



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

### PUBLISHED BY AUTHORITY

Vol. 87	ST. JOHN'S, THURSDAY, APRIL 5, 2012	No. 14
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#### COLLECTIONS ACT

##### NOTICE

Published in accordance with section 20 (19) of the *Collections Act*, R SNL 1990, cC-22, as amended:

The registration of the following collection agency has been cancelled:

Resolve Corporation

SERVICE NL

Consumer Affairs Division

Gerard Burke, Registrar of Collections Agencies and Collectors

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

Mineral License Held by Situates near On map sheet	010541M Buchans Minerals Corporation West Tally Pond, Central NL 12A/10
Mineral License Held by Situates near On map sheet	011652M Quinlan, Roland Carson Pond, Southern NL 11P/13
Mineral License Held by Situates near On map sheet	013000M Alterra Resources Inc. Coy Pond, Central NL 02D/05
Mineral License Held by Situates near On map sheet	013001M Alterra Resources Inc. Coy Pond, Central NL 02D/05
Mineral License Held by Situates near On map sheet	013013M Search Minerals Inc. Kane Brook, Southern NL 01M/14
Mineral License Held by Situates near On map sheet	013249M Noel, E. Michele Dawsons Cove, Southern NL 01M/05 01M/12
Mineral License Held by Situates near On map sheet	013253M Ryan, Kevin Lunch Pond, Burin Peninsula 01M/03

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Mineral License Held by Situates near On map sheet	013256M Altius Resources Inc. Northwest Gander River, Central NL 02D/14	Mineral License Held by Situates near On map sheet	015926M Altius Resources Inc. Northwest Gander River, Central NL 02D/14
Mineral License Held by Situates near On map sheet	013259M Altius Resources Inc. South of Glenwood, Central NL 02D/15	Mineral License Held by Situates near On map sheet	017125M Kelly-King, Mary Roti Bay, Southern NL 01M/13
Mineral License Held by Situates near On map sheet	013261M Anaconda Mining Inc. Pumbly Point, Baie Verte Peninsula 12H/16	Mineral License Held by Situates near On map sheet	017143M Duffitt, Alexander S. Iron Arm 23J/09
Mineral License Held by Situates near On map sheet	014515M Crosshair Exploration & Mining Corp. Nipishish Lake 13K/07	Mineral License Held by Situates near On map sheet	017144M Strong, Paul Eagle Lake 23J/09
Mineral License Held by Situates near On map sheet	018119M Golden Dory Resources Corp. Great Rattling Brook, Central NL 02D/12 02D/13	Mineral License Held by Situates near On map sheet	017156M MAC Minerals Ltd. Gander Lake, Central NL 02D/16
Mineral License Held by Situates near On map sheet	018120M Golden Dory Resources Corp. Great Rattling Brook, Central NL 02D/13	Mineral License Held by Situates near On map sheet	018122M Ryan, Kevin St. Lawrence, Burin Peninsula 01L/14
Mineral License Held by Situates near On map sheet	014520M Stares Prospecting Ltd. Peter Snout Area, Southern NL 11P/13	Mineral License Held by Situates near On map sheet	018245M Herron, Lori Bunyans Cove, Eastern NL 02C/05
Mineral License Held by Situates near On map sheet	018077M Mercer, David Great Rattling Brook, Central NL 02D/13	Mineral License Held by Situates near On map sheet	018247M Herron, Lori Bunyans Cove, Eastern NL 02C/05
Mineral License Held by Situates near On map sheet	018078M Courtney, Stephen Great Rattling Brook, Central NL 02D/13	Mineral License Held by Situates near On map sheet	018318M Specogna, Marino St John Island, Great Northern Peninsula 12I/14
Mineral License Held by Situates near On map sheet	014540M Golden Dory Resources Corp. Grand Falls, Central NL 02D/13	Mineral License Held by Situates near On map sheet	018326M Dawson, Michael E. Victoria Lake, Central NL 12A/06 12A/05
Mineral License Held by Situates near On map sheet	014542M Golden Dory Resources Corp. Grand Falls, Central NL 02D/13	Mineral License Held by Situates near On map sheet	018385M Pennecon Heavy Civil Ltd. Upper Humber River, Western NL 12H/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	015123M Kelloway, Keith Freshwater Pond, Burin Peninsula 01M/03	Mineral License Held by Situates near On map sheet	018387M Tectonics Inc. Black Duck Brook, Western NL 12B/10 12B/11
Mineral License Held by Situates near On map sheet	018554M Sweetapple, Ronald Arnolds Cove, Eastern NL 01N/13	Mineral License Held by Situates near On map sheet	018398M Walsh, David Fox Island River Area, Western NL 12B/15
Mineral License Held by Situates near On map sheet	018842M Altius Resources Inc. Northwest Gander River, Central NL 02D/11 02D/14	Mineral License Held by Situates near On map sheet	018404M KAT Gold Holdings Corp. Bunyans Cove, Eastern NL 02C/05 02D/08

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Mineral License Held by Situates near On map sheet	018407M Pretty, Rodney Eldon Jacksons Arm, White Bay Area 12H/15	Mineral License Held by Situates near On map sheet	018428M Strong, Paul Gander Lake Area, Central NL 02D/16
Mineral License Held by Situates near On map sheet	018408M Greene, Barry Noel Pauls Brook, Central NL 12A/16	Mineral License Held by Situates near On map sheet	018429M Pretty, Adam Davis Cove, Burin Peninsula 01M/09
Mineral License Held by Situates near On map sheet	018412M Lushman, Gilbert Star Lake, Central NL 12A/11	Mineral License Held by Situates near On map sheet	018430M Pretty, Adam Sandy Harbour River, Burin Peninsula 01M/09
Mineral License Held by Situates near On map sheet	018413M Greene, Barry Little Rattling Brook, Central NL 02D/12	Mineral License Held by Situates near On map sheet	018431M Pretty, Adam Black Hill Pond, Southern NL 01M/10
Mineral License Held by Situates near On map sheet	018414M Mercer, David Island Pond Area, Central NL 02D/13	Mineral License Held by Situates near On map sheet	018432M Kelly Jr, Daniel Mortier Bay, Burin Peninsula 01M/03
Mineral License Held by Situates near On map sheet	018415M Mercer, David Grand Falls, Central NL 02D/13	Mineral License Held by Situates near On map sheet	018433M Pretty, Adam Top Pond, Southern NL 11P/13
Mineral License Held by Situates near On map sheet	018416M Courtney, Stephen Stony Brook, Central NL 02D/13	Mineral License Held by Situates near On map sheet	018436M Pretty, Adam Bay Du Nord River Area, Southern NL 01M/11 01M/14
Mineral License Held by Situates near On map sheet	018417M Knight, Edmund Fox Island River, Western NL 12B/16	Mineral License Held by Situates near On map sheet	018437M Sutton, Elmer Letitia Lake 13L/02 13L/01
Mineral License Held by Situates near On map sheet	018418M Knight, Edmund Fox Island River, Western NL 12B/16	Mineral License Held by Situates near On map sheet	018441M Noel, Nathaniel Twin Ponds, West of White Bay 12H/11
Mineral License Held by Situates near On map sheet	018419M Sutton, Elmer Makkovik River Area 13J/14	Mineral License Held by Situates near On map sheet	018444M Noel, Nathaniel Twin Ponds, West of White Bay 12H/11
Mineral License Held by Situates near On map sheet	018424M Hicks, David Cloud River, Great Northern Peninsula 12I/16	Mineral License Held by Situates near On map sheet	018445M Stares, Shane Torrent River, Great Northern Peninsula 12I/10
Mineral License Held by Situates near On map sheet	018425M Northcott, Edwin Grandy Brook, Southern NL 11P/12 11P/13	Mineral License Held by Situates near On map sheet	018446M LeDrew, Donald Gander South, Central NL 02E/08
Mineral License Held by Situates near On map sheet	018426M Mercer, William Noel Pauls Brook, Central NL 12A/09	Mineral License Held by Situates near On map sheet	018448M Stares, Alexander T. Grand Bay Area, Southern NL 11O/11
Mineral License Held by Situates near On map sheet	018427M Strong, Paul Gander Lake Area, Central NL 02D/16	Mineral License Held by Situates near On map sheet	018449M Zonte Metals Inc. Wings Point Area, Central NL 02E/07

Mineral License 018450M  
Held by Zonte Metals Inc.  
Situates near Wings Point Area, Central NL  
On map sheet 02E/02 02E/07

Mineral License 018451M  
Held by Normore, Royle  
Situates near Forteau Bay  
On map sheet 12P/07

Mineral License 020001M  
Held by Natural Resources, Test Gp  
Situates near Dolland Pond, Central NL  
On map sheet 11P/16 11P/15 12A/01 12A/02

Mineral License 020003M  
Held by Natural Resources  
Situates near Baccalieu Tickle  
On map sheet 02C/02

Mineral License 020004M  
Held by Natural Resources, Test Gp  
Situates near Baccalieu Tickle  
On map sheet 02C/02

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, 97/00, 36/01, 31/04, 78/06, 8/08 and 28/09 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.

DEPARTMENT OF NATURAL RESOURCES  
JIM HINCHEY, P.Geo  
Manager - Mineral Rights

File #'s 774:5866, 6675, 7859, 7860, 7872, 8102, 8106,  
8109, 8112, 8114, 9252, 9253, 9257, 9260, 9276,  
9277, 9714,

775:0056, 0156, 0157, 0763, 0781, 0782, 0794,  
1494, 1612, 1614, 1677, 1683, 1741, 1743, 1754,  
1760, 1763, 1764, 1768, 1769, 1770, 1771, 1772,  
1773, 1774, 1775, 1780, 1781, 1782, 1783, 1784,  
1785, 1786, 1787, 1788, 1789, 1792, 1793, 1797,  
1800, 1801, 1802, 1804, 1805, 1806, 1807, 1811,  
1813, 1816, 3063, 3065, 3066

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## URBAN AND RURAL PLANNING ACT, 2009

### NOTICE OF REGISTRATION TOWN OF CHANNEL – PORT AUX BASQUES MUNICIPAL PLAN AMENDMENT NO. 1, 2011 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2011

Take notice that the TOWN OF CHANNEL – PORT AUX BASQUES Municipal Plan Amendment No. 1, 2011 and Development Regulations Amendment No. 1, 2011, adopted on the 10<sup>th</sup> day of January, 2012, and approved (as

amended) on the 14<sup>th</sup> day of February, 2012, has been registered by the Minister of Municipal Affairs.

The purpose of the Municipal Plan Amendment No. 1, 2011 to Future Land Use Map 1 is to expand the present Commercial designation and zone located on the Trans Canada Highway just outside the town boundary, but still situated within the municipal planning area boundary.

The purpose of the Development Regulations Amendment No. 1, 2011 is to comply with Municipal Plan Amendment No. 1, 2011.

The Town of Channel – Port aux Basques 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 Town of Channel – Port aux Basques Municipal Plan Amendment No. 1, 2011 and Development Regulations Amendment No. 1, 2011 may do so at the Town Office, 67 Main Street, Port aux Basques during normal working hours.

TOWN OF CHANNEL – PORT AUX BASQUES  
Julia Ingram, Office Clerk

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### NOTICE OF REGISTRATION TOWN OF HERMITAGE - SANDYVILLE MUNICIPAL PLAN 2011 AND DEVELOPMENT REGULATIONS 2011

Take notice that the TOWN OF HERMITAGE - SANDYVILLE Municipal Plan 2011 and Development Regulations 2011, adopted on the 13<sup>th</sup> day of December, 2011 and approved on the 21<sup>st</sup> day of February, 2012, have been registered by the Minister of Municipal Affairs.

The Hermitage - Sandyville Municipal Plan 2011 and Development Regulations 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 Hermitage - Sandyville Municipal Plan 2011 and Development Regulations 2011 may do so at the Town Office, Hermitage - Sandyville during normal working hours.

TOWN OF HERMITAGE - SANDYVILLE  
Josephine Rideout Simms

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**LANDS ACT**

**NOTICE OF INTENT**

***Lands Act, c36, SNL 1991, as amended***

NOTICE IS HEREBY given that DAVID STEAD of Birchy Bay, NL intends to apply to the Department of Environment and Conservation, two months from the publication of this Notice, to acquire title, pursuant to Section 7(2) (E) of the said Act, to that piece of Crown land situated within fifteen (15) metres of the waters of the Birchy Bay in the Electoral District of Lewisporte for the purpose of a wharf. The land is more particularly described as follows:

*Bounded on the North by the shoreline  
for a distance of 7 metres;  
Bounded on the East by water  
for a distance of 10 metres;  
Bounded on the South by water  
for a distance of 7 metres;  
Bounded on the West by water  
for a distance of 10 metres;  
and containing an area of  
approximately 70 square metres.*

Any person wishing to object to the application must file the objection, in writing, within one month from the publication of this Notice, with reasons for it, to the Minister of Environment and Conservation, and mail to the nearest Regional Lands Office:

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

c/o Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 1L7.

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

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

For further information on the proposed application, please contact: DAVID STEAD, Telephone Number: (709) 659-2124.

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**MECHANICS LIEN ACT**

**NOTICE OF INTENTION TO RELEASE  
MECHANICS LIEN HOLDBACK  
PURSUANT TO SECTION 12 OF THE  
MECHANICS LIEN ACT, NL. cM-3 (THE "ACT")**

Pursuant to section 12 of the Act, and in relation to a contract entered into between Vale Inco Newfoundland and Labrador Limited, now known as Vale Newfoundland and Labrador Limited ("Company") and Black McDonald Alberici ("Contractor") which contract is dated as of

December 10, 2010, notice is hereby given of the intention of Company to release of Mechanics Lien holdback funds 30 days following the date of this notice.

Dated at Long Harbour, NL, this 30<sup>th</sup> day of March 2012.

Troy Gilson  
Project Contracts Manager  
Fluor Canada Limited  
(As Company's Representative)

Ph. 709-758-8921

Apr 5

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**QUIETING OF TITLES ACT**

**2012 01G. No. 0984  
IN THE SUPREME COURT OF  
NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION (GENERAL)**

IN THE MATTER of an Application of ALBERT CHRISTOPHER, pursuant to the *Quieting of Titles Act*, cQ-3 RSNL 1990

AND

IN THE MATTER of that piece or parcel of land situate at Bay Roberts, in the Province of Newfoundland and Labrador (hereinafter referred to as the "Subject Property")

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

Notice is hereby given to all parties that ALBERT CHRISTOPHER applied to the Supreme Court of Newfoundland and Labrador, St. John's, to have the title to ALL THAT piece or parcel of land situate in the Town of Bay Roberts, in the Province of Newfoundland and Labrador and being more particularly described in Schedule "A" hereto annexed and outlined on the plan annexed hereto marked Schedule "B" for which he claims to be the owner, investigated and for a Declaration that he is the absolute owner in fee simple and that he has been ordered to publish notice of the Application as required by the before-noted Act.

All persons having title adverse to the said title claimed by ALBERT CHRISTOPHER shall file in the Registry of the Supreme Court of Newfoundland and Labrador, St. John's, in the Province of Newfoundland and Labrador, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitor for the Applicant on or before the 30<sup>th</sup> day of April, 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 of Newfoundland and Labrador, St. John's, may direct.

DATED at Bay Roberts, in the Province of Newfoundland and Labrador, this 26<sup>th</sup> day of March, 2012.

MORROW & MORROW  
Solicitor for the Applicant  
PER: Adam S. Gosse

ADDRESS FOR SERVICE:  
P.O. Box 870  
Bay Roberts, NL

Tel: (709) 786-9207  
Fax: (709) 786-9507

#### **SCHEDULE "A"**

All that piece or parcel of land situate, and being on the northwestern side of the Waters of Bay Roberts and to the southeast of Mercer's Cove Road, in the Town of Bay Roberts, in the Electoral District of Port de Grave, in the Province of Newfoundland and Labrador, and being bound and abutted as follows:

BEGINNING at a point, to the Southeast of Mercer's Cove Road, said point being the Northwestern corner of the herein described land and having NAD 83 coordinates of North 5 273543.456 meters and East 287 865.645 meters on the Modified Three Degree Transverse Mercator

Projection for the province of Newfoundland and Labrador, (Zone 1):

THENCE running land of Albert Menchions and the Southeastern end of a Right of-Way (3.5m Wide) North 42° 01' 25" East 12.659 meters;

THENCE running land of Albert Menchions South 44° 33' 57" East 13.779 meters; South 42° 42' 08" East 6.810 meters;

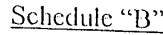
THENCE running by a filled Area Claimed by Albert Thomas Christopher and Albert Menchions South 25° 09' 47" East 0.731 meters; South 49° 16' 11" East 4.384 meters;

THENCE running by the Waters of Bay Roberts South 41° 04' 40" West 10.637 meters;

THENCE running by land of Frank Mercer North 48° 30' 28" West 16.199 meters; North 46° 53' 07" West 9.110 meters, more or less, to the Point of Beginning

The above described piece or parcel of land contains an area of 298 Square Meters, more or less. Which land is as shown and delineated on the attached plan dated August 14, 2008.

All bearings being referred to Grid North.



Mercer's Cove, Bay Roberts  
Scale: 1:300  
Date: Aug. 14, 2008

Survey by :  
Plan No. 2008029

NL  
LN

**COURT FILE NO. 201201G1577  
IN THE SUPREME COURT OF  
NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION (GENERAL)**

IN THE MATTER OF an Application of NEWCO FARMS LIMITED, pursuant to the *Quieting of Titles Act*, RSNL 1990, c Q-3, and amendments thereto

AND IN THE MATTER OF a piece or parcel of land situate at Old Broad Cove Road, in the Town of Portugal Cove- St. Philips, in the Province of Newfoundland and Labrador

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

NOTICE IS HEREBY GIVEN to all parties that NEWCO FARMS LIMITED, has 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 on Old Broad Cove Road, within the jurisdiction of the Town of Portugal Cove- St. Philip's, in the Province of Newfoundland and Labrador and being more particularly described in the Schedule hereunto attached and marked "A" of which the said Newco Farms Limited, claims on its behalf to be the owner investigated and it requests a declaration that the said Newco Farms Limited, is the legal and beneficial owner in possession and the said Court having ordered that Notice of the said Application be published as required by the above named Act.

All persons having title adverse to the said title claimed by NEWCO FARMS LIMITED, shall file in the Registry of the Supreme Court of Newfoundland and Labrador particulars of such adverse claim and serve the same together with an Affidavit verifying the same on the undersigned Solicitors for the Applicant on or before the 25<sup>th</sup> day of April, A.D., 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 Paradise, in the Province of Newfoundland and Labrador, this 23<sup>rd</sup> day of March, 2012.

WILLIAM J. O'KEEFE LAW OFFICE  
Per: Colin Sullivan

ADDRESS FOR SERVICE :  
1973 Topsail Road  
Paradise, NL A1L 1W4

Tel: (709) 782-8588  
Fax: (709) 782-8599

**SCHEDULE "A"**

**330A Old Broad Cove Road**

All that piece or parcel of land situate and being at St. Philip's, in the town of Portugal Cove – St. Philip's, in the province of Newfoundland and Labrador, Canada and being abutted and bounded as follows. That is to say; beginning at a point in the northwesterly limit of Old Broad Cove Road 20.0 meters wide. The said point being the most easterly angle of land of Peter Hutton, having co-ordinates of North 5273181.359 meters and East 316707.806 meters of the three degree Modified Transverse Mercator Projection as adopted by the province. Central Meridian fifty three degrees west.

THENCE by Land of Peter Hutton aforesaid, north 29°40'09" west 82.000 meters.

THENCE by land of Newco Farms Ltd., north 63°55'18" east 182.496 meters and

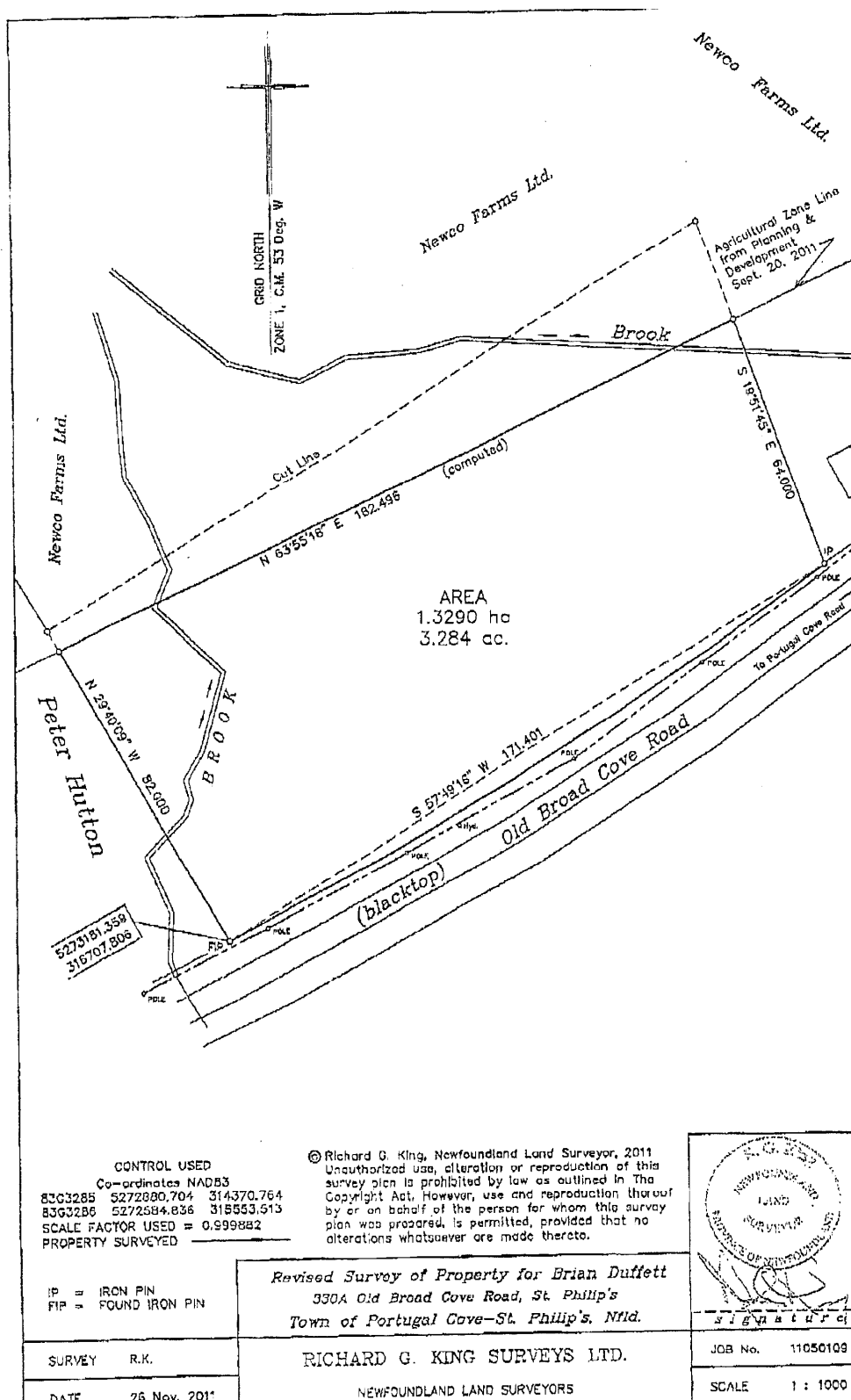
THENCE south 19°51'45" east 64.000 meters.

THENCE along the easterly limit of Old Broad Cove Road to a point distant 171.401 meters on a bearing of south 57°49'16" west from the previously described point to the point of beginning and containing an area of 1.3290 hectares.

The said piece or parcel of land is more particularly shown on the attached plan of survey, job No, 11050109 dated 26 Nov 2011. All bearings being referred to Grid North.

Richard G. King Surveys Ltd.





**TRUSTEE ACT**  
**ESTATE NOTICE**

BONNELL LAW  
Solicitor for the Executrix  
PER: R. Archibald Bonnell

IN THE MATTER OF the Estate and Effects of late ELIZABETH MARY BROWN of the Town of Hare Bay, in the Province of Newfoundland and Labrador, Retired Store Clerk, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of ELIZABETH MARY BROWN, the aforesaid deceased, who died at Town of Gander, in the Province of Newfoundland and Labrador on or about the 30<sup>th</sup> day of November, 2005, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executrix of the Estate on or before the 20<sup>th</sup> day of April, 2012 after which date the Executrix will proceed to distribute the said Estate having regard only to the claims of which she shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 27<sup>th</sup> day of March, 2012.

BONNELL LAW  
Solicitor for the Executrix  
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:  
P.O. Box 563  
218 Airport Boulevard  
Gander, Newfoundland A1V 2E1

Tel: (709) 651-4949  
Fax: (709) 651-4951

Apr 5 & 13

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**ESTATE NOTICE**

IN THE MATTER OF the Estate and Effects of late JACQUELINE BURT of the Town of Carmanville, in the Province of Newfoundland and Labrador, Retired School Teacher, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of JACQUELINE BURT, the aforesaid deceased, who died at Town of Gander, in the Province of Newfoundland and Labrador on or about the 13<sup>th</sup> day of March, 1983 are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Administrator of the Estate on or before the 20<sup>th</sup> day of April, 2012 after which date the Administrator will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 29<sup>th</sup> day of March, 2012.

ADDRESS FOR SERVICE:  
P.O. Box 563  
218 Airport Boulevard  
Gander, Newfoundland A1V 2E1

Tel: (709) 651-4949  
Fax: (709) 651-4951

Apr 5 & 13

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**ESTATE NOTICE**

IN THE MATTER OF the Estate and Effects of the late JOYCE HODDER of Birchy Bay, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of JOYCE HODDER, the aforesaid deceased, who died at Lewisporte, in the Province of Newfoundland and Labrador on or about the 21<sup>st</sup> day of August, 2010, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 30<sup>th</sup> day of April, 2012 after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 28<sup>th</sup> day of March, 2012.

BONNELL LAW  
Solicitor for the Executrix  
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:  
P.O. Box 563  
218 Airport Boulevard  
Gander, Newfoundland A1V 2E1

Tel: (709) 651-4949  
Fax: (709) 651-4951

Apr 5 & 13

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**ESTATE NOTICE**

IN THE MATTER OF the Estate and Effects of the late JOHN THOMAS TUFF of Wesleyville, in the Town of New-Wes-Valley in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of JOHN THOMAS TUFF, the aforesaid deceased, who died at New-Wes-Valley, in the Province of Newfoundland and Labrador on or about the 24<sup>th</sup> day of January, 2012, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 30<sup>th</sup> day of April, 2012 after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 28<sup>th</sup> day of March, 2012.

BONNELL LAW  
Solicitor for the Executrix  
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:  
P.O. Box 563  
218 Airport Boulevard  
Gander, Newfoundland A1V 2E1

Tel: (709) 651-4949  
Fax: (709) 651-4951

Apr 5 & 13

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

### SUBORDINATE LEGISLATION

### FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

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Vol. 87

ST. JOHN'S, THURSDAY, APRIL 5, 2012

No. 14

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### NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 23/12

NLR 24/12

NLR 25/12

NLR 26/12

NLR 27/12





## NEWFOUNDLAND AND LABRADOR REGULATION 23/12

*Interchangeable Drug Products Formulary  
Regulations, 2012*  
under the  
*Pharmaceutical Services Act*

*(Filed March 30, 2012)*

Under the authority of sections 19 and 52 of the *Pharmaceutical Services Act*, I make the following regulations.

Dated at St. John's, March 30, 2012.

Bruce Cooper  
Deputy Minister of Health and Community Services

### REGULATIONS

#### *Analysis*

- |   |                                       |
|---|---------------------------------------|
| 1. Short title                                | 8. Addition to existing categories    |
| 2. Definitions                                | 9. Review process                     |
| 3. Drug formulary                             | 10. Advisory committee recommendation |
| 4. Submission requirements                    | 11. Notification of change to a drug  |
| 5. Maximum price for interchangeable products | 12. Repeal                            |
| 6. Exemption                                  | 13. Commencement                      |
| 7. Pricing of drugs within categories         |                                       |

Short title

**1.** These regulations may be cited as the *Interchangeable Drug Products Formulary Regulations, 2012*.

Definitions

**2.** In these regulations

- (a) "Act" means the *Pharmaceutical Services Act*;
- (b) "advisory committee" means the advisory committee appointed under the authority of section 20 of the Act to advise on the contents of the formulary and other matters relating to drugs;
- (c) "brand price" means the price for a drug established by the brand manufacturer as recorded by the department at the time a submission for listing on the drug formulary is received;
- (d) "formulary" means the drug formulary defined in paragraph 2(h) of the Act which is established by and is on file with the minister;
- (e) "inventory adjustment fee" means a percentage set by the minister under the authority of section 50 of the Act which may be included in the price which may be charged for a drug accepted to be listed in the formulary; and
- (f) "ultra-generic product" means a drug manufactured and packaged for a generic manufacturer which is identical to a brand manufacturer's product in every way, including its production, except for
  - (i) identifying markings,
  - (ii) product labelling,
  - (iii) the name of the manufacturer, and
  - (iv) the product trade name.

Drug formulary

**3.** (1) The Interchangeable Drug Products Formulary is continued and is on file with the minister.

(2) A copy of the formulary is available on the departmental website and may also be obtained from the office of the minister.

(3) The prices set out in the formulary for interchangeable drugs shall be effective for the period specified by the minister in the formulary.



Submission re-  
quirements

4. An applicant shall provide the following before the advisory committee will consider its submission for a drug to be included in the formulary:

- (a) a list of the applicable Health Canada guidance documents on the assessment of bioavailability and bioequivalence of the drug;
- (b) confirmation that the drug will be sold at the maximum price established under section 5, or where the percentage of savings is greater than required under that section, details of those savings and a guarantee of that price for the time period required by the minister;
- (c) the quoted price for the drug, which shall be quoted in smallest unit pricing irrespective of package size;
- (d) where a Notice of Compliance from Health Canada
  - (i) has been issued, a copy of that notice, or
  - (ii) has not been issued, a copy of the Drug Notification form;
- (e) confirmation satisfactory to the committee that the applicant is able to supply the drug to meet the needs of the market for that drug throughout the entire province;
- (f) consent permitting the province to contact Health Canada and other federal, provincial or territorial departments or agencies for additional information where necessary;
- (g) a completed request for generic drug substitution in the form prescribed by the minister;
- (h) a product sample for any drug contained in a device or apparatus for the purpose of drug delivery;
- (i) where the submission relates to an ultra-generic or cross licensed drug, confirmation of the business arrangement from the company with whom the business arrangement is in place; and

- (j) where a drug has not been launched at the time of the application, the anticipated launch date.

Maximum price for  
interchangeable  
products

**5.** (1) The price for a product listed in the formulary shall not exceed the maximum price as set out in the following table as of the applicable dates:

<b>Date</b>	<b>Maximum Price</b>
From April 16, 2012 to September 30, 2012	45% of the brand price
From October 1, 2012 to March 31, 2013	40% of the brand price
From April 1, 2013 onward	35% of the brand price

(2) Where, at the coming into force of this section, a drug is listed on the formulary which

(a) is a sole source product; or

(b) is a generic drug for which the equivalent brand product has been discontinued,

the manufacturer of that drug may, notwithstanding subsection (1), maintain the price listed in the formulary at the coming into force of this section until July 1, 2012, but after that date shall comply with the requirements of subsection (1) with respect to the maximum price of that drug unless an exemption is allowed under section 6.

Exemption

**6.** (1) Notwithstanding subsection 5(1), an applicant may apply to the minister to have a drug included in the formulary which does not meet the pricing requirements of that subsection, and the minister may allow that exemption where

(a) the brand name product has been discontinued; or

(b) in the opinion of the minister, the applicant has incurred extraordinary production, manufacturing or development costs for the drug, as demonstrable to the satisfaction of the minister.

(2) The minister may request and the applicant shall provide the information the minister considers necessary for the purpose of evaluating an application for an exemption under subsection (2).

(3) The minister may impose conditions on an exemption granted under this section, and may limit the time period for which the exemption is granted.

(4) Where an application for an exemption has been approved under subsection (1), the advisory committee may consider that drug for inclusion in the formulary provided that all other requirements of section 4 are met.

Pricing of drugs  
within categories

**7.** (1) In accordance with section 21 of the Act, the minister may establish categories of drugs which are included in the formulary and may set the price which shall be charged for drugs within a category.

(2) The price of drugs in drug categories shall be the price charged on the date specified by the minister in the formulary, or where no date is specified, as of the effective date of the formulary.

(3) The price set under subsection (1) may include an inventory adjustment fee set by the minister.

Addition to existing  
categories

**8.** (1) Notwithstanding section 5, where a submission relates to an addition to an existing category and

(a) a brand manufacturer lowers its price after the drug becomes interchangeable; or

(b) the brand drug has been discontinued,

a submission received after that time shall include a price for the product which is less than or equal to the current lowest price in that category.

(2) Where a drug is approved for addition to an existing category under subsection (1), it shall not be included in a supplement to the formulary but shall be added to the formulary at its next publication.

Review process

**9.** (1) Where a submission for inclusion of a drug in the formulary meets the requirements in section 4, it shall be considered by the advisory committee according to either

(a) the standard review process; or

(b) the expert review process.

- (2) The standard review process shall be employed for
  - (a) drugs with a Health Canada Declaration of Equivalence to a Canadian reference product;
  - (b) all ultra-generic drugs; and
  - (c) all cross-licensed drugs where the other drug is currently listed in the formulary.

(3) Drugs

- (a) not falling within paragraphs (2)(a) to (c); or
- (b) which have been reviewed under the standard review process and about which the committee has a clinical concern

shall be referred by the advisory committee for expert analysis of bioequivalence, bioavailability and other applicable data before the drugs may be considered by the advisory committee under the expert review process.

(4) The expert review process shall be employed for completed submissions for

- (a) drugs without a Health Canada Declaration of Equivalence to a Canadian reference product; or
- (b) any drug which has been reviewed under the standard review process about which the advisory committee has concerns and requires a further review under the expert review process.

(5) A submission to the expert review process shall include bioequivalence and bioavailability studies relating to the drug that is the subject of the submission, and any other information that the committee may require to assess the drug.

(6) In addition to the submission requirements noted in section 4, the advisory committee shall, in assessing a drug for inclusion in the formulary, consider

- (a) the definition of interchangeable drug products as set out in the Act;
- (b) whether the drug is of consistent satisfactory quality and safety;
- (c) any clinical concerns raised to or by the advisory committee; and
- (d) those other matters which the advisory committee considers necessary in the review process.

Advisory committee  
recommendation

**10.** (1) Where the advisory committee has approved a drug under the standard review process or the expert review process, as appropriate, the committee shall recommend to the minister that the drug be included in the formulary.

(2) Where the advisory committee does not approve a drug under the standard review process or the expert review process, as appropriate, the committee shall recommend to the minister that it not be included in the formulary.

Notification of  
change to a drug

**11.** Where a manufacturer makes a change to a drug listed in the formulary that requires the approval of Health Canada, the manufacturer, immediately after receipt of the approval of Health Canada, shall notify the advisory committee of the change.

Repeal

**12.** The *Interchangeable Drug Products Formulary Regulations, 2007*, Newfoundland and Labrador Regulation 125/07, are repealed.

Commencement

**13.** These regulations come into force on April 16, 2012.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 24/12**

*Carrier Safety Regulations (Amendment)  
under the  
Highway Traffic Act.*

*(Filed April 3, 2012)*

Under the authority of section 197 of the *Highway Traffic Act* I  
make the following regulations.

Dated at St. John's, February 6, 2012.

Paul Davis  
Minister of Service Newfoundland and Labrador

**REGULATIONS**

*Analysis*

- |              |                 |
|--------------|-----------------|
| 1. Sch.Amdt. | 2. Commencement |
|--------------|-----------------|

CNLR 1160/96  
as amended

**1. The Schedule to the *Carrier Safety Regulations* is amended by deleting the section references, offences and compliance indicators in relation to the *Trip Inspection Report Regulations* and substituting the following:**

<b>Trip Inspection Report Regulations Provision</b>	<b>Compliance Indicators</b>	<b>Description of Offence</b>
4(1), (2) and (3)	2	Failing to conduct, or cause to be conducted an inspection of a commercial vehicle in the prescribed manner and frequency.
5(1)	2	Failing to inspect every component listed in Column 1 of the applicable schedule.
5(2)	2	Failing to conduct an adequate inspection of a commercial vehicle.
5(3)(a)	2	When conducting an inspection of a motor coach in accordance with Schedule D or an equivalent maintenance program failing to raise the commercial vehicle in a manner that provides access to the vehicle components.
5(3)(b)	2	Failing to ensure that an inspection of a motor coach conducted in accordance with Schedule D or an equivalent maintenance program is conducted by a qualified person.
6(1)	1	Failing to record on the inspection report defects detected during the inspection.



- |      |   |   |
|------|---|---|
| 6(2) | 1 | When conducting an inspection of a motor coach in accordance with Schedule D failing to record on the inspection report defects detected during the inspection, brake adjustment measurements and the nature of repairs carried out on the motor coach. |
| 6(3) | 1 | Failing to report to the carrier prior to the next required inspection minor defects detected during the inspection.  |
| 6(4) | 3 | Failing to immediately report to the carrier major defects detected during the inspection.  |
| 6(5) | 1 | Where no defects detected during an inspection failing to record on the inspection report that no defects were detected.  |
| 7    | 1 | Failing to prepare the inspection report in the prescribed manner with the prescribed information.  |
| 8(1) | 2 | Driver failing to monitor condition of vehicle while driving or being in charge of a commercial vehicle.  |
| 8(2) | 1 | Driver failing to record on the inspection report or to report to the carrier, in the prescribed time frame, a minor defect detected while driving or being in charge of a commercial vehicle.  |

8(3)	3	Driver failing to record on the inspection report or to report to the carrier, in the prescribed time frame, a major defect detected while driving or being in charge of a commercial vehicle.
9(1)	1	Carrier failing to ensure that previously reported defects are repaired prior to next required inspection or other time period specified in the jurisdiction of travel.
10(1)	2	Driving or permitting a person to drive a commercial vehicle where the vehicle was not inspected as prescribed, inspection report was not completed as prescribed or driver was not in possession of required inspection reports and schedules.
10(2)	3	Driving or permitting a person to drive a commercial vehicle where a major defect has been detected.
11(1)	1	Driver failing to forward to the carrier the original of each inspection report within the prescribed time period.
11(2)	1	Carrier failing to retain the original inspection reports for the prescribed time period.
13	3	Failing to produce inspection reports or schedules upon the demand of an inspector or failing to give an inspector reasonable help to enable him or her to carry out his or her duties.
14(2)(d)	2	Falsifying an inspection report.

2012

*Carrier Safety Regulations (Amendment)*

24/12

14(2)(e)

2

Falsely certifying a repair.

Commencement

**2. These regulations come into force on July 1, 2012.**

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 25/12**

*Proclamation bringing the Act into force*  
(SNL 2008 cF-11.01) (June 1, 2012)

under the  
*Fire Protection Services Act*  
(O.C 2012-069)

*(Filed April 3, 2012)*

*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 44 of “*An Act Respecting Fire Protection Services In The Province*,” SNL2008 cF-11.01 (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 direct that “*An Act Respecting Fire Protection Services In The Province*,” SNL2008 cF-11.01 shall come into force on June 1, 2012.

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 twelve in the sixty-first year of Our Reign.

BY COMMAND,

KEVIN O'BRIEN  
Registrar General



**NEWFOUNDLAND AND LABRADOR  
REGULATION 26/12**

*Pesticides Control Regulations, 2012*  
under the  
*Environmental Protection Act*  
(O.C.2012-082)

*(Filed April 3, 2012)*

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, March 30, 2012.

Robert Thompson  
Clerk of the Executive Council

**REGULATIONS**

*Analysis*

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| 1. Short title                       | 12. Records                         |
| 2. Definitions                       | 13. Purchase and sale of pesticides |
| 3. Licences                          | 14. Lawns                           |
| 4. Operator's licence                | 15. Warnings                        |
| 5. Operator's licence - exemptions   | 16. Protective clothing             |
| 6. Applicator licence categories     | 17. Occupational health and safety  |
| 7. Applicator's licence              | 18. Anti-backflow device            |
| 8. Applicator's licence - exemptions | 19. Storage                         |
| 9. Unlicensed assistants             | 20. Disposal of containers          |
| 10. Vendor's licence                 | 21. Storage area                    |
| 11. Vendor's licence- exemptions     |                                     |

- |                           |                  |
|---------------------------|------------------|
| 22. Penalty               | 25. Repeal       |
| 23. Insurance requirement | 26. Commencement |
| 24. Transitional          | Schedule         |

## Short title

**1.** These regulations may be cited as the *Pesticides Control Regulations, 2012*.

## Definitions

**2.** In these regulations

- (a) "Act" means the *Environmental Protection Act*;
- (b) "agricultural pesticide" means a type of commercial or restricted class pesticide designated for agricultural use;
- (c) "approved examination" means an examination, approved by the minister or a person designated by the minister that verifies that an applicator or vendor has met the knowledge requirements of these regulations;
- (d) "commercial class pesticide" means a pesticide classified as "commercial" under the *Pest Control Products Regulations* made under *The Pest Control Products Act* (Canada), and includes agricultural, commercial, industrial and forestry class pesticides;
- (e) "domestic class pesticide" means a pesticide classified and labelled as "domestic" under the *Pest Control Products Regulations* made under *The Pest Control Products Act* (Canada);
- (f) "lawn" means a plot of grass that is maintained at a regular and approximately uniform height through periodic and regular mowing;
- (g) "licence" means a document issued by the minister or a person designated by the minister authorizing the person to whom it is issued to
  - (i) operate a business or provide a service involving the use or application of a pesticide for reward or hire,
  - (ii) apply pesticides, or



- (iii) sell pesticides;
- (h) "permit" means a document in writing issued to a person authorizing the purchase or use of a specific quantity of a named pesticide at a specific location or site for a specific purpose and time as set out in the permit;
- (i) "pest" means an injurious, noxious or troublesome insect, fungus, bacterial organism, virus, weed, rodent or other plant or animal, and includes an injurious, noxious or troublesome organic function of a plant or animal;
- (j) "pesticide applicator" means a person licensed to apply pesticides;
- (k) "pesticide operator" means an entity licensed to operate a business or provide a service involving the use or application of a pesticide for hire or reward;
- (l) "pesticide use" means the purchasing, transporting, storing, possessing or handling of a pesticide;
- (m) "pesticide vendor" means a person licensed to sell pesticides under the terms and conditions contained in the licence; and
- (n) "restricted class pesticide" means a pesticide classified and labelled as "restricted" under the *Pest Control Product Regulations* made under *The Pest Control Products Act* (Canada).;

## Licences

3. (1) A licence shall entitle the holder to conduct those activities specified in the licence class for which the licence is issued.

(2) A person shall not possess, store, transport, dispose or otherwise handle a pesticide unless

- (a) the person has a valid applicator licence, operator licence or vendor licence; or
- (b) the pesticide or person is exempted from the requirement to have a licence.

(3) A licence is valid from the date of issue until the expiry date stated in the licence unless the licence is suspended or cancelled earlier.

(4) A licence is not transferable.

Operator's licence

4. (1) A person shall not undertake an operation designed to use a pesticide to control a pest without a valid operator's licence.

(2) An application for an operator's licence shall be made to the minister in the approved form and containing the information that the minister or a person designated by the minister may require.

(3) The minister or a person designated by the minister may also require an applicant for an operator's licence to

(a) supply the information as is considered necessary with respect to the operations intended by the applicant; and

(b) undergo a pesticide storage inspection.

(4) An operator's licence shall entitle the holder to

(a) engage a pesticide applicator to conduct an operation involving the use of a pesticide to control a pest; or

(b) purchase, possess, transport, store or dispose of a pesticide in accordance with the provisions of the Act and these regulations.

(5) The minister or a person designated by the minister may direct that a licence be subject to specified terms or conditions which shall be indicated on the licence and the holder of the licence shall abide by those terms or conditions.

(6) The minister or a person designated by the minister may require the holder of an operator's licence to submit a summary of his or her operations at a time and in a form that the minister may determine.

(7) A summary referred to in subsection (6) shall be submitted before a succeeding licence application can be processed.

Operator's licence -  
exemptions

5. Notwithstanding section 4 a person undertaking an operation involving

- (a) a domestic class pesticide to be used on his or her own property;
- (b) an agricultural pesticide to be used on his or her own property or property rented by him or her for the purpose of growing crops or raising livestock; or
- (c) a commercial class pesticide designated for the following uses:
  - (i) bactericides used in cutting oils and aviation and marine fuels,
  - (ii) cleansers, deodorizers, disinfectants and soaps,
  - (iii) dust control agents,
  - (iv) fabric softeners,
  - (v) chemical formulations intended as bactericides or algacides for use in swimming pools, domestic water supplies, industrial cooling systems, home aquaria or ornamental pools, or
  - (vi) surfactants, preservatives, adjuvants and growth regulators

is exempt from the requirement for an operator's licence.

Applicator licence  
categories

6. There is established for the purpose of applying pesticides the following applicator licence categories:

- (a) an agriculture licence for the use of pesticides by ground application
  - (i) for the production of agricultural products, including berries, grains, forage crops, nursery sod, grapes, seed crops, ornamentals, tree seedlings, tree fruits, vegetables in fields, orchards or shelter belts, pastures and rangelands,

- (ii) for the control of noxious weeds, birds and rodents,
  - (iii) for aquatic weed control in dugouts with no outflow,
  - (iv) on Christmas tree plantations,
  - (v) to control livestock and poultry pests,
  - (vi) for on-farm seed treatment,
  - (vii) for soil fumigations, except methyl bromide,
  - (viii) for pest control around farm buildings associated with crop and livestock production, and
  - (ix) excluding pesticide use in greenhouses or commercial seed treatments;
- (b) an aquatic licence for the use of herbicides by ground application
- (i) for the control of aquatic pests, excluding mosquito and biting fly control, in standing or running water or in areas left exposed during periods of low water, and
  - (ii) for herbicide applications in lakes, rivers, irrigation canals, ditches and dugouts;
- (c) a forestry licence for the use of pesticides by ground application
- (i) in forest management operations including site preparation, brushing, conifer release, thinning, insect control, disease control and vertebrate control, and
  - (ii) in forest seed orchards, outdoor nurseries and plantations;
- (d) a greenhouse licence for the use of pesticides in greenhouses and mushroom houses

- (i) during the storage, display and production of agricultural crops including vegetables, mushrooms and ornamentals as well as forest tree seedlings, and
  - (ii) otherwise, for fumigation, except methyl bromide,
- and for associated pesticide use on areas immediately surrounding greenhouses;
- (e) an industrial vegetation licence for the use of herbicides by ground application
  - (i) for controlling vegetation on industrial areas including roadsides, powerlines, pipelines, rights-of-ways, railways, well sites, equipment yards, dams, dykes and non-crop land,
  - (ii) to parking lots, sidewalk cracks and road beds during construction, and
  - (iii) to control designated noxious weeds on private and public lands;
- (f) a landscape licence for the use of pesticides by ground application
  - (i) for the maintenance of ornamental trees, shrubs, flowers and turf on outdoor residential, commercial and public land, including golf courses and cemeteries, and
  - (ii) in outdoor nurseries for the propagation of landscape and garden plants;
- (g) a mosquito and biting fly licence for the use of insecticides by ground application for the control of mosquito or biting fly larvae or adults;
- (h) a fumigation licence for the use of fumigants that are gases at room temperature
  - (i) for soil fumigation, within enclosed structures or under sheets, and

- (ii) for fumigation in grain bins and elevators, building, rail cars, trucks and closed vaults;
- (i) a structural licence for the use of pesticides other than herbicides or fumigants
  - (i) inside a structure or on the exterior surface of a structure, excluding plant pests in greenhouses, and
  - (ii) including rodenticide use on public or private land; and
- (j) an aerial licence for the use of pesticides applied by aircraft onto forest land, non-agricultural land such as for industrial vegetation control, bodies of water for mosquito and biting fly control and agricultural land.

Applicator's licence

**7.** (1) A person shall not apply a pesticide without a valid applicator's licence.

(2) An application for an applicator's licence shall be made to the minister in the approved form and containing the information that the minister or a person designated by the minister may require.

(3) A person who applies for an applicator's licence or for the renewal of an applicator's licence shall possess a certificate which indicates that the applicator has passed the approved examination on the safe storage, use, transport, application, handling or disposal of pesticides set by the minister or a person designated by the minister.

(4) The minister or a person designated by the minister may direct that a licence be subject to specified terms or conditions which shall be indicated on the licence and the holder of the licence shall abide by those terms or conditions.

(5) The minister, or a person designated by the minister may require an applicant for a pesticide applicator licence to complete training courses respecting the storage, use, application, handling or disposal of pesticides.

Applicator's licence  
- exemptions

**8.** Notwithstanding subsection 7(1) a person applying

- (a) a domestic class pesticide to his or her own property;

- (b) an agricultural pesticide that the minister or a person designated by the minister shall designate
  - (i) as pesticides for use in animal care which are ready-to-use products for ectoparasite control, and
  - (ii) pesticides for use in animal care which are intended for use on the animal as a surface insect control product; or
- (c) a commercial class pesticide designated for the following uses
  - (i) bactericides used in cutting oils and aviation and marine fuels,
  - (ii) cleansers, deodorizers, disinfectants and soaps,
  - (iii) dust control agents,
  - (iv) fabric softeners,
  - (v) chemical formulations intended as bactericides or algacides for use in swimming pools, domestic water suppliers, industrial cooling systems, home aquaria or ornamental pools, or
  - (vi) surfactants, preservatives, adjuvants and growth regulators

is exempt from the requirement of an applicator's licence.

Unlicensed assistants

**9.** (1) Notwithstanding subsection 7(1), a pesticide applicator using or applying a pesticide under an agricultural or greenhouse licence referred to in paragraph 6(a) or (d) may allow a person who does not have an applicator's licence to apply a pesticide and shall, with respect to that unlicensed person employed by, contracted to or working with that pesticide applicator

- (a) ensure that that person, when carrying out activities under the Act or regulations, is under his or her direct supervision and control; and

- (b) be responsible for the actions and conduct of that person with respect to anything required to be carried out in accordance with the Act or regulations.

(2) For the purposes of paragraph 9(1)(a) "direct supervision and control" means to be either physically present at the treatment site or available for immediate response through an effective communication system and able to attend at the treatment site within a reasonable period of time.

Vendor's licence

**10.** (1) A person shall not sell or distribute a pesticide without a valid vendor's licence.

(2) The minister may issue the following types of vendor licences:

(a) business vendor licences to businesses that desire to sell pesticides; and

(b) certified vendor licences to individuals who desire to sell pesticides and have passed the approved examination.

(3) An individual with a certified vendor licence may sell domestic, commercial and restricted class pesticides.

(4) A business with a business vendor licence may sell domestic class pesticides but may only sell commercial or restricted class pesticides where they employ a certified vendor licensee and the certified vendor licensee sells the pesticide.

(4) An application for a vendor's licence shall be made to the minister in the approved form and containing the information that the minister or a person designated by the minister may require.

(5) The minister or a person designated by the minister may require an applicant for a certified vendor licence or the renewal of a certified vendor licence to show, upon examination at a specified time and location, that he or she possesses adequate knowledge of the application, handling, storage and safe use of the pesticides which he or she intends to sell.

(6) The minister, or a person designated by the minister may require an applicant for a certified pesticide vendor licence to complete



training courses respecting the storage, use, application, handling or disposal of pesticides.

(7) The minister or a person designated by the minister may direct that a licence be subject to specified terms and conditions which shall be indicated on the licence and the holder of the licence shall abide by those terms and conditions.

Vendor's licence-  
exemptions

**11.** Notwithstanding subsection 10(1) a person who sells

- (a) domestic class pesticides formulated for direct application on people and pets; or
- (b) commercial class pesticides designated for the following purposes:
  - (i) bactericides used in cutting oils and aviation and marine fuels,
  - (ii) cleansers, deodorizers, disinfectants and soaps,
  - (iii) dust control agents,
  - (iv) fabric softeners,
  - (v) chemical formulations intended as bactericides or algacides for use in swimming pools, domestic water suppliers, industrial cooling systems, home aquaria or ornamental pools, or
  - (vi) surfactants, preservatives, adjuvants and growth regulators

is exempt from the requirement of a vendor's licence.

Records

**12.** A pesticide vendor shall keep, in a form and manner required by the minister or a person designated by the minister, a record of each purchase and sale of a pesticide.

Purchase and sale of  
pesticides

**13.** (1) A person shall not have in his or her possession a commercial or restricted class pesticide which has been purchased or obtained from anyone other than a pesticide vendor.

(2) A pesticide vendor shall not sell a commercial or restricted class pesticide to anyone other than a pesticide operator.

(3) Notwithstanding subsection (1), a commercial or restricted class pesticide may be purchased from a vendor who is located outside the province and who does not have a licence where

(a) a pesticide operator, or

(b) a pesticide applicator with a valid agricultural or greenhouse licence

obtains a permit for the purchase of the pesticide from the minister or a person designated by the minister.

(4) An application for a permit to buy pesticides from an unlicensed vendor shall be made to the minister in the approved form and containing the information that the minister or a person designated by the minister may require.

(5) Notwithstanding subsections (1) and (2), a pesticide vendor may sell a commercial or restricted class pesticide to a person who does not have a valid operator's licence where

(a) the pesticide is designated on its label as being for agricultural use and the person has a valid agricultural applicator licence; or

(b) the pesticide is designated on its label as being for greenhouse use and the person has a valid greenhouse applicator licence; and

(c) the pesticide vendor maintains records of the sale as required by the minister.

(6) A pesticide vendor who sells domestic class pesticides shall not sell pesticide and fertilizer products that are blended together.

Lawns

**14.** (1) A person shall not use a pesticide product that contains one or more of the following chemicals:

(a) carbaryl;

- (b) 2,4-dichlorophenoxyacetic acid, commonly referred to as 2,4-D;
- (c) mecoprop;
- (d) dicamba; or
- (e) 2-methyl-4-chlorophenoxyacetic acid, commonly referred to as MCPA

in, on or over a lawn.

(2) A person shall not sell, supply or offer for sale a pesticide that contains one or more of the chemicals in paragraphs (1)(a)-(e) for use in, on or over a lawn.

(3) Subsections (1) and (2) do not apply to a person who uses, possesses, sells or supplies a pesticide for

- (a) a golf course;
- (b) forestry activities; or
- (c) agricultural activities.

(4) Notwithstanding subsections (1) and (2) the minister may allow a pesticide product containing one or more of the chemicals in paragraphs (1)(a)-(e) to be applied to a sports turf or other highly managed turf areas.

Warnings

**15.** Where directed by the minister or a person designated by the minister a pesticide operator shall publish warning notices or erect warning notices or warning signs in accordance with that direction.

Protective clothing

**16.** (1) A pesticide operator shall

- (a) provide the protective clothing and equipment identified in the instructions of the pesticide label or by the minister or a person designated by the minister; and
- (b) ensure that the protective clothing and equipment is used by the pesticide applicator.

(2) A pesticide applicator shall ensure that the protective clothing and equipment referred to in subsection (1) is used by him or her and by an unlicensed assistant as defined in section 9 engaged in the use, handling or disposal of a pesticide.

Occupational health  
and safety

**17.** Notwithstanding a provision of these regulations the *Occupational Health and Safety Act* applies to all matters affecting the health and safety of workers to which these regulations apply.

Anti-backflow  
device

**18.** Water from an open body of water shall not be introduced by any means into a sprayer, container or other equipment that holds or has been used to hold a pesticide unless the sprayer, container or other equipment is fitted with a device which prevents backflow.

Storage

**19.** (1) Subject to sections 38 and 42 of the Act, a commercial or restricted class pesticide or material mixed or treated with a commercial or restricted class pesticide or a container that holds or has been used to hold a commercial or restricted class pesticide shall be kept and stored separately from food and drink destined for human or animal consumption and from living plants by

- (a) being kept in a separate room;
- (b) being separated from the nearest food, drink and plants by a direct distance of not less than 8 metres; or
- (c) other method satisfactory under the order of an inspector.

(2) Subject to sections 38 and 42 of the Act, a commercial or restricted class pesticide or material mixed or treated with a commercial or restricted class pesticide or a container that holds or has been used to hold a commercial or restricted class pesticide shall be transported separately from

- (a) food and drink destined for human consumption;
- (b) food and drink destined for animal consumption; or
- (c) living plants

by being kept in a vapour-proof container, packaged separately in a rigid box or otherwise in such manner as to prevent contamination, damage or injury.

(4) All seed grain treated with a pesticide shall be transported in sacks or other sealed containers or where transported in bulk shall be securely covered by tarpaulin or similar cover to prevent spillage during transport.

(5) Every person who sells, supplies or distributes seed grain or other seed crops or propagation material treated with a pesticide shall label all containers "TREATED WITH (name of pesticide). DO NOT USE FOR FOOD OR FEED."

Disposal of  
containers

**20.** A container that is used to hold a pesticide shall be disposed of

- (a) in the manner recommended by the manufacturer as stated on the pesticide label; or
- (b) by decontaminating and rendering it unsuitable for use as a container in a manner identified by the minister or a person designated by the minister and by discarding it in the manner directed by the minister or a person designated by the minister.

Storage area

**21.** (1) A person who possesses, sells or stores for gain or reward a commercial or restricted class pesticide shall ensure that the storage area has

- (a) a source of water in an area in or adjacent to the storage area;
- (b) approved safety equipment as required which is properly maintained, functional and available at all times for personnel handling and working with pesticides;
- (c) flooring which shall not contain a floor drain or catch basin which is directly or indirectly connected to a private or municipal sewage system or public watercourse;
- (d) flooring which shall be capable of being readily cleaned and decontaminated of pesticides stored within;
- (e) adequate ventilation by either natural or mechanical means so as to prevent the accumulation of toxic or flammable vapours;

- (f) a "Danger—Stored Pesticide" sign posted on all entrances, which is printed in block letters 5 centimetres or more in height;
- (g) clean-up procedures consistent with the instructions of the minister or person designated by the minister; and
- (h) other provisions which may be stipulated on the licence by the minister or a person designated by the minister.

(2) A person who possesses, sells or stores for gain or reward a commercial or restricted class pesticide shall provide a list of each pesticide and estimated quantities normally held in storage to the chiefs of the local fire departments.

(3) A pesticide vendor or pesticide operator shall not store a commercial or restricted class pesticide on the premises of a private dwelling place unless that storage has been first approved by an inspector with the department authorized to give that approval.

Penalty

**22.** Where, with respect to a contravention of these regulations,

- (a) a summons is issued to a person by way of a ticket in accordance with the *Provincial Offences Act*; and
- (b) that person is, on summary conviction, found guilty of the offence stated on that ticket,

that person is liable to a fine described in the Schedule to these regulations.

Insurance  
requirement

**23.** (1) An applicant for an operator's licence, except the Crown, shall provide evidence that his or her activities and those of the applicant's employees or agents that are regulated by the Act are covered by insurance as follows:

- (a) commercial general liability insurance with a minimum inclusive limit of \$1,000,000 per occurrence for bodily injury and property damages to include the Crown as an additional insured; and
- (b) third party liability insurance in respect of owned, licensed vehicles, subject to minimum limits of \$500,000 with a rider

to permit the transportation of pesticides for all vehicles which do or may carry pesticides.

(2) An operator's licence shall not be issued or renewed unless the minister or a person designated by the minister is satisfied as to the sufficiency of the commercial general liability coverage and the third party liability coverage, relating to vehicles, held by the applicant.

(3) Where an insurance contract or insurance policy is lapsed, expired or is cancelled, the licence in respect of which the insurance was required under this section is automatically cancelled.

Transitional

**24. A licence issued under the *Pesticides Control Regulations, 2003* shall expire on the coming into force of these regulations.**

Repeal

**25. The *Pesticides Control Regulations, 2003*, Newfoundland and Labrador Regulations 57/03, are repealed.**

Commencement

**26. These regulations come into force on May 1, 2012.**

		<b>Schedule Penalties</b>			
<i>Environmental Protection Act</i>	<b>Offence</b>	<b>Penalty</b>			
		<b>First Offence Penalty</b>		<b>Subsequent Offence Penalty</b>	
		<b>Fine not more than dollar amount specified</b>		<b>Fine not more than dollar amount specified</b>	
<b>Section or Subsection</b>		<b>Max</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>
33(2)	Lack of licence	2,000	300	2,000	300
34	Invalid insurance	1,000	200	1,000	500
38	Failure to store pesticide properly	1,000	300	1,000	500
39	Improper handling of pesticides	1,000	250	1,000	500
<i>Pesticides Control Regulations, 2012</i>	<b>Offence</b>	<b>Penalty</b>			
		<b>First Offence Penalty</b>		<b>Subsequent Offence Penalty</b>	
		<b>Fine not more than dollar amount specified</b>		<b>Fine not more than dollar amount specified</b>	
<b>Section or Subsection</b>		<b>Max</b>	<b>Min</b>	<b>Max</b>	<b>Min</b>
4(5)	Violation of provision or condition of licence by operator	1,000	200	1,000	500
7(4)	Violation of provision or condition of licence by ap-	500	75	500	150



	plicator				
13	Improper purchase/sale of pesticide	2,000	250	2,000	500
14	Using, selling, supplying or offering for sale a pesticide that contains one or more of the chemicals stated in paragraphs 1(a)-(e) for use in, on or over a lawn	5,000	500	5,000	1,000
16	Failure to provide protective clothing or ensuring that protective clothing is worn	1,000	100	1,000	250
20	Improper storage/transport of pesticide	1,000	300	1,000	500

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## NEWFOUNDLAND AND LABRADOR REGULATION 27/12

*Trip Inspection Report Regulations*  
under the  
*Highway Traffic Act*  
(O.C. 2012-067)

*(Filed April 3, 2012)*

Under the authority of sections 187 and 197 of the *Highway Traffic Act*, the Minister, with the approval of the Lieutenant-Governor in Council, makes the following regulations.

Dated at St. John's, February 6, 2012.

Paul Davis  
Minister of Service Newfoundland and Labrador

Robert Thompson  
Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

- |                                       |                                       |
|---------------------------------------|---------------------------------------|
| 1. Short title                        | 6. Defect documentation and reporting |
| 2. Definitions                        | 7. Inspection report                  |
| 3. Non-application of regulations     | 8. Ongoing monitoring                 |
| 4. Inspection schedules and frequency | 9. Correction of defects              |
| 5. Inspection                         | 10. Prohibition                       |
|                                       | 11. Records                           |

12. Electronic format	Schedule B
13. Powers of inspectors	Schedule C
14. Offence	
15. CNLR 15/96 Rep	Schedule D
16. Commencement	

## Schedule A

Short title                    **1.** These regulations may be cited as the *Trip Inspection Report Regulations*.

Definitions                **2.** In these regulations

(a) "Act" means the *Highway Traffic Act*;

(b) "carrier" means a person, partnership or corporation that owns, leases or is responsible for the operation of a commercial vehicle for the purpose of transporting passengers or goods;

(c) "commercial vehicle" means

(i) a truck, tractor or trailer or a combination of them exceeding a registered gross mass of 4,500 kilograms, or

(ii) a bus designed, constructed and used for the transportation of passengers with a designated seating capacity of more than 10, including the driver, but excluding the operation for personal use;

(d) "driver" means a person who drives or is in actual physical control of a commercial vehicle to which these regulations apply;

(e) "emergency vehicle" means

(i) a motor vehicle driven by a peace officer or by a member of the police branch of one of Her Majesty's Armed Forces where there is an urgent emergency justifying a rate of speed in excess of a maximum rate of speed provided for in the Act and includes a vehicle so operated by a chief of a volunteer fire department,

- (ii) a motor vehicle carrying firefighting equipment in response to an alarm of fire, or
- (iii) an ambulance responding to a call or transporting a patient where there is an urgent emergency justifying a rate of speed in excess of a maximum rate of speed provided for by the Act;
- (f) "inspector" means a traffic officer or a person appointed under the Act to inspect or examine vehicles or drivers and records pertaining to either;
- (g) "major defect" means a defect listed in column 3 of Schedules A, B, and C and column 2 of Schedule D;
- (h) "minor defect" means a defect listed in column 2 of Schedules A, B and C;
- (i) "motor coach" means a bus of monocoque design, designed to provide intercity, suburban, commuter or charter service and equipped with air ride suspension, air brakes, automatic brake adjusters and under-floor baggage storage; and
- (j) "recreational vehicle" means
  - (i) a wheeled vehicle designed as mobile accommodation, including a cabin trailer, collapsible cabin trailer, tent trailer, camping trailer and self propelled mobile accommodation, or
  - (ii) a vehicle used to transport recreational equipment such as a snowmobile, water craft, fishing and hunting equipment, motorcycle, bicycle, where the transport is not in connection with a business, employment or commercial enterprise.

Non-application of  
regulations

**3. These regulations do not apply to**

- (a) a commercial vehicle exempted by the Registrar;
- (b) an emergency vehicle;

- (c) a commercial vehicle engaged in providing relief in the case of a public welfare emergency, as that expression is defined in section 5 of the *Emergencies Act* (Canada);
- (d) a recreational vehicle; or
- (e) a 2 or 3 axle commercial vehicle that is used primarily for the transportation of primary products of a farm, forest, sea or lake, where the driver or his or her employer is the producer of those products.

Inspection schedules and frequency

**4.** (1) A commercial vehicle referred to in subparagraph 2(c)(i) shall be inspected in accordance with Schedule A every 24 hours when operated.

(2) A commercial vehicle referred to in subparagraph 2(c)(ii) shall be inspected in accordance with Schedule B every 24 hours when operated.

(3) Notwithstanding subsection (2), as an alternative to Schedule B a motor coach may be inspected in accordance with

- (a) Schedule C every 24 hours when operated; and
- (b) Schedule D or an equivalent maintenance program approved by the minister or a person designated by the minister at the earlier of
  - (i) every 12,000 kilometres; or
  - (ii) every 30 days.

(4) A carrier shall provide the applicable inspection schedules to the driver in a written or equivalent electronic format.

Inspection

**5.** (1) An inspection of a commercial vehicle shall include an inspection of every system and component listed in Column 1 of the applicable schedule except where the system or component is not present on the vehicle.

(2) An inspection of a commercial vehicle shall be adequate to determine whether there is a major or minor defect.

(3) An inspection under Schedule D or an equivalent maintenance program approved by the minister or a person designated by the minister shall be

(a) conducted while the vehicle is positioned over a pit or raised in a manner that provides access to the vehicle components; and

(b) completed by a person who is qualified in accordance with the *Official Inspection Station Regulations*.

Defect documentation and reporting

**6.** (1) A person conducting an inspection of a commercial vehicle in accordance with Schedules A, B or C shall record on the inspection report defects detected during the inspection.

(2) A person conducting an inspection in accordance with Schedule D shall record on the inspection report

(a) defects detected during the inspection;

(b) brake adjustment measurements; and

(c) the nature of the repairs carried out on the motor coach.

(3) Where a minor defect is detected during the inspection the person conducting the inspection shall report it to the carrier prior to the next required inspection.

(4) Where a major defect is detected during the inspection the person conducting the inspection shall report it to the carrier immediately.

(5) Where no defects are detected during an inspection the person conducting the inspection shall record on the inspection report that no defects were detected.

Inspection report

**7.** (1) A person conducting an inspection of a commercial vehicle in accordance with Schedules A, B or C shall prepare an inspection report in a written or equivalent electronic format that contains the following information:

(a) the licence plate number or unit number of the vehicle;

- (b) the carrier's name;
- (c) the date and time of the inspection;
- (d) the city, town, local service district or highway location where the inspection was performed;
- (e) a statement signed by the person conducting the inspection and by the driver, where the driver did not conduct the inspection, stating that the vehicle was inspected in accordance with the applicable requirements;
- (f) the information required in subsection 6(1);
- (g) legibly printed name of the inspector; and
- (h) the odometer reading.

(2) A person conducting an inspection in accordance with Schedule D shall prepare an inspection report in a written or equivalent electronic format that contains the following information:

- (a) the licence plate, vehicle identification number or unit number of the vehicle;
- (b) the carrier's name;
- (c) the date and time of the inspection;
- (d) the city, town, local service district or highway location where the inspection was performed;
- (e) a statement signed by the person conducting the inspection and by the driver, where the driver did not conduct the inspection, stating that the vehicle was inspected in accordance with the applicable requirements;
- (f) the information required in subsection 6(2);
- (g) legibly printed name of the inspector; and
- (h) the odometer reading.

Ongoing monitoring



**8.** (1) While driving or being in charge of a commercial vehicle the driver shall monitor its condition in accordance with the schedule of inspection items listed in Column 1 of Schedules A to D.

(2) Where a driver detects a minor defect while driving or in charge of a commercial vehicle the driver shall record the defect on an inspection report and report the defect to the carrier prior to the next required inspection.

(3) Where a driver detects a major defect while driving or in charge of a commercial vehicle the driver shall record the defect on an inspection report and immediately report the defect to the carrier.

Correction of defects

**9.** (1) A carrier shall ensure that a previously reported defect is repaired before the next required inspection.

(2) Notwithstanding subsection (1), where the jurisdiction in which the driver is travelling specifies a different time period for the repair of defects, a carrier shall ensure that a previously reported defect is repaired before the time period specified in the jurisdiction of travel.

Prohibition

**10.** (1) A person shall not drive and a carrier shall not permit a person to drive a commercial vehicle unless

- (a) the vehicle is inspected in accordance with section 4;
- (b) an inspection report is completed in accordance with section 7; and
- (c) the driver is in possession of the required inspection reports and applicable schedules.

(2) A person shall not drive and a carrier shall not permit a person to drive a commercial vehicle where a major defect has been detected on the vehicle.

Records

**11.** (1) A driver shall forward the original of each inspection report to the carrier within 20 calendar days of the completion of the report.

(2) A carrier shall retain the original of each inspection report and certification of repairs for at least 6 months after the date the inspection report was completed.

Electronic format

**12.** (1) Notwithstanding subsections 4(4), 7(1) and 7(2) a carrier may only provide inspection schedules and a driver may only submit inspection reports in electronic format where

- (a) the information provided is the same information that would have been provided if it had been provided in paper format; and
- (b) when requested to do so by an inspector the driver can immediately provide the information by producing it on a digital screen of an electronic device or in handwritten form or on a printout or another intelligible output or a combination of these.

(2) Where an inspector requires a copy of an inspection schedule or report in paper format a copy faxed from the driver's office is acceptable.

Powers of  
inspectors

**13.** (1) An inspector may, for the purposes of determining compliance with these regulations,

- (a) request a driver to produce inspection reports and applicable inspection schedules; and
- (b) enter upon the premises of a carrier during the normal business hours of that carrier and inspect the records required to be maintained by these regulations.

(2) A carrier whose premises are entered under subsection (1) and a person found there shall give the inspector reasonable help to enable him or her to carry out his or her duties and functions under these regulations and shall provide the information that he or she may reasonably require.

(3) Where an inspector has reasonable grounds to believe an offence has been committed under these regulations, the inspector may seize or make copies of the records that the inspector considers relevant and shall provide the driver or carrier, as applicable, with a receipt for the seized or copied records.

Offence

**14.** (1) A person who

- (a) fails to conduct, or cause to be conducted, an inspection of a commercial vehicle as required by section 4;
- (b) fails to report a major defect as required by subsection 6(4);  
or
- (c) drives or operates a vehicle without an inspection report in the vehicle contrary to subsection 10(1);

is guilty of an offence and liable on summary conviction to a fine of not less than \$200 and not more than \$1,000.

(2) A person who

- (a) fails to repair a defect as required by subsection 9(1);
- (b) operates a vehicle with a known major defect contrary to subsection 10(2);
- (c) fails to retain an inspection report as required by subsection 11(2);
- (d) falsifies an inspection report; or
- (e) falsely certifies a repair;

is guilty of an offence and liable on summary conviction to a fine of not less than \$500 and not more than \$2,000.

(3) A person who fails to produce an inspection report or inspection schedule upon the demand of an inspector as required by section 13 is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$500.

(4) A person who contravenes a provision of these regulations for which a penalty is not specifically provided for is guilty of an offence and liable on summary conviction to a fine of not less than \$200 and not more than \$1,000.

(5) Each repair or major defect not reported and each report falsified or not completed constitutes a separate offence.

**15. The *Highway Traffic Trip Inspection Report Regulations*, Consolidated Newfoundland and Labrador Regulation, 15/96, are repealed.**

Commencement

**16. These regulations come into force on July 1, 2012.**

**Schedule A**

## Truck, Tractor and Trailer

Application:

This schedule applies to trucks, tractors and trailers or combinations of them exceeding a registered gross vehicle weight of 4,500 kg.

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
1. Air brake system	<ul style="list-style-type: none"> <li>• Audible air leak.</li> <li>• Slow air pressure build-up rate.</li> </ul>	<ul style="list-style-type: none"> <li>• Pushrod stroke of a brake exceeds the adjustment limit.</li> <li>• Air loss rate exceeds prescribed limit.</li> <li>• Inoperative towing vehicle (tractor) protection system.</li> <li>• Low air warning system fails or system is activated.</li> <li>• Inoperative service, parking or emergency brake.</li> </ul>
2. Cab	<ul style="list-style-type: none"> <li>• Occupant compartment door fails to open.</li> </ul>	<ul style="list-style-type: none"> <li>• A cab or sleeper door fails to close securely.</li> </ul>
3. Cargo securement	<ul style="list-style-type: none"> <li>• Insecure or improper load covering (e.g. wrong type or flapping in the wind).</li> </ul>	<ul style="list-style-type: none"> <li>• Insecure cargo.</li> <li>• Absence, failure, malfunction or deterioration of required cargo securement device or load covering.</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
4. Coupling devices	<ul style="list-style-type: none"> <li>Coupler or mounting has loose or missing fastener.</li> </ul>	<ul style="list-style-type: none"> <li>Coupler is insecure or movement exceeds prescribed limit.</li> <li>Coupling or locking mechanism is damaged or fails to lock.</li> <li>Defective, incorrect or missing safety chain/cable.</li> </ul>
5. Dangerous goods		<ul style="list-style-type: none"> <li>Dangerous goods requirements not met.</li> </ul>
6. Driver controls	<ul style="list-style-type: none"> <li>Accelerator pedal, clutch, gauges, audible and visual indicators or instruments fail to function properly.</li> </ul>	
7. Driver seat	<ul style="list-style-type: none"> <li>Seat is damaged or fails to remain in set position.</li> </ul>	<ul style="list-style-type: none"> <li>Seatbelt or tether belt is insecure, missing or malfunctions.</li> </ul>
8. Electric brake system	<ul style="list-style-type: none"> <li>Loose or insecure wiring or electrical connection.</li> </ul>	<ul style="list-style-type: none"> <li>Inoperative breakaway device.</li> <li>Inoperative brake.</li> </ul>
9. Emergency equipment & safety devices	<ul style="list-style-type: none"> <li>Emergency equipment is missing, damaged or defective.</li> </ul>	
10. Exhaust system	<ul style="list-style-type: none"> <li>Exhaust leak.</li> </ul>	<ul style="list-style-type: none"> <li>Leak that causes</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
		exhaust gas to enter the occupant compartment.
11. Frame and cargo body	<ul style="list-style-type: none"> <li>Damaged frame or cargo body.</li> </ul>	<ul style="list-style-type: none"> <li>Visibly shifted, cracked, collapsing or sagging frame member(s).</li> </ul>
12. Fuel system	<ul style="list-style-type: none"> <li>Missing fuel tank cap.</li> </ul>	<ul style="list-style-type: none"> <li>Insecure fuel tank.</li> <li>Dripping fuel leak.</li> </ul>
13. General		<ul style="list-style-type: none"> <li>Serious damage or deterioration that is noticeable and may affect the vehicle's safe operation.</li> </ul>
14. Glass and mirrors	<ul style="list-style-type: none"> <li>Required mirror or window glass fails to provide the required view to the driver as a result of being cracked, broken, damaged, missing or maladjusted.</li> <li>Required mirror or glass has broken or damaged attachments onto vehicle body.</li> </ul>	
15. Heater/defroster	<ul style="list-style-type: none"> <li>Control or system failure.</li> </ul>	<ul style="list-style-type: none"> <li>Defroster fails to provide unobstructed view through the windshield.</li> </ul>
16. Horn	<ul style="list-style-type: none"> <li>Vehicle has no</li> </ul>	

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
	operative horn.	
17. Hydraulic brake system	<ul style="list-style-type: none"> <li>• Brake fluid level is below indicated minimum level.</li> </ul>	<ul style="list-style-type: none"> <li>• Parking brake is inoperative.</li> <li>• Brake boost or power assist is inoperative.</li> <li>• Brake fluid leak.</li> <li>• Brake pedal fade or insufficient brake pedal reserve.</li> <li>• Activated (other than ABS) warning device.</li> <li>• Brake fluid reservoir is less than <math>\frac{1}{4}</math> full.</li> </ul>
18. Lamps and reflectors	<ul style="list-style-type: none"> <li>• Required lamp does not function as intended.</li> <li>• Required reflector is missing or partially missing.</li> </ul>	<p><i>When lamps are required and there is a:</i></p> <ul style="list-style-type: none"> <li>• Failure of both low beam headlamps.</li> <li>• Failure of both rearmost tail lamps.</li> </ul> <p><i>At all times when there is a:</i></p> <ul style="list-style-type: none"> <li>• Failure of a rearmost turn-indicator lamp.</li> <li>• Failure of both rearmost brake lamps.</li> </ul>
19. Steering	<ul style="list-style-type: none"> <li>• Steering wheel lash (free-play) is greater than normal.</li> </ul>	<ul style="list-style-type: none"> <li>• Steering wheel is insecure, or does not respond normally.</li> <li>• Steering wheel</li> </ul>



Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
		lash (free-play) exceeds required limit.
20. Suspension system	<ul style="list-style-type: none"> <li>• Air leak in air suspension system.</li> <li>• Broken spring leaf.</li> <li>• Suspension fastener is loose, missing or broken.</li> </ul>	<ul style="list-style-type: none"> <li>• Damaged (patched, cut, bruised, cracked to braid, mounted insecurely) or deflated air bag.</li> <li>• Cracked or broken main spring leaf or more than one broken spring leaf.</li> <li>• Part of spring leaf or suspension is missing, shifted out of place or in contact with another vehicle component.</li> <li>• Loose U-bolt.</li> </ul>
21. Tires	<ul style="list-style-type: none"> <li>• Damaged tread or sidewall of tire.</li> <li>• Tire leaking (if leak can be felt or heard, tire is to be treated as flat).</li> </ul>	<ul style="list-style-type: none"> <li>• Flat tire.</li> <li>• Tire tread depth is less than wear limit.</li> <li>• Tire is in contact with another tire or a vehicle component other than mud-flap.</li> <li>• Tire is marked "Not for highway use".</li> <li>• Tire has exposed cords in the tread or outer side wall area.</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
22. Wheels, hubs and fasteners	<ul style="list-style-type: none"> <li>• Hub oil is below minimum level. (When fitted with sight glass)</li> <li>• Leaking wheel seal.</li> </ul>	<ul style="list-style-type: none"> <li>• Wheel has loose, missing or ineffective fastener.</li> <li>• Damaged, cracked or broken wheel, rim or attaching part.</li> <li>• Evidence of imminent wheel, hub or bearing failure.</li> </ul>
23. Windshield wiper/washer	<ul style="list-style-type: none"> <li>• Control or system malfunction.</li> <li>• Wiper blade damaged, missing or fails to adequately clear driver's field of vision.</li> </ul>	<p><i>When necessary for prevailing weather condition and:</i></p> <ul style="list-style-type: none"> <li>• Wiper or washer fails to adequately clear driver's field of vision in area swept by driver's side wiper.</li> </ul>

**Schedule B****Bus***Application:*

This schedule applies to buses designed, constructed and used for the transportation of passengers with a designated seating capacity of more than 10, including the driver, but excluding the operation for personal use, and also applies to trailers towed by a bus.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Systems and components</b>	<b>Minor defect(s)</b>	<b>Major defect(s)</b>
1. Accessibility devices	<i>Accessibility device may not be used if:</i> <ul style="list-style-type: none"> <li>• Alarm fails to operate.</li> <li>• Equipment malfunctions.</li> <li>• Interlock system malfunctions.</li> </ul>	<ul style="list-style-type: none"> <li>• Vehicle fails to return to normal after "kneeling."</li> <li>• Extendable lift, ramp or other passenger-loading device fails to retract.</li> </ul>
2. Air brake system	<ul style="list-style-type: none"> <li>• Audible air leak.</li> <li>• Slow air pressure build-up rate.</li> </ul>	<ul style="list-style-type: none"> <li>• Pushrod stroke of a brake exceeds the adjustment limit.</li> <li>• Air loss rate exceeds prescribed limit.</li> <li>• Inoperative towing vehicle (tractor) protection system.</li> <li>• Low air warning system fails or system is activated.</li> <li>• Inoperative service, parking or emergency brake.</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
3. Cargo securement	<ul style="list-style-type: none"> <li>Insecure or improper load covering (e.g. wrong type or flapping in the wind)</li> </ul>	<ul style="list-style-type: none"> <li>Insecure cargo.</li> <li>Absence, failure, malfunction or deterioration of required cargo securement device or load covering.</li> </ul>
4. Coupling devices	<ul style="list-style-type: none"> <li>Coupler or mounting has loose or missing fastener.</li> </ul>	<ul style="list-style-type: none"> <li>Coupler is insecure or movement exceeds prescribed limit.</li> <li>Coupling or locking mechanism is damaged or fails to lock.</li> <li>Defective, incorrect or missing safety chain/cable.</li> </ul>
5. Dangerous goods		<ul style="list-style-type: none"> <li>Dangerous goods requirements not met.</li> </ul>
6. Doors and emergency exits	<ul style="list-style-type: none"> <li>Door, window or hatch fails to open or close securely.</li> <li>Alarm inoperative.</li> </ul>	<p><i>Passengers may not be carried but vehicle may be moved when no passengers carried if:</i></p> <ul style="list-style-type: none"> <li>Required emergency exit fails to function as intended.</li> <li>Required door alarm is inoperative.</li> </ul>
7. Driver controls	<ul style="list-style-type: none"> <li>Accelerator pe-</li> </ul>	<i>Passengers may not</i>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
	dal, clutch, gauges, audible and visual indicators or instruments fail to function properly.	<i>be carried but vehicle may be moved when no passengers carried if:</i> <ul style="list-style-type: none"> <li>• Accelerator sticking and engine fails to return to idle.</li> </ul>
8. Driver seat	<ul style="list-style-type: none"> <li>• Seat is damaged or fails to remain in set position.</li> </ul>	<ul style="list-style-type: none"> <li>• Seatbelt or tether belt is insecure, missing or malfunctions.</li> </ul>
9. Electric brake system	<ul style="list-style-type: none"> <li>• Loose or insecure wiring or electrical connection.</li> </ul>	<ul style="list-style-type: none"> <li>• Inoperative breakaway device.</li> <li>• Inoperative brake.</li> </ul>
10. Emergency equipment & safety devices	<ul style="list-style-type: none"> <li>• Emergency equipment is missing, damaged or defective.</li> <li>• Required fire extinguisher improperly mounted or not fully charged.</li> <li>• Required first aid kit is incomplete.</li> </ul>	<i>Passengers may not be carried but vehicle may be moved when no passengers carried if:</i> <ul style="list-style-type: none"> <li>• Required fire extinguisher is missing.</li> <li>• Required first aid kit is missing.</li> </ul>
11. Exhaust system	<ul style="list-style-type: none"> <li>• Exhaust leak.</li> </ul>	<ul style="list-style-type: none"> <li>• Leak that causes exhaust gas to enter the occupant compartment.</li> </ul>
12. Exterior body and frame	<ul style="list-style-type: none"> <li>• Insecure or missing body parts.</li> <li>• Insecure or missing compartment</li> </ul>	<ul style="list-style-type: none"> <li>• Visibly shifted, cracked, collapsing or sagging frame</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
	door. <ul style="list-style-type: none"> <li>Damaged frame or body.</li> </ul>	member(s).
13. Fuel system		<ul style="list-style-type: none"> <li>Missing fuel tank cap (vehicle may be moved when no passenger carried).</li> <li>Insecure fuel tank.</li> <li>Dripping fuel leak.</li> </ul>
14. General		<ul style="list-style-type: none"> <li>Serious damage or deterioration that is noticeable and may affect the vehicle's safe operation.</li> </ul>
15. Glass and mirrors	<ul style="list-style-type: none"> <li>Required mirror or window glass fails to provide the required view to the driver as a result of being cracked, broken, damaged or maladjusted.</li> <li>Required mirror or glass has broken or damaged attachments onto vehicle body.</li> </ul>	<i>Passengers may not be carried but vehicle may be moved when no passengers carried if:</i> <ul style="list-style-type: none"> <li>Driver's view of the road is obstructed in the area swept by the windshield wipers.</li> <li>Required mirror or window glass is missing.</li> </ul>
16. Heater/defroster	<ul style="list-style-type: none"> <li>Control or system failure.</li> </ul>	<ul style="list-style-type: none"> <li>Defroster fails to provide unobstructed view through the windshield.</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
17. Horn	<ul style="list-style-type: none"> <li>Vehicle has no operative horn.</li> </ul>	
18. Hydraulic brake system	<ul style="list-style-type: none"> <li>Brake fluid level is below indicated minimum level.</li> </ul>	<ul style="list-style-type: none"> <li>Parking brake is inoperative.</li> <li>Brake boost or power assist is inoperative.</li> <li>Brake fluid leak.</li> <li>Brake pedal fade or insufficient brake pedal reserve.</li> <li>Activated (other than ABS) warning device.</li> <li>Brake fluid reservoir is less than <math>\frac{1}{4}</math> full.</li> </ul>
19. Lamps and reflectors	<ul style="list-style-type: none"> <li>Required lamp does not function as intended.</li> <li>Required reflector is missing or partially missing.</li> <li>Passenger safety or access lamp does not function.</li> </ul>	<p><i>When lamps are required and there is a:</i></p> <ul style="list-style-type: none"> <li>Failure of both low-beam headlamps.</li> <li>Failure of both rearmost tail lamps.</li> </ul> <p><i>At all times when there is a:</i></p> <ul style="list-style-type: none"> <li>Failure of a rearmost turn-indicator lamp.</li> <li>Failure of both rearmost brake lamps.</li> </ul>
20. Alternating overhead lamps		<i>Passengers may not be carried but vehicle may be moved</i>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
		<p><i>when no passengers carried if:</i></p> <ul style="list-style-type: none"> <li>• A required alternating lamp is missing or inoperative.</li> <li>• A required alternating lamp does not alternate.</li> <li>• A required alternating lamp is not the proper color.</li> </ul>
21. Passenger compartment	<ul style="list-style-type: none"> <li>• Stanchion padding is damaged.</li> <li>• Damaged steps or floor.</li> <li>• Insecure or damaged overhead luggage rack or compartment.</li> <li>• Malfunction or absence of required passenger or mobility device restraints.</li> <li>• Passenger seat is insecure.</li> </ul>	<p><i>When affected position is occupied and there is a:</i></p> <ul style="list-style-type: none"> <li>• Malfunction or absence of required passenger or mobility device restraints.</li> <li>• Passenger seat is insecure.</li> </ul>
22. Steering	<ul style="list-style-type: none"> <li>• Steering wheel lash (free-play) is greater than normal.</li> </ul>	<ul style="list-style-type: none"> <li>• Steering wheel is insecure, or does not respond normally.</li> <li>• Steering wheel lash (free-play) exceeds required limit.</li> </ul>
23. Suspension system	<ul style="list-style-type: none"> <li>• Air leak in air suspension sys-</li> </ul>	<ul style="list-style-type: none"> <li>• Damaged (patched, cut,</li> </ul>



Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
	tem. <ul style="list-style-type: none"> <li>• Broken spring leaf.</li> <li>• Suspension fastener is loose, missing or broken.</li> </ul>	bruised, cracked to braid, mounted insecurely) or deflated air bag. <ul style="list-style-type: none"> <li>• Cracked or broken main spring leaf or more than one broken spring leaf.</li> <li>• Part of spring leaf or suspension is missing, shifted out of place or in contact with another vehicle component.</li> <li>• Loose U-bolt.</li> </ul>
24. Tires	<ul style="list-style-type: none"> <li>• Damaged tread or sidewall of tire.</li> <li>• Tire leaking (if leak can be felt or heard, tire is to be treated as flat).</li> </ul>	<ul style="list-style-type: none"> <li>• Flat tire.</li> <li>• Tire tread depth is less than wear limit.</li> <li>• Tire is in contact with another tire or a vehicle component other than mud-flap.</li> <li>• Tire is marked "Not for highway use".</li> <li>• Tire has exposed cords in the tread or outer side wall area.</li> </ul>
25. Wheels, hubs and fasteners	<ul style="list-style-type: none"> <li>• Hub oil below minimum level. (When fitted</li> </ul>	<ul style="list-style-type: none"> <li>• Wheel has loose, missing or ineffective</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
	with sight glass.) <ul style="list-style-type: none"> <li>Leaking wheel seal.</li> </ul>	fastener. <ul style="list-style-type: none"> <li>Damaged, cracked or broken wheel, rim or attaching part.</li> <li>Evidence of imminent wheel, hub or bearing failure.</li> </ul>
26. Windshield wiper/washer	<ul style="list-style-type: none"> <li>Control or system malfunction.</li> <li>Wiper blade damaged, missing or fails to adequately clear driver's field of vision.</li> </ul>	<i>When necessary for prevailing weather condition and:</i> <ul style="list-style-type: none"> <li>Wiper or washer fails to adequately clear driver's field of vision in area swept by driver's side wiper.</li> </ul>
27. Pedestrian – Student Safety Crossing Arm		<i>Passengers may not be carried but vehicle may be moved when no passengers carried if:</i> <ul style="list-style-type: none"> <li>Required student safety crossing arm is missing or fails to function as intended.</li> </ul>
28. Stop Arm		<i>Passengers may not be carried but vehicle may be moved when no passengers carried if:</i> <ul style="list-style-type: none"> <li>Stop arm is missing.</li> <li>Stop arm is damaged so as to sig-</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor defect(s)	Major defect(s)
		<p>nificantly affect visibility.</p> <ul style="list-style-type: none"> <li>• Stop arm will not extend fully or stay fully extended.</li> <li>• Lights on stop arm do not function as intended.</li> </ul>

**Schedule C**

## Motor Coach (Daily)

Application:

This schedule applies only to motor coaches. Trailers towed by motor coaches must be inspected in accordance with Schedule B.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Systems and components</b>	<b>Minor Defect(s)</b>	<b>Major Defect(s)</b>
1. Accessibility devices	<i>Accessibility device may not be used if:</i> <ul style="list-style-type: none"> <li>• Alarm fails to operate.</li> <li>• Equipment malfunctions.</li> <li>• Interlock system malfunctions.</li> </ul>	<ul style="list-style-type: none"> <li>• Vehicle fails to return to normal after "kneeling."</li> <li>• Extendable lift, ramp or other passenger-loading device fails to retract.</li> </ul>
2. Air brake system	<ul style="list-style-type: none"> <li>• Audible air leak.</li> <li>• Slow air pressure build-up rate.</li> </ul>	<ul style="list-style-type: none"> <li>• There is an indication of a brake adjustment problem.</li> <li>• Air loss rate exceeds prescribed limit.</li> <li>• Inoperative towing vehicle (tractor) protection system.</li> <li>• Low air warning system fails or system is activated.</li> <li>• Inoperative service, parking or emergency brake.</li> </ul>
3. Coupling devices	<ul style="list-style-type: none"> <li>• Coupler or mounting has</li> </ul>	<ul style="list-style-type: none"> <li>• Coupler is insecure or move-</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor Defect(s)	Major Defect(s)
	loose or missing fastener.	<ul style="list-style-type: none"> <li>• ment exceeds prescribed limit.</li> <li>• Coupling or locking mechanism is damaged or fails to lock.</li> <li>• Defective, incorrect or missing safety chain/cable.</li> </ul>
4. Dangerous goods		<ul style="list-style-type: none"> <li>• Dangerous goods requirements not met.</li> </ul>
5. Doors and emergency exits	<ul style="list-style-type: none"> <li>• Door, window or hatch fails to open or close securely.</li> <li>• Alarm inoperative.</li> </ul>	<i>Passengers may not be carried but vehicle may be moved when no passengers carried if:</i> <ul style="list-style-type: none"> <li>• Required emergency exit fails to function as intended.</li> </ul>
6. Driver controls	<ul style="list-style-type: none"> <li>• Accelerator pedal, clutch, gauges, audible and visual indicators or instruments fail to function properly.</li> </ul>	<i>Passengers may not be carried but vehicle may be moved when no passengers carried if:</i> <ul style="list-style-type: none"> <li>• Accelerator sticking and engine fails to return to idle.</li> </ul>
7. Driver seat	<ul style="list-style-type: none"> <li>• Seat is damaged or fails to remain in set position.</li> </ul>	<ul style="list-style-type: none"> <li>• Seatbelt or tether belt is insecure, missing or malfunctions.</li> </ul>
8. Emergency equipment & safety devices	<ul style="list-style-type: none"> <li>• Emergency equipment is missing, damaged or defec-</li> </ul>	

Column 1	Column 2	Column 3
Systems and components	Minor Defect(s)	Major Defect(s)
	tive.	
9. Exhaust system	<ul style="list-style-type: none"> <li>Exhaust leak.</li> </ul>	<ul style="list-style-type: none"> <li>Leak that causes exhaust gas to enter the occupant compartment.</li> </ul>
10. Exterior body	<ul style="list-style-type: none"> <li>Insecure or missing body parts.</li> <li>Insecure or missing compartment door.</li> </ul>	
11. Fuel tank		<ul style="list-style-type: none"> <li>Missing fuel tank cap (vehicle may be moved when no passenger carried).</li> <li>Insecure fuel tank.</li> <li>Dripping fuel leak.</li> </ul>
12. General		<ul style="list-style-type: none"> <li>Serious damage or deterioration that is noticeable and may affect the vehicle's safe operation.</li> </ul>
13. Glass and mirrors	<ul style="list-style-type: none"> <li>Required mirror or window glass fails to provide the required view to the driver as a result of being cracked, broken, damaged missing or maladjusted.</li> </ul>	<p><i>Passengers may not be carried but vehicle may be moved when no passengers carried if:</i></p> <ul style="list-style-type: none"> <li>Driver's view of the road is obstructed in the area swept by the windshield</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor Defect(s)	Major Defect(s)
	<ul style="list-style-type: none"> <li>Required mirror or glass has broken or damaged attachments onto vehicle body.</li> </ul>	wipers.
14. Heater/defroster	<ul style="list-style-type: none"> <li>Control or system failure.</li> </ul>	<ul style="list-style-type: none"> <li>Defroster fails to provide unobstructed view through the windshield.</li> </ul>
15. Horn	<ul style="list-style-type: none"> <li>Vehicle has no operative horn.</li> </ul>	
16. Lamps and reflectors	<ul style="list-style-type: none"> <li>Required lamp does not function as intended.</li> <li>Required reflector is missing or partially missing.</li> <li>Passenger safety or access lamp does not function.</li> </ul>	<p><i>When lamps are required and there is a:</i></p> <ul style="list-style-type: none"> <li>Failure of both low-beam headlamps.</li> <li>Failure of both rearmost tail lamps.</li> </ul> <p><i>At all times when there is a:</i></p> <ul style="list-style-type: none"> <li>Failure of a rearmost turn-indicator lamp.</li> <li>Failure of both rearmost brake lamps.</li> </ul>
17. Passenger compartment	<ul style="list-style-type: none"> <li>Stanchion padding is damaged.</li> <li>Damaged steps or floor.</li> <li>Insecure or damaged overhead luggage rack or compartment.</li> <li>Malfunction or</li> </ul>	<p><i>When affected position is occupied and there is a:</i></p> <ul style="list-style-type: none"> <li>Malfunction or absence of required passenger or mobility device restraints.</li> <li>Passenger seat</li> </ul>

Column 1	Column 2	Column 3
Systems and components	Minor Defect(s)	Major Defect(s)
	absence of required passenger or mobility device restraints. <ul style="list-style-type: none"> <li>• Passenger seat is insecure.</li> </ul>	is insecure.
18. Steering	<ul style="list-style-type: none"> <li>• Steering wheel lash (free-play) is greater than normal.</li> </ul>	<ul style="list-style-type: none"> <li>• Steering wheel is insecure or does not respond normally.</li> <li>• Steering wheel lash (free-play) exceeds required limit.</li> </ul>
19. Suspension system	<ul style="list-style-type: none"> <li>• Air leak in air suspension system.</li> </ul>	<ul style="list-style-type: none"> <li>• Damaged (patched, cut, bruised, cracked to braid, mounted insecurely) or deflated air bag.</li> </ul>
20. Tires	<ul style="list-style-type: none"> <li>• Damaged tread or sidewall of tire.</li> <li>• Tire leaking (if leak can be felt or heard, tire is to be treated as flat.)</li> </ul>	<ul style="list-style-type: none"> <li>• Flat tire.</li> <li>• Tire thread depth is less than wear limit.</li> <li>• Tire is in contact with another tire or a vehicle component other than mud-flap.</li> <li>• Tire is marked "Not for highway use."</li> <li>• Tire has exposed cords in the tread or outer side wall.</li> </ul>
21. Wheels, hubs and	<ul style="list-style-type: none"> <li>• Hub oil below</li> </ul>	<ul style="list-style-type: none"> <li>• Wheel has</li> </ul>



Column 1	Column 2	Column 3
Systems and components	Minor Defect(s)	Major Defect(s)
fasteners	minimum level. (When fitted with sight glass.) <ul style="list-style-type: none"> <li>Leaking wheel seal.</li> </ul>	loose, missing or ineffective fastener. <ul style="list-style-type: none"> <li>Damaged, cracked or broken wheel, rim or attaching part.</li> <li>Evidence of imminent wheel, hub or bearing failure.</li> </ul>
22. Windshield wiper/washer	<ul style="list-style-type: none"> <li>Control or system malfunction.</li> <li>Wiper blade damaged, missing or fails to adequately clear driver's field of vision.</li> </ul>	<i>When necessary for prevailing weather condition and:</i> <ul style="list-style-type: none"> <li>Wiper or washer fails to adequately clear driver's field of vision in area swept by driver's side wiper.</li> </ul>

**Schedule D**

Motor Coach (earlier of 30 days or 12,000 km)

Application:

This schedule applies to motor coaches.

Note:

- All conditions listed below are major defects and must be repaired before the vehicle is driven.
- Schedule D inspections must be conducted while the vehicle is positioned over a pit or raised in a manner that provides adequate access to all applicable components by a person who holds the appropriate technician certification or qualification in accordance with paragraph 5(3)(b).

Column 1	Column 2
Systems and components	Major defects
1. Air brake system	<ul style="list-style-type: none"> <li>• Audible air leak.</li> <li>• Brake pushrod stroke is at or beyond the adjustment limit.</li> <li>• Clearance between disc brake pads and rotor exceeds manufacturer's specified limit.</li> <li>• Wedge brake shoe movement exceeds manufacturer's specified limit.</li> <li>• Excessive discharge of fluids from air reservoir.</li> <li>• Air compressor, mounts or attachments damaged or defective.</li> <li>• Compressor drive-belt loose or damaged.</li> <li>• Air line or fitting damaged or insecure.</li> <li>• Air tank defective, damaged or insecure.</li> </ul>

Column 1	Column 2
Systems and components	Major defects
	<ul style="list-style-type: none"> <li>• Air tank drain or moisture ejector device inoperable.</li> <li>• Brake chamber, brake linkage or other brake component is defective, damaged or insecure.</li> <li>• Spring brake is broken or malfunctions.</li> <li>• Inoperative service, parking or emergency brake.</li> </ul>
2. Exhaust system	<ul style="list-style-type: none"> <li>• Exhaust leak.</li> <li>• Exhaust system component insecure, damaged or perforated.</li> </ul>
3. Frame and/or underbody	<ul style="list-style-type: none"> <li>• A frame member or fastener is damaged, cracked or insecure.</li> <li>• A component mount is damaged or insecure.</li> </ul>
4. Fuel system	<ul style="list-style-type: none"> <li>• Fuel leak.</li> <li>• Insecure fuel tanks, fuel tank mounts or guards.</li> <li>• Fuel line or fitting damaged or insecure.</li> </ul>
5. Steering	<ul style="list-style-type: none"> <li>• Steering linkage is damaged or insecure.</li> <li>• Power steering fluid is leaking, contaminated or low.</li> <li>• Power steering component damaged or insecure.</li> </ul>
6. Suspension system	<ul style="list-style-type: none"> <li>• Air leak or malfunction of air suspension system or component.</li> <li>• Damage or deterioration of a suspension component including: <ul style="list-style-type: none"> <li>- spring and air bag;</li> <li>- axle or frame attaching component;</li> <li>- axle supporting or aligning component;</li> </ul> </li> </ul>

Column 1	Column 2
Systems and components	Major defects
	<ul style="list-style-type: none"><li>- suspension or component fastener;</li><li>- Shock absorber or attachments.</li></ul>
7. Tires	<ul style="list-style-type: none"><li>• Tire inflation less than required.</li><li>• Tire treads worn to wear limits.</li><li>• Damage to tread or sidewall of tire.</li><li>• Retread or rebuilt tire is used on front axle.</li></ul>
8. Wheels and fasteners	<ul style="list-style-type: none"><li>• Loose, missing, damaged or ineffective wheel fastener.</li><li>• Damaged wheel or wheel component.</li></ul>

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