



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 87

ST. JOHN'S, FRIDAY, APRIL 27, 2012

No. 17

MINERAL ACT

CORRECTION NOTICE

In Volume 87, Number 16 on page 169 of *The Newfoundland and Labrador Gazette* dated April 20th, 2012 there appeared a *Mineral Act* Notice regarding the cancellation of Mineral Licence 17521M.

This notice was published in error.

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

File #: 774: 8041

Apr 27

MUNICIPALITIES ACT, 1999

TOWN OF PARADISE WASTE DISPOSAL (GARBAGE) REGULATIONS NOTICE OF ADOPTION

TAKE NOTICE that as a result of a Motion of Council on March 6th, 2012 the TOWN OF PARADISE have adopted the Waste Disposal (Garbage) Regulations.

The regulations come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone wishing to inspect a copy of the Waste Disposal (Garbage) Regulations may do so at the Paradise Town Hall, 28 McNamara Drive, during normal hours of operation.

TOWN OF PARADISE
TerriLynn Smith, Town Clerk

Apr 27

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF CLARENVILLE MUNICIPAL PLAN AMENDMENT NO. 2, 2011 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 2, 2011

TAKE NOTICE that the TOWN OF CLARENVILLE Municipal Plan Amendment No. 2, 2011 and Development Regulations Amendment No. 2, 2011, adopted on the 13th day of September, and approved (as amended) on the 22nd day of November, 2011, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No.2, 2011 is to re-designate land on Myers Avenue from Open Space to Industrial.

In general terms, the purpose of Development Regulations Amendment No. 2, 2011 is to re-zone land on Myers Avenue from Open Space to Industrial Light.

The Clarenville Municipal Plan Amendment No. 2, 2011 and Development Regulations Amendment No. 2, 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 Clarenville Municipal Plan Amendment No.2, 2011 and Development Regulations Amendment No. 2, 2011 may do so at the Town Office, 99 Pleasant Street, Clarenville during normal working hours.

TOWN OF CLARENVILLE
Robert Hiscock, CAO

Apr 27

LANDS ACT

NOTICE OF INTENT

Lands Act, c36, SNL 1991, as amended

NOTICE IS HEREBY given that BRYAN BUTTERY of Port aux Basques, 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) meters of the waters of Grand Bay West in the Electoral District of Burgeo-La Poile for the purpose of a Boat House. The land is described as follows:

*Bounded on the North by property of Bryan Buttery
for a distance of 5 metres;
Bounded on the East by property of
Bryan Buttery/Crown Land
for a distance of 6 metres;
Bounded on the South by a Causeway
for a distance of 5 metres;
Bounded on the West by Grand Bay West
for a distance of 6 metres;
and containing an area of
approximately 30 square meters*

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 BRYAN BUTTERY, Telephone Number (709) 695-5949.

Apr 27

MECHANICS' LIEN ACT

NOTICE OF INTENTION TO RELEASE MECHANICS' LIEN HOLDBACK PURSUANT TO SECTION 12 OF THE MECHANICS' LIEN ACT RSNL 1990, cM-3 (THE "ACT")

PURSUANT TO section 12 of the Act, and in relation to a contract A4VI-30-CA0004 entered into between Vale Newfoundland and Labrador Limited and BMA Constructors which contract is dated as of August 11th, 2010, notice is hereby given of the intention of Vale Newfoundland and Labrador Limited, to the release of mechanics' lien holdback funds 30 days following the date of this notice.

Dated at St. John's, NL, this 13th day of April 2012.

FLUOR CANADA LIMITED
Troy Gilson, Project Contracts Manager
(acting as Agent for Vale NL Limited)

Apr 20, 27, May 4 & 11

NOTICE OF INTENTION TO RELEASE MECHANICS' LIEN HOLDBACK PURSUANT TO SECTION 12 OF THE MECHANICS' LIEN ACT RSNL 1990, cM-3 (THE "ACT")

PURSUANT TO section 12 of the Act, and in relation to a contract A4VI-90-CG0052 entered into between Vale Newfoundland and Labrador Limited and Compass Group Canada Limited which contract is dated as of March 5, 2010, notice is hereby given of the intention of Vale Newfoundland and Labrador Limited, to the release of mechanics' lien holdback funds 30 days following the date of this notice.

Dated at St. John's, NL, this 12th day of April 2012.

FLUOR CANADA LIMITED
Troy Gilson, Project Contracts Manager
(acting as Agent for Vale NL Limited)

Apr 20, 27, May 4 & 11

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*, RSNL 1990, cQ-3

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*, RSNL 1990, cQ-3, 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 30th 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 26th 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;

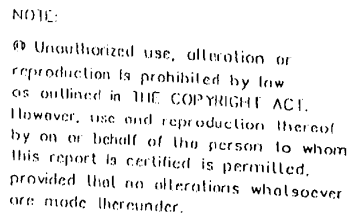
THENCE running by a filled Area Claimed by Albert Thomas Christopher and Albert Menchions South 25° 09' 47" East 0.731 meters; South 49° 16' 11" East 4.384 meters;

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.



Control Moment Values:

81G2176	N 5	273	310.616
	C	286	783.747
81G2178	N 5	274	550.177
	E	287	898.326

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Fence...-x-x-
Power Line...o-o-
Capped Iron Pin.....o
Found Iron Pin.....flr
Fence Post.....o
Scale Factor...0.999898

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NORMAN & PARSONS SURVEYS LIMITED.
Newfoundland Land Surveyors
P.O. Box 697 Bay Roberts NL. A0A 1G0

SURVEY ON BEHALF OF
Albert Thomas Christopher

Mercer's Cove, Bay Roberts
 Scale: 1:300
 Date: Aug. 14, 2008
 Survey by :
 Plan No. 2008029

CHANGE OF NAME ACT, 2009

Legal Name Changes
Processed During the Period – MARCH 2012

Under the authority vested in me by the *Change of Name Act, 2009* SNL 2009 cC-8-1,
I hereby certify that the following names have been changed.

Former Name	Present Name	Address
Marsden, Jayne Nathan	Holloway, Jayne Nathan	Corner Brook
Butt, Christina Cynthia	Keough, Christina Cynthia	Parsons Pond
Butt, Chelsea Grace	Keough, Chelsea Grace	Parsons Pond
Janzemis, Loretta Louise	Tapp, Loretta Louise	Corner Brook
Abbott, Hedley James	Strickland, Eddie James	Clarenville
Baker, Hayley Michele	King, Hayley Michele	Philips Head
Budden, Chantel Rita	Campbell, Chantel Rita	Port au Port
Turtle, Lewis Thomas	Tuttle, Thomas Lewis	Shearstown
Samson, Sadie Jane	Colbourne, Sadie Jane	Mount Pearl
Carter, Phoebe	Childs, Phoebe	Boswarlos
Alcorn, Cody Robert	Alcorn-Otto, Cody Robert	Corner Brook
Heath, Gerald Curtis	Curtis, Gerald	Corner Brook
Edwards, Brent Francis	Hennebury, Brent Francis	Lawn
McCulloch, James Mathew	Rowe, James Mathew McCulloch	Stephenville
Oliver, Courtney Donna Marie	Piercey, Courtney Donna Marie	Tilton
Newell-Fox, Meaghan Denise	Fox, Meaghan Denise Natasha Khan Newell	Corner Brook
Langdon, Rianna Lynette Lucy	Taylor, Rianna Lynette Lucy	Paradise
Michel, Veanessa Marie	Andrew, Vanessa Marie	Sheshatshiu
Cornect, Claude Joseph	Cornect, Claude Joseph	Cape St. George
Power, Liam Neil Byron	Burse, Liam Neil Byron	Paradise
Mackey, Paul Michael	Dwyer, Paul	St. John's
King, Bryton Terrance	Gabriel, Bryton Terrance	Kippens
Penashue, Jimmy Penatshuet Thomas	Rich, Jimmy Penatshuet Thomas	Sheshatshiu
Saunders, Carlee Frances Mary	Andrews, Carlee Frances Mary	Corner Brook
Khan, Ehsan Ullah	Yousafzai, Ehsan Khan	Happy Valley-Goose Bay
Benoit, Mary Malinda	Bennett, Mary Malinda	Kippens
Oliver, Isabella Elizabeth Joanna	Morra, Isabella Elizabeth Joanna	Port au Port
Gashlard, Thomas Denis	Gaslard, Dennis Thomas	Port au Choix
Kajutsiak, Christian Ed	Flowers, Christian Ed	Roddickton
Hickey, Celeste Mary Ella	Gough, Celeste Mary Ella	Corner Brook
Nochasak, Zoe Olivia Sophie Emelia Amy	Karpik, Zoe Olivia Sophie Emelia Amy	Nain
Molloy, Kelsie Elizabeth Lynn	Strickland, Kelsie Elizabeth Lynn	Harbour Breton
Tourrot, James Robert	Tourout, James Robert	Port au Port
Post-Langille, Frederick Dylan Roy	Fost, Frederick Dylan Roy	St. John's
Flynn, Aaron Gary	Blake, Aaron Gary	Gander Bay South
Murphy, Cheyenne Madeleine	Hart, Cheyenne Madeleine	St. John's
Wight, Ina Isabella	White, Ina Isabella	Birchy Head
Colford, Brooklyn Sarah	Barnes, Brooklyn Sarah	Winterton
Hamlyn, Olivia Eliza Viola	Oake, Olivia Eliza Viola	Corner Brook
Chubb, Valerie Rochelle	Canning, Valerie Rochelle	Bide Arm
Saunders, Riley Marie	Samms, Riley Marie	St. John's
Young, Michael Gerald	Lasaga, Michael Gerald	Barachois Brook
Kearsey, Lucille Autumn	Kearsey-Simms, Lucille Autumn	St. John's
Kearsey, Stella Faye	Kearsey-Simms, Stella Faye	St. John's
Young, Daniel Joseph	Alexsander, Daniel Joseph	Stephenville
Young, Dina Marie	Bennett, Diane Marie	Stephenville Crossing

Dated this 13th day of April, 2012.

SERVICE NL
Ken Mullaly, Registrar
Vital Statistics

TRUSTEE ACT

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
HELEN MARION HAWCO

ESTATE NOTICE

Apr 27

IN THE MATTER OF the Estate of JAMES CORCORAN,
Fisherman, late of St. Mary's, in the Province of
Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of, or who have any
claims or demands upon, or affecting the Estate of the
above-named JAMES CORCORAN, Deceased, are hereby
requested to send particulars of same, in writing, duly
attested, to the Executor of the Estate of the said JAMES
CORCORAN, - namely: Concentra Financial, 333 - 3rd
Avenue North, Saskatoon SK S7K 2M2, Attn: Brenda
Kennedy, Trust Officer on or before the 31st day of May,
2012, after which date the Executor will proceed to
distribute the said Estate, having regard only to the claims
of which the Executor then shall have had notice.

DATED at St. John's, in the Province of Newfoundland
and Labrador this 17th day of April, 2012.

WELLS & COMPANY PLC INC.
Solicitors for the Estate
of JAMES CORCORAN
PER: Graham A. Wells, QC, Solicitor

ADDRESS FOR SERVICE:
P.O. Box 26111 LeMarchant Rd. RPO
10 Freshwater Road
St. John's, NL A1C 5T9

Apr 27

ESTATE NOTICE

IN THE MATTER of the Estate of HELEN MARION
HAWCO, late of Chapels Cove, in the Province of
Newfoundland and Labrador, Health Care Aid, Deceased.

All persons claiming to be creditors of or who have any
claims or demands either as beneficiaries or next of kin (by
blood, legal adoption or marriage) upon or affecting the
Estate of HELEN MARION HAWCO, Health Care Aid,
who died at Chapels Cove, NL on or about August 4th,
2011, are hereby requested to send particulars thereof in
writing, duly attested, to the Office of the Public Trustee,
401 - 136 Crosbie Road, St. John's, NL, A1B 3K3,
Administrator of the Estate of HELEN MARION
HAWCO, on or before May 23rd, 2012, after which date the
said Administrator will proceed to distribute the Estate
having regard only to the claims of which he then shall
have had notice.

DATED at St. John's, NL, this 20th day of April, 2012.



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION

FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 87

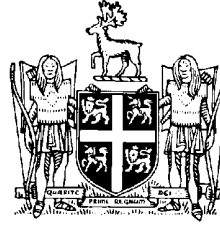
ST. JOHN'S, FRIDAY, APRIL 27, 2012

No. 17

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 30/12

NLR 31/12



NEWFOUNDLAND AND LABRADOR REGULATION 30/12

Student Financial Assistance Regulations (Amendment)
under the
Student Financial Assistance Act
(O.C. 2012-083)

(Filed April 24, 2012)

Under the authority of section 16 of the *Student Financial Assistance Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, April 5, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|---------------------------|------------------------|
| 1. S.10 R&S | period |
| 10. Definitions | 10.7 Suspension of |
| 10.1 Repayment assistance | repayment terms in |
| 10.2 Two stages of | agreement |
| repayment assistance | 10.8 Monthly payments |
| 10.3 Application and | during repayment |
| approval process | assistance |
| 10.4 Eligibility | 10.9 Failure to make |
| requirements | payments |
| 10.5 Determination by | 10.10 Return to school |
| Canada's Minister of | 10.11 Transitional |
| Human Resources and | 10.12 Transitional |
| Skills Development | permanent disability |
| 10.6 Repayment assistance | |

- | | |
|---|-----------------|
| 2. S.12 R&S
Loan forgiveness due to
permanent disability or death | 4. Sch Rep. |
| 3. S.12.01 Added
Loan forgiveness due to se- | 5. Commencement |

NLR 105/03
as amended

1. Section 10 of the *Student Financial Assistance Regulations* is repealed and the following substituted:

Definitions

10. In this section and in sections 10.1 to 10.12

- (a) "federal student loan" means a loan made by the Government of Canada under the *Canada Student Financial Assistance Act* (Canada) or the *Canada Student Loans Act* (Canada);
- (b) "monthly affordable payment" means the amount that a borrower can reasonably afford to pay on all of his or her federal and provincial student loans on a monthly basis, as determined under section 10.5;
- (c) "monthly required payment" means the amount that a borrower would be required to pay on all his or her federal and provincial student loans on a monthly basis as determined under section 10.5;
- (d) "permanent disability" means a functional limitation caused by a physical or mental impairment that restricts the ability of a person to perform the daily activities necessary to participate in studies at a post-secondary school level or the labour force and is expected to remain with the person for the person's expected life;
- (e) "provincial portion" means, in relation to the monthly required payment or the monthly affordable payment, the portion of the payment of all of the borrower's federal and provincial student loan that is equal to the provincial student loan;
- (f) "provincial student loan" means a student loan made under the Act; and

- (g) "repayment assistance" means repayment assistance provided for under section 10.1 to 10.12.

Repayment assistance

10.1 (1) A borrower under a consolidated loan agreement who is having difficulty making payments under the student loan agreement may apply for repayment assistance.

(2) Repayment assistance available includes, for a loan owned by the corporation

- (a) a reduction in the borrower's monthly payments on the student loan; or
- (b) assistance from the minister in forgiving an outstanding student loan by forgiving monthly payments on the loan.

(3) Repayment assistance available includes, for a loan not owned by the corporation

- (a) a reduction in the borrower's monthly payments on the student loan; or
- (b) assistance from the minister in paying off the borrower's outstanding student loan by making monthly payments on the loan in the amount of the reduction under paragraph (a).

(4) The amount of assistance provided by the minister, under subsections (2) and (3), shall be determined so that,

- (a) in the case of a person receiving repayment assistance other than a person described in paragraph (b), the borrower's student loan is repaid in full within 15 years from the day the borrower last was a qualifying student; and
- (b) in the case of a person with a permanent disability who is receiving repayment assistance and who, in an application for repayment assistance, discloses his or her disability, the borrower's student loan is paid in full within 10 years from the day the borrower last was a qualifying student.

Two stages of
repayment assistance

10.2 (1) Repayment assistance is provided in 2 stages as follows:

- (a) during stage 1, the monthly assistance provided by the minister relates to payments payable on account of interest owing and payments deferred on account of principal owing on the outstanding student loan; and
- (b) during stage 2, the monthly assistance provided by the minister relates to payments payable on account of principal and interest owing on the outstanding student loan as are required so as to ensure that the student loan is repaid in full within the time period specified in subsection 10.1(4).

(2) Subject to subsection (4), the two stages of repayment assistance are consecutive and a borrower shall receive stage 1 for the full period of time for which it is available under subsection (3) before the borrower is entitled to stage 2 repayment assistance.

(3) A borrower may receive repayment assistance under stage 1 for a period of up to 60 months, subject to sections 10.10 and 10.11.

(4) Notwithstanding subsection (3), a borrower who meets the eligibility requirements specified in subsection 10.4(1) and in either paragraph (b) or (c) of subsection 10.4 (3) is eligible for repayment assistance at stage 2 without having received stage 1 of repayment assistance.

(5) For the purpose of this section, where the lender is the corporation, the minister shall be considered to have complied with this section by forgiving, each month, the portion of the borrower's outstanding student loan that is equal to the payments that the minister is otherwise required to make under this section.

Application and
approval process

10.3 (1) A borrower who wishes to receive repayment assistance shall submit an application to the minister.

(2) The application shall be in the form approved by the minister and shall provide the information relating to the applicant's family status, number of family members and family income, and other information as may be required to determine eligibility for the repayment assistance.

(3) Where the minister determines that the applicant meets the eligibility requirements under sections 10.4 and 10.5, the borrower

shall be entitled to receive repayment assistance for a period of six months.

(4) If a borrower wishes to continue to receive repayment assistance immediately after the expiry of a repayment assistance period, the borrower shall submit an application for the assistance to the minister no later than 30 days after the end of the six month period.

(5) Subsections (2), (3) and (4) apply with necessary modifications to every successive application for repayment assistance made under subsection (1) until the borrower's student loan is repaid in full.

Eligibility require-
ments

10.4 (1) To be eligible for repayment assistance, a borrower shall

- (a) reside in Canada;
- (b) submit an application to the minister in accordance with section 10.3;
- (c) notwithstanding subsection 5.8(3), have a signed consolidated loan agreement;
- (d) have made the monthly payments required in a previous repayment assistance period;
- (e) have a monthly affordable payment that is less than the borrower's monthly required payment; and
- (f) satisfy the eligibility requirements under stage 1 of repayment assistance described in subsection (2) or under stage 2 of repayment assistance described in subsection (3).

(2) To be eligible for stage 1 of repayment assistance, a borrower shall meet all of the following requirements:

- (a) since the borrower last was a qualifying student, the borrower,
 - (i) has not received repayment assistance, or
 - (ii) has received repayment assistance under stage 1 for a total period of time of less than 60 months;

- (b) less than 10 years has elapsed since the borrower last was a qualifying student;
- (c) the borrower does not disclose a permanent disability in his or her application for repayment assistance.

(3) To be eligible under stage 2 of repayment assistance, a borrower shall meet at least one of the following requirements:

- (a) since the borrower last was a qualifying student, the borrower has received repayment assistance under stage 1 for 60 months;
- (b) 10 years or more has elapsed since the borrower last was a qualifying student; or
- (c) the borrower has a permanent disability and discloses, in an application for repayment assistance, his or her disability.

(4) Notwithstanding subsections (1), (2) and (3), a borrower who meets the eligibility requirements in this section shall not be eligible for repayment assistance where the minister has determined that the borrower is ineligible for repayment assistance because the borrower owes money on a prior student loan.

Determination by
Canada's Minister
of Human Re-
sources and Skills
Development

10.5 (1) For the purpose of determining whether a borrower meets the eligibility requirements of

- (a) paragraph 10.4(3)(c), the determination of whether a borrower has a permanent disability; or
- (b) paragraph 10.4(1)(e), the determination of the borrower's monthly affordable payment and monthly required payment

shall be made by Canada's Minister of Human Resources and Skills Development, under the *Canada Student Financial Assistance Regulations* or *Canada Student Loans Regulations*.

(2) Where a determination referred to in subsection (1) is not applicable, a determination by the minister that a borrower meets the eligibility requirements of

- (a) paragraph 10.4(3)(c), the determination of whether a borrower has a permanent disability; or
- (b) paragraph 10.4(1)(e), the determination of the borrower's monthly affordable payment and monthly required payment

shall be made on the same basis as if the determination was made under the *Canada Student Financial Assistance Regulations* or *Canada Student Loans Regulations*.

Repayment assistance period

10.6 (1) If a borrower is granted repayment assistance, the 6 month repayment assistance period shall commence at the beginning of the month in which the application for repayment assistance is submitted to the minister.

(2) Notwithstanding subsection (1), the minister may,

- (a) at the request of an applicant, backdate the commencement of the repayment assistance period for up to 6 months if the applicant has failed to make a monthly required payment on his or her outstanding student loan during the months previous to his or her application for repayment assistance; and
- (b) capitalize all or a part of the accrued interest owing on that student loan and that capitalized accrued interest shall form a part of the principal owed on that student loan.

Suspension of repayment terms in agreement

10.7 (1) Where a borrower is granted repayment assistance, during the repayment assistance period,

- (a) the terms of the repayment of the student loan set out in the borrower's consolidated loan agreement are suspended and of no effect; and
- (b) instead of the payments required under the consolidated loan agreement, payments shall be made each month on the provincial portion of the borrower's monthly required payment, as determined under section 10.8.

(2) At the end of the repayment assistance period, the suspension of repayment terms in the consolidated loan agreement is lifted, subject to such amendments to the consolidated loan agreement as may be agreed to by the parties.

(3) Subsection (2) does not apply if the borrower is granted a subsequent 6 month period of repayment assistance immediately upon the expiry of a previous repayment assistance period and the suspension of repayment terms is consequently extended.

Monthly payments
during repayment
assistance

10.8 (1) Where a borrower is granted repayment assistance under stage 1, the part of the provincial portion of the borrower's monthly required payment that is equal to the sum of the following amounts shall be paid each month on the borrower's outstanding student loan in the following manner:

- (a) the borrower shall pay to the lender the provincial portion of his or her monthly affordable payment; and
- (b) the minister shall pay to the lender interest payable as part of the provincial portion of the borrower's monthly required payment that is not paid by the borrower under paragraph (a).

(2) For greater certainty, during stage 1 of repayment assistance, a part of the provincial portion of a borrower's monthly required payment that is attributable to principal and not covered by the borrower's payment under paragraph (1)(a) is not payable to the lender.

(3) Where a borrower is granted repayment assistance under stage 2, all of the provincial portion of the borrower's monthly required payment shall be paid each month on the borrower's outstanding student loan in the following manner:

- (a) the borrower shall pay to the lender the provincial portion of his or her monthly affordable payment; and
- (b) the minister shall pay to the lender interest, principal or principal and interest as part of the provincial portion of the borrower's monthly required payment, that is not paid by the borrower under paragraph (a).

(4) A monthly payment made by the borrower under this section shall be made each month at the same time as the monthly amounts otherwise payable under the consolidated loan agreement would have been paid.

(5) A monthly payment made by the borrower under this section shall be applied against the borrower's outstanding student loan as follows:

- (a) the full amount of the payment shall be applied first against the part of the provincial portion of the monthly required payment that would be payable on the outstanding principal; and
- (b) if the amount of the payment exceeds the amount of principal payable as part of the provincial portion of the monthly required payment, the excess amount shall be applied against the interest payable as part of the provincial portion of the monthly required payment.

(6) Notwithstanding subsections (1) and (3), the minister is not required to pay an amount under this section in respect of a month during a repayment assistance period if the borrower fails to make a payment as required under this section in respect of that month.

(7) For the purpose of this section, where the lender is the corporation, the minister shall be considered to have complied with this section by forgiving, each month, the portion of the borrower's outstanding student loan that is equal to the payments that the minister is otherwise required to make under this section.

(8) Where there is a conflict between a provision of a consolidated loan agreement and this section, this section prevails.

Failure to make
payments

10.9 (1) Where a borrower fails to make one or more monthly payments that the borrower is required to make during a repayment assistance period, the borrower shall pay all missed payments on or before 30 days after the end of the repayment assistance period.

(2) A borrower who fails to pay all the missed monthly payments as required under subsection (1) shall no longer be eligible for repayment assistance unless, after the failure, the borrower

- (a) pays all arrears of interest owing under the consolidated loan agreement;
- (b) makes at least 6 consecutive monthly payments under the consolidated loan agreement; and

(c) is otherwise eligible for repayment assistance under section 10.4.

Return to school

10.10 Where a borrower receives repayment assistance and subsequently returns to school and becomes a qualifying student once again, the repayment assistance received before the return to school shall not be considered for purposes of determining eligibility for further repayment assistance that the borrower may apply to receive after completing the further period of study.

Transitional

10.11 (1) This section applies to a person whose payment obligations under a consolidated loan agreement were suspended under the payment deferral program on July 31, 2011.

(2) On August 1, 2011 a person described in subsection (1), whether or not they have submitted an application as required under paragraph 10.4(1)(b), is eligible for repayment assistance, where the person meets the eligibility requirements under sections 10.4 and 10.5 and subject to the following rules that apply for purposes of determining whether the person meets those eligibility requirements:

(a) a month during which a borrower's payment obligations were suspended under the payment deferral eligibility criteria since the borrower last was a qualifying student is considered to be a month during which the person received repayment assistance; and

(b) a month during which the borrower's payment obligations were suspended under the payment deferral eligibility criteria before the person last was a qualifying student is not relevant for the purposes of determining eligibility for repayment assistance.

Transitional permanent disability

10.12 (1) This section applies to a borrower who has a permanent disability and to whom section 10.11 does not apply and who was granted repayment assistance on the borrower's federal student loan between August 1, 2009 and July 31, 2011.

(2) On August 1, 2011 a person described in subsection (1), whether or not they have submitted an application as required under paragraph 10.4(1)(b), is eligible for repayment assistance where the person meets the eligibility requirements under sections 10.4 and 10.5

and subject to the following rules that apply for purposes of determining whether the person meets those eligibility requirements:

- (a) a month during which a borrower's payment obligations were suspended on the borrower's federal student loan under the repayment assistance eligibility criteria since the borrower last was a qualifying student is considered to be a month during which the person received repayment assistance under stage 2; and
- (b) a month during which the borrower's payment obligations were suspended on the borrower's federal student loan under the repayment assistance eligibility criteria before the person last was a qualifying student is not relevant for the purposes of determining eligibility for repayment assistance.

2. Section 12 of the Regulations is repealed and the following substituted:

Loan forgiveness
due to permanent
disability or death

12 (1) In this section, "permanent disability" means a functional limitation caused by a physical or mental impairment that restricts the ability of a person to perform the daily activities necessary to participate in studies at a post-secondary school level or the labour force and is expected to remain with the person for the person's expected life.

(2) For the period June 29, 2005 to July 31, 2009 where a borrower

- (a) becomes permanently disabled; or
- (b) dies

that borrower or borrower's executor or administrator may apply to the minister to have the borrower's student loan forgiven before full repayment of the student loan.

(3) The minister may, where the minister considers it to be appropriate and upon the advice of the division, forgive the repayment of a student loan by a borrower referred to in subsection (2).

(4) Notwithstanding subsection (2), where the minister becomes aware that a borrower has died, the minister may forgive the student loan of that borrower before full repayment of that loan whether or not

an application has been made by the borrower's executor or administrator under subsection (2).

(5) A decision made by the minister under this section is not eligible for review or appeal.

(6) The minister may, for the purpose of making a determination under this section require the expertise and opinion of a medical practitioner to review documentation submitted with respect to an application and to determine the nature and extent of the applicant's disability.

(7) Where it is determined by Canada's Minister of Human Resources and Skills Development under the *Canada Student Financial Assistance Regulations* and the *Canada Student Loans Regulations* that the borrower meets the requirements for permanent disability, that borrower will be granted loan forgiveness under this section.

(8) Where a determination referred to in subsection (7) is not applicable, a determination by the minister that the borrower meets the requirements for permanent disability shall be made on the same basis as if the determination was made under the *Canadian Student Financial Assistance Regulations* and the *Canada Student Loans Regulations* and that the borrower will be granted loan forgiveness.

(9) If a student loan is forgiven under this section, the minister shall in a case where the loan is

- (a) not owned by the corporation, pay the full amount, principal and interest, outstanding on the loan; and
- (b) owned by the corporation, forgive the full amount, principal and interest, outstanding on the loan.

3. The Regulations are amended by adding immediately after section 12 the following:

Loan forgiveness
due to severe
permanent disability
or death

12.01 (1) In this section, "severe permanent disability" means a functional limitation caused by a physical or mental impairment that prevents a borrower from performing the daily activities necessary to participate in studies at a post-secondary school level and in the labour force and is expected to remain with the person for their expected life.

(2) Effective August 1, 2009, where a borrower

- (a) becomes severely permanently disabled; or
- (b) dies

that borrower or borrower's executor or administrator may apply to the minister to have the borrower's student loan forgiven before full repayment of the student loan.

(3) The minister may, where the minister considers it to be appropriate and upon the advice of the division, forgive the repayment of a student loan by a borrower referred to in subsection (2).

(4) Notwithstanding subsection (2) where the minister becomes aware that a borrower has died, the minister may forgive the student loan of that borrower before full repayment of that loan whether or not an application has been made by the borrower's executor or administrator under subsection (2).

(5) A decision made by the minister under this section is not eligible for review or appeal.

(6) The minister may, for the purpose of making a determination under this section require the expertise and opinion of a medical practitioner to review documentation submitted with respect to an application and to determine the nature and extent of the applicant's disability.

(7) Where it is determined by Canada's Minister of Human Resources and Skills Development under the *Canada Student Financial Assistance Regulations* and the *Canada Student Loans Regulations* that the borrower meets the requirements for severe permanent disability, that borrower will be granted loan forgiveness under this section.

(8) Where a determination referred to in subsection (7) is not applicable, a determination by the minister that the borrower meets the requirements for severe permanent disability shall be made on the same basis as if the determination was made under the *Canada Student Financial Assistance Regulations* and the *Canada Student Loans Regulations* and that borrower will be granted loan forgiveness.

(9) A borrower who has a severe permanent disability may have his or her loan forgiven where the borrower meets the following criteria:

- (a) the person is a Canadian citizen or is a permanent resident within the meaning of the *Immigration and Refugee Protection Act* (Canada);
- (b) the person resides in Canada;
- (c) the person submits an application to the minister for the severe permanent disability benefit; and
- (d) the person satisfies the minister that by reason of his or her severe permanent disability, the person is unable to repay the student loan and will never be able to do so.

(10) If a student loan is forgiven under this section, the minister shall in a case where the loan is

- (a) not owned by the corporation, pay the full amount, principal and interest, outstanding on the loan; and
- (b) owned by the corporation, forgive the full amount, principal and interest, outstanding on the loan.

Schedule repeal

4. The Schedule to the regulations is repealed.

Commencement

5. (1) Sections 1 and 4 of these regulations are considered to have come into force on August 1, 2011.

(2) Section 2 of these regulations is considered to have come into force on June 29, 2005.

(3) Section 3 of these regulations is considered to have come into force on August 1, 2009.

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NEWFOUNDLAND AND LABRADOR REGULATION 31/12

*Student Financial Assistance Administration
Regulations (Amendment)
under the
Student Financial Assistance Act*

(Filed April 24, 2012)

Under the authority of section 15 of the *Student Financial Assistance Act*, I make the following regulations.

Dated at St. John's, April 19, 2012.

Joan Burke
Department of Advanced Education and Skills

REGULATIONS

Analysis

- | | |
|--|-----------------|
| 1. S. 3 Amdt.
Financial assistance
eligibility | 2. Commencement |
|--|-----------------|

NLR 106/03
as amended

1. (1) Subsection 3(1) of the *Student Financial Assistance Administration Regulations* is amended by

- (a) striking out the word "and" at the end of paragraph (g);**
- (b) striking out the period at the end of paragraph (h) and substituting a semi-colon and the word "and"; and**
- (c) adding immediately after paragraph (h) the following:**

- (i) where the person was issued a student loan in respect of a period of study and all amounts due with respect to that loan have been paid in full or the person
- (i) was granted repayment assistance under stage 2 under section 10 to 10.12 of the *Student Financial Assistance Regulations* in respect of the previous loan made under the Act, or
- (ii) has a permanent disability and was granted repayment assistance under stage 2 under sections 10 to 10.12 of the *Student Financial Assistance Regulations*, in respect of the previous student loan made under the Act and at least 60 months has elapsed since he or she last was a qualifying student.

(2) Section 3 of the regulations is amended by adding immediately after subsection (1.2) the following:

(1.3) The minister shall not grant financial assistance to a person who, with respect to a student loan made under the Act, was granted forgiveness under section 12.01 of the *Student Financial Assistance Regulations* for a severe permanent disability as defined in subsection 12.01(1) of those regulations.

Commencement

2. These regulations are considered to have come into force on August 1, 2011.

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PART II

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Student Financial Assistance Act			
Student Financial Assistance Administration Regulations (Amdt.)	NLR 31/12	NLR 106/03 S. 3 Amdt.	Apr 27/12 p. 541
Student Financial Assistance Regulations (Amdt.)	NLR 30/12	NLR 105/03 S. 10 R&S S. 12 R&S S. 12.01 Added Sch. Rep.	Apr 27/12 p. 527

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