



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

### PUBLISHED BY AUTHORITY

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Vol. 87	ST. JOHN'S, FRIDAY, AUGUST 31, 2012	No. 35
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#### MINERAL ACT

#### NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, cM-12, RSNL 1990 as amended.

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

A portion of license	016389M
Held by	Stephen Courtney & George Lannon
Situate near	Stony Brook, Central NL
On map sheet	02D/13

more particularly described in an application on file at  
Department of Natural Resources

Mineral License	019078M
Held by	Celtic Minerals Ltd
Situate near	Buchans Area, Central NL
On map sheet	12A/15

Mineral License	013681M
Held by	Celtic Minerals Ltd
Situate near	Kingurutik River
On map sheet	14D/15 14E/02

A portion of license	014138M
Held by	Vulcan Minerals Inc.
Situate near	Kingurutik River
On map sheet	14D/15 14E/03 14E/02

more particularly described in an application on file at  
Department of Natural Resources

Mineral License	014961M
Held by	Courtney, Stephen
Situate near	Wild Bight, Baie Verte Peninsula
On map sheet	02E/13

Mineral License	016166M
Held by	Noel, E. Michele
Situate near	Twin Ponds, West of White Bay
On map sheet	12H/11

Mineral License	017624M
Held by	Altius Resources Inc.
Situate near	Black Brook, Baie Verte Peninsula
On map sheet	12H/08, 12H/07, 12H/09, 12H/10

Mineral License	017625M
Held by	House, Steve
Situate near	Anaktalik Brook
On map sheet	14D/08 14D/09

Mineral License	019077M
Held by	Altius Resources Inc.
Situate near	Black Brook, Baie Verte Peninsula
On map sheet	12H/09 12H/10

Mineral License	017629M
Held by	Hicks, Darrin

THE NEWFOUNDLAND AND LABRADOR GAZETTE  
August 31, 2012

Situate near On map sheet	Victoria Lake, Central NL 12A/06	Mineral License Held by Situate near On map sheet	017690M Silver Spruce Resources Inc. Flour Lake Area 23H/11 23H/14
Mineral License Held by Situate near On map sheet	017630M Hicks, Darrin Rotie Bay, Southern NL 01M/13	Mineral License Held by Situate near On map sheet	017765M Silver Spruce Resources Inc. Barge Bay Area 12P/16
Mineral License Held by Situate near On map sheet	017634M Hicks, Darrin Victoria Lake, Central NL 12A/06	Mineral License Held by Situate near On map sheet	018544M Ryan, Kevin Bay L'Argent, Burin Peninsula 01M/10
Mineral License Held by Situate near On map sheet	017639M Keats Sr, Suley Sandy Brook Area, Central NL 12A/09	Mineral License Held by Situate near On map sheet	018647M Ryan, Kevin Harbour Mille, Burin Peninsula 01M/10
Mineral License Held by Situate near On map sheet	017640M Unity Resources Inc. Pitts Harbour 03D/04	Mineral License Held by Situate near On map sheet	018657M Ryan, Kevin Harbour Mille, Burin Peninsula 01M/10
Mineral License Held by Situate near On map sheet	017642M Unity Resources Inc. Chateau Bay 02M/13	Mineral License Held by Situate near On map sheet	018658M Ryan, Kevin Harbour Mille, Burin Peninsula 01M/10
Mineral License Held by Situate near On map sheet	017643M Unity Resources Inc. Temple Bay 02M/13	Mineral License Held by Situate near On map sheet	018995M Michelin, Richard Paradise River 13H/06
Mineral License Held by Situate near On map sheet	017645M Unity Resources Inc. Barge Bay 03D/04 13A/01	Mineral License Held by Situate near On map sheet	018996M Michelin, Richard Three Mountain Harbour 14E/16
Mineral License Held by Situate near On map sheet	017660M Dahrouge Geological Consulting Ltd. Isabella Falls 13E/15 13L/02	Mineral License Held by Situate near On map sheet	019021M Duffitt, Alexander S. Eagle Lake Area 23J/09
Mineral License Held by Situate near On map sheet	017661M Dahrouge Geological Consulting Ltd. Isabella Falls 13L/02	Mineral License Held by Situate near On map sheet	019022M Duffitt, Alexander S. Eagle Lake Area 23J/09
Mineral License Held by Situate near On map sheet	017662M Dahrouge Geological Consulting Ltd. Isabella Falls 13E/15 13L/02	Mineral License Held by Situate near On map sheet	019214M Crosshair Energy Corporation Victoria Lake, Central NL 12A/06
Mineral License Held by Situate near On map sheet	017689M Silver Spruce Resources Inc. Flour Lake Area 23H/14	The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in CNLR 1143/96 and NLR 71/98, 104/98, 97/00, 36/01, 31/04, 78/06, 8/08 and 28/09 and outlined on 1:50 000 scale digital maps maintained by the Department of Natural Resources, will be open for staking after the	

hour of 9:00 a.m. on the 32<sup>nd</sup> clear day after the date of this publication.

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

File #'s 774:3138, 6129, 8506, 8940, 9610;

775:0244, 1084, 1085, 1088, 1089, 1090, 1094,  
1099, 1100, 1102, 1103, 1105, 1118, 1119, 1120,  
1135, 1136, 1192, 1894, 1983, 1993, 1994, 2294,  
2295, 2314, 2315, 2476

Aug 31

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**CITY OF ST. JOHN'S ACT**



**ST. JOHN'S MUNICIPAL COUNCIL  
NOTICE  
ST. JOHN'S MOBILE VENDING BY-LAW**

TAKE NOTICE that the ST. JOHN'S MUNICIPAL COUNCIL has enacted an amendment to the St. John's Mobile Vending (Amendment No. 1 – 2012) By-Law.

The said Amendment was passed by Council on the 20<sup>th</sup> day of August, 2012, so as to remove the cap on the term of leases for spaces leased by the City.

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 21<sup>st</sup> day of August, 2012.

ST. JOHN'S MUNICIPAL COUNCIL  
Neil Martin - City Clerk

Aug 31

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**URBAN AND RURAL PLANNING ACT, 2000**

**NOTICE OF REGISTRATION  
MOUNT PEARL DEVELOPMENT  
REGULATIONS 2010 AMENDMENT NO. 7, 2012  
(ACCESSORY BUILDING HEIGHT AMENDMENT)**

TAKE NOTICE that the CITY OF MOUNT PEARL Development Regulations 2010 Amendment No. 7, 2012, adopted by Council on the 10<sup>th</sup> day of July, 2012, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Development Regulations Amendment No. 7, 2012 is to bring in line the building height standard of accessory buildings as specified in the Development Regulations from 4.5m to 3.5m and to ensure that the definition of building height is consistent with the definition as outlined in the Ministerial Regulations.

The Development Regulations Amendment No. 7, 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 this Amendment may do so at the Mount Pearl City Hall, 3 Centennial Street, during normal working hours.

CITY OF MOUNT PEARL  
Per: Michele Peach, Chief Administrative Officer

Aug 31

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**NOTICE OF REGISTRATION  
TOWN OF SPANIARD'S BAY  
MUNICIPAL PLAN AMENDMENT No. 1, 2011, and  
DEVELOPMENT REGULATIONS AMENDMENT  
Nos. 3 and 4, 2011**

TAKE NOTICE that the TOWN OF SPANIARD'S BAY Municipal Plan Amendment No. 1, 2011, and Development Regulations Amendment No. 1, 2011, adopted by Council on the 24<sup>th</sup> day of May, 2012, has been registered by the Minister of Municipal Affairs.

In general terms, Municipal Plan Amendment No. 1, 2011, will amend the Rural Land Use Policies to allow seasonal residences as a discretionary use and be limited to the north shore of Swile Pond. The Amendment will also extend the Residential Land Use designation by approximately 330 metres, along the south side of Crane's Road across from Bread and Cheese Cove Pond and extend the Residential Land Use designation along the north side of New Harbour Road, known locally as Backtrack Road, by approximately 150 metres.

Development Regulations Amendment No. 1, 2011, will add seasonal residences as a discretionary use to the Rural Land Zone Table and limit seasonal residences to the north shore of Swile Pond. The Amendment will also extend the Residential Medium Density Land Use Zone by approximately 330 metres, along the south side of Crane's Road across from Bread and Cheese Cove Pond and extend the Residential Infill Land Use Zone along the north side of New Harbour Road, known locally as Backtrack Road, by approximately 150 metres.

The Town of Spaniard's Bay Municipal Plan Amendment No. 1, 2011, and Development Regulations Amendment No. 1, 2011, 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 the TOWN OF SPANIARD'S BAY Municipal Plan Amendment No. 1, 2011, and Development Regulations Amendment No. 1, 2011, may do so at the Town Office, Spaniard's Bay during normal working hours.

TOWN OF SPANIARD'S BAY  
Tony Ryan, Town Clerk

Aug 31

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**QUIETING OF TITLES ACT**

**2012 01 G 3895  
IN THE SUPREME COURT OF  
NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION (GENERAL)**

IN THE MATTER OF an Application of VERA CLOUSTON of the City of St. John's in the Province of Newfoundland and Labrador,

AND

IN THE MATTER OF the *Quieting of Titles Act*, cQ-3, of the RSNL1990, and amendments thereto

AND

IN THE MATTER OF a piece or parcel of land situate and being at Harding's Lane, at Topsail in the Town of Conception Bay South in the Province of Newfoundland and Labrador.

**NOTICE OF APPLICATION UNDER THE *QUIETING OF TITLES ACT*, cQ-3, RSNL1990 AND AMENDMENTS THERETO**

NOTICE IS HEREBY GIVEN to all parties that VERA CLOUSTON has applied to the Supreme Court of Newfoundland and Labrador, Trial Division, to have the title to ALL THAT piece or parcel of land situate and being at Harding's Lane, at Topsail, in the Town of Conception Bay South, in the Province of Newfoundland and Labrador and being more particularly described in the Schedule hereunto attached and marked "A" of which VERA CLOUSTON claims to be the owner, investigated and it requests a declaration that VERA CLOUSTON is the legal and beneficial owner in possession and the said Court having ordered that Notice of the said Application be published as required by the above named Act.

All persons having title adverse to the said title claimed by VERA CLOUSTON shall file in the Registry of the Supreme Court of Newfoundland and Labrador particulars of such adverse claim and serve the same together with an Affidavit verifying the same on the undersigned Solicitors for the Applicant on or before the 20<sup>th</sup> day of September, 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 21<sup>st</sup> day of August, 2012.

BENSON BUFFETT PLC INC.  
Solicitors for the Applicant  
PER: Beth A. Sheppard

ADDRESS FOR SERVICE:  
Suite 900, Atlantic Place  
215 Water Street, P.O. Box 1538  
St. John's, NL, A1C 5N8

Tel: (709) 570-7237  
Fax: (709) 579-2647

**SCHEDULE "A"**

**SURVEY DESCRIPTION FOR MARJORIE MILLER  
HARDING LANE TOPSAIL**

Revised

All that piece or parcel of land situate and being on the eastern side of the Hardings Lane at Topsail in the electoral district of Conception Bay South, Newfoundland and Labrador, Canada and being abutted as follows, that is to say:

BEGINNING at a point, said point having NAD83 coordinates of North 5266799.828 meters and East 310248.982 meters with reference to Crown Land Monument No. 83G 3226 having coordinates of North 5266700.494 meters and East 310064.281 meters and Crown Land Monument No. 83G 3227 having coordinates of North 5266655.610 meters and East 309584.710 meters of the Modified Three Degree Transverse Mercator Projection for Newfoundland and Labrador having a central meridian of 53 degrees west longitude;

THENCE running along by Hardings Land North thirty degrees zero three minutes forty-eight seconds West, eight decimal nine zero zero meters;

AND THENCE running North thirty-seven degrees twenty-three minutes, eighteen seconds West, eleven decimal eight three three meters;

AND THENCE running North thirty-nine degrees thirty-one minute, twelve seconds West, twenty-eight decimal eight one three meters;

THENCE running along by the beach of Conception Bay North seventy-five degrees zero four minutes twenty-eight seconds East, forty-six decimal eight eight six meters;

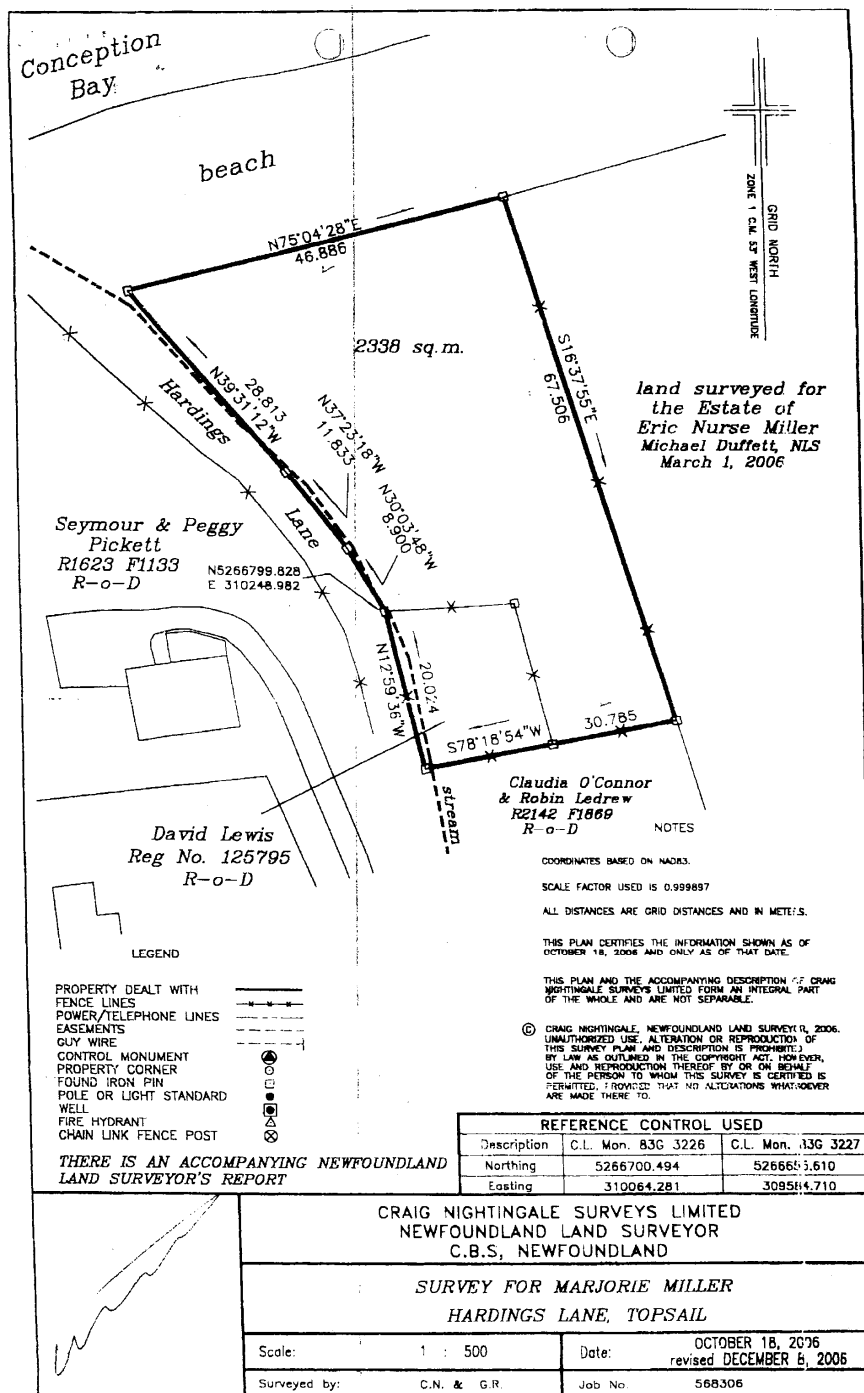
THENCE running along by land surveyed for the Estate of Eric Nurse Miller by Michael Duffett, NLS dated March 1<sup>st</sup>, 2006 South sixteen degrees thirty-seven minutes fifty-five seconds East, sixty-seven decimal five zero six meters;

THENCE running along by land belonging to Claudia O'Connor and Robin Ledrew registered in Roll 2142 Frame

1869 of the Registry of Deeds in Newfoundland and Labrador South seventy-eight degrees eighteen minutes fifty-four seconds West, thirty decimal seven eight five meters;

THENCE running along by Hardings Lane North twelve degrees fifty-nine minutes thirty-six seconds West, twenty decimal zero two four meters, more or less, to the point of beginning.

The above described parcel of land has an area of 2338 square meters, more or less, and is shown more fully delineated on the adjoining plan having Job No. 568306 dated October 18, 2006 revised December 8, 2006. All the bearings are referred to Grid North of the above mentioned projection. All distances are grid distances using a scale factor of 0.999897.



**2012 03G 0172**  
**IN THE SUPREME COURT OF**  
**NEWFOUNDLAND AND LABRADOR**  
**TRIAL DIVISION (GENERAL)**

IN THE MATTER OF the *Quieting of Titles Act*,  
RSNL1990, cQ-3, as amended;

AND IN THE MATTER OF ALL THAT piece or parcel  
of land situate and being at and near Carson Place, in the  
town of Lewisporte, in the Province of Newfoundland and  
Labrador, Canada;

AND IN THE MATTER of an Application of KERWIN  
MANUEL of Lewisporte in the Province of Newfoundland  
and Labrador.

**NOTICE**

Notice of Application under the *Quieting of Titles Act*,  
RSNL1990, cQ-3 as amended thereto.

NOTICE IS HEREBY GIVEN to all parties that KERWIN  
MANUEL has applied to the Supreme Court of  
Newfoundland and Labrador Trial Division, at Grand Falls-  
Windsor, Newfoundland and Labrador, to have his title  
investigated to:

All that piece or parcel of land situate and being at  
Lewisporte in the Electoral District of Lewisporte abutted  
and bounded as follows, that is to say: Beginning at a point  
in the northwesterly limit of a Road Reservation, ten meters  
wide, the said point having Three Degree MTM Co-  
ordinates of north 5 455 708.461 meters and east 375  
045.514 meters and being distant two thousand forty-three  
decimal five two meters as measured on a bearing of north  
sixty-two degrees forty-six minutes seventeen seconds east  
from Control Monument No. 76G2246; thence running  
along the aforesaid northwesterly limit of a Road  
Reservation, ten meters wide, north fifty-six degrees fifty-  
five minutes twenty-three seconds east three hundred  
eighty-seven decimal one seven meters; thence running by  
Crown Land north twenty-one degrees forty-seven minutes  
fifty-six seconds west five hundred three decimal two three  
meters; thence south eighty-eight degrees twelve minutes  
west eighty-two decimal four eight meters; thence running  
along the southerly limit of a Reservation, ten meters wide,  
extending along the southerly shore of Salt Water Pond, to  
a point which is distant one hundred fifty-one decimal nine  
eight meters as measured on a bearing of south eighty-eight  
degrees twelve minutes west; thence running by Crown  
land south eighty-eight degrees twelve minutes west  
eighty-nine decimal two two meters; thence running along  
the easterly limit of a Reservation, ten meters wide,  
extending along the easterly shore of Lewisporte Harbour,  
to a point which is distant six hundred ninety-three decimal  
seven seven meters as measured on a bearing of south  
fifteen degrees thirty-two minutes fifty-four seconds east,  
more or less, to the point of beginning and being more  
particularly shown and delineated on the attached plan,  
reserving nevertheless out of the above described piece or

parcel of land an old highway, twenty meters wide, and  
Route 340, thirty meters wide, both extending through the  
said land the above described piece or parcel of land  
containing an area of 21.80 hectares, more or less, all  
bearings and co-ordinates are referenced to the Three  
Degree MTM Projection System, Zone 2, with the Central  
Meridian being 56 degrees

AND to obtain a Declaration that KERWIN MANUEL is  
the true and absolute owner thereof which title shall be free  
from the exceptions and qualifications detailed under  
section 22(1)(a) to (d) of the above Act; and except as to  
certain described parcels of land disposed of and  
acknowledged as already conveyed by the Applicant from  
the land.

AND the Supreme Court of Newfoundland and Labrador,  
Trial Division, having ordered Notice of the Application to  
be published as required by the above Act, all persons  
having title adverse to the title claimed by KERWIN  
MANUEL shall file in the Registry of the Court, at Grand  
Falls-Windsor, particulars of such adverse claim and serve  
same, together with an Affidavit verifying same, on the  
undersigned solicitors for the Applicant no later than within  
one month following the date of the first publication in *The  
Newfoundland and Labrador Gazette* or first publication in  
the local Newspaper in circulation in the area of the land,  
whichever shall latest occur, after which date no party  
having any claim shall be admitted to file same or to be  
heard, except by special leave of the court, and subject to  
such conditions as the court may deem.

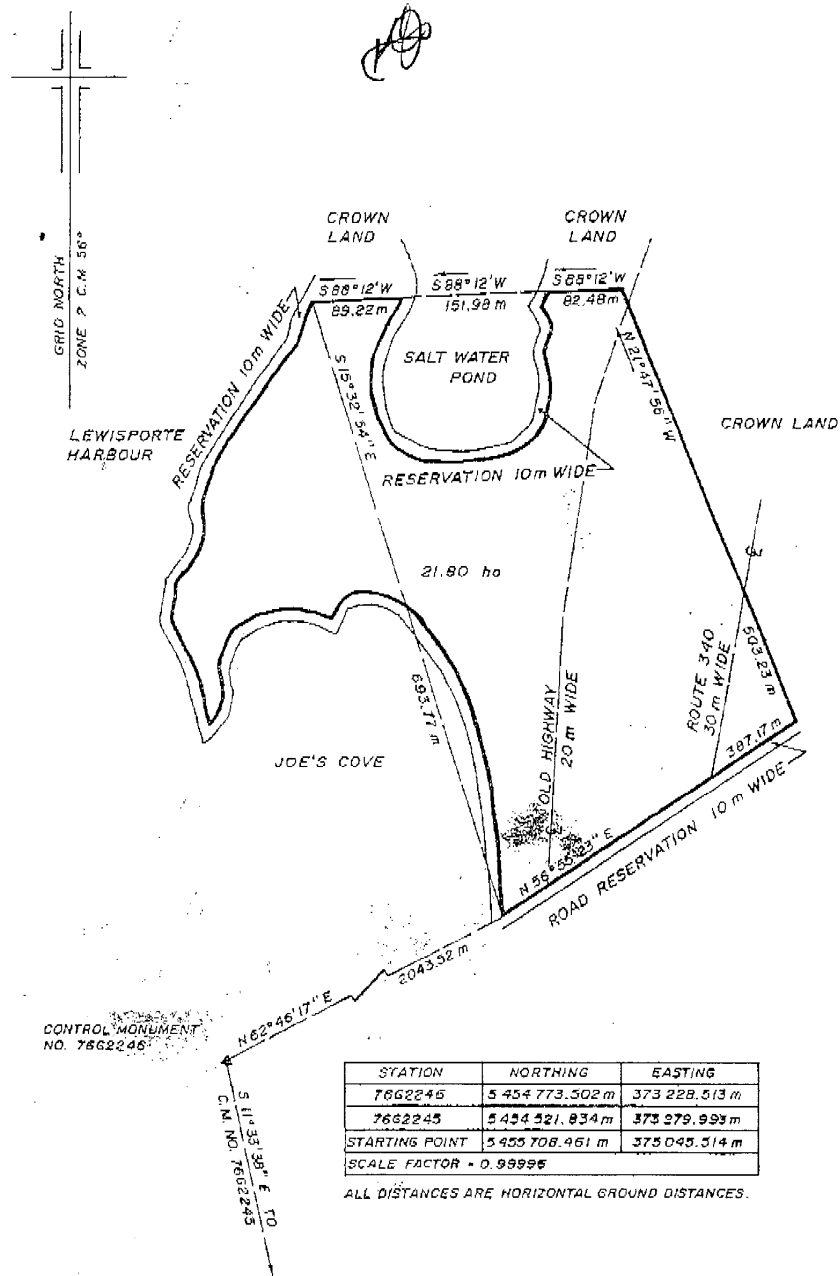
All such adverse claims shall then be investigated in such  
manner as the Supreme Court, Trial Division may direct.

DATED at Grand Falls-Windsor, in the Province of  
Newfoundland and Labrador, this 17<sup>th</sup> day of August, 2012.

BLACKMORE LAW OFFICE  
Solicitor for Applicant  
PER: Bryan Blackmore

ADDRESS FOR SERVICE:  
12 Pinsent Drive  
P.O. Box 731  
Grand Falls-Windsor, NL  
A2A 2K2

Tel: (709) 489-1334  
Fax: (709) 489-7004



ERIC K. YATES SURVEYS LTD.

SEPTEMBER 11, 1991

DR'G NO. 9120

SCALE: 1: 5000

**TRUSTEE ACT**

**ESTATE NOTICE**

IN THE ESTATE of JOANNE CHAFE, of the City of Ottawa, in the Province of Ontario, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the estate of JOANNE CHAFE, of the City of Ottawa, in the Province of Ontario, Deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitors for the Executrix of the said deceased, on or before the 30<sup>th</sup> day of September, 2012, after which date the Executrix will proceed to distribute the said estate having regard only to claims of which she shall then have had notice.

DATED at St. Johns, this 22<sup>nd</sup> day of August, 2012.

BYRNE LAW OFFICE  
Solicitors for the Executrix  
PER: Lisa A. Byrne Q.C.

ADDRESS FOR SERVICE:  
Suite 201, 69 Elizabeth Avenue  
St. John's, NL  
A1A 1W8

Tel: 709-739-4504  
Fax: 709-739-4512

Aug 31

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**ESTATE NOTICE**

IN THE MATTER OF the Estate and Effects of the late ELIZABETH LOUISE HUFFMAN of St. John's, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of ELIZABETH LOUISE HUFFMAN, the aforesaid deceased, who died at St. John's, in the Province of Newfoundland and Labrador on or about the 15<sup>th</sup> day of March, 2012, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 30<sup>th</sup> day of September, 2012, after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 23<sup>rd</sup> day of August, 2012.

BONNELL LAW  
Solicitor for the Executor  
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

Aug 31 & Sept 7

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**ESTATE NOTICE**

IN THE MATTER OF the Estate and Effects of the late RETA SAMSON of Eastport, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of RETA SAMSON, the aforesaid deceased, who died at St. John's, in the Province of Newfoundland and Labrador on or about the 11<sup>th</sup> day of June, 2002, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 30<sup>th</sup> day of September, 2012 after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 14<sup>th</sup> day of August, 2012.

BONNELL LAW  
Solicitor for the Executor  
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

Aug 31 & Sept 7

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**ESTATE NOTICE**

IN THE MATTER of the Estate and Effects of JEAN SPARKS (nee Evans), late of St. John's, NL, Administrative Assistant, Retired, Widow, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate and Effects of JEAN SPARKS (sometimes spelled "Sparkes") (nee Evans), Administrative Assistant, Retired, Widow, who died at St. John's, NL, on or about the 17<sup>th</sup> day of August, 2012, are hereby requested to send particulars thereof in writing, duly attested, to Barry R. Sparkes, Q.C., (Nephew of the Deceased), Executor of the Last Will and Testament of Jean Sparks, 29 Carpasian Road, St. John's, NL, A1B 2P9, on or before Monday, the 1<sup>st</sup> day of October, 2012, after which date the Executor will proceed to distribute the



Estate having regard only to the claims of which he then shall have had notice.

Dated at St. John's, NL, this 31<sup>st</sup> day of August, 2012.

BARRY R. SPARKES, Q.C.  
Executor of the Last Will  
and Testament of JEAN SPARKS

ADDRESS FOR SERVICE:  
29 Carpasian Road  
St. John's NL A1B 2P9

Aug 31

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

### SUBORDINATE LEGISLATION

### FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

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Vol. 87

ST. JOHN'S, FRIDAY, AUGUST 31, 2012

No. 35

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### NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 62/12

NLR 63/12

NLR 64/12

NLR 65/12





## NEWFOUNDLAND AND LABRADOR REGULATION 62/12

*Vehicle Seizure and Impoundment Regulations, 2012*  
under the  
*Highway Traffic Act*  
(O.C. 2012-208)

*(Filed August 29, 2012)*

Under the authority of section 186 of the *Highway Traffic Act*, the  
Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, August 28, 2012.

Robert Thompson  
Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

- |   |   |
|---|---|
| 1. Short title                                | 12. Low value vehicle                           |
| 2. Interpretation                             | 13. Storage and lien - low value vehicle        |
| 3. Application                                | 14. Disposal of low value vehicle               |
| 4. Vehicle that is dangerous or unfit for use | 15. Disposition of proceeds - low value vehicle |
| 5. Driving while disqualified or prohibited   | 16. Disposition of proceeds - unknown owner     |
| 6. Delay of seizure                           | 17. Application for early release by owner      |
| 7. Stolen vehicles                            | 18. Decision of registrar                       |
| 8. Personal property                          |   |
| 9. Duties of peace officer                    |   |
| 10. Storage and lien                          |   |
| 11. Disposal of motor vehicle                 |   |

- |  |                    |
|--|--------------------|
| 19. Release of vehicle on expiry of impoundment period | 22. Offence        |
| 20. Report of garage operator                          | 23. Fees and forms |
| 21. Owner's right against driver                       | 24. Repeal         |
|  | 25. Commencement   |

Short title                    **1.** These regulations may be cited as the *Vehicle Seizure and Impoundment Regulations, 2012*.

Interpretation            **2.** (1) In these regulations

(a) "Canadian Red Book" means the Canadian Red Book and the Canadian Older Car/Truck Red Book;

(b) "garage operator" means a person who takes and stores a seized and impounded motor vehicle;

(c) "low value vehicle" means a motor vehicle determined by the registrar as a low value vehicle under section 12.

(2) In these regulations, an impoundment period means

(a) for a vehicle impounded under subsection 75(6.1) of the Act, a period of 90 days;

(b) for a vehicle impounded under section 4, a period of 24 hours; and

(c) for a vehicle impounded under section 5, a period of 30 days.

(3) For the purpose of the regulations that apply to a vehicle that has been seized and impounded under subsection 75(6.1) of the Act, a "peace officer" includes a traffic officer.

Application                **3.** These regulations apply to a motor vehicle that has been seized and impounded under

(a) subsection 75(6.1) of the Act;

(b) section 4; and

(c) section 5.

Vehicle that is dangerous or unfit for use	<p><b>4.</b> (1) A peace officer may seize a motor vehicle that has been inspected or tested under subsection 42(1) of the <i>Licensing and Equipment Regulations</i> and impound it where the officer has reasonable grounds to believe that the vehicle is dangerous or unfit for use.</p>
	<p>(2) A motor vehicle impounded under subsection (1) shall be held for a period of 24 hours from the date of seizure, after which period the vehicle may be released in accordance with subsection 19(2).</p>
Driving while disqualified or prohibited	<p><b>5.</b> (1) Subject to section 6, a peace officer shall seize a motor vehicle and impound it where the officer has reason to believe that a person who was operating the vehicle contravened subsection 43(6) of the Act.</p>
	<p>(2) A motor vehicle impounded under subsection (1) shall be held for a period of 30 days from the date of seizure, after which period the vehicle may be released in accordance with subsection 19(1).</p>
Delay of seizure	<p><b>6.</b> (1) Where a peace officer is satisfied that the seizure and impoundment of a motor vehicle under section 5 would jeopardize the safety of, or cause undue hardship to, a person, or is, in the opinion of the officer, not practicable in the circumstances the peace officer may delay taking custody of the motor vehicle, in which case the peace officer may permit the motor vehicle to be driven to a location specified by the peace officer.</p> <p>(2) Where under subsection (1) a peace officer permits a motor vehicle to be driven to a specified location and the vehicle is not impounded at that location, a peace officer may make application to a justice for an order to seize the vehicle and impound it in accordance with these regulations.</p>
Stolen vehicles	<p><b>7.</b> If, at any time before a review or hearing is conducted under these regulations, a peace officer is satisfied that a motor vehicle seized under section 5 had been stolen, the officer may, subject to the approval of the registrar, release the vehicle to the owner, or a person authorized by the owner to take possession of it.</p>
Personal property	<p><b>8.</b> Personal property in a motor vehicle that has been impounded, other than personal property attached to or used in connection with the operation of the motor vehicle, shall be returned to the owner of the property on request.</p>

Duties of peace officer      **9.** (1) Where a motor vehicle has been seized and impounded, the peace officer shall

- (a) complete a notice of impoundment;
- (b) give the driver a copy of the notice;
- (c) if the driver is not, or does not appear to be, the owner of the motor vehicle, request that the driver disclose the name and address of the owner;
- (d) give a copy of the notice to the owner, if the owner is present at the time of seizure, or, if the owner is not present, without delay mail a copy to the owner
  - (i) at the owner's last known address as recorded in the registrar's records of motor vehicle registrations, or
  - (ii) if the owner's address is not recorded in the registrar's records, at the address indicated by the driver in response to the peace officer's request under paragraph (c);
- (e) mail a copy of the notice to the registrar;
- (f) cause a copy of the notice to be given to the garage operator who stores the motor vehicle; and
- (g) retain a copy of the notice.

(2) The notice of impoundment shall be in the form set by the registrar and shall contain a statement that the motor vehicle may be disposed of under these regulations if the owner of the motor vehicle does not pay the costs and charges referred to in these regulations.

(3) Where a vehicle has been seized and impounded under section 5, the notice of impoundment for that vehicle shall contain a statement of the right to apply to the registrar for the release of the motor vehicle under section 17 of these regulations and instructions on applying for a review.

Storage and lien      **10.** (1) A motor vehicle that is seized and impounded shall be stored with the garage operator that the peace officer directs and a peace of-



ficer may later direct that the motor vehicle be moved to a different garage operator for impoundment.

(2) The garage operator has a lien on the motor vehicle for the following amounts

- (a) all costs and charges for the transportation, towing, care and storage respecting the seizure and impoundment of the vehicle and where applicable the costs of disposal of the vehicle; and
- (b) expenditures for searches and registrations under the *Personal Property Security Act* and *Judgment Enforcement Act* that are reasonably necessary to fulfil the obligations of the person who took custody of the impounded motor vehicle.

(3) A lien under this section and a garage operator's right to hold the vehicle has priority over and is not subject to a lien or other charge or encumbrance upon or in respect of the motor vehicle existing at the time of seizure.

(4) A motor vehicle that is subject to a lien under this section shall remain impounded until

- (a) the lien is paid; or
- (b) the vehicle is disposed of under section 11.

(5) Notwithstanding subsection (4), a garage operator may surrender possession of the motor vehicle to the owner without losing the lien if he or she registers a financing statement relating to that interest under the *Personal Property Security Act* within 15 days of the surrender.

Disposal of motor vehicle

**11.** (1) Where a motor vehicle remains impounded for 30 days or more after the expiration of the impoundment period, the garage operator who stored the motor vehicle during the impoundment may enforce the lien under section 10 by selling the motor vehicle by public auction in the manner set out in section 5 of the *Warehouser's Lien Act*, as if the garage operator was a warehouser and the motor vehicle was goods within the meaning of that Act.

(2) Where a motor vehicle is sold under subsection (1), the garage operator shall satisfy the lien under section 10 and deliver the surplus to the registrar with a statement of account showing how the surplus was calculated.

(3) The registrar shall apply any surplus received under subsection (2) towards any amounts that the registrar may require to be paid under section 16.1 of the Act and any remaining amount to the owner of the vehicle with a statement showing how the remaining amount was calculated.

(4) Notwithstanding subsection (1), a garage operator may, with the approval of the registrar, dispose of the impounded vehicle referred to in subsection (1) by sale or otherwise, if the garage operator

(a) surrenders the licence plate from the motor vehicle to the registrar; and

(b) files with the registrar

(i) a statutory declaration in the form set by the registrar declaring that

(A) the amount of the garage operator's lien on the motor vehicle exceeds the garage operator's estimate of the value of the motor vehicle, and

(B) the garage operator, at least 14 days before making the statutory declaration, sent by registered or certified mail to the registered owner of the motor vehicle, a notice that the garage operator intends to dispose of the motor vehicle if the lien is not paid, and

(ii) a certificate showing that no security interest is registered against the motor vehicle under the *Personal Property Security Act* or the *Judgment Enforcement Act*.

(5) Where the registrar approves the disposal of a motor vehicle under subsection (4), the registrar shall transfer the registration of the motor vehicle from the owner of the motor vehicle to the garage operator.

Low value vehicle

**12.** (1) The registrar may determine that a motor vehicle is a low value vehicle where

- (a) it has an average wholesale value of \$1200 or less according to the most recent edition of the Canadian Red Book; or
- (b) it has an average wholesale value greater than \$1200 according to the most recent edition of the Canadian Red Book, but is dangerous or unfit for use and the registrar determines upon receipt of an affidavit of value from the garage operator that the value of the motor vehicle is \$1200 or less.

(2) Where a motor vehicle is no longer listed in the most recent edition of the Canadian Red Book, the registrar may determine that the vehicle is a low value vehicle where

- (a) it has an average wholesale value of \$1200 or less according to a method of valuation determined by the registrar; or
- (b) it has an average wholesale value greater than \$1200 according to a method of valuation determined by the registrar, but is dangerous or unfit for use and the registrar determines upon receipt of an affidavit of value from the garage operator that the value of the motor vehicle is \$1200 or less.

(3) To make a determination under paragraph (1)(b) or (2)(b), the operator of the garage where the vehicle that is dangerous or unfit for use is impounded shall provide the registrar with an affidavit of value certifying that the value of the damaged vehicle is \$1200 or less.

(4) For the purpose of this section, an "affidavit of value" means proof made on oath or affirmation of the value of the motor vehicle.

Storage and lien -  
low value vehicle

**13.** (1) Notwithstanding sections 10 and 11, a low value vehicle that is seized and impounded shall be stored with the garage operator that the peace officer directs and a peace officer may later direct that the motor vehicle be moved to a different garage operator for impoundment.

(2) The garage operator has a lien on a low value vehicle for all costs and charges for the transportation, towing, care and storage respecting the seizure and impoundment of the motor vehicle and where applicable the costs of disposal of the low value vehicle.

(3) A lien under this section and a garage operator's right to hold the low value vehicle has priority over and is not subject to a lien or other charge or encumbrance upon or in respect of the motor vehicle existing at the time of seizure.

(4) A low value vehicle that is subject to a lien under this section shall remain impounded until

(a) the lien is paid; or

(b) the vehicle is disposed of under section 14.

(5) Notwithstanding subsection (4), a garage operator may surrender possession of the low value vehicle to the owner without losing the lien if he registers a financing statement relating to that interest under the *Personal Property Security Act* within 15 days of the surrender.

Disposal of low  
value vehicle

**14.** (1) After the impoundment period expires, the garage operator shall notify the registrar if the lien on a low value vehicle under section 13 remains unpaid.

(2) The registrar shall send by registered or certified mail to the registered owner of the low value vehicle a notice that the vehicle will be disposed of unless the registered owner pays the garage operator's lien under subsection 13(2) within 28 days from the date the registrar's notice is given.

(3) The registrar shall request in the notice under subsection (2) that the registered owner notify the registrar within 14 days from the date the registrar's notice is given that the registered owner intends to reclaim the vehicle.

(4) Where the registered owner does not pay the garage operator's lien within 28 days from the date the registrar's notice is given, the registrar may approve the disposal of the low value vehicle by the garage operator by sale or otherwise.

(5) Where the registrar approves the disposal of a low value vehicle under subsection (4),

(a) the garage operator shall surrender the licence plate from the low value vehicle to the registrar; and

Disposition of  
proceeds - low  
value vehicle

- (b) the registrar shall transfer the registration of the low value vehicle from the owner of the vehicle to the garage operator.

**15.** (1) Where a low value vehicle is sold under section 14, the garage operator shall

- (a) provide a statement of account to the registrar in a form that may be prescribed by the registrar;
- (b) satisfy the lien under section 13; and
- (c) deliver the surplus to the registrar.

(2) The registrar shall carry out searches under the *Personal Property Security Act* and *Judgment Enforcement Act*.

(3) The registrar shall apply any surplus received under subsection (1) towards payment of amounts in the following order of priority

- (a) amounts owing to holders of security interests under the *Personal Property Security Act* and *Judgment Enforcement Act*, in accordance with those Acts;
- (b) amounts that the registrar may require to be paid under section 16.1 of the Act; and
- (c) any remaining amount to the owner of the vehicle with a statement showing how the remaining amount was calculated.

(4) Where the rights to the surplus are uncertain, the registrar shall upon the order of a judge pay the surplus into the Trial Division.

(5) An order made under subsection (4) may be made without notice to another party upon the terms and conditions as to costs and otherwise that the judge may direct and may provide to what fund or name the account shall be credited.

(6) The registrar at the time of paying the amount into court under subsection (4) shall file in the court a copy of the statement of account provided by the garage operator under subsection (1).

Disposition of  
proceeds - unknown  
owner

**16.** (1) Where the owner of a motor vehicle or low value vehicle disposed of under these regulations is unknown and there is an amount remaining following a disposition of proceeds under section 11 or 15, the registrar shall hold that amount for one year.

(2) Where within one year of the disposal of the motor vehicle or low value vehicle a person proves to the satisfaction of the registrar that the person is entitled to all or part of the amount referred to in subsection (1), the registrar shall pay an amount to the person in accordance with the claim, which amount shall not be greater than what is held under subsection (1).

(3) After one year proceeds from a public auction, sale or other disposal of a vehicle or low value vehicle that are held by the registrar under subsection (1) shall be paid into the Consolidated Revenue Fund.

Application for  
early release by  
owner

**17.** (1) Where the owner of a motor vehicle impounded under section 5 was not the driver or person who had care or control at the time the vehicle was seized, the owner may before the expiry of the impoundment period apply to the registrar for the release of the vehicle on the grounds that

- (a) the driver was not disqualified from driving under subsection 43(6) of the Act at the time of the seizure;
- (b) the driver was in possession of the motor vehicle without the knowledge or consent of the owner;
- (c) the owner could not reasonably be expected to have known that the driver was disqualified from driving under subsection 43(6) of the Act; or
- (d) the continued impoundment of the motor vehicle will
  - (i) cause the owner to suffer a loss or curtailment of employment or educational opportunities; or
  - (ii) prevent the owner, or someone under the care of the owner, from obtaining medical treatment.

(2) Where the owner of a motor vehicle impounded under section 5 was the driver or person who had care and control at the time the vehicle was seized, he or she may before the expiry of the impound-

ment period apply to the registrar for the release of the vehicle on the grounds that he or she

- (a) was not disqualified from driving under subsection 43(6) of the Act at the time of the seizure; or
- (b) could not reasonably be expected to have known that he or she was disqualified from driving under subsection 43(6) of the Act.

(3) The application for release shall be in the form set by the registrar and be accompanied by the fee set by the minister.

(4) The applicant may attach to the application sworn statements or other evidence that the applicant wishes the registrar to consider.

(5) The applicant shall provide the registrar with information related to the application that the registrar may require.

(6) Where an application is made under subsections (1) or (2), the registrar shall consider the report of the peace officer respecting the seizure of the motor vehicle and may consider

- (a) the driving record maintained by the registrar of
  - (i) the person named as the driver of the motor vehicle in the report of the peace officer,
  - (ii) the person named as the driver of the motor vehicle in the application for release by the owner, if that person is not the person referred to in subparagraph (i), or
  - (iii) the applicant; and
- (b) records maintained by the registrar respecting a previous seizure and impoundment under these regulations of a motor vehicle registered in the name of, or owned by, the applicant.

(7) The registrar is not required to hold an oral hearing in respect of an application under this section unless the applicant

- (a) requests an oral hearing when the application is made; and

(b) pays the oral hearing fee set by the minister.

(8) Where an applicant requests an oral hearing and fails to appear, without giving prior notice, on the date and at the time and place set by the registrar, the applicant's right to an oral hearing is considered to have been waived.

Decision of registrar

**18.** (1) Where, after considering an application for release under section 17 the registrar is satisfied that the motor vehicle should not have been seized or impounded for the reasons set out in paragraph 17(1)(a) or 17(2)(a), the registrar shall

(a) revoke the seizure and impoundment;

(b) direct that the garage operator with custody of the motor vehicle release the motor vehicle to the owner or a person authorized by the owner;

(c) refund the application fee; and

(d) indemnify the owner of the motor vehicle for the amount paid by the owner to satisfy the lien described in section 10 or 13.

(2) Where, after considering an application for release under section 17 the registrar is satisfied that the motor vehicle should be released before the impoundment period expires for the reason set out in paragraph 17(1)(b), (c), (d) or 17(2)(b), the registrar shall

(a) direct that the garage operator with custody of the motor vehicle release the motor vehicle to the owner or a person authorized by the owner; and

(b) where the reason for releasing the motor vehicle is set out in paragraphs 17(1)(b), (c) or 17(2)(b), refund the application fee.

(3) The registrar shall provide his or her decision on an application in writing to the applicant within 7 days of the date the application was considered or oral hearing held.



Release of vehicle on expiry of impoundment period	<p><b>19.</b> (1) The registrar shall direct that an impounded motor vehicle be released to the owner or a person authorized by the owner after the impoundment period expires, upon payment of the lien under section 10 or 13.</p> <p>(2) Notwithstanding subsection (1), the registrar shall direct that a motor vehicle impounded under section 4 be released to the owner or a person authorized by the owner after the impoundment period expires, upon payment of the lien under section 10 or 13 and in accordance with the terms and conditions that the registrar may order.</p>
Report of garage operator	<p><b>20.</b> Where a garage operator has in a month stored or disposed of an impounded motor vehicle, the garage operator shall, on or before the 7th day of the following month make a report to the registrar in the form set by the registrar.</p>
Owner's right against driver	<p><b>21.</b> (1) The owner of an impounded motor vehicle may recover from the person who was the driver at the time the motor vehicle was seized, as a debt in a court of competent jurisdiction, the amount the owner paid to have the vehicle released, including amounts required to release the lien described in section 10 and section 13 and any fees paid to the registrar.</p> <p>(2) Notwithstanding subsection (1), the owner may not recover from the driver any amount that the owner was required to pay the registrar in respect of fines or penalties not related to the seizure and impoundment of the motor vehicle under the Act and regulations.</p>
Offence	<p><b>22.</b> A person who removes or releases, or permits the removal or release of, an impounded motor vehicle from the place of impoundment except in accordance with these regulations, is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000.</p>
Fees and forms	<p><b>23.</b> The minister may set fees and the registrar may set forms required for the administration of these regulations.</p>
Repeal	<p><b>24.</b> The <i>Vehicle Seizure and Impoundment Regulations, Newfoundland and Labrador Regulation 73/03</i>, are repealed.</p>
Commencement	<p><b>25.</b> These regulations come into force on September 1, 2012.</p>

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## NEWFOUNDLAND AND LABRADOR REGULATION 63/12

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

*(Filed August 29, 2012)*

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

Dated at St. John's, August 24, 2012.

Paul Davis  
Minister of Service Newfoundland and Labrador

### REGULATIONS

#### *Analysis*

1. Sch. Amdt.

CNLR 1160/96  
as amended

**1. (1) The Schedule to the *Carrier Safety Regulations* is amended by deleting the reference to subsection 43(3) of the *Highway Traffic Act*, the description of the offence and the compliance indicator under that subsection of the Act.**

**(2) The Schedule to the regulations is amended by adding immediately after the reference to section 42(j) of the *Highway Traffic Act* the following:**

43(4)	3	Operating a motor vehicle without a licence for that class of vehicle
43(5)	3	Invalid or no driver's licence
43(6)	3	Driving while disqualified

**(3) The Schedule to the regulations is amended by deleting the reference to subsection 73(2) of the *Highway Traffic Act*, the description of the offence and the compliance indicator under that subsection of the Act.**

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## NEWFOUNDLAND AND LABRADOR REGULATION 64/12

*Highway Traffic Demerit Point System Regulations (Amendment)*  
under the  
*Highway Traffic Act*  
(O.C. 2012-209)

*(Filed August 29, 2012)*

Under the authority of section 186 of the *Highway Traffic Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, August 28, 2012.

Robert Thompson  
Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

1. Sch. Amdt.

CNLR 753/96  
as amended

**1. (1) The Schedule to the *Highway Traffic Demerit Point System Regulations* is amended by deleting the row respecting an offence under subsection 43(3) of the *Highway Traffic Act*.**

**(2) The Schedule to the regulations is amended by adding immediately after the reference to paragraph 42(k) of the *Highway Traffic Act* the following:**

43(4)	2	No licence for class of motor vehicle
43(5)	2	Invalid or no driver's licence
43(6)	2	Driving while disqualified

**(3) The Schedule to the regulations is amended by deleting the row respecting an offence under subsection 73(2) of the *Highway Traffic Act*.**

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## NEWFOUNDLAND AND LABRADOR REGULATION 65/12

*Meeting Regarding the Election of the Local Service District  
Committee of Buchans Junction Order*  
under the  
*Local Service District Regulations*  
and the  
*Municipalities Act, 1999*

*(Filed August 29, 2012)*

Under the authority of section 40 of the *Local Service District Regulations* and the *Municipalities Act, 1999*, I make the following Order.

Dated at St. John's, August 29, 2012.

Julia Mullaley  
Deputy Minister of Municipal Affairs

### REGULATIONS

#### *Analysis*

1. Short title
2. Meeting ordered.

Short title

**1.** This Order may be cited as the *Meeting Regarding the Election of the Local Service District Committee of Buchans Junction Order*.

*Meeting Regarding the Election of the Local Service  
District Committee of Buchans Junction Order*

65/12

Meeting ordered

**2.** (1) It is ordered that a meeting of the householders of the Local Service District of Buchans Junction be held on September 6, 2012 for the purpose of electing a new Local Service District Committee.

(2) It is further ordered that Agatha Pittman be appointed to conduct the meeting referred to in subsection (1).

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