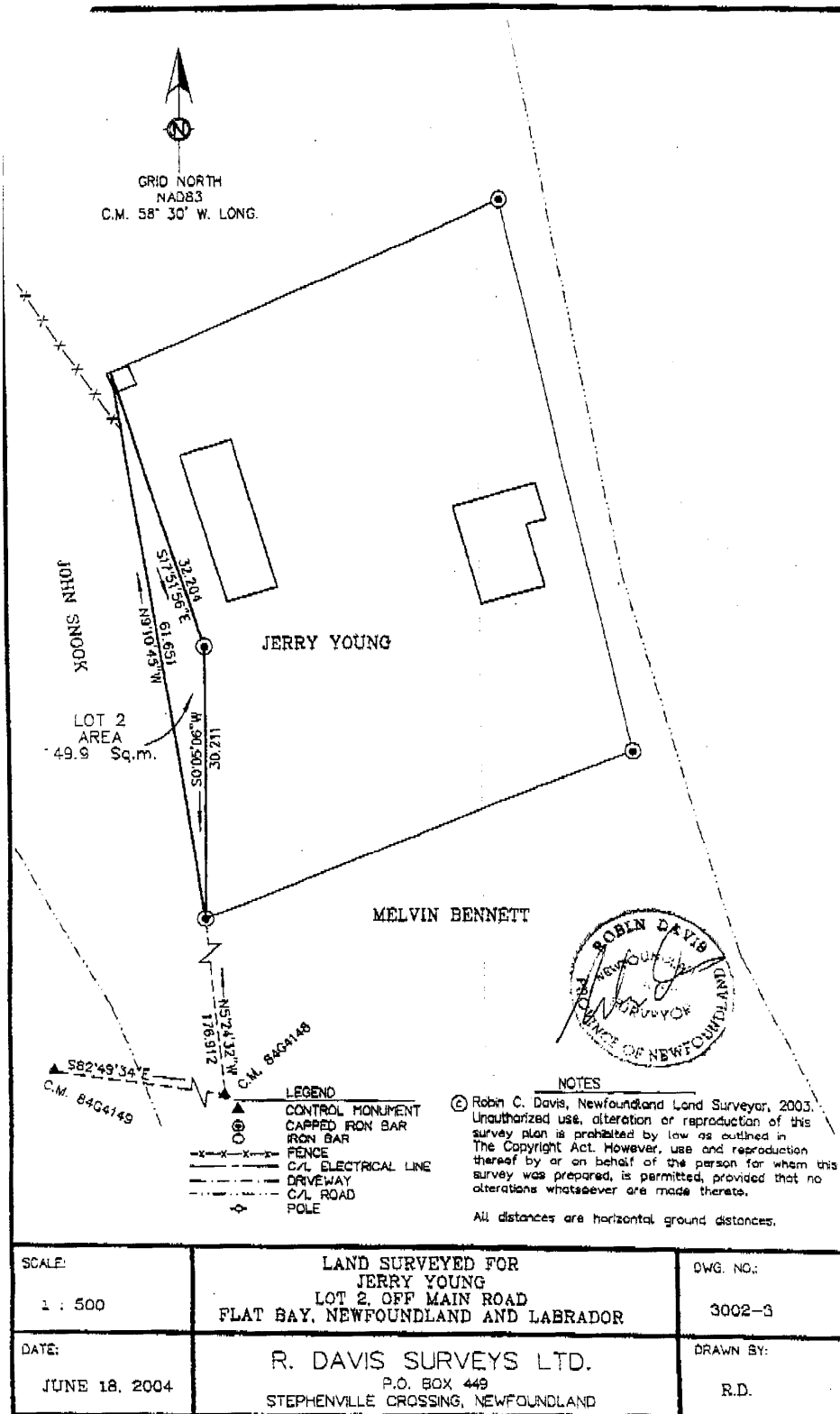
The herein described piece or parcel of land contains an area of 149.9 square metres and is more particularly shown and delineated on the plan number 3002-2 hereto attached,

All bearings refer to the meridian of fifty-eight degrees thirty minutes west longitude of the Three Degree Transverse Mercator Projection (NAD 83).

SCHEDULE "A"



SCHEDULE "B"





THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 87

ST. JOHN'S, FRIDAY, FEBRUARY 10, 2012

No. 6

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PART II

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**No Subordinate Legislation
Received at Time of Printing**

The Newfoundland and Labrador Gazette is published from the office of William E. Parsons, Queen's Printer.

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Copy may be mailed to the address below, faxed to (709) 729-1900 or emailed to queensprinter@gov.nl.ca.

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