



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

### PUBLISHED BY AUTHORITY

Vol. 86

ST. JOHN'S, THURSDAY, APRIL 21, 2011

No. 16

#### URBAN AND RURAL PLANNING ACT, 2000

##### **NOTICE OF REGISTRATION MOUNT PEARL MUNICIPAL PLAN AMENDMENT # 79, 2010, MOUNT PEARL DEVELOPMENT REGULATIONS AMENDMENT #205, 2010 (835 BLACKMARSH ROAD AMENDMENT)**

TAKE NOTICE that the CITY OF MOUNT PEARL Municipal Plan Amendment No. 79, 2010, and Development Regulations Amendment No. 205, 2010, adopted by Council on the 30<sup>th</sup> day of November, 2010, and approved on the 15<sup>th</sup> day of February, 2011, have been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 79, 2010 is to redesignate the property at 835 Blackmarsh Road from Highway Commercial to Residential to provide Council with the authority to consider a multistory apartment complex development proposal, and to rectify the designation to correspond to property ownership. The text of the Mount Pearl Municipal Plan is unchanged by this proposed amendment.

In general terms, the purpose of the Development Regulations Amendment No. 205, 2010 is to amend the Mount Pearl Land Use Zoning Plan by rezoning the property at 835 Blackmarsh Road from Commercial – Highway (HC) to Apartment (APT) so that the zoning

coincides with the revised municipal plan designations in Municipal Plan Amendment No. 79, 2010 above. The text of the Mount Pearl Development Regulations is unchanged by this proposed amendment.

The Municipal Plan Amendment No. 79, 2010, and Development Regulations Amendment No. 205, 2010, 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 Amendments may do so at the Mount Pearl City Hall, 3 Centennial Street, during normal working hours.

CITY OF MOUNT PEARL

Per: Michele Peach, Chief Administrative Officer

Apr 21

##### **NOTICE OF REGISTRATION TOWN OF GRAND FALLS – WINDSOR DEVELOPMENT REGULATIONS AMENDMENTS NO. 6 AND 7, 2010**

TAKE NOTICE that the TOWN OF GRAND FALLS – WINDSOR Development Regulations Amendments No. 6 and 7, 2010 adopted on the 9<sup>th</sup> day of November, 2010 and approved on the 14<sup>th</sup> day of December, 2010 have been registered by the Minister of Municipal Affairs.

**DEVELOPMENT REGULATIONS  
AMENDMENT No. 6, 2010**

Development Regulations Amendment No. 6, 2010 proposes to amend the wording of site development requirements for Row Dwelling within the Residential High Density (R4) zone in two ways.

The initial purpose of Development Regulations Amendment No. 6, 2010 is to make a text (i.e. wording) amendment to the Development Regulations with regard to the rear yard setback distance for row dwellings. Within Schedule C of the Development Regulations within the Residential High Density (R4) zone, and within Development Standards, the Rear yard depth (min) requirement for Row Dwelling shall be amended from 14 meters (45.93 feet) to 7.5 meters (24.6 feet). This amendment will facilitate a more intensive use of land development sites for a specific housing type (row dwelling) within the highest density zone, R4.

The second aspect of Development Regulations Amendment No. 6, 2010 is to introduce landscaping requirements to adjacent properties for developments that seek to utilize the reduced 7.5 meter rear yard setback distance for Row Dwelling.

**DEVELOPMENT REGULATIONS  
AMENDMENT No. 7, 2010**

The purpose of Development Regulations Amendment No. 7, 2010 is to add a new permitted commercial residential use within the Commercial Downtown (CD) zone.

Within Schedule C of the Development Regulations, and within the Commercial Downtown (CD) zone, within Permitted Use Classes, Commercial Residential shall be added as a permitted use.

The result of this amendment will be to expand the opportunity for tourism accommodation businesses and amenities, in the form of hotels, motels, hostels and residential clubs, to locate within the downtown commercial area that is zoned as Commercial Downtown (CD).

The Grand Falls – Windsor Development Regulations Amendments No. 6 and 7, 2010 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 amendments may do so at the Town Office, 5 High Street, Grand Falls – Windsor, NL during normal working hours.

TOWN OF GRAND FALLS - WINDSOR  
Michael Pinsent, P. Eng., Town Clerk

P.O.# 014503

Apr 21

---

**NOTICE OF REGISTRATION  
TOWN OF PARADISE  
MUNICIPAL PLAN AMENDMENT No. 18, 2010  
DEVELOPMENT REGULATIONS  
AMENDMENT No. 51, 2010**

TAKE NOTICE that the TOWN OF PARADISE Municipal Plan Amendment No. 18, 2010 and Municipal Development Regulations Amendment No. 51, 2010, adopted on the 25<sup>th</sup> day of January 2011 and approved on the 18<sup>th</sup> day of March 2011, have been registered by the Minister of Municipal Affairs.

In general terms, the purpose of the Municipal Plan Amendment No. 18, 2010 is to re-designate land northeast of McNamara Drive from Open Space Recreation to Industrial General. The purpose of the Development Regulations Amendment No. 51, 2010 re-zones the same lands from Open Space Recreation to Industrial General.

The amendments come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone wishing to inspect a copy of Municipal Plan Amendment No. 18, 2010 and Development Regulations Amendment No. 51, 2010 may do so at the Paradise Town Hall, 28 McNamara Drive, during normal hours of operation.

TOWN OF PARADISE  
Terrilynn Smith, Town Clerk

P.O.# 26182

April 21

---

**NOTICE OF REGISTRATION  
TOWN OF VICTORIA  
MUNICIPAL PLAN 2010  
AND DEVELOPMENT  
REGULATIONS 2010**

TAKE NOTICE that the TOWN OF VICTORIA Municipal Plan 2010 and Development Regulations 2010, adopted on the 24<sup>th</sup> day of January, 2011 and approved on the 7<sup>th</sup> day of March, 2011, have been registered by the Minister of Municipal Affairs.

The Victoria Municipal Plan 2010 and Development Regulations 2010 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 Victoria Municipal Plan 2010 and Development Regulations 2010 may do so at the Town Office, Victoria during normal working hours.

TOWN OF VICTORIA  
Sharon Snooks, Town Clerk

Apr 21

---

**QUIETING OF TITLES ACT**

**2011 05G 0059  
IN THE SUPREME COURT OF  
NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION (GENERAL)**

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

NOTICE is hereby given to all parties that PAULINE BATSON, of Prince George, in the Province of British Columbia, has applied to the Supreme Court, Trial Division, Gander, to have title to all that piece or parcel of property situate at English Harbour, in the Electoral District of Trinity North, in the Province of Newfoundland and Labrador, which property is more particularly described in Schedule "A" hereto annexed and shown in Schedule "B" hereto annexed.

ALL BEARINGS aforementioned, for which Pauline Batson claims to be the owner investigated and for a Declaration that she is the absolute owner in fee simple in possession and the said Pauline Batson has been ordered to public Notice of Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said PAULINE BATSON shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Petitioner on or before the 12<sup>th</sup> day of May, 2011, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

All such adverse claims shall be investigated then in such manner as the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, may direct.

DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 7<sup>th</sup> day of April, 2011

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

ADDRESS FOR SERVICE:  
111 Manitoba Drive  
Suite 201  
Clarenville, NL A5A 1K2  
Tel: (709) 466-2641  
Fax: (709) 466.7109

**SCHEDULE "A"**

**DESCRIPTION**

All that piece or parcel of land situate and being at English Harbour, in the Electoral District of Trinity North in the Province of Newfoundland and Labrador, Canada, abutted and bounded as follows, that is to say:

BEGINNING at a point the said point having NAD 83 Co-ordinates of N5, 359, 268.419 meters and E285,485.502 meters of the Modified 3° Transverse Mercator Grid Projection for the Province of Newfoundland and Labrador

THENCE running by The Estate of Frank Pottle north sixty four degrees twenty nine minutes fifteen seconds east ninety two decimal zero seven four meters,

THENCE south thirty three degrees nineteen minutes six seconds east fifty three decimal zero six seven meters,

THENCE south sixty two degrees three minutes fifty four seconds west ninety seven decimal seven zero two meters.

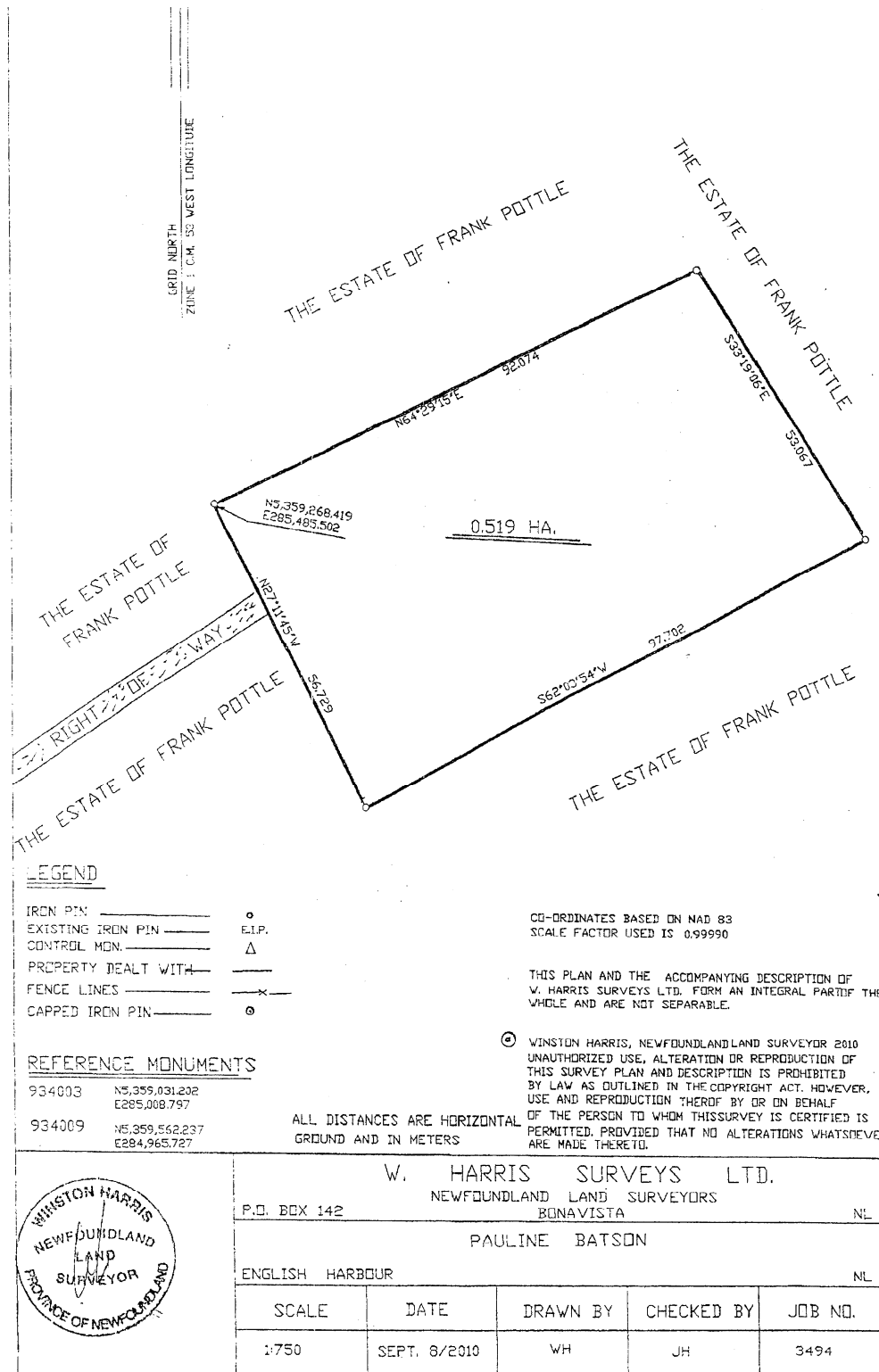
THENCE running by The Estate of Frank Pottle and by the eastern extent of a Right of Way north twenty seven degrees eleven minutes forty five seconds west fifty six decimal seven two nine meters, more or less, to the point of beginning.

CONTAINING an area of 0.519 hectares, more or less, and being more particularly shown on the diagram annexed hereto.

All bearings being referred to Grid North of the above mentioned Projection.

W. HARRIS SURVEYS LTD.  
NEWFOUNDLAND SURVEYORS  
Phone: (709) 468-7482  
Fax: (709) 468-7482

SCHEDULE "B"



**2011 01G 2973**  
**PETITION TO QUIET A TITLE**  
**IN THE SUPREME COURT OF**  
**NEWFOUNDLAND AND LABRADOR**  
**TRIAL DIVISION (GENERAL)**

IN THE MATTER OF that piece or parcel of land situate adjacent to the Gully Path, in the Town of Conception Bay South, in the Province of Newfoundland and Labrador, and an Application by HARRISON FOWLER, HARRY FOWLER, LEONARD FOWLER, MARGARET FOWLER, KELLY FOWLER, JEFFREY FOWLER, JODY FOWLER, TINA FOWLER, CONNIE FOWLER, ANDREA YETMAN, DANIELLE FOWLER AND TIMOTHY J. CHALKER pursuant to the *Quieting of Titles Act*, RSNL 1990, cQ-3, as amended;

NOTICE OF APPLICATION, under the *Quieting of Titles Act*, RSNL 1990, cQ-3, as amended.

NOTICE IS HEREBY GIVEN to all parties that HARRISON FOWLER, HARRY FOWLER, LEONARD FOWLER, MARGARET FOWLER, KELLY FOWLER, JODY FOWLER, TINA FOWLER, CONNIE FOWLER, ANDREA YETMAN, AND DANIELLE FOWLER, all of the Town of Conception Bay South, in the Province of Newfoundland and Labrador, Timothy J. Chalker of the Town of Grand Falls-Windsor, in the Province of Newfoundland and Labrador, and Jeffrey Fowler, of the City of Edmonton in the Province of Alberta have applied to the Supreme Court of Newfoundland and Labrador, Trial Division (General), to have their title to all that piece or parcel of land situate adjacent to the Gully Path, in the Town of Conception Bay South, in the Province of Newfoundland and Labrador, and more particularly described and outlined in Schedule "A" as attached hereto in this matter in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division (General), at St. John's, investigated and for a declaration that the said Applicants are the absolute owners thereof.

All persons having title adverse to the said title claimed by the Applicants shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division (General), particulars of such adverse claim and serve same, together with an Affidavit verifying the same, on the undersigned solicitors for the Applicants on or before the 14<sup>th</sup> day of May, 2011, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just. All adverse claims shall be investigated in such manner as the Supreme Court may direct.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 14<sup>th</sup> day of April, 2011.

OTTENHEIMER BAKER  
Solicitors for the Applicants  
PER: Sheri H. Wicks

ADDRESS FOR SERVICE  
6th Floor, Baine Johnston Centre  
10 Fort William Place  
P.O. Box 5457  
St. John's, NL A1C 5W4  
Tel: (709) 570-7360  
Fax: (709) 722-9210

**SCHEDULE "A"**

TIM CHALKER and the Estates of HAYWARD AND EDWARD FOWLER, and HARRISON, LEONARD AND HARRY FOWLER Conception Bay South, NL

ALL THAT piece or parcel of land situate and being northeast of Gully Brook, in the Town of Conception Bay South, in the Province of Newfoundland, bounded and abutted as follows: that is to say beginning at a point, said point having M.T.M. Grid Co-ordinates (C.M. 53°) [NAD 83] of N 5 264 419.652 and E 310 335.475;

THENCE RUNNING North seventy two degrees fifteen minutes fifty three seconds East (N72°15'53"E), a distance of 462.686 meters by land of Jane Allen [C.L. reg. V 62 F 140] to a point;

THENCE turning and running South nine degrees zero minutes zero seconds East (S09°00'00"E), a distance of 53.197 meters by land Occupied by Fowler to a point;

THENCE turning and running South seventy two degrees fifteen minutes fourteen seconds West (S72°15'14"W), a distance of 447.879 meters by land of Muriel Fowler to a point;

THENCE turning and running North twenty five degrees zero minutes fifty six seconds West (N25°00'56"W), a distance of 53.092 meters by the northeast limit of Gully Brook to the place of beginning and containing in all an area of 2.3958 hectares as more particularly described and delineated on plan 10295e, 15 Mar 11 hereto annexed.

RESERVING THEREFROM that portion of a 10m Reservation in the north west corner of the parcel as shown.

ALL bearings are referred to Grid North.

TOGETHER WITH the Estates of HAYWARD AND EDWARD FOWLER, and HARRISON, LEONARD AND HARRY FOWLER

ALL THAT piece or parcel of land situate and being northeast of Gully Brook, in the Town of Conception Bay South, in the Province of Newfoundland and Labrador, bounded and abutted as follows: that is to say beginning at a point, said point having M.T.M. Grid Co-ordinates (C.M. 53°) [NAD 83] of N 5 264 383.953 and E 310 582.014;

THENCE RUNNING South sixteen degrees sixteen minutes fourteen seconds East (S16°16'14"E), a distance of 116.844 meters by land of Atlantic Developments to a point;

THENCE turning and running South seventy degrees zero minutes zero seconds West (S70°00'00"W), a distance of 191.284 meters by land of Leslie Fowler to a point;

THENCE turning and running North twenty five degrees zero minutes fifty six seconds West (N25°00'56"W), a distance of 125.335 meters by the northeast limit of Gully Brook to a point;

THENCE turning and running North seventy two degrees fifteen minutes fourteen seconds East (N72°15'14"E), a distance of 210.004 meters by land of Muriel Fowler to the place of beginning and containing in all an area of 2.4206 hectares as more particularly described and delineated on plan 10295e, 15 Mar 11 hereto annexed.

RESERVING THEREFROM that portion of a 10m Reservation along the western boundary as shown.

SUBJECT TO an easement along the western boundary as shown.

TOGETHER with all that piece or parcel of land situate and being northeast of Gully Brook, in the Town of Conception Bay South, in the Province of Newfoundland and Labrador, bounded and abutted as follows: that is to say beginning at a point, said point having M.T.M. Grid Co-ordinates (C.M. 53°) [NAD 83] of N 5 264 295.740 and E 310 680.555;

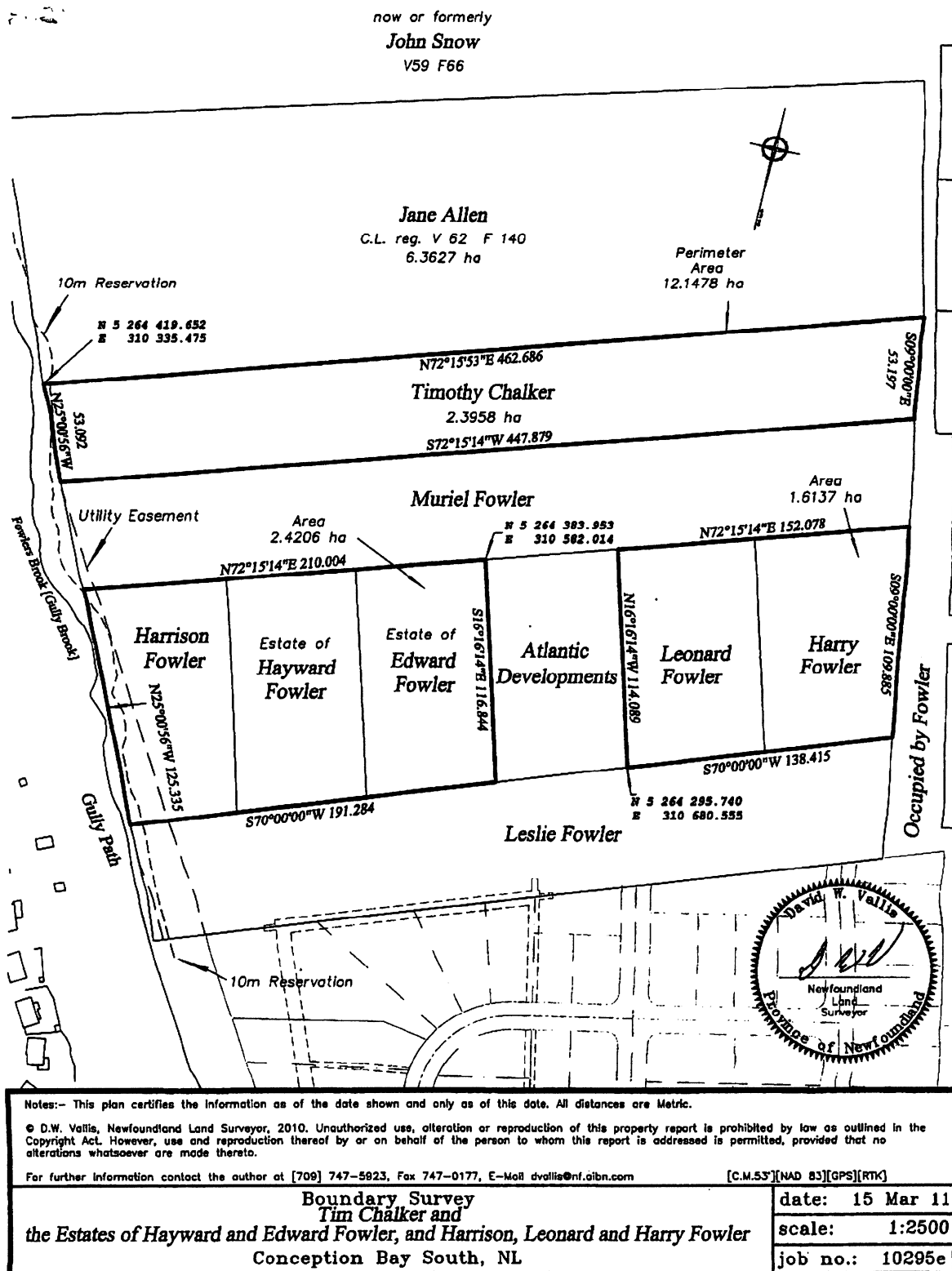
THENCE RUNNING North sixteen degrees sixteen minutes fourteen seconds West (N16°16'14"W), a distance of 114.089 meters by land of Atlantic Developments to a point;

THENCE turning and running North seventy two degrees fifteen minutes fourteen seconds East (N72°15'14"E), a distance of 152.078 meters by land of Muriel Fowler to a point;

THENCE turning and running South nine degrees zero minutes zero seconds East (S09°00'00"E), a distance of 109.885 meters by land occupied by Fowler to a point;

THENCE turning and running South seventy degrees zero minutes zero seconds West (S70°00'00"W), a distance of 138.415 meters by land of Leslie Fowler to the place of beginning and containing in all an area of 1.6137 hectares as more particularly described and delineated on plan 10295e, 15 Mar 11 hereto annexed.

ALL bearings are referred to Grid North.



**TRUSTEE ACT**

**ESTATE NOTICE**

IN THE ESTATE of BRADLEY ERNEST CLARKE, late of the Town of Rose Blanche, District of Burgeo and LaPoile, Province of Newfoundland and Labrador, Canada, Fisherman Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin, (by blood, legal adoption or marriage) upon or affecting the Estate of BRADLEY ERNEST CLARKE, Fisherman, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Administrator of the Estate of the said deceased on or before the 25<sup>th</sup> day of May, 2011, after which date the said Administrator will proceed to distribute the said Estate having regard only to the claims to which he shall then have had notice.

DATED at the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, this 15<sup>th</sup> day of April, 2011.

MARKS & PARSONS  
Solicitors for the Administrator  
PER: M. Beverley L. Marks, Q.C.

ADDRESS FOR SERVICE  
P.O. Box 640  
174 Caribou Road  
Channel-Port aux Basques, NL  
A0M 1C0  
Tel: (709) 695-7338/7341  
Fax: (709) 695-3944

Apr 21

---



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

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

---

Vol. 86

ST. JOHN'S, THURSDAY, APRIL 21, 2011

No. 16

---

### NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 40/11  
NLR 41/11





## NEWFOUNDLAND AND LABRADOR REGULATION 40/11

*Egg Regulations (Amendment)*  
under the  
*Egg Scheme, 2000*  
and the  
*Natural Products Marketing Act*

*(Filed April 19, 2011)*

Under the authority of section 8 of the *Egg Scheme, 2000* and the *Natural Products Marketing Act*, the Egg Producers of Newfoundland and Labrador make the following regulations.

Dated at St. John's, April 14, 2011.

Ann Marie Whelan  
Executive Director  
Egg Producers of Newfoundland and Labrador

### REGULATIONS

#### *Analysis*

1. S.17 R&S  
New and increased quotas

NLR 33/00  
as amended

**1. Section 17 of the *Egg Regulations* is repealed and the following substituted:**

New and increased  
quotas

**17.** If the quota for the number of dozens of eggs allocated to the province by the Canadian Egg Marketing Agency increases over the previous year's total quota, then new or additional quota shall be issued as follows:

- (a) 75% to existing quota holders on a proportional basis; and
- (b) 25% to new entrants as per the EPNL's new entrant policy of March 2011, approved by the Minister of Natural Resources, a true copy of which is on file with the EPNL and the office of the minister,

and this policy shall be subject to review every 3 to 5 years.

**©William E. Parsons, Queen's Printer**



**NEWFOUNDLAND AND LABRADOR  
REGULATION 41/11**

*Small Claims Rules (Amendment)*  
under the  
*Small Claims Act*

*(Filed April 19, 2011)*

Under the authority of section 7 of the *Small Claims Act*, the Rules Committee makes the following rules.

Dated at St. John's, April 13, 2011.

Mark Pike  
Chief Provincial Court Judge

David Orr  
Provincial Court Judge

Brenda Grimes  
Law Society Representative

Kendra Wright  
Attorney General Designate

## **RULES**

### *Analysis*

- |                                   |  |
|-----------------------------------|--|
| 1. Rule 3 Amdt.<br>Making a claim | 2. Rule 6 Amdt.<br>Making a claim against a<br>plaintiff |
|-----------------------------------|--|

NLR 52/97  
as amended

### **1. Rules 3(4) and (5) of the *Small Claims Rules* are repealed and the following substituted:**

#### **Claim is for more than \$25, 000**

(4) A plaintiff who has a claim amounting to more than \$25, 000 may abandon that part of the claim in excess of \$25, 000.

#### **Abandoning part of a claim**

(5) To abandon part of a claim, the plaintiff shall state on the statement of claim that the amount over \$25,000 is abandoned.

### **2. Rules 6(5) and (6) of the rules are repealed and the following substituted:**

#### **Where counterclaim is for more than \$25, 000**

(5) A defendant who has a counterclaim amounting to more than \$25, 000 may

(a) abandon part of the counterclaim so it may be heard in the court; or

(b) begin an action in the Trial Division.

#### **How to abandon part of a counterclaim**

(6) To abandon part of a counterclaim, the defendant shall state on the counterclaim part of the reply that the amount over \$25, 000 is abandoned.

**©William E. Parsons, Queen's Printer**

## Index

### PART I

Quieting of Titles Act– Notices .....	145
Trustee Act– Notice .....	150
Urban and Rural Planning Act, 2000 – Notices .....	143

### PART II

#### CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
<b>Natural Products Marketing Act</b>			
Egg Regulations (Amdt.)	NLR 40/11	NLR 33/00 S.17 R&S	Apr 21/11 p. 161
<b>Small Claims Act</b>			
Small Claims Rules (Amdt.)	NLR 41/11	NLR 52/97 Rule 3 Amdt. Rule 6 Amdt.	Apr 21/11 p. 163

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

Copy for publication must be received before **Friday, 4:30 p.m.**, seven days before publication, to ensure inclusion in next issue.

Advertisements should be typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

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

Advertising rates are available upon request. Subscription rate for *The Newfoundland and Labrador Gazette* is \$125.00 for 52 weeks plus applicable tax (\$131.25). Weekly issues of \$3.00 per copy, plus tax payable in advance.

All cheques, money orders, etc., should be made payable to THE NEWFOUNDLAND EXCHEQUER ACCOUNT and all correspondence should be addressed to: Office of the Queen's Printer, P. O. Box 8700, Ground Floor, East Block, Confederation Building, St. John's, NL A1B 4J6. Telephone (709) 729-3649. Fax: (709) 729-1900.

Web Site: <http://www.gs.gov.nl.ca/printer/index.html>

**Place your order by contacting:  
Office of The Queen's Printer  
Confederation Building, East Block  
St. John's, NL A1B 4J6  
Telephone: (709) 729-3649 Fax: (709) 729-1900  
email: [queensprinter@gov.nl.ca](mailto:queensprinter@gov.nl.ca)**

**Government Information Product  
Publication Rate Mail**

**G.S.T. # R107442683**

**All requests for Subscription and Legislation MUST be prepaid.**