



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 87	ST. JOHN'S, FRIDAY, MAY 11, 2012	No. 19
---------	----------------------------------	--------

MINERAL ACT

NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, RSNL1990, cM-12, as amended.

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

Mineral License	010541M
Held by	Buchans Minerals Corporation
Situate near	West Tally Pond, Central NL
On map sheet	12A/10

Mineral License	011652M
Held by	Quinlan, Roland
Situate near	Carson Pond, Southern NL
On map sheet	11P/13

Mineral License	013000M
Held by	Alterra Resources Inc.
Situate near	Coy Pond, Central NL
On map sheet	02D/05

Mineral License	013001M
Held by	Alterra Resources Inc.
Situate near	Coy Pond, Central NL
On map sheet	02D/05

Mineral License	013013M
Held by	Search Minerals Inc.

Situate near	Kane Brook, Southern NL
On map sheet	01M/14

Mineral License	013249M
Held by	Noel, E. Michele
Situate near	Dawsons Cove, Southern NL
On map sheet	01M/05 01M/12

Mineral License	013253M
Held by	Ryan, Kevin
Situate near	Lunch Pond, Burin Peninsula
On map sheet	01M/03

Mineral License	013256M
Held by	Altius Resources Inc.
Situate near	Northwest Gander River, Central NL
On map sheet	02D/14

Mineral License	013259M
Held by	Altius Resources Inc.
Situate near	South of Glenwood, Central NL
On map sheet	02D/15

Mineral License	014515M
Held by	Crosshair Exploration & Mining Corp.
Situate near	Nipishish Lake
On map sheet	13K/07

Mineral License	018119M
Held by	Golden Dory Resources Corp.
Situate near	Great Rattling Brook, Central NL
On map sheet	02D/12 02D/13

THE NEWFOUNDLAND AND LABRADOR GAZETTE
May 11, 2012

Mineral License Held by Situates near On map sheet	018120M Golden Dory Resources Corp. Great Rattling Brook, Central NL 02D/13	Situates near On map sheet	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 Bunyan's 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 Bunyan's 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 Arnold's 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. Bunyan's Cove, Eastern NL 02C/05 02D/08
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	018407M Pretty, Rodney Eldon Jackson's Arm, White Bay Area 12H/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	018408M Greene, Barry Noel Pauls Brook, Central NL 12A/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	018412M Lushman, Gilbert Star Lake, Central NL 12A/11
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	018413M Greene, Barry Little Rattling Brook, Central NL 02D/12
Mineral License Held by	018122M Ryan, Kevin	Mineral License Held by Situates near On map sheet	018414M Mercer, David Island Pond Area, Central NL 02D/13

THE NEWFOUNDLAND AND LABRADOR GAZETTE
May 11, 2012

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 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	018450M Zonte Metals Inc. Wings Point Area, Central NL 02E/02 02E/07
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	018451M Normore, Royle Forteau Bay 12P/07
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	020001M Natural Resources, Test Gp Dolland Pond, Central NL 11P/16 11P/15 12A/01 12A/02
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	020003M Natural Resources Baccalieu Tickle 02C/02
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	020004M Natural Resources, Test Gp Baccalieu Tickle 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 32nd 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

May 11

CITY OF ST. JOHN'S ACT



ST. JOHN'S MUNICIPAL COUNCIL NOTICE ST. JOHN'S RULES OF PROCEDURE BY-LAW

TAKE NOTICE that the St. John's Municipal Council has enacted an amendment to the St. John's Rules of Procedure (Amendment No. 1 – 2012) By-Law.

The said Amendment was passed by Council on the 24th day of April, 2012, and has the effect of establishing internal consistency with respect to certain terminology within the Rules of Procedure while remaining consistent with the relevant provisions of the *City of St. John's Act*.

All persons are hereby required to take notice that any person who wishes to view such Regulations may view same at the Office of the City Solicitor of the St. John's Municipal Council at City Hall, and that any person who wishes to obtain a copy thereof may obtain it at the said office upon the payment of a reasonable charge as established by the St. John's Municipal Council for such copy.

Dated this 24th day of April, 2012.

CITY OF ST. JOHN'S
Neil Martin, City Clerk

May 11

URBAN AND RURAL PLANNING ACT, 2000

NOTICE OF REGISTRATION TOWN OF CENTREVILLE-WAREHAM-TRINITY MUNICIPAL PLAN AMENDMENTS NO. 4, NO. 5, AND NO 6, 2012, AND DEVELOPMENT REGULATIONS AMENDMENTS NO. 4, NO. 5, AND NO 6, 2012

TAKE NOTICE that the TOWN OF CENTREVILLE-WAREHAM-TRINITY Municipal Plan Amendments No. 4, No. 5, and No. 6, 2012 and Development Regulations Amendments No. 4, No. 5, and No. 6, 2012 adopted on the 20th day of February, 2012, (as approved on the 20th day of March, 2012) have been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 4, 2012 and Development Regulations Amendment No. 4, 2012 is to change the land use designation of a site located on the east side of J. W. Pickersgill Boulevard in the northern end of Trinity from Rural to Residential in order to allow new housing development.

In general terms, the purpose of Municipal Plan Amendment No. 5, 2012 and Development Regulations Amendment No. 5, 2012 is to change the land use designation of a site located at the eastern end of Wareham Road from Rural to Residential in order to allow new housing development.

In general terms, the purpose of Municipal Plan Amendment No. 6, 2012 and Development Regulations Amendment No. 6, 2012 is to change the land use designation of a site located on the south side of J. W. Pickersgill Boulevard at the western entrance to Centreville from Commercial and Rural to Mixed Development in order to allow a mix of commercial and residential development

These amendments 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 them may do so at the Town Office during normal working hours.

TOWN OF CENTREVILLE-WAREHAM-TRINITY
Michelle Lane, Town Clerk

May 11

LANDS ACT

NOTICE OF INTENT

Lands Act, c36, SNL 1991, as amended

NOTICE IS HEREBY given that NEWFOUNDLAND POWER INC. of St. John's, 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) (a) of the said Act, to that piece of Crown land situated within fifteen (15) meters of the waters of Rattling Brook in the Electoral District of Lewisporte for the purpose of a Salmon Collection Facility. The land is described as follows:

*Bounded on the North by Route 351
for a distance of 55 metres;
Bounded on the East by Rattling Brook
Powerhouse Access Road
for a distance of 44 metres;
Bounded on the South by Newfoundland T'Railway
for a distance of 45 metres;
Bounded on the West by Rattling Brook
for a distance of 51 metres;
and containing an area of
approximately 2360 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 GARY HUMBY, Telephone Number (709) 737-2826.

May 4

NOTICE OF INTENT

Lands Act, c36, SNL 1991, as amended

NOTICE IS HEREBY given that ROB CARTER of Mount Pearl, 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) of the said Act, to that piece of Crown Land situated within fifteen (15) meters of the waters of First Pond in the Electoral District of Petty Harbour/St. John's for the purpose of a Landing Site. The land is described as follows:

*Bounded on the North by First Pond
for a distance of 15 metres;
Bounded on the East by Petty Harbour Road
for a distance of 5 metres;
Bounded on the South by Petty Harbour Road
for a distance of 15 metres;
Bounded on the West by Petty Harbour Road
for a distance of 5 metres;
and containing an area of
approximately 125 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 ROB CARTER, Telephone Number (709) 368-8681.

May 4

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 06G 0042
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (GENERAL)**

NOTICE OF APPLICATION under the *Quieting of Titles Act*, RSNL, cQ-3

NOTICE IS HEREBY GIVEN to all parties that NELLIE LITTLE, of Bloomfield, in the Province of Newfoundland and Labrador, has applied to the Supreme Court of Newfoundland and Labrador, Trial Division (General), Grand Bank, to have title to all that piece or parcel of property situate at Bloomfield, in the Province of Newfoundland and Labrador, which property is more particularly described in Schedule "A" hereto annexed and shown in Schedule "B" hereto annexed.

All bearings aforementioned for which NELLIE LITTLE claims to be the owner investigated and for a Declaration that she is the absolute owner in fee simple in possession and the said NELLIE LITTLE has been ordered to publish Notice of Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said NELLIE LITTLE shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division (General), Grand Bank, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Applicant on or before the 6th day of May, 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 be investigated then in such manner as the Supreme Court of Newfoundland and Labrador, Trial Division (General), Grand Bank, may direct.

Dated at Clarenville, in the Province of Newfoundland and Labrador, this 5th day of April, 2012.

HUGHES AND BRANNAN LAW OFFICE
Solicitors for the Applicant
PER: Katrina A. Brannan, QC

ADDRESS FOR SERVICE:
357 Memorial Drive
Clarenville, NL A5A 1R8

Tel: (709) 466-3324
Fax: (709) 466-3107

SCHEDULE "A"

**Nellie Little
Bloomfield, NL
Job No. 09-100**

ALL THAT piece or parcel of land situate at Bloomfield, in the Electoral District of Bonavista South, in the Province of Newfoundland and Labrador, abutted and bounded, as follows, that is to say:

BEGINNING at a point, the said point having Grid Coordinates of North 5 360 197.941 metres and East 238 140.285 metres, as referenced to the meridian of (53) degrees west longitude of the Three Degree Transverse Mercator Projection (NAD83-1992 adjustment).

THENCE running along the northerly limit of the Main Road, (20.0) metres wide, south (85) degrees, (47) minutes (30) seconds west, a distance of (50.431) metres;

THENCE running by land of Jason and Wendy Little, north (16) degrees (05) minutes (27) seconds east, a distance of (48.968) metres;

THENCE north (61) degrees (47) minutes (16) seconds west, a distance of (27.294) metres;

THENCE running by land of Kenneth and Jennifer Little, north (22) degrees (41) minutes (16) seconds east, a distance of (16.610) metres;

THENCE north (67) degrees (55) minutes (21) seconds west a distance of (24.389) metres;

THENCE running by land granted by the Crown to Robert Stratie, as registered at the Crown Lands Registry in Volume 01, Folio 30, north (51) degrees (10) minutes (54) seconds east, a distance of (99.201) metres;

THENCE running along the southwesterly limit of a Reservation, (10) metres wide, extending along the ordinary high water mark of Goose Bay, following the

sinuosities thereof, for a distance of (65) metres, more or less, to a point being distant (60.051) metres as measured on a bearing of south (30) degrees (16) minutes (43) seconds east from the previously described point;

THENCE running by laud granted by the Crown to Robert Stratie, as registered at the Crown Lands Registry in Volume 01. Folio 30, south (.21) degrees (48) minutes (57) seconds west, a distance of (82.450) metres;

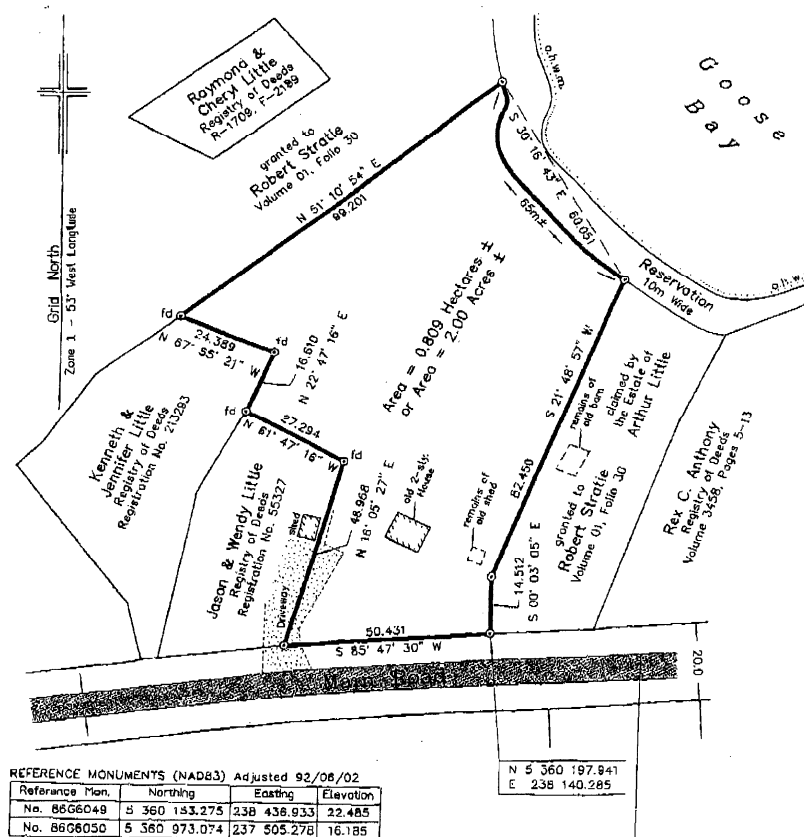
THENCE south (00) degrees (03) minutes (05) seconds east, a distance of (14.512) metres, more or less, to the

point of beginning and being more particularly shown and delineated on the attached plan;

CONTAINING an area of (0.809) Hectares, more or less;

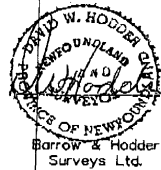
ALL BEARINGS being referred to the meridian of (53) degrees west longitude: of the Three Degree Transverse Mercator Projection (NAD83)

Copyright "2009", D.W.Hodder, NLS
Barrow & Hodder Surveys Ltd.
Oct 20, 2009



Note:

1. fd = Found
○ = Iron Pin
⊙ = Capped Iron Pin
o.h.w.m. = Ordinary High Water Mark
2. Starting point derived from Real Time Kinematic GPS observations relative to Coordinate Monument No. 8666049.
3. Copyright 2009, D. W. Hodder, NLS
Barrow & Hodder Surveys Ltd.



PLAN SHOWING LAND SURVEYED FOR
Nellie Little
Bloomfield, NL

Scale - 1 : 1000

Job No. 09-100

Date - 20 OCT 2009

May 11

TRUSTEE ACT

MILLS & GALLANT
PER: Susan H. Gallant

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of late TERRY GILLINGHAM of the Town of Musgrave Harbour, in the Province of Newfoundland and Labrador, Fisherman, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of TERRY GILLINGHAM, the aforesaid deceased, who died at Town of Gander, in the Province of Newfoundland and Labrador on or about the 9th day of March, 2012, 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 9th day of May, 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 24th day of April, 2012.

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

ADDRESS FOR SERVICE:

P.O. Box 563
218 Airport Boulevard
Gander, NL A1V 2E1

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

May 4 & 11

ESTATE NOTICE

IN THE ESTATE of JOSEPH CHARLES HENRI JEAN, late of the Town of Stephenville, in the Province of Newfoundland and Labrador, former retired counselor at Canada Employment, widowed, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of JOSEPH CHARLES HENRI JEAN, late of the Town of Stephenville, Newfoundland and Labrador, deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Executrix of the Estate on or before the 11th day of June, 2012, after which date the said Executrix will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED at Stephenville, Newfoundland and Labrador this 4th day of May, 2012.

ADDRESS FOR SERVICE

P.O. Box 447, 87 Gallant Street
Stephenville, NL
A2N 3A3

Tel: (709) 643-5688
Fax: (709) 643-2906

May 11



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION

FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 87

ST. JOHN'S, FRIDAY, MAY 11, 2012

No. 19

NEWFOUNDLAND AND LABRADOR REGULATION

NLR 45/12



NEWFOUNDLAND AND LABRADOR REGULATION 45/12

Fire Protection Services Regulations
under the
Fire Protection Services Act

(Filed May 8, 2012)

Under the authority of section 33 of the *Fire Protection Services Act*, I make the following regulations.

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

Kevin O'Brien
Minister of Municipal Affairs

REGULATIONS

Analysis

- | | |
|---|--|
| 1. Short title | 7. Requirements |
| 2. Definitions | 8. Testing and maintenance |
| PART I
ADOPTION OF CODES | PART III
FIRE EXTINGUISHERS
AND FIRE
EXTINGUISHING
SYSTEMS |
| 3. Codes adopted | 9. Fire extinguishers |
| 4. Conflict | 10. Plans to be approved |
| PART II
SMOKE AND FIRE
ALARM DETECTION
SYSTEMS | 11. Installation or service of unit
or system |
| 5. Application | 12. Persons qualified for servicing |
| 6. Compliance with codes and
standards | 13. Notice of commissioning |

14. Equipment not to be inoperative	18. Purchase and discharge of aerial fireworks
PART IV FIREWORKS	19. Discharge inside a building
15. Explosives Act (Canada)	PART V GENERAL
16. Permit required for retail sale	20. Transitional
17. Discharge of family fireworks	21. Repeal
	22. Commencement
	Schedule

Short title **1.** These regulations may be cited as the *Fire Protection Services Regulations*.

Definitions **2.** In these regulations

(a) "aerial fireworks" means high hazard fireworks as described in Class 7, Division 2, Subdivision 2 of the *Explosives Regulations* under the *Explosives Act* (Canada);

(b) "family fireworks" means low hazard fireworks for recreation commonly referred to as consumer fireworks, and as described in Class 7, Division 2, Subdivision 1 of the *Explosives Regulations* under the *Explosives Act* (Canada);

(c) "fireworks" means fireworks as classified in the *Explosives Regulations* and the *Explosives Act* (Canada) and includes

(i) family fireworks,

(ii) aerial fireworks, and

(iii) pyrotechnics;

(d) "fire extinguishing systems" means manual or automatic extinguishing systems designed to extinguish or limit the growth of a fire and include

(i) sprinkler systems and other water based systems,

(ii) foam based systems,

(iii) carbon dioxide systems,

- (iv) halon systems,
- (v) dry chemical systems,
- (vi) wet chemical systems,
- (vii) wetting agents, and
- (viii) clean agent extinguishing systems;
- (e) "pyrotechnics" means theatrical explosives as described in Class 7, Division 2, Subdivision 5 of the *Explosives Regulations* under the *Explosives Act* (Canada);
- (f) "recognized national testing laboratory" means an organization accredited by the Standards Council of Canada;
- (g) "residential occupancies, group C" means the occupancy or use of a building or part of a building by persons for whom sleeping accommodations are provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained; and
- (h) "smoke alarm" means a combined smoke detector and audible alarm device designed to sound an alarm within the room or suite in which it is located upon the detection of smoke within that room or suite.

PART I ADOPTION OF CODES

Codes adopted

3. (1) The following codes are adopted with the additions, alterations or changes as directed by and described in the schedule:

- (a) for the construction of all buildings
 - (i) the National Building Code of Canada, 2010 edition, except Part 9 where relative to one and 2 family dwellings within Group C, and
 - (ii) the National Fire Code of Canada, 2010 edition; and

(b) for the use and operation of all buildings, processes, areas and vehicles

(i) the National Fire Code of Canada, 2010 edition, and

(ii) the NFPA 101, Life Safety Code, 2009 edition, as published by the National Fire Protection Association.

(2) Notwithstanding

(a) Division A, subsection 1.5.1.3 of the National Building Code of Canada, 2010 edition and the National Fire Code of Canada, 2010 edition; and

(b) Division B, Subsection 1.3.1 of the National Building Code of Canada, 2010 edition and the National Fire Code of Canada, 2010 edition

the standards referenced in all codes adopted by these regulations shall be the current editions of those standards at the date these regulations come into force.

(3) Where, after the coming into force of these regulations, referenced standards in codes adopted by these regulations change or are updated, those standards are adopted 6 months following the date of their publication.

Conflict

4. In the event of a conflict between the codes adopted under section 3, the provisions of the National Building Code of Canada shall prevail with regard to design and construction, except as may be otherwise provided in the schedule.

PART II SMOKE AND FIRE ALARM DETECTION SYSTEMS

Application

5. Smoke alarms which comply with the codes adopted under section 3 shall be installed in:

(a) new and existing dwelling units and in each sleeping room not within a dwelling unit;

- (b) existing one and 2 family units, owner occupied or rented, unless governed by a municipal by-law;
- (c) privately owned and occupied seasonal cottages and seasonal homes; and
- (d) other areas which may be determined by the fire commissioner.

Compliance with
codes and standards

6. The installation, testing and maintenance of smoke alarms shall comply with all codes and standards adopted under section 3 as described in the schedule.

Requirements

7. (1) The requirements for fire alarm and detection systems in new or existing buildings shall be as required by the codes and standards adopted under section 3 as described in the schedule, and may be varied by order of the fire commissioner for the safety of occupants.

(2) Fire alarm and detection systems shall be designed only by qualified persons in accordance with the National Building Code of Canada and all components of fire alarm and detection systems shall be tested, listed and labelled by a recognized national testing laboratory or as otherwise approved by the fire commissioner.

(3) The installation and verification of all newly installed fire alarm and detection systems and voice communication systems used in conjunction with fire alarm and detection systems shall comply with the National Fire Code of Canada.

(4) Plans for the installation of fire alarm and detection systems shall be approved by the fire commissioner.

Testing and maintenance

8. (1) The testing and maintenance of fire alarm and detection systems in buildings shall be performed in accordance with the National Fire Code of Canada.

(2) Qualified personnel performing the tests and maintenance referred to in subsection (1) shall follow the requirements of the National Fire Code of Canada.

(3) A person shall not perform maintenance, repair, inspection, testing or verification of an installed fire alarm and detection system unless, in the opinion of the fire commissioner, that person

- (a) possess the necessary tools and testing equipment to do the work;
- (b) has passed certification examinations to the satisfaction of the fire commissioner; and
- (c) has received the applicable licences.

(4) A licence to perform testing and maintenance of fire alarm and detection systems shall remain in force unless cancelled, suspended, or surrendered.

(5) Fire alarm and detection systems shall be in working order.

(6) Where services are required to installed fire alarm and detection systems, those systems shall not be inoperative for any longer than reasonably necessary for those services to be performed.

(7) Where a fire alarm and detection system is temporarily inoperative in an occupied building required to have a fire alarm and detection system, the person responsible for completing the work shall:

- (a) immediately notify the fire department and monitoring station of the shut down and where that shut down is anticipated to last more than 24 hours, that notification shall be in writing;
- (b) post notices on all floors by elevators and at entrances, stating the fire alarm and detection system is inoperative and that work is being carried out on it and when that work is expected to be completed;
- (c) patrol the area at least once every hour;
- (d) notify the fire department, monitoring station and the building occupants and owner when the work has been completed and the system is operational; and
- (e) in addition to the requirements of paragraphs (a) to (d), comply with the other fire and life safety requirements of the fire commissioner with respect to the shut-down, if any, for the protection of persons affected by it.

(8) Inoperative fire alarm and detection systems referred to in subsection (7) shall be given high priority in regard to repairs or adjustments that may be required to restore them to full operation.

**PART III
FIRE EXTINGUISHERS AND FIRE
EXTINGUISHING SYSTEMS**

Fire extinguishers

9. (1) A person shall not sell, use or install a portable fire extinguisher within the province unless and until it has been listed and labelled for use in Canada.

(2) A person shall not sell, use or install an obsolete fire extinguisher, including a fire extinguisher which has been noted as obsolete by NFPA 10, Portable Fire Extinguishers, as published by the National Fire Protection Association.

Plans to be approved

10. (1) A plan for the installation of a fire extinguishing system and system components shall be approved by the fire commissioner before that system is installed.

(2) Notwithstanding subsection (1), where a fire extinguishing system required for commercial cooking according to NFPA 96, Standard for Ventilation Control and Fire Protection of Cooking Operations is installed, plan approval by the fire commissioner is not required.

Installation or service of unit or system

11. (1) A person shall not install or perform a service on a fire extinguisher or fire extinguishing system until, in the opinion of the fire commissioner, that person

- (a) possesses the necessary tools and testing equipment to do that work;
- (b) has passed certification examinations to the satisfaction of the fire commissioner; and
- (c) has received the applicable licence issued by the fire commissioner.

(2) A licence shall remain in force unless cancelled, suspended or surrendered.

(3) All installation and servicing shall be performed in accordance with codes adopted under section 3 and as described in the schedule.

(4) The fire commissioner may cancel or suspend a licence for non-compliance with the Act or these regulations.

Persons qualified
for servicing

12. (1) Only persons or agencies fulfilling the requirements of subsection 11(1) shall perform servicing procedures.

(2) An agency shall, as required by the fire commissioner, report the name and address of each qualified person and the number of and names of all trainees in its employ.

(3) A trainee shall perform servicing procedures only under the direct supervision of a qualified person who shall be responsible for the work performed.

Notice of commis-
sioning

13. Upon completion of the installation of a fire extinguishing system and upon commissioning of that system, a copy of the installer's or manufacturer's verification shall be submitted to the fire commissioner.

Equipment not to be
inoperative

14. (1) Installed fire extinguishing systems shall be in working order.

(2) Where services are required to installed fire extinguishing systems, those systems shall not be inoperative for any longer than reasonably necessary for those services to be performed.

(3) Where a fire extinguishing system is temporarily inoperative in an occupied building required to have a fire extinguishing system, the person responsible for completing the work shall

- (a) immediately notify the fire department and monitoring station of the shut down and where that shut down is anticipated to last more than 24 hours, that notification shall be in writing;
- (b) post notices on all floors by elevators and at entrances, stating the fire extinguishing system is inoperative and that work is being carried out on it and when that work is expected to be completed;

- (c) patrol the area at least once every hour;
- (d) notify the fire department, monitoring station and the building occupants and owner when the work has been completed and the fire extinguishing system is operational; and
- (e) in addition to the requirements of paragraphs (a) to (d), comply with the other fire and life safety requirements of the fire commissioner with respect to the shut-down, if any, for the protection of persons affected by it.

(4) Inoperative fire extinguishing systems referred to in subsection (3) shall be given high priority in regard to repairs or adjustments that may be required to restore them to full operation.

PART IV FIREWORKS

Explosives Act
(Canada)

15. Only fireworks which have been authorized under the *Explosives Act* (Canada) may be stored, sold or used in the province.

Permit required for
retail sale

16. (1) A person shall not offer family fireworks for retail sale unless that person has obtained a permit from the fire commissioner authorizing the storage and sale of those fireworks in accordance with these regulations and the applicable federal requirements.

(2) A permit issued under subsection (1) shall remain in force until cancelled, suspended or surrendered.

(3) The fire commissioner may cancel or suspend a permit for non-compliance with the Act, these regulations or the applicable federal requirements.

Discharge of family
fireworks

17. A person shall not discharge or display family fireworks unless that person

- (a) is over 18 years of age;
- (b) discharges fireworks in accordance with instructions printed on each item or package; and
- (c) exercises care and caution in the discharge of those fireworks.

Purchase and discharge of aerial fireworks

18. (1) A person shall not discharge aerial fireworks unless a permit from the fire commissioner is obtained authorizing the discharge or display.

(2) A permit issued for outside discharge or display of aerial fireworks is valid only for the date and area for which it is issued.

(3) The discharge or display of aerial fireworks shall be under the direction of a person authorized to do so by the applicable federal regulatory authority.

Discharge inside a building

19. (1) A person shall not discharge fireworks inside a building.

(2) Notwithstanding subsection (1), the fire commissioner may issue a permit for the discharge of pyrotechnics within a building for special occasions, including theatrical performances, and may stipulate the conditions under which that discharge may be permitted.

PART V GENERAL

Transitional

20. A permit issued under the *Fire Protection Act, 1991*, for installation, inspection or maintenance of

(a) fire alarm and detection systems; or

(b) fire extinguishers and fire extinguishing systems

shall be valid for a period of 12 months following the coming into force of these regulations only, at which time all permits for those purposes issued under the former Act shall be cancelled.

Repeal

21. The following regulations are repealed:

(a) *Fire Prevention Fire Extinguisher and Fixed Fire Extinguishing Systems Regulations, Consolidated Newfoundland and Labrador Regulation 958/96;*

(b) *Fire Prevention Fireworks Regulations, Consolidated Newfoundland and Labrador Regulation 8/96;*

- (c) *Fire Prevention Flammable and Combustible Liquids Regulations*, Consolidated Newfoundland and Labrador Regulation 959/96;
- (d) *Fire Prevention Regulations*, Consolidated Newfoundland and Labrador Regulation 9/96; and
- (e) *Fire Prevention Smoke and Fire Alarm Regulations*, Consolidated Newfoundland and Labrador Regulation 960/96.

Commencement

22. These regulations come into force on June 1, 2012.

Schedule

Fire and Life Safety

Interpretation

1. (1) In this Schedule

- (a) "addition" means an increase in building area, aggregate floor area, height, or number of stories of a structure;
- (b) "adopted code" means the applicable code as adopted under section 3 of the regulations;
- (c) "authority having jurisdiction" means the government body responsible for the enforcement of a part of the referenced code or the official or agency designated by that body to exercise that function;
- (d) "change of occupancy classification" means a change in the occupancy classification of a structure or portion of a structure;
- (e) "change of use" means a change in the purpose or level of activity within a structure that involves a change in application of the requirements of the Act, regulations and adopted codes;
- (f) "existing building or structure" means building or structure approved for occupancy by the AHJ or a building or structure which is currently occupied;
- (g) "historic building" means a building or facility considered to have historical, architectural, or cultural significance by a local, regional, or national authority;
- (h) "modification" means
 - (i) the addition or elimination of load-bearing elements,
 - (ii) the reconfiguration of any space,
 - (iii) the addition or elimination of any door or window;
 - (iv) the reconfiguration or extension of any system, or

- (v) the installation of any additional equipment;
- (i) "new construction" means a building or structure which is
 - (i) under construction, or
 - (ii) not approved for occupancy by the AHJ;
- (j) "reconstruction" means
 - (i) the reconfiguration of a space that affects an exit, or a corridor shared by more than a single tenant, or
 - (ii) the reconfiguration of space so that the rehabilitation work area is not permitted to be occupied because existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained;
- (k) "rehabilitation" means any work on an existing building classified as:
 - (i) repair,
 - (ii) renovation,
 - (iii) modification,
 - (iv) reconstruction,
 - (v) change of use of occupancy, or
 - (vi) addition;
- (l) "renovation" means
 - (i) the replacement in kind or strengthening of load bearing elements, or
 - (ii) the refinishing, replacement, bracing, strengthening, or upgrading of existing materials, elements, equipment or fixtures, without involving the reconfiguration of spaces; and

- (m) "repair" means the patching, restoration, or painting of materials, elements, equipment, or fixtures for the purpose of maintaining those materials, elements, equipment or fixtures in good or sound condition.

(2) Words and phrases used in this schedule that are not included in this section shall have the meanings which are commonly assigned to them in the context in which they are used, taking into account the specialized use of terms with the various trades and professions to which the terminology applies.

(3) The following abbreviations are used in this schedule:

- (a) AHJ: authority having jurisdiction;
- (b) LSC: NFPA 101 Life Safety Code;
- (c) NBCC: National Building Code of Canada;
- (d) NFCC: National Fire Code of Canada; and
- (e) NFPA: National Fire Protection Association.

Application and use

2. (1) This schedule directs the application and use of the adopted codes.

(2) This schedule directs the application and use of the appropriate codes, sections or chapters of codes that shall be used for

- (a) the design, construction, operation of new structures; and
- (b) the use and operation of existing structures.

(3) This schedule identifies the procedures that owners or developers shall follow in the repair, renovation, modification, reconstruction, change of use or change of occupancy classification, and addition to existing structures including historic buildings.

Existing buildings

3. (1) This schedule permits repairs, renovations, modifications, reconstructions, additions, and changes of use that maintain or improve the health, safety, and well-being of occupants in existing buildings, without requiring full compliance with the adopted codes, except for proportional additional work as specified in this schedule and the LSC.

(2) Nothing in this section shall be interpreted as requiring the repair, renovation, modification or reconstruction of existing buildings, but in all circumstances the requirements of the adopted codes shall be met.

(3) All work shall be classified into categories of:

- (a) repair;
- (b) renovation;
- (c) modification;
- (d) reconstruction;
- (e) change of use; or
- (f) addition

with specific requirements established for each category according to the LSC.

Compliance

4. (1) Existing life safety features which are obvious to the public, if not required by the adopted codes, shall be either maintained or removed.

(2) This schedule shall not supersede any adopted codes or ordinances that address dangerous or unsafe buildings.

(3) Buildings and structures located in whole or in part in a floodway or floodway fringe shall conform to the Newfoundland and Labrador Provincial Land Use Policy Flood Risk Areas.

(4) The minimum design loads for a structure shall be the loads applicable at the time the building was constructed, provided that no structurally deficient condition is created.

(5) Notwithstanding subsection (4), structural elements that are uncovered during the course of the building rehabilitation which are found to be unsound or structurally deficient shall comply with the load requirements of the NBCC.

(6) Where a rehabilitation work area includes a commercial kitchen and the work includes reconfiguration or extension of cooking equipment or the installation of additional cooking equipment, existing grease ducts, exhaust equipment, and kitchen hoods shall be brought into compliance with the requirements of NBCC.

(7) Where

(a) a rehabilitation work area is more than 50 percent of the gross floor area; or

(b) the occupant load is intended to be increased by at least 20 percent as a result of the rehabilitation work,

the plumbing system shall be upgraded to the NBCC.

(8) Rehabilitation work, including an addition, shall not create or extend any nonconformity to the adopted codes in the existing building in which the rehabilitation work or the addition is constructed.

Preliminary meeting

5. (1) Where a building permit is required for a rehabilitation project involving multiple adopted codes, before the submission of the construction permit application and upon the request of the applicant and the payment of any required fees, the AHJ or its designee and representatives from all necessary agencies may meet with the applicant to discuss plans for any proposed work or change of occupancy.

(2) The meeting referred to in subsection (1) shall, to the extent possible, include the officials responsible for permit approval and enforcement with respect to the following, as applicable to the rehabilitation project:

(a) National Building Code of Canada;

(b) National Plumbing Code of Canada;

(c) NFPA 101, LSC;

(d) Canadian Electrical Code;

(e) National Fire Code of Canada;

(f) *Public Safety Act*;

(g) *Building Accessibility Act*; and

(h) *Historic Resources Act*;

(3) Decisions made at the meeting shall be documented and circulated to those in attendance.

(4) For a rehabilitation project or portion of it that is in the repair, renovation, or modification category of work, a preliminary meeting may be permitted to be granted at the discretion of the AHJ when a request for a preliminary meeting is made by the prospective applicant prior to the submission of the construction permit application.

(5) The rehabilitation work area shall be clearly identified on all construction permit applications, construction documents, and permits required by the AHJ.

Design, construction, use & occupancy - new construction

6. (1) Building plans submitted for approval shall meet the requirements of the regulations, adopted codes and this schedule.

(2) All new construction, including construction and development shall meet the requirements in the table:

New Construction

OCCUPANCY TYPE		DESIGN, CONSTRUCTION, USE & OCCUPANCY
GENERAL NOTES		
NBCC Occupancy Classification	LSC Occupancy Classification	
Group A - Division 1,2,3,4 Assembly	ASSEMBLY	NBCC, NFCC AND CHAPTER 12 LSC
Group A - Division 2 Assembly	EDUCATION	NBCC, NFCC AND CHAPTER 14 LSC
Group A - Division 2 Assembly	DAY-CARE	NBCC, NFCC AND CHAPTER 16 LSC AND DAY-CARE REGS.
Group B - Division 1 Detention	DETENTION & CORRECTIONAL	NBCC, NFCC AND CHAPTER 22 LSC

Group B - Division 2 Treatment	HEALTH CARE	NBCC, NFCC AND CHAPTER 18 LSC
Group B- Division 3 Care	RESIDENTIAL BOARD AND CARE	NBCC, NFCC, Chapter 32 LSC and NL Personal Care Home Policy Manual
Group C Residential	ONE & TWO FAMILY DWELLINGS	NO REQUIREMENTS
Group C Residential	LODGING & ROOMING HOUSES	NBCC, NFCC AND CHAPTER 26 LSC
Group C Residential	HOTELS & DORMITORIES	NBCC, NFCC AND CHAPTER 28 LSC
Group C Residential	APARTMENT BUILDINGS	NBCC, NFCC AND CHAPTER 30 LSC
Group D Business and personal services	AMBULATORY HEALTH CARE	NBCC, NFCC AND CHAPTER 20 LSC
Group D Business and personal services	BUSINESS	NBCC, NFCC AND CHAPTER 38 LSC
Group E Mercantile	MERCANTILE	NBCC, NFCC AND CHAPTER 36 LSC
Group F - Division 1,2,3 Industrial	INDUSTRIAL	NBCC, NFCC AND CHAPTER 40 LSC
Group F - Division 2,3 Industrial	STORAGE	NBCC, NFCC AND CHAPTER 42 LSC

(3) New construction shall follow the NBCC for design and construction with the only exception of the means of egress.

(4) Means of egress for new construction shall comply with Chapter 7 of the LSC unless otherwise provided for or modified by the individual occupancy chapters, which shall prevail.

(5) The requirements for the use and occupancy of the building shall follow the NFCC and the applicable occupancy chapter for new construction requirements in the NFPA 101, LSC.

(6) The use and occupancy requirements shall be incorporated into the design and construction of the building.

(7) There shall be no use and occupancy requirement for design and construction that exceeds

(a) the requirements of the NBCC; or

(b) section 2, Means of Egress, of the applicable occupancy chapter of the NFPA 101, LSC.

Use and occupancy
-existing buildings

7. (1) Existing buildings shall meet the requirements of the regulations, adopted codes, this schedule and the requirements in the table:

Existing Buildings

OCCUPANCY TYPE	USE & OCCUPANCY
GENERAL NOTES	EXISTING
ASSEMBLY	NFCC AND CHAPTER 13 LSC
EDUCATION	NFCC AND CHAPTER 15 LSC
DAY-CARE	NFCC AND CHAPTER 17 LSC AND DAY-CARE REGULATIONS
HEALTH CARE	NFCC AND CHAPTER 19 LSC
AMBULATORY HEALTH CARE	NFCC AND CHAPTER 21 LSC
DETENTION & CORRECTIONAL	NFCC AND CHAPTER 23 LSC
ONE & TWO FAMILY DWELLINGS	NO REQUIREMENTS
LODGING & ROOMING HOUSES	NFCC AND CHAPTER 27 LSC
HOTELS & DORMITORIES	NFCC AND CHAPTER 29 LSC
APARTMENT BUILDINGS	NFCC AND CHAPTER 31 LSC
RESIDENTIAL BOARD & CARE	NFCC AND CHAPTER 33 LSC AND PERSONAL CARE HOME POLICY MANUAL
MERCENTILE	NFCC AND CHAPTER 37 LSC
BUSINESS	NFCC AND CHAPTER 39 LSC
INDUSTRIAL	NFCC AND CHAPTER 41 LSC

STORAGE	NFCC AND CHAPTER 43 LSC
---------	-------------------------

(2) Existing buildings shall meet the requirements of NFCC; and the applicable chapter for existing buildings in the NFPA 101, LSC.

(3) Means of egress for existing buildings shall comply with Chapter 7 of the LSC unless otherwise provided for or modified by the individual occupancy chapters.

(4) There shall be no use and occupancy requirement for existing buildings that exceeds

(a) the requirements of the NBCC; or

(b) the applicable existing occupancy chapter of the NFPA 101, LSC.

(5) Where an existing building requires upgrading to meet the requirements of subsection (2), the owner may be subject to a fire commissioner's order to correct any deficiencies and that order shall be implemented in accordance with sections 8 and 9.

(6) Subject to the approval of the AHJ, where a deficiency has been identified and a directive has been issued for the correction of the deficiency, the period for compliance to meet subsection (2) may be extended as follows:

(a) fire protection features, 5 years;

(b) structural requirements, 5 years;

(c) means of egress requirements, 2 years; and

(d) fire alarm and detection systems, 2 years.

(7) The owner may submit a life safety evaluation in accordance with section 12 to comply with subsection (2).

(8) This section shall not apply to historic buildings that are not undergoing rehabilitation.

Rehabilitation work
areas

8. (1) Where a rehabilitation work area is in a building that is required to have a fire alarm and detection system in accordance with the NBCC, the fire alarm and detection system shall be installed throughout the entire building.

(2) Where a rehabilitation work area is in a building that is not equipped with a fire alarm and detection system, and the rehabilitation work when completed, changes the occupancy classification or the occupant loading, a fire alarm and detection system shall be installed throughout the entire building in accordance with the NBCC.

(3) Where a rehabilitation work area is in a building that is required to have a sprinkler system in accordance with the NBCC, the sprinkler system shall be installed throughout the entire building.

(4) Where a rehabilitation work area is in a building that is not equipped with a sprinkler system, and the rehabilitation work when completed, changes the occupancy classification, building area or number of stories, a sprinkler system shall be installed throughout the entire building in accordance with NBCC.

(5) Where a rehabilitation work area is in a building that is not equipped with a sprinkler system and the rehabilitation work is less than 50% of the aggregate floor area a life safety evaluation may be provided in accordance with section 12.

Historic buildings

9. (1) The repair, renovation, modification, reconstruction, and change of use or occupancy of historic buildings shall comply with:

(a) NFPA 101, LSC;

(b) NFPA 914, Code for Fire Protection of Historic Structures;
or

(c) Fire Safety Alternatives for Heritage Buildings in St. John's, NL.

(2) For historic buildings or structures located in whole or in part in floodway or floodway fringe, work on the building or structure shall be permitted, provided that both of the following are met:

(a) the proposed work will not preclude continued designation as a historic building or structure; and

(b) approval has been given by the Department of Municipal Affairs under the Newfoundland and Labrador Provincial Land Use Policy, Flood Risk Areas.

Code conflicts

10. Where a conflict exists or appears to exist between 2 or more adopted code requirements, sections 6 and 7 shall apply.

Code application
where uncertainty

11. (1) Where the NBCC or the NFCC does not, in the opinion of the fire commissioner, address an issue or does not provide detailed requirements, the applicable Chapter for new construction of NFPA 101, LSC shall apply.

(2) Where the NFCC does not, in the opinion of the fire commissioner, address an issue or does not provide detailed requirements, the applicable Chapter for existing buildings of NFPA 101, LSC shall apply.

(3) There shall be no use and occupancy requirement for existing buildings that exceeds the requirements of the NBCC or section 2 of the applicable occupancy chapter for existing buildings of the NFPA 101, LSC.

Life safety evaluation

12. Where the owner of an existing building feels it is impractical to upgrade to meet code compliance, the owner may submit a life safety evaluation to the AHJ for approval to meet fire and life safety equivalency in accordance with the adopted codes.

©William E. Parsons, Queen's Printer

Index

PART I

City of St. John's Act – Notice	190
Lands Act – Notices	191
Mechanics' Lien Act – Notices.....	191
Mineral Act – Notice	187
Quieting of Titles Act – Notice.....	192
Urban and Rural Planning Act, 2009 – Notice.....	190
Trustee Act – Notices	194

PART II

CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Fire Protection Services Act			
Fire Protection Services Regulations (In force June 1, 2012)	NLR 45/12	CNLR 8/96 CNLR 9/96 CNLR 958/96 CNLR 959/96 & CNLR 960/96 R&S	May 11/12 p. 653

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

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

Advertisements must be submitted in either PDF format or as a MSWord file. When this is not possible, advertisements must be either typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

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

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

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

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

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

Government Information Product
Publication Rate Mail

G.S.T. # R107442683

All requests for Subscription and Legislation MUST be prepaid.