



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 87

ST. JOHN'S, FRIDAY, MAY 25, 2012

No. 21

URBAN AND RURAL PLANNING ACT, 2000

NOTICE OF REGISTRATION TOWN OF CONCEPTION BAY SOUTH TRAFFIC REGULATIONS

TAKE NOTICE that the TOWN COUNCIL OF CONCEPTION BAY SOUTH at its April 3rd, 2012 regular meeting amended its Traffic Regulations as follows:

Increasing the fine in Schedule A,
Section 4 (a)(xx) Parking in Area for
Disabled Persons from \$75 to \$400.

This Amendment to the TOWN OF CONCEPTION BAY SOUTH Traffic Regulations came into effect on April 3rd, 2012.

Anyone who wishes to inspect a copy of the TOWN OF CONCEPTION BAY SOUTH Traffic Regulations as amended may do so at the Conception Bay South Town Hall during normal business hours.

TOWN OF CONCEPTION BAY SOUTH
Keith Arns, Chief Administrative Officer/Town Clerk

NOTICE OF REGISTRATION TOWN OF PORTUGAL COVE-ST. PHILIP'S DEVELOPMENT REGULATIONS AMENDMENT No. 44, 2012

TAKE NOTICE that the TOWN OF PORTUGAL COVE-ST. PHILIP'S Development Regulations Amendment No. 44, 2012, adopted on the 13th day of March, 2012, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Development Regulations Amendment No. 44, 2012 is to accommodate a twenty-seven (27) fully-serviced residential subdivision off White Ash Drive where it intersects with Dogberry Hill Road Extension (Civic #26 White Ash Drive). This amendment rezones a portion of land from Development Scheme Area 12 to Residential Medium Density.

Development Regulations Amendment No. 44, 2012 comes into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of Development Regulations Amendment No. 44, 2012 may do so at the Town Office (see address below) during normal working hours.

May 25

For more information, please contact the Town Of Portugal Cove-St. Philip's, 1119 Thorburn Road, Portugal Cove St. Philip's NL A1M 1T6 Tel: (709) 895-8000 (ext. 225) Fax: (709) 895-3780, Email: les.spurrell@pcsp.ca or visit our website www.pcsp.ca

TOWN OF PORTUGAL COVE-ST. PHILIP'S
Sheri Blackmore, Administrative Support Clerk

May 25

LANDS ACT

NOTICE OF INTENT

Lands Act, c36, SNL 1991, as amended

NOTICE IS HEREBY given that CAPITAL READY MIX 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, pursuant to Section 7(2)(a) of the said Act, all that piece or parcel of Crown land situated within fifteen (15) meters reservation of a stream close to Little Soldiers Pond in the electoral district of Conception Bay South for the purpose of a road. The land is described as follows:

*Bounded on the North by Crown Land
for a distance of 20 metres;
Bounded on the East by a Stream Reservation
for a distance of 70 metres;
Bounded on the South by Crown Land
for a distance of 20 metres;
Bounded on the West by a Stream Reservation
for a distance of 70 metres;
and containing an area of
approximately 1400 square metres.*

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

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

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

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

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

For further information on the proposed application, please contact ROD MERCER, Telephone Number: (709) 782-3404.

May 25

QUIETING OF TITLES ACT

2012 01G 2622 IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR TRIAL DIVISION

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

AND IN THE MATTER OF all that piece or parcel of land situate and being on the western side of Vincent's Road, in the City of St. John's, in the Province of Newfoundland and Labrador

AND IN THE MATTER OF an Application of John Dyer, as Administrator D.B.N. of the Estate of JOHN DYER, Sr. and Administrator of the Estate of NORA DYER (jointly, "JOHN AND NORA DYER"), both late of the Town of Logy Bay-Middle Cove-Outer Cove, in the Province of Newfoundland and Labrador (the "Applicant")

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

NOTICE is hereby given to all parties that John Dyer, as Administrator D.B.N. of the Estate of JOHN DYER, Sr. and Administrator of the Estate of NORA DYER, has applied to the Supreme Court of Newfoundland and Labrador, Trial Division (General), in the Judicial Centre of St. John's, to have the title to ALL THAT piece or parcel of land situate and being on the western side of Vincent's Road, in the City of St. John's, Province of Newfoundland and Labrador, Canada, and as more particularly described in Schedule "A" hereto annexed, of which the said Applicant, as Administrator D.B.N. of the Estate of JOHN DYER, Sr. and Administrator of the Estate of NORA DYER, claims to be the owner, investigated and for a declaration that the said Applicant is the absolute owner thereof, free from those exceptions or qualifications contained in Section 22(1)(c) and (d) of the *Quieting of Titles Act*.

All persons having a claim adverse to this title claimed by the Applicant should file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Judicial Centre of St. John's, at the Court House Building, Duckworth Street, St. John's. Newfoundland and Labrador, Canada, A1C 5M3, particulars of such adverse claim and serve same together with an Affidavit verifying same, on the undersigned solicitors for the Applicant on or before the 24th day of June, 2012, after which date no party having any claim shall be permitted to file same or to be heard except by special leave of the Court subject to such conditions as the Court may deem just.

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

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

COX & PALMER
Solicitors for the Applicant
PER: F. Richard Gosse

ADDRESS FOR SERVICE:
235 Water Street
Suite 1000, Scotia Centre
St. John's, NL A1C 1B6

Tel: (709) 570-5347
Fax: (709) 738-7999

SCHEDULE "A"

Property of John Sr. and Nora Dyer
Vincent's Road, St. John's, NL

February 15, 2012

Job No. 9488

All that piece or parcel of land, situate and being on the western side of Vincent's Road, in the City of St. John's, in the Province of Newfoundland and Labrador, Canada, and being bounded and abutted as follows: THAT IS TO SAY, beginning at a point on the western side of Vincent's Road, said point having coordinated N 5 275 582.498 metres and E 327 407.679 metres of the Three Degree Modified Transverse Mercator Projection NAD-83 for the Province of Newfoundland and Labrador;

THENCE by property of Cabot Development Corporation Limited S 73° 47' 20" W for a distance of 164.202 metres;

THENCE N 22° 44' 23" W for a distance of 46.848 metres;

THENCE N 22° 47' 35" W for a distance of 51.572 metres;

THENCE by lots fronting on Blue Putee Drive N 74° 07' 00" E for a distance of 48.860 metres;

THENCE N 73° 31' 00" E for a distance of 83.820 metres;

THENCE by lots fronting on Blue Putee Drive and by Cabot Development Corporation Limited N 73° 48' 00" E for a distance of 30.744 metres;

THENCE along the western side of Vincent's Road S 27° 45' 34" E for a distance of 43.522 metres;

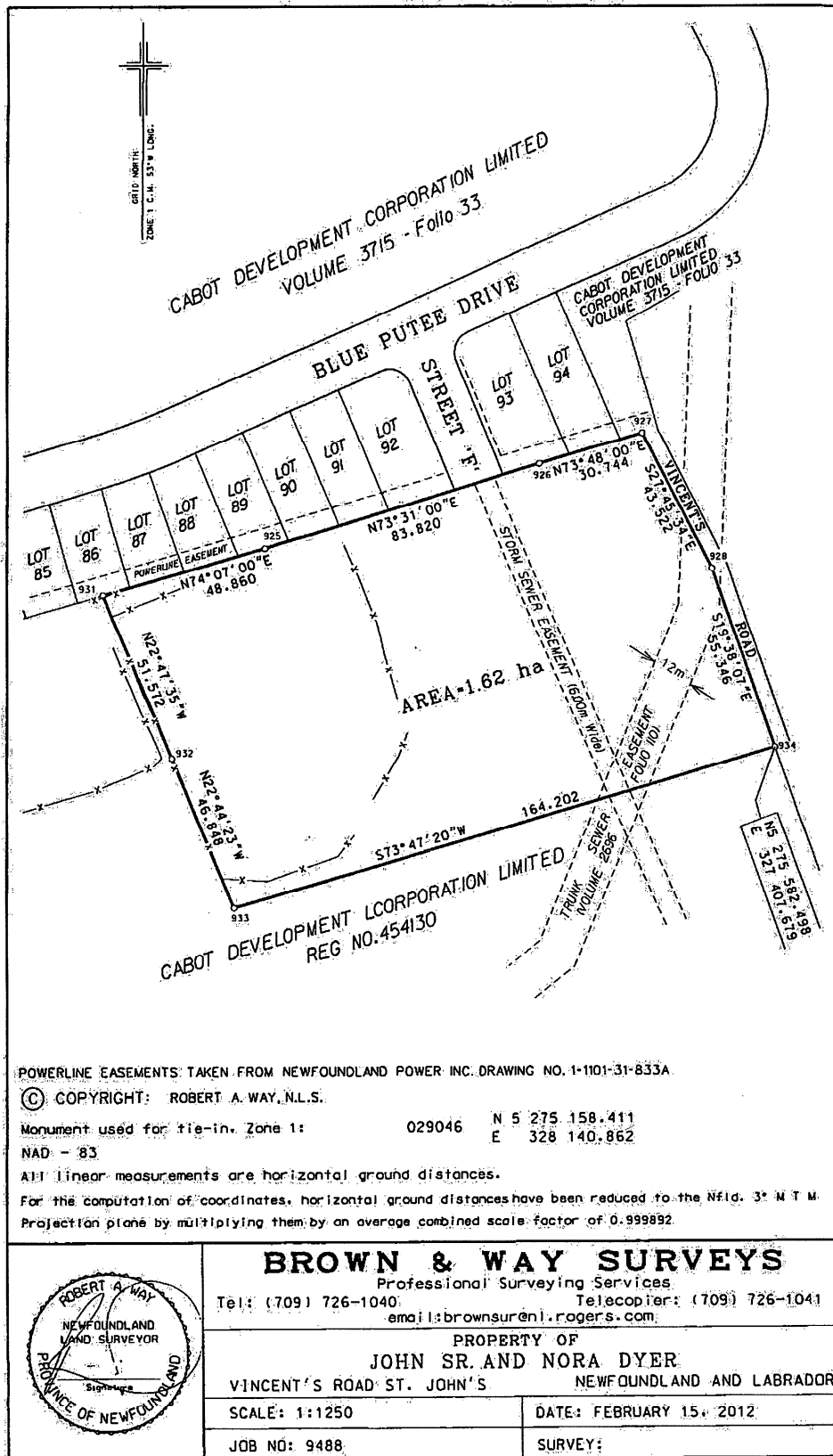
THENCE S 19° 38' 07" E for a distance of 55.346 metres, more or less, to the point of beginning and containing an area of 1.62 hectares, more or less. Which land is more particularly shown on the plan hereto attached. All bearings being referred to the above mentioned projection. All linear measurements are horizontal ground distances.

This description and accompanying plan, Job # 9488 of Brown & Way Surveys, form an integral part of the returns and are not separable

There is a trunk sewer easement (12 metres wide) crossing the south eastern corner of the property as shown on the said attached plan.

There is a storm sewer easement (6.00 metres wide) crossing the property as shown on the set attached plan.

Brown & Way Surveys



May 25

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

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

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

AND IN THE MATTER of the Application of AUSTIN AND JEAN TUCKER, both of Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, with respect of property situate at Oliver's Pond Road, Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, and specifically in relation to the property hereinafter referred to as "Parcel A" and being more particularly described and delineated in Schedule "A" annexed hereto.

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

Notice is hereby given to all parties that AUSTIN TUCKER AND JEAN TUCKER, of Portugal Cove-St. Philips, in the Province of Newfoundland and Labrador, have applied to the Supreme Court of Newfoundland and Labrador, Trial Division, to have the title to ALL THAT piece or parcel of land situate and being located at Oliver's Pond Road, Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, aforesaid, and more particularly described and delineated in the Schedule hereunto annexed and marked "A", and known as Parcel "A", of which the said AUSTIN TUCKER AND JEAN TUCKER claim on their behalf to be the owners, investigated and for a declaration that the said AUSTIN TUCKER AND JEAN TUCKER are the absolute owners thereof subject to the rights of those claiming through them, and the said Austin Tucker and Jean Tucker having been ordered that Notice of the said application to be published as required by the above-named Act;

Further Notice is hereby given that a previous Notice of Application was published on the 4th day of February, 2012 (the "Previous Notice of Application") in which reference was made to Parcel "A" as described herein, however, the written survey description was omitted from the publication, thus giving rise to the need for the publication of this Notice of Application specifically referencing Parcel "A";

Further Notice is hereby given that another parcel of land which was also included in the Previous Notice of Application and described as Parcel "D" is now excluded from the Application of Austin Tucker and Jean Tucker;

All persons having title adverse to the said title claimed by the said AUSTIN TUCKER AND JEAN TUCKER shall file in the Registry of the Supreme Court of Newfoundland and Labrador at St. John's particulars of such adverse claim and

serve the same together with an Affidavit verifying the same on the undersigned Solicitor for the Applicant on or before the 9th day of June, 2012, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

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

Dated at St. John's, this 9th day of May, 2012.

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

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

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

SCHEDULE "A"

Boundary Description – Parcel "A"

Reserved Road leading to Olivers Pond Road in The TOWN of Portugal Cove-St. Philip's, in the Province of Newfoundland and Labrador, Canada,

BEGINNING at a point, said point having the following NAD83 coordinates in Zone 1 of the Transverse Mercator Projection as modified for the Province of Newfoundland and Labrador;

N 5 272 012.498 metres
E 316 961.266 metres

THENCE: running along land of now or formerly Robert King N 30° 02'30" W for a distance of 62.427 metres;

THENCE running along land or now or formerly Alfred Tucker, a Right of Way and land of Walter and Susanna Tucker, surveyed by Richard G. King Surveys Ltd., Job # 08061802, dated June 30, 2008, N 30°26'12" W for a distance of 90.015 metres;

THENCE running by a Reserved Road being 20.12 metres wide and land of Geogina King N 28°59' 51" W for a distance of 26.535 metres;

THENCE running along land of Charles and E. Puglisevich N 60°48' 29" E for, a distance or 76,500 metres;

THENCE running along land of Frederick Squires N 61°36'38"E for a distance of 142,016 metres;

THENCE running along land of Keith Wellon and land of Angus and Jacqueline Fleming S 30°57'05" E for a distance of 193.171 metres, more or less, to the Point of Beginning;

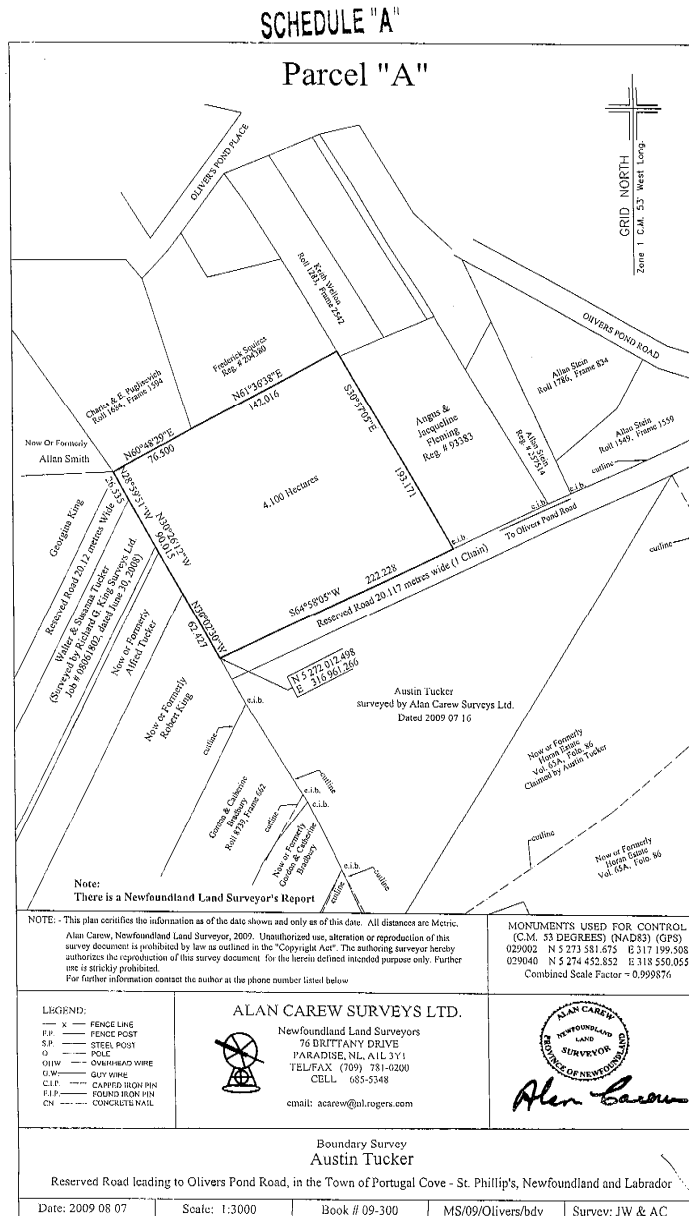
All bearings are Grid North NAD83 in Zone 1 of the Transverse Mercator Projection as modified for the Province of Newfoundland and Labrador;

The above described piece or parcel of land contains an area of 4.100 hectares, more or less, and is more particularly shown on the drawing hereto attached dated 2009 08 07.

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

Alan Carew, Newfoundland Land Surveyor, 2009
Unauthorized use, alteration or reproduction of this survey document is prohibited by law as defined by the "Copyright Act" The authoring surveyor hereby authorizes the reproduction of this survey document for matters related to the herein-defined intended purpose only. Any further use is strictly prohibited,

Note: There is a Newfoundland Land Surveyor's Report



May 25

CHANGE OF NAME ACT, 2009

Legal Name Changes

Processed During the Period – APRIL 2012

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

Former Name	Present Name	Address
Russell, Megan Carol Marie	Williams, Megan Carol Marie	Bay Roberts
O'Dea, Cloey Mackenzie	Williams, Cloey Mackenzie	Bishops Falls
Finn, Ann-Margaret	Scott, Ann Margaret	Conception Bay South
Power, Damian Gary	Cooper, Damian Gary	Grand Falls-Windsor
Andrews, Candy Gloria	Mitchell, Candy Gloria	St. John's
Patterson, Clover Marywynn Violet	Pottle, Clover Marywynn Violet	Carbonear
Kerivan, Kenneth John	Kervian, Kenneth John	Benoit's Cove
Ogden, George	Martin, George Joseph	Hawkes Bay
O'Quinn, Richard Joseph	Benoit, Richard Joseph	Stephenville
Pokue, Jacqueline Elenah Renee	Rich, Jacqueline Elenah Renee	Natuashish
Brown, Daphne Elaine	Heard, Daphne Elaine	Happy Valley-Goose Bay
Martin, Robyn Sara	Whelan, Robyn Sara	Middle Gull Pond
Flaherty, Francis Edward	O'Flaherty, Francis Edward	Avondale
Higdon, Kiersten Nicole	Gulliver, Kiersten Nicole	Blaketown
Russell, Aliyah Nicole	Quinton, Aliyah Nicole	Mount Pearl
Parsons, Taylor Thomas Frank	Balsom, Taylor Thomas Frank	Cornack
Whalen, Aislinn Jane Tigerlily	Parsons, Aislinn Jane Tigerlily	St. John's
Coffey, Yvonne Alice	Murphy, Yvonne Alice	Paradise
Burton, Christian Clevas Harris	Burton-Milley, Christian Clevas Harris	Pacquet
Hines, Roderick	Hynes, Roderick	Piccadilly
O'Rielly, Francis Michael	O'Reilly, Francis Michael	Botwood
Nicholas, Chloe Hailey	Coates, Chloe Hailey	Jackson's Arm
Slaney, Madison Margaret	Flynn-Slaney, Madison Margaret	Marystown
Keefe, Shawn Michael	Dyson, Shawn Michael	Happy Valley-Goose Bay
Butt, Robyn Briana	Vatcher, Robyn Briana	Clarenville
Butt, Gavin Terry	Vacher, Gavin Terry	Glenwood
Mercer, Deacon Michael Howard	Mercer-White, Deacon Michael Howard	St. Bride's
Coffey-Dohey, Dylan Patrick	Dohey, Dylan Patrick	Mount Pearl
Mercer, Nathan Wayne	Davis, Nathan Wayne Mercer	St. John's
Dinn, Jayne Augusta	Martret, Jayne Augusta	Mount Pearl
Steed, Jabez Lawrence	Stead, Lawrence Jabez	Hillview
Stanley, Rahya Leigh	Avery, Rahya Leigh Ann Marie	Torbay
Power, Joshua James	Nash, Joshua James	St. John's
Ralph, Brandon Glen	Parsons, Brandon Glen	Port Saunders
Geneaux, Norbert	Geneaux, Norbert	Piccadilly
Benoit, Mildred Mary	Simmons, Mildred Mary	St. John's
Pittman, Tiffany Kasandra	Smith, Tiffany Kasandra	Chapel Arm
Courtney, Nicholas Peter	White, Nicholas Peter	Goose Bay
Crane, Kayla Wanda	Bussey, Kayla Wanda	Gander
McGuire, Damien Michael John	McGuire-Mitchell, Damien Michael John	St. George's
Colsen, John	Colson, John	Birchy Head
Wight, Ruby Wanetta	White, Ruby Wanetta	Stephenville
Bennett, Chloe Lynn	Smith, Chloe Lynn	

Dated this 14th day of May, 2012.

SERVICE NL
KEN MULLALLY, REGISTRAR
VITAL STATISTICS



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION

FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 87

ST. JOHN'S, FRIDAY, MAY 25, 2012

No. 21

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 47/12

NLR 48/12



NEWFOUNDLAND AND LABRADOR REGULATION 47/12

Revenue Administration Regulations (Amendment)
under the
Revenue Administration Act
(O.C. 2012-112)

(Filed May 22, 2012)

Under the authority of section 107 of the *Revenue Administration Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, May 22, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|---|---|
| 1. S.2 Amdt.
Interpretation | 23.4 Return and
reimbursement of
supplier |
| 2. Part V.1 Added
PART V.1
RESIDENTIAL ENERGY
REBATE | 23.5 Supplier's books and
records |
| 23.1 Application | 23.6 Rebate application |
| 23.2 Eligible product point
of sale rebate | 23.7 Minister shall pay
or credit rebate |
| 23.3 Invoice or receipt | 23.8 Other rebate eligibility |
| | 3. Commencement |

NLR 73/11

1. (1) Subsection 2(1) of the *Revenue Administration Regulations* is amended by adding immediately after paragraph (j) the following:

(j.1) "commercial property" means all real property other than residential property;

(2) Subsection 2(1) of the regulations is amended by adding immediately after paragraph (m) the following:

(m.1) "electricity cost" means a base charge, demand side management charge, and a charge for the amount of electric current actually used, and does not include a charge for a service related to providing an electric current, or any of the following:

(i) an after-hour charge,

(ii) a collection visit charge,

(iii) a connect charge,

(iv) a seasonal discount fee,

(v) a street light charge, or

(vi) a late payment charge;

(m.2) "eligible product" means

(i) furnace oil,

(ii) electricity,

(iii) kerosene,

(iv) stove oil,

(v) propane, where the tank capacity is more than 2 kilograms,

(vi) firewood, and

(vii) wood pellets;

(m.3) "eligible product cost" means a charge for an eligible product, but does not include a charge for a service related to providing the eligible product or any of the following:

(i) an after-hour charge,

(ii) a collection visit charge,

(iii) a delivery charge,

(iv) an equipment purchase, lease or rental charge,

(v) an equipment maintenance or insurance charge, or

(vi) a late payment charge;

(m.4) "eligible property" means

(i) a residential property,

(ii) the residential portion of a mixed use property, or

(iii) another property designated by the minister;

(3) Subsection 2(1) of the regulations is amended by adding immediately after paragraph (aa) the following:

(aa.1) "mixed use property" means real property which has the characteristics of both commercial property and residential property;

(4) Subsection 2(1) of the regulations is amended by adding immediately after paragraph (nn) the following:

(nn.1) "rebate", except in sections 17, 18, 19 and 23, means an amount equal to the provincial portion of tax collected, paid or owing under part IX of the *Excise Tax Act* (Canada);

(5) Subsection 2(1) of the regulations is amended by adding immediately after paragraph (pp) the following:

(pp.1) "residential property" means real property that is used or eligible for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals and includes

(i) a living accommodation that is rented or is available for rent, and is used or is intended for use by a tenant as a residence, and

(ii) buildings that are appurtenant to the real property;

(6) Subsection 2(1) of the regulations is amended by adding immediately after paragraph (rr) the following:

(rr.1) "supplier" means a registrant as defined in subsection 123(1) of the *Excise Tax Act* (Canada) who supplies eligible products;

2. The regulations are amended by adding immediately after section 23 the following:

PART V.1 RESIDENTIAL ENERGY REBATE

Application

23.1 (1) The Act, except Parts III to IX, and these regulations shall apply to a rebate or a reimbursement referred to in this Part as if that rebate or reimbursement were a tax referred to in the Act, except Parts III to IX, and these regulations.

(2) A supplier and an applicant for a rebate or reimbursement referred to in this Part shall, for the purpose of the Act, be considered to be a taxpayer referred to in the Act, except Parts III to IX, and these regulations.

Eligible product
point of sale rebate

23.2 (1) On behalf of the Crown, a supplier of an eligible product referred to in subsection (2) may credit a rebate at the point of sale to a purchaser where that eligible product is delivered to a residential property.

(2) A rebate may be credited at the point of sale on the following eligible products:

(a) furnace oil;

- (b) electricity;
- (c) kerosene;
- (d) stove oil;
- (e) propane;
- (f) firewood; and
- (g) wood pellets.

(3) Where a purchaser is not credited a rebate on an eligible product referred to in subsection (2) at the point of sale, the purchaser may apply to the minister for a rebate in accordance with section 23.6.

(4) Notwithstanding subsection (1), a rebate shall only be credited on electricity where the invoice for the eligible product costs indicates a meter reading of October 1, 2011 or later.

(5) No rebate shall be credited under this section for a product which is not an eligible product.

Invoice or receipt

23.3 Where a rebate is credited by a supplier of an eligible product referred to in subsection 23.2(2) at the point of sale, an invoice or receipt shall be provided to the purchaser which includes the following information:

- (a) the name of the purchaser and the address of the eligible property;
- (b) the quantity of eligible product referred to in subsection 23.2(2) sold to the purchaser;
- (c) the total amount of tax charged on the eligible product cost or electricity cost; and
- (d) the amount of the rebate credited by the supplier to the purchaser.

Return and reimbursement of supplier

23.4 (1) A supplier shall file a return respecting rebates credited in accordance with section 23.2 and the reimbursement which may be owing by the Crown to that supplier.

(2) Notwithstanding subsection (1), the minister may order a supplier to make a return in respect of a period prescribed in the order and the supplier shall make that return within the period prescribed in the order.

(3) A return required under subsection (2) may be in addition to or instead of a return required under this section or another section of the regulations.

(4) The provisions of section 4 apply, with the necessary changes, to a return required under this section.

(5) A return required under this section shall

(a) be made in the form and manner prescribed by the minister;

(b) be accompanied by the other documents, material and information, including verification information or consumption information, that the minister may require to determine the reimbursement to which the supplier may be entitled; and

(c) be received by the minister no later than 36 months after the eligible product to which it applies has been supplied.

(6) The minister shall issue a reimbursement under this section where the return is reasonable and approved by the minister.

(7) Where the amount of a reimbursement made by the minister to a supplier under this section is greater than the amount of the reimbursement to which the supplier was entitled, the minister may require the supplier to pay to the minister, or the minister may deduct from any reimbursement of rebates subsequently made to the supplier, an amount equal to the difference between the entitled amount and the rebate credited.

Supplier's books
and records

23.5 (1) A supplier shall, in accordance with the Act and these regulations, keep those books and records respecting rebates credited to purchasers in accordance with the Act, and those books and records shall include the information required under section 23.4.

(2) A supplier shall provide copies of books and records required under this section to the minister upon request.

(3) Subsections 9(1), (4) and (5) of the Act shall apply, with the necessary changes, to books and records required to be kept under this Part, and to the inspection, examination and auditing of them.

(4) A supplier shall annually disclose to the minister a list of

- (a) the eligible properties for which eligible products have been purchased; and
- (b) the purchasers of the eligible products referred to in paragraph (a).

Rebate application

23.6 (1) A purchaser may apply to the minister for a rebate on eligible product cost or electricity cost in accordance with this section where

- (a) a purchaser purchases an eligible product for use in an eligible property; and
- (b) a supplier has not credited a rebate to a purchaser at the point of sale under section 23.2.

(2) Notwithstanding subsection (1), a rebate shall only be paid on electricity where the invoice for the eligible product costs indicates a meter reading of October 1, 2011 or later.

(3) A rebate application shall

- (a) be made in the form and manner prescribed by the minister;
- (b) include the other documentation, material or information, including verification information or consumption information, which the minister may require to assess the application; and
- (c) be received by the minister no later than 36 months after the date of the supply or purchase of the eligible product to which it applies.

(4) In addition to the requirements of subsection (3), where a rebate application is made respecting a mixed use property, the application shall specify the amount or proportion of energy supplied or purchased for commercial use in that property.

(5) Where a rebate application is for a period of less than 12 months, the rebate amount which may be requested in the application shall be at least \$50.

(6) Notwithstanding subsection (5), for one year following the coming into force of this section, the minister may, in his or her discretion, accept a rebate application for any amount.

Minister shall pay
or credit rebate

23.7 (1) Where the minister receives a rebate application under section 23.6, the minister shall, on behalf of the Crown, pay or credit the amount of the rebate to the purchaser where the application is reasonable and is approved by the minister.

(2) No rebate shall be paid or credited under this section for a product which is not an eligible product.

(3) Notwithstanding subsection (1), where

(a) a person has received a rebate in error or has received a rebate while otherwise ineligible for it; or

(b) a person has received a rebate in excess of the amount to which the person was entitled

that person shall pay to the minister or the minister may deduct from a rebate subsequently owing to the person, the amount received in error, for which the person was ineligible or which was in excess of the amount to which the person was entitled.

Other rebate eligi-
bility

23.8 (1) No rebate shall be paid or credited for an eligible product cost or electricity cost where the eligible product is used exclusively in a commercial property.

(2) Subsection (1) applies to a commercial property and a government funded institution, including a government funded long term care home, except where an eligible product is purchased directly by

(a) a tenant as defined in the *Residential Tenancies Act, 2000*;
or

(b) an owner as defined in the *Condominium Act, 2009*,

in which case that tenant or owner may make an application for a rebate on the eligible product cost or electricity cost under section 23.6.

(3) Where a property is a mixed use property, the purchaser of an eligible product may make an application under section 23.6 for a rebate on the eligible product cost or electricity cost

(a) where the purchaser is an HST registrant, in an amount or in the proportion not claimed by the HST registrant under the *Excise Tax Act*, (Canada) for commercial use of that property; or

(b) where the purchaser is not an HST registrant, in an amount or in the proportion not claimed by that purchaser under the *Income Tax Act, 2000* for commercial use of that property.

(4) No rebate shall be paid or credited under section 23.2 or section 23.6 to the extent that a purchaser is eligible for an input tax credit or other rebate paid on energy under Part IX of the *Excise Tax Act* (Canada).

(5) Notwithstanding subsection (4), where a charitable institution or a non-profit organization is eligible for tax relief paid on energy under Part IX of the *Excise Tax Act* (Canada), that charitable institution or non-profit organization may be eligible for a rebate under section 23.6 in an amount which is not otherwise recoverable.

(6) Notwithstanding subsection (1), a privately owned long term care home

(a) may be eligible for a rebate under section 23.6; or

(b) where a privately owned long term care home is eligible for tax relief paid on energy under Part IX of the *Excise Tax Act* (Canada), that privately owned long term care home may be eligible under section 23.6 for a rebate in an amount which is not otherwise recoverable under that Act.

(7) A privately owned long term care home shall not be eligible for a rebate where an eligible product is purchased directly by

(a) a tenant as defined in the *Residential Tenancies Act, 2000*; or

(b) an owner as defined in the *Condominium Act, 2009*,

in which case that tenant or owner may make an application for a rebate on the eligible product cost or electricity cost under section 23.6.

Commencement

3. These regulations are considered to have come into force on September 1, 2011.

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NEWFOUNDLAND AND LABRADOR REGULATION 48/12

Rules of the Supreme Court, 1986 (Amendment)
under the
Judicature Act

(Filed May 23, 2012)

Under the authority of section 55 of the *Judicature Act*, the Rules Committee of the Trial Division makes the following Rules.

Dated at St. John's, May 18, 2012.

Darlene Wells
for Registrar of the Supreme Court
Secretary, Rules Committee

REGULATIONS

Analysis

- | | |
|---|--|
| 1. Rule 5.06 Amdt.
Duration and renewal of
originating document, etc. | 5. Rule 56A.10 Amdt.
How to serve documents |
| 2. Rule 15.01 R&S
Adding or amending a party
to a proceeding | 6. Rule 56A.74 Amdt.
Proceedings |
| 3. Rule 15.02 R&S
Amending the text of plead-
ings filed with the Court | 7. Rule 56A.75 Amdt.
Summary judgment |
| 4. Rule 49.05 Amdt.
Orders made by the Registrar | 8. Rule 56A.76 Amdt.
Judicial case conference |
| | 9. Transitional |
| | 10. Commencement |

1. (1) Rule 5.06(1) of the *Rules of the Supreme Court, 1986* is repealed and the following substituted:

Duration and renewal of originating document, etc.

5.06. (1) An originating document is valid for a period of 12 months from the date of issue.

(2) Rule 5.06 of the rules is amended by adding immediately after rule (1) the following:

(1.1) If a party has not been served within the period, the Registrar may, at any time before its expiration, renew the originating document for a period of 6 months from the date when it would otherwise expire.

(1.2) The Registrar may renew the originating document under paragraph (1.1) up to a maximum of 4 times.

(3) Rule 5.06(2) of the rules is repealed and the following substituted:

(2) The Court may, on application, order an originating document to be renewed at any time.

(4) Rule 5.06(3) of the rules is repealed and the following substituted:

(3) Upon the renewal of the originating document, the Registrar shall endorse the originating document, including any concurrent originating document or renewal thereof, with a memorandum as follows: "Renewed for the period of _____ from _____" and sign and date it. Any concurrent originating document subsequently issued shall be endorsed with a copy of the memorandum.

2. Rule 15.01 of the rules is repealed and the following substituted:

Adding or amending a party to a proceeding

15.01. (1) On such terms as it thinks just and in accordance with Rule 7, the Court may at any time, on application or on its own motion, grant an amendment which:

(a) adds, substitutes or corrects the name of a party to a proceeding; or

(b) alters the capacity of a party to a proceeding.

(2) A proceeding may be discontinued against a party in accordance with Rule 19.

(3) Notwithstanding the expiry of a relevant period of limitation, the Court may allow an amendment under paragraph (1) to rectify a mistake even if the effect of the amendment will be to add a new party if the Court is satisfied that the mistake was genuine and not misleading or such as to cause any reasonable doubt as to the identity of the party intending to bring or oppose the proceeding.

3. Rule 15.02 of the rules is repealed and the following substituted:

Amending the text
of pleadings filed
with the Court

15.02. (1) If an amendment does not include the addition, deletion, substitution or correction of the name of a party to a proceeding, a party may amend a pleading filed by that party other than an order:

- (a) once without the leave of the Court if the amendment is made not later than 20 days from the date the pleadings are deemed to be closed or 5 days before the hearing under an originating document;
- (b) at any time with the written consent of all of the parties filed with the Court; or
- (c) at any time with leave of the Court on such terms as it thinks just.

(2) The Court may allow an amendment notwithstanding the effect of the amendment will be to add or substitute a new cause of action, if the new cause of action arises out of the same or substantially the same facts as the original cause of action.

4. (1) Rule 49.05(1)(a)(ii) of the rules is repealed.

(2) Rule 49.05(1)(b)(ii) of the rules is repealed.

5. Rule 56A.10(3) of the rules is repealed and the following substituted:

(3) Notwithstanding paragraph (2), where the person to be served with a document is a manager as defined in the *Children and*

Youth Care and Protection Act, the document may be served by leaving a copy with the manager.

6. Rules 56A.74(1) to (3) of the rules are repealed and the following substituted:

Proceedings

56A.74. (1) To the extent that either the procedure or time limits or both in Rules 56A and 56C are inconsistent with the *Children and Youth Care and Protection Act*, the provisions of that Act shall apply.

(2) A hearing under the *Children and Youth Care and Protection Act* shall be

- (a) held as informally as the circumstances of the case permit;
- (b) scheduled as expeditiously as the schedule of the Court allows and as fairness to the parties and affected persons requires; and
- (c) held in private unless the judge hearing the matter determines that the proper administration of justice requires otherwise.

(3) An application for a protective intervention order and any other application under the *Children and Youth Care and Protection Act* shall be started by presenting the original and one copy of an application to the Court.

7. Rule 56A.75(1) of the rules is repealed and the following substituted:

Summary judgment

56A.75. (1) Upon completion of a presentation hearing as required by section 31 of the *Children and Youth Care and Protection Act* and an order being made directing that a protective intervention hearing is to take place, a party may apply for a summary judgment for a final order without a trial on all or part of any claim made or defence to be presented in the case.

8. Rule 56A.76(2) of the rules is repealed and the following substituted:

(2) A judicial case conference shall only occur after the conclusion of the presentation hearing as required by section 31 of the *Children and Youth Care and Protection Act*.

Transitional

9. Where an originating document has been renewed one or more times before July 1, 2012, the Registrar may renew the originating document under rule 5.06(1.1) up to a maximum of 4 additional times.

Commencement

10. This regulation comes into force on July 1, 2012.

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