

NOTE: Attached to the end of Part II is a list of Statutes of Newfoundland and Labrador, 2012 as enacted up to June 27, 2012.



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 87

ST. JOHN'S, FRIDAY, JUNE 29, 2012

No. 26

QUIETING OF TITLES ACT

2012 01G2739 IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR TRIAL DIVISION (GENERAL)

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

NOTICE is hereby given to all parties that VINCENT and JILL SPENCER of P.O. Box 2086, Northern Arm, Newfoundland and Labrador, A0H 1E0 in the Province of Newfoundland and Labrador, have applied to the Supreme Court of Newfoundland and Labrador, Trial Division (General) in St. John's, to have title to all that piece or parcel of property situate at Northern Arm, Newfoundland and Labrador, in the electoral district of Exploits 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 VINCENT and JILL SPENCER claim to be the owner investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said VINCENT and JILL

SPENCER have 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 VINCENT and JILL SPENCER shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division (General) at St. John's particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Applicants on or before the 13th day of August, 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), at St. John's may direct.

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

OWEN MYERS
Barrister and Solicitor
for the Applicant
PER: Owen Myers

ADDRESS FOR SERVICE:
50 Monkstown Road
St. John's, NL A1C 3T3

Tel: (709) 579-3321
Fax: (709) 579-2860

SCHEDULE "A"

Surveyor: John Keith Renouf

ALL that piece or parcel of land situate and being on the Northeast side of The Old Highway (10.00 metres wide) at Northern Arm, Newfoundland and Labrador, in the electoral district of Exploits, and being bounded and abutted as follow, that is to say:

BEGINNING at a point on the West side of Northern Arm, Bay of Exploits, said point having coordinates of North 5 447 061.314 metres and East 349.200.731 metres in the Modified Three Degree Transverse Mercator Projection for the province of Newfoundland and Labrador, Zone Two;

THENCE running by Crown Land, South 83°41' West, 10.770 metres;

THENCE turning and running by the limit of The Old Highway (10.00 metres wide) along the arc of a counterclockwise curve having an arc length of 121.610 metres and a radius of 213.488 metres on a chord bearing and distance of, North 38°38'12" West, 119.972 metres; thence North 57°15'05" West, 74.375 metres;

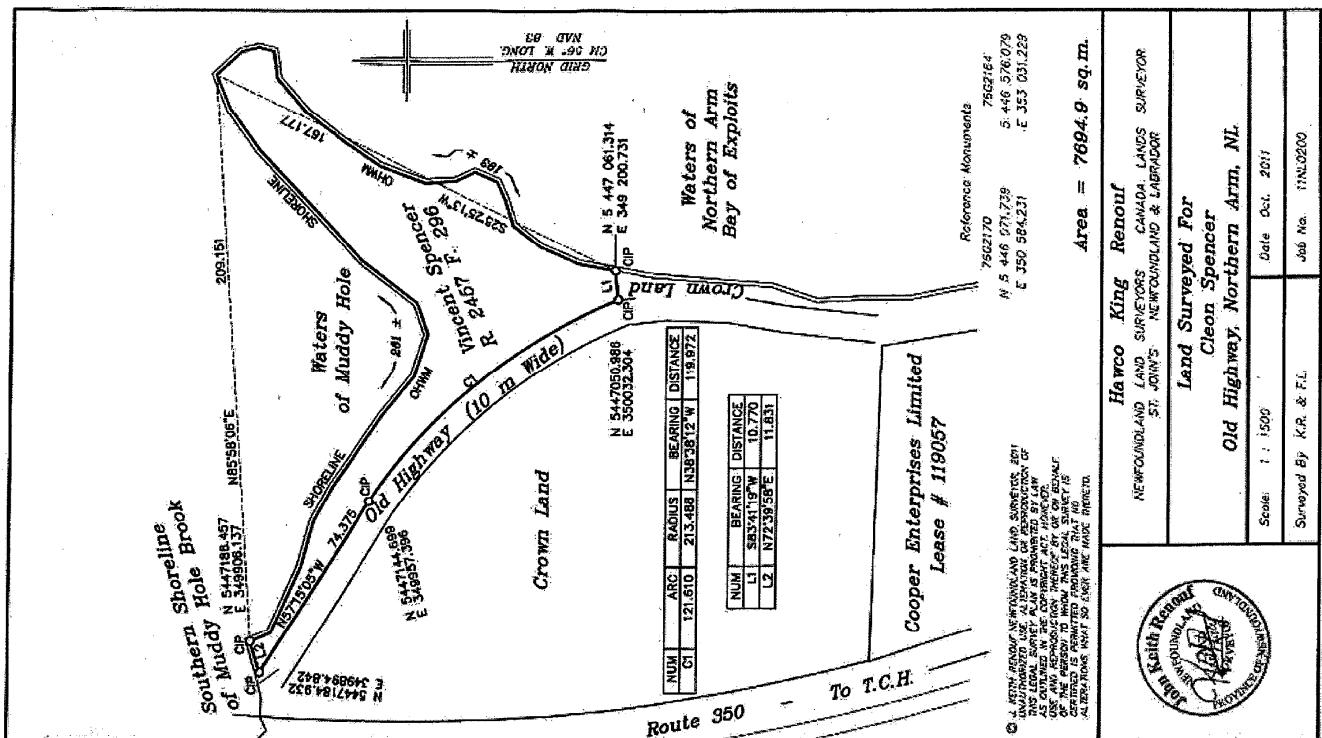
THENCE turning and running along the southern shoreline of Muddy Hole Brook, North 72°39'58" East, 11.831 metres;

THENCE turning and running along the southern shoreline of Muddy Hole, for a distance of plus-or-minus 261 metres, on a chord bearing and distance of North 85°58'06" East, 209.151 metres;

THENCE turning and running along the western shoreline of Northern Arm, Bay of Exploits, for a distance of plus-or-minus 193 metres, on a chord bearing and distance of South 25°25'13" West, 161.177 metres; more or less, to the point of commencement, and containing an area of 7694.9 square metres, as shown on the attached plan, Job No. 11 NL0200 dated October 2011.

All bearings are Grid bearings referred to Grid North. All distances are horizontal ground distances.

SCHEDULE "B"



June 22 & 29

URBAN AND RURAL PLANNING ACT

**NOTICE OF REGISTRATION
TOWN OF MARYSTOWN
MUNICIPAL PLAN
AMENDMENT NO. 20, 2012
AND
DEVELOPMENT REGULATIONS
AMENDMENT NO. 28, 2012**

TAKE NOTICE that the TOWN OF MARYSTOWN Municipal Plan Amendment No. 20, 2012 and Development Regulations Amendment No. 28, 2012 as adopted on the 20th day of March, 2012 and approved on the 1st day of May, 2012, have been registered by the Minister of Municipal Affairs.

In general terms the purpose of the Municipal Plan Amendment No. 20 and Development Regulations Amendment No. 28 is to accommodate residential development off Villa Marie Drive by redesignating and rezoning a parcel of land from Rural to Residential.

The Municipal Plan Amendment No. 20, 2012 and Development Regulations Amendment No. 28, 2012 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*.

Anyone who wishes to inspect a copy of the Marystown Municipal Plan Amendment No. 20, 2012 and Development Regulations Amendment No. 28, 2012 may do so at the Marystown Town Office during normal working hours.

TOWN OF MARYSTOWN
Dennis Kelly, Town Clerk

June 29

TRUSTEE ACT

ESTATE NOTICE

IN THE ESTATE of MONA HUNT, late of the Town of Stephenville, in the Province of Newfoundland and Labrador, deceased: February 4th, 2012.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of MONA HUNT, late of the Town of Stephenville, in the Province of Newfoundland and Labrador, deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 3rd day of August, 2012, after which date the said Executor 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 26th day of June, 2012.

ROXANNE PIKE LAW OFFICE
Solicitor for the Executor
PER: Roxanne Pike

ADDRESS FOR SERVICE
P. O. Box 272
43 Main Street
Stephenville, NL A2N 2Z4

Tel: (709) 643-6436
Fax: (709) 643-9343

June 29

ESTATE NOTICE

IN THE MATTER of the Estate of KATHLEEN (KAY) TAPPER of Torbay, in the Province of Newfoundland and Labrador, deceased.

All persons claiming to be creditors of KATHLEEN (KAY) TAPPER who have any claims or demands upon or affecting the Estate of KATHLEEN (KAY) TAPPER, late of Torbay, deceased, who died at St. John's, on or about the 26th day of March, 2012, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitors for the Executor of the Estate and Effects of the deceased on or before the 31st day of July, 2012 after which date the said Executor will proceed to distribute the said Estate and Effects having regard only to the claims of which the Executor shall then have had notice.

DATED at St. John's, Newfoundland and Labrador, this 26th day of June, 2012.

FRAIZE LAW OFFICES
Solicitors for the Executor
of the Estate and Effects of
KATHLEEN (KAY) TAPPER, Deceased
PER: Thomas W. Fraize, Q.C.

ADDRESS FOR SERVICE:
P. O. Box 5217, Stn. C
268 Duckworth Street
St. John's, NL A1C 5W1

Tel: (709) 726-7978
Fax: (709) 726-8201

June 29



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION

FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 87

ST. JOHN'S, FRIDAY, JUNE 29, 2012

No. 26

NEWFOUNDLAND AND LABRADOR REGULATION

NLR 55/12



NEWFOUNDLAND AND LABRADOR REGULATION 55/12

Registration of Deeds Regulations (Amendment)
under the
Registration of Deeds Act, 2009

(Filed June 27, 2012)

Under the authority of section 38 of the *Registration of Deeds Act, 2009*, I make the following regulations.

Dated at St. John's, June 8, 2012.

Paul Davis
Minister of Service Newfoundland and Labrador

REGULATIONS

Analysis

- | | |
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| 2. S.3 R&S
Electronic submission | 7. S.8 Amdt.
Licensed users |
| 3. S.4 R&S
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Notice of mortgage |
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Paper format registration |
| | 11. S.14 R&S
Admissibility of documents |
| | 12. Commencement |

NLR 110/10
as amended

1. (1) Paragraph 2(a) of the *Registration of Deeds Regulations* is repealed and the following substituted:

- (a) "authorized user" means a person within the prescribed category of persons who is approved under subsection 9(3) of the Act to file instruments and notices of instruments electronically using the CADO system;

(2) Paragraph 2(c) of the regulations is repealed and the following substituted:

- (c) "division" means the Commercial Registrations Division of Service Newfoundland and Labrador;

(3) Paragraph 2(d) of the regulations is repealed and the following substituted:

- (d) "electronic submission" means submission of an instrument or notice of instrument for registration using the CADO system;

(4) Paragraph 2(e) of the regulations is repealed and the following substituted:

- (e) "RAF" means a Registration Application Form which is an application form for registration as required by paragraph 23(2)(d) or 23(3)(a) of the Act.

2. Section 3 of the regulations is repealed and the following substituted:

Electronic submission

3. (1) An authorized user may, to the extent permitted by CADO and upon providing the information required by the Act and these regulations, register an instrument or notice of instrument by electronic submission, if it is an instrument or notice of instrument that may be registered under the Act.

(2) An authorized user may effect electronic submission of an instrument by

- (a) electronic submission of all of the following
 - (i) the completed RAF,

- (ii) a scanned copy of the duly executed original instrument,
- (iii) a scanned copy of another instrument that may be required; and
- (b) remitting the required fee.
- (3) An authorized user may effect electronic submission of a notice of instrument by
 - (a) electronic submission of
 - (i) the completed RAF, and
 - (ii) a scanned copy of the legible written description of the property, where applicable; and
 - (b) remitting the required fee.
- (4) An authorized user shall ensure that all information entered for the purpose of electronic submission of an instrument or notice of instrument is entered in accordance with data entry rules as set by the registrar.
- (5) Notwithstanding subsection (1), an instrument or notice of instrument greater than 8 1/2 inches x 14 inches in size shall be filed with the registry in paper format.

3. Section 4 of the regulations is repealed and the following substituted:

Priority of registration

- 4.** (1) An instrument or notice of instrument submitted is considered to be registered on the date and at the time when the document is submitted, provided it meets compliance.
- (2) An instrument or notice of instrument electronically submitted will be reviewed for compliance by the registry and where an instrument or notice of instrument is rejected for non-compliance by the registry, the instrument or notice of instrument will be returned to the authorized user.
- (3) Notwithstanding subsection (1), an instrument or notice of instrument returned under subsection (2) shall be given a new registra-

tion date and time when it has been resubmitted by the authorized user and will, subject to a review under subsection (2), be considered to be registered at that time provided it meets compliance.

(4) An instrument or notice of instrument that, in error, is rejected by the registry for non-compliance will be considered to be registered when it has been resubmitted by the authorized user.

4. Section 5 of the regulations is repealed and the following substituted:

Group of instruments or notices of instruments or both

5. (1) Where an authorized user electronically submits a group to be registered in a particular sequence, the authorized user is responsible for ensuring that each instrument or notice of instrument in the group is registered in the proper order.

(2) If an instrument or notice of instrument in the group submitted under subsection (1) is rejected for non-compliance by the registry, then that group shall be rejected.

(3) Each instrument or notice of instrument in a group is considered separate and a fee is payable for each instrument or notice of instrument.

(4) Notwithstanding subsection 3(1), a group that has more than 5 instruments or notices of instruments or both shall be filed with the registry in paper format.

(5) For the purpose of this section, a group means a group of instruments, notices of instruments or both.

5. Subsection 6(2) of the regulations is repealed and the following substituted:

(2) The registrar may require an authorized user to submit information and electronic images in a specific format.

6. (1) Subsection 7(1) of the regulations is repealed and the following substituted:

Category of persons

7. (1) The registrar may approve the following categories of persons for electronic submission of instruments and notices of instruments

- (a) a practicing member of the Law Society of Newfoundland and Labrador;
- (b) a law firm as defined in the *Law Society Act, 1999*;
- (c) a chartered bank, trust company, credit union or other recognized financial institution;
- (d) a title insuring firm;
- (e) a department of a municipal, the provincial or federal government; and
- (f) other organizations that demonstrate to the satisfaction of the registrar a legitimate need for electronic submission of instruments or notices of instruments.

(2) Subsection 7(3) of the regulations is repealed and the following substituted:

(3) An authorized user is responsible for the creation, quality and completeness of the RAF and any image that is electronically submitted.

(3) Section 7(4) of the regulations is repealed and the following substituted:

(4) An authorized user who electronically submits an instrument or notice of instrument shall retain the original or a true copy of the executed instrument and shall make it available for review by the registrar upon request.

7. Subsection 8(1) of the regulations is amended by deleting the word "instruments" and substituting the words "instruments and notices of instruments".

8. Subsection 10(1) of the regulations is repealed and the following substituted:

Notice of mortgage

10. (1) A notice of mortgage referred to in paragraph 7(1)(e) of the Act

- (a) shall have a legible written description of the property attached;
- (b) shall contain information with respect to all of the following
 - (i) the consideration,
 - (ii) the instrument date,
 - (iii) the location of the property;
- (c) may have supporting affidavits attached; and
- (d) may contain information with respect to a related registered instrument or notice of instrument.

9. Section 11 of the regulations is repealed and the following substituted:

Errors in registration details

11. Where a person submits an instrument or notice of instrument and becomes aware of an error in the registration details of the instrument or notice of instrument, that person shall file an amendment in a form acceptable to the registrar.

10. Section 12 of the regulations is repealed and the following substituted:

Paper format registration

12. (1) An instrument that is submitted in paper format for registration shall be accompanied by the required RAF and the RAF shall be accurately completed and legible.

(2) A notice of instrument that is submitted in paper format for registration shall be provided on the required RAF and the RAF shall be accurately completed and legible.

(3) Information set out in the RAF will be the only information used for the purpose of recording registration particulars.

(4) An instrument submitted in paper format shall be an original.

(5) When a person submits a notice of instrument for registration in paper format, that person is certifying that he or she has seen the original instrument, with the original signatures.

(6) A person who submits a notice of instrument for registration in paper format shall retain the original or a true copy of the executed instrument and shall make it available for review by the registrar upon request.

11. Section 14 of the regulations is repealed and the following substituted:

Admissibility of
documents

14. A copy of a registered instrument or notice of instrument certified by the registrar is admissible in evidence in a court proceeding to the same extent as the original would have been admissible.

Commencement

12. These regulations come into force on July 1, 2012.

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PART II

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**STATUTES OF NEWFOUNDLAND AND LABRADOR
2012**

**First Session, 47th General Assembly
61 Elizabeth II, 2012**

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Bill	Act	Chapter
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(ASSENTED TO JUNE 27, 2012)

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In researching the law readers should note that the following Statutes of Newfoundland and Labrador, 2012 include amendments to other Statutes as listed below:

Chapter 25	<u><i>Access to Information and Protection of Privacy (Amendment) Act</i></u> <i>Auditor General Act</i>
Chapter 4	<u><i>Enduring Powers of Attorney (Amendment) Act</i></u> - (To be proclaimed) <i>Public Trustee Act, 2009</i>
Chapter 27	<u><i>Fatalities Investigations (Amendment) Act</i></u> - (To be proclaimed) <i>Child and Youth Advocate Act</i> <i>Evidence Act</i>
Chapter 11	<u><i>Interjurisdictional Support Orders (Amendment) Act</i></u> <i>Support Orders Enforcement Act</i>
Chapter 30	<u><i>Labour Relations (Amendment) Act</i></u> - (S.13 to be Proclaimed) <i>Fishing Industry Collective Bargaining Act</i>
Chapter 10	<u><i>Municipalities (Amendment) Act, 1999 and Urban and Rural Planning (Amendment) Act, 2000</i></u> <i>City of Corner Brook Act</i> <i>City of Mount Pearl Act</i> <i>City of St. John's Act</i>
Chapter 22	<u><i>Obsolete Actions Extinguishment Act</i></u> <i>Evidence Act</i> <i>Jury Act, 1991</i> <i>Small Claims Act</i> <i>Survival of Actions Act</i>

Chapter O-7.02	<u><i>Optometry Act, 2012</i></u> - (In force Aug. 31/12) <i>Dispensing Options Act, 2005</i> <i>Highway Traffic Act</i> <i>Optometry Act, 2004 (Repealed)</i> <i>Personal Health Information Act</i> <i>Pharmacy Act</i> <i>Pharmaceutical Services Act</i>
Chapter P-7.2	<u><i>Personal Services Act</i></u> - (To be Proclaimed) <i>Provincial Offences Ticket Regulations, 1999</i>
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Chapter S-13.02	<u><i>Service Animal Act</i></u> <i>Blind Persons' Rights Act (Repealed)</i>

This list was prepared by the Office of the Legislative Counsel.

Questions or omissions should be brought to the attention of that Office.

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