



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 87

ST. JOHN'S, FRIDAY, DECEMBER 14, 2012

No. 50

MINERAL ACT

NOTICE

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

A portion of licence 019534M
held by Silver Spruce Resources Inc.
situate near Kanairktok River
on map sheet 13K/06, 13K/11
more particularly described in an application on file at
Department of Natural Resources

A portion of licence 013380M
held by Silver Spruce Resources Inc..
situate near Kanairktok River
on map sheet 13K/06, 13K/11
more particularly described in an application on file at
Department of Natural Resources

A portion of licence 20591M
held by Altius Resources Inc.
situate near Shanadithit Brook, NL
on map sheet 12A/14
more particularly described in an application on file at
Department of Natural Resources

A portion of licence 18056M
held by Benton Resources Inc.
situate near Burke Brook, NL
on map sheet 11O/16 and 11O/15

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

A portion of licence 18057M
held by Benton Resources Inc.
situate near Isle aux Morts, NL
on map sheet 11O/15
more particularly described in an application on file at
Department of Natural Resources

A portion of licence 18067M
held by Benton Resources Inc.
situate near Burke Brook, NL
on map sheet 11O/16
more particularly described in an application on file at
Department of Natural Resources

A portion of licence 20710M
held by Benton Resources Inc.
situate near Burke Brook, NL
on map sheet 11O/16 and 11O/15
more particularly described in an application on file at
Department of Natural Resources

The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in Consolidated Mineral Regulations 1143/96 and Mineral Regulations 71/98, 104/98, 97/00, 36/01, 31/04, 78/06, 8/08 and 28/09 and outlined on 1:50 000 scale maps maintained by the Department of Natural Resources, will be open for staking after the hour of 9:00 AM on the 32nd clear day after the date of this publication.

DEPARTMENT OF NATURAL RESOURCES
JIM HINCHEY, P.Geo
Director - Mineral Lands

File # 774: 5758, 5763, 8852
775: 1444, 1445, 1455

Dec 14

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF BOTWOOD MUNICIPAL PLAN AMENDMENT NO. 10, 2012 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 10, 2012

TAKE NOTICE that the TOWN OF BOTWOOD Municipal Plan Amendment No. 10, 2012 and Development Regulations Amendment No. 10, 2012, adopted on the 11th day of October, 2012 and approved on the 7th day of November, 2012 have been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 10, 2012 and Development Regulations No. 10, 2012 is to accommodate residential development at 4-12 Mill Road, Botwood.

The TOWN OF BOTWOOD Municipal Plan Amendment No. 10, 2012 and Development Regulations Amendment No. 10, 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 TOWN OF BOTWOOD Municipal Plan Amendment No. 10, 2012 and Development Regulations Amendment No. 10, 2012 may do so at the Town Office, 227 Water Street during normal working hours.

TOWN OF BOTWOOD
Audrey Rowsell, Town Clerk

Dec 14

LANDS ACT

NOTICE OF INTENT LANDS ACT c36, SNL1991, as Amended

NOTICE IS HEREBY given that JOHN BERGHUIS of Clarenville, NL intends to apply to the Department of Environment and Conservation, two months from the publication of this Notice, to acquire title, pursuant to Section 7(2) of the said Act, to that piece of Crown Land situated within fifteen (15) metres of the waters of Northwest Arm, in the Electoral District of Trinity North for the purpose of a parking lot and being more particularly described as follows:

*Bounded on the North by property of Control Surveys Ltd.,
for a distance of 27.4 metres;
Bounded on the East by a Reservation 10 metres wide*

*for a distance of 35.2 metres
Bounded on the South by property of JOHN BERGHUIS
for a distance of 3.2 metres;
Bounded on the West by property of Control Surveys Ltd.,
for a distance of 15.5 metres;
and containing an area of
approximately 254.2 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:

(Choose Area Applicable)

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 2N9.

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 JOHN BERGHUIS. Telephone number (709) 466-3666.

Dec 14

NOTICE OF INTENT Lands Act , c36, SNL 1991, as amended

NOTICE IS HEREBY given that LEO GRIFFIN of Conception Bay South, NL intends to apply to the Department of Environment and Conservation, two months from the publication of this notice, to acquire title, pursuant to Section 7(2)(e) of the said Act, to that piece of Crown land situated within fifteen (15) metres of the waters of Hawco's Pond in the Electoral District of Placentia-St. Mary's for the purpose of a boat house and wharf and being more particularly described as follows:

*Bounded on the North by the waters of Hawco's Pond
for a distance of 7 metres;
Bounded on the East by Crown land reservation
for a distance of 8 metres;
Bounded on the South by Crown land reservation
for a distance of 7 metres;
Bounded on the West by Crown land reservation
for a distance of 8 metres;
and containing an area of
approximately 31 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: LEO GRIFFIN. Telephone number (709) 834-9710.

Dec 14

QUIETING OF TITLES ACT
2012 06G 0165
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (General)

NOTICE OF APPLICATION UNDER THE
***QUIETING OF TITLES ACT*, RSNL1990 cQ-3.**

NOTICE IS HEREBY given to all parties that EDWARD BULGIN of Sag Harbour, in the State of New York, USA; WILLIAM BULGIN of Dunnellon, in the State of Florida, USA; and DIANE DEVINE of Slocum, in the State of Rhode Island, USA, have applied to the Supreme Court of Newfoundland and Labrador, Trial Division, Grand Bank, to have title to all that piece or parcel of property situate at Port Rexton, 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 EDWARD BULGIN of Sag Harbour, in the State of New York, USA; WILLIAM BULGIN of Dunnellon, in the State of Florida, USA; and DIANE DEVINE of Slocum, in the State of Rhode Island, USA, claim to be the owners investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said EDWARD BULGIN of Sag Harbour, in the State of New York, USA; WILLIAM BULGIN of Dunnellon, in the State of Florida, USA; and DIANE DEVINE of Slocum, in the State of Rhode Island, USA, 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 EDWARD BULGIN of Sag Harbour, in the State of New York, USA; WILLIAM BULGIN of Dunnellon, in the State of Florida, USA; and DIANE DEVINE of Slocum, in the State of Rhode Island, USA, shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Grand Bank, particulars of such adverse claim and serve the same together with an

Affidavit verifying same on the undersigned Solicitors for the Petitioner on or before 10th day of January, 2013, 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, Grand Bank, may direct.

DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 7th day of December, 2012.

HUGHES AND BRANNAN LAW OFFICES
Solicitors for the Applicant
PER: James D. Hughes, Q.C.

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

Tel: (709) 466-3458
Fax: (709) 466-4383

SCHEDULE "A"

DIANE DEVINE, EDWARD BULGIN
and WILLIAM BULGIN Port Rexton, NL

ALL THAT piece or parcel of land situate and being in the Town of Port Rexton, in the Electoral District of Trinity North abutted and bounded as follows:

THAT IS TO SAY: Beginning at a point on the eastern limit of LONG LANE, the said point having coordinates N 5 361 867.74 metres and E 280 427.10 metres of the Three Degree Modified Transverse Mercator Projection (NAD-83) for the Province of Newfoundland and Labrador;

THENCE by property of Albert King south eighty-six degrees fifteen minutes thirty seconds east (S 86-15-30 E) sixty-one decimal nine nine (61.99) metres;

THENCE along the western limit of a Local Road (abandoned) south five degrees nineteen minutes twenty-five seconds west (S 5-19-25 W) nineteen decimal one six (19.16) metres;

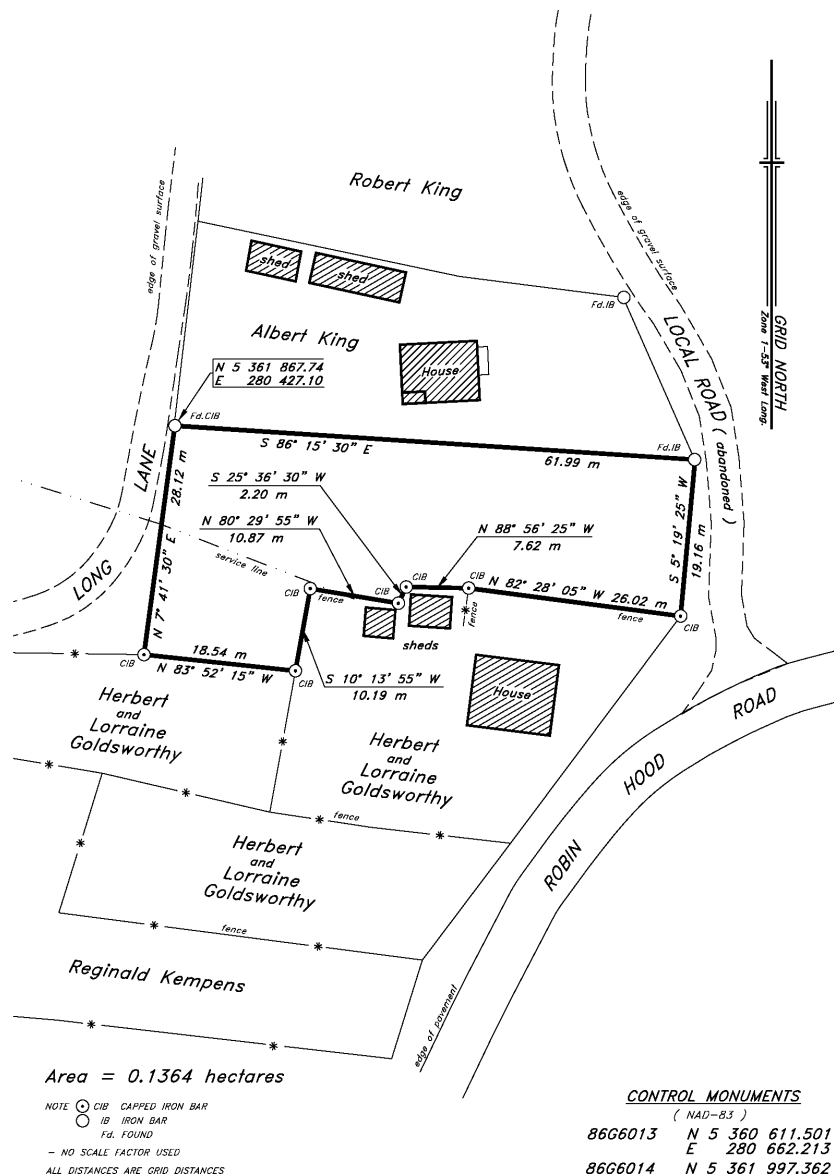
THENCE by property of Herbert and Lorraine Goldsworthy north eighty-two degrees twenty-eight minutes zero five seconds west (S 82-28-05 W) twenty-six decimal zero two (26.02) metres, north eighty-eight degrees fifty-six minutes twenty-five seconds west (N 88-56-25 W) seven decimal six two (7.62) metres, south twenty-five degrees thirty-six minutes thirty seconds west (S 25-36-30 W) two decimal two zero (2.20) metres, north eighty degrees twenty-nine minutes fifty-five seconds west (N 80-29-55 W) ten decimal eight seven (10.87) metres, south ten degrees thirteen minutes fifty-five seconds west (S 10-13-55 W) ten decimal one nine (10.19) metres, north eighty-

three degrees fifty-two minutes fifteen seconds west (N 83-52-15 W) eighteen decimal five four (18.54) metres;

THENCE along the said eastern limit of Long Lane north seven degrees forty-one minutes thirty seconds east (N 7-

41-30 E) twenty-eight decimal one two (28.12) metres, more or less to the point of beginning and containing an area of 0.1364 hectares.

All bearings refer to the above mentioned Projection.



(((CONTROL SURVEYS LTD.))) NEWFOUNDLAND LAND SURVEYORS 39 MARINE DRIVE, ASA TWS - Tel: (709) 466-3066 Clarendville Newfoundland	
SURVEY ON BEHALF OF DIANE DEVINE and EDWARD BULGIN and WILLIAM BULGIN Port Rexton Newfoundland	
SCALE: 1 : 500	JOB No.: 2012-111
DATE: February 29, 2012	SURVEY BY: J.D.B.

TRUSTEE ACT
ESTATE NOTICE

EASTON HILLIER LAWRENCE PRESTON
Solicitors for the Executor
PER: Mary (Waterman) Newton

IN THE MATTER OF the Estate and Effects of late EDMUND K DOWER of the Town of Glenwood, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

ADDRESS FOR SERVICE:
Polaris Building
61 Elizabeth Drive
Gander, NL A1V 1G4

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of EDMUND K. DOWER, the aforesaid deceased, who died at the Town of Gander, in the Province of Newfoundland and Labrador on or about the 27th day of May, 2011, 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 21st day of December, 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.

Tel: (709) 256-4006
Fax: (709) 651-2850

Dec 14

DATED at the Town of Gander, Newfoundland and Labrador, this 29th day of November, 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

Dec 7 & 14

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of the late CHARLES CECIL BERTRUM LUTER, late of the City of St. John's, in the Province of Newfoundland and Labrador, Retired Gentleman, deceased

All persons claiming to be creditors of or who have any claims, or demands upon or affecting the Estate of CHARLES CECIL BERTRUM LUTER, late of the City of St. John's, aforesaid, deceased, are hereby requested to send particulars thereof, in writing, duly attested, to the undersigned solicitors for the Executor of the Estate of the said deceased on or before the 4th day of January, 2013, after which date the said Executor will proceed to distribute the Estate having regard only to the claims of which they then shall have notice.

DATED at the Town of Gander, in the Province of Newfoundland and Labrador, this 3rd day of December, 2012.



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION

FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

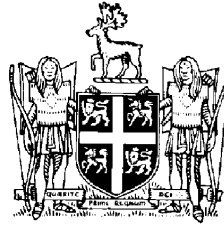
Vol. 87

ST. JOHN'S, FRIDAY, DECEMBER 14, 2012

No. 50

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 88/12
Correction Notice NLR 89/12



NEWFOUNDLAND AND LABRADOR REGULATION 88/12

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

(Filed November 28, 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, December 10, 2012.

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

REGULATIONS

Analysis

- | | |
|---|----------------------------------|
| 1. Rule 7A.04 Amdt.
Certification Application | 4. Rule 56.30 Amdt.
Acts book |
| 2. Rule 20A.08 R&S
Effect of Failure to Accept | 5. Transitional |
| 3. Rule 55.17 Amdt.
Contingent fee agreement
must be in writing | 6. Commencement |

1. Rule 7A.04(7)(a) of the *Rules of the Supreme Court, 1986* is amended by deleting the word "Registrar" and substituting the words "Public Trustee".

2. Rule 20A.08 of the rules is repealed and the following substituted:

Effect of Failure to
Accept

20A.08. (1) Unless ordered otherwise, when

(a) an offer to settle was made by a plaintiff

(i) at least 7 days before commencement of the trial or hearing of the proceeding, and

(ii) was not revoked or accepted prior to commencement of the trial or hearing,

and

(b) where that plaintiff obtains a judgment as favourable or more favourable than the terms of the offer to settle,

that plaintiff shall be entitled to party and party costs plus taxed disbursements to the date of service of the offer to settle and thereafter to double party and party costs plus taxed disbursements.

(2) Unless ordered otherwise, when

(a) an offer to settle was made by a defendant

(i) at least 7 days before the commencement of the trial or hearing of the proceeding, and

(ii) was not revoked or accepted prior to commencement of the trial or hearing,

and

(b) where the plaintiff obtains a judgment no more favourable than the terms of the offer to settle,

the plaintiff shall be entitled to party and party costs plus taxed disbursements to the date of service of the offer to settle, and the defendant shall be entitled to party and party costs plus taxed disbursements from the date of service of the offer to settle.

(2.1) Unless ordered otherwise, when

(a) an offer to settle was made by a defendant

(i) at least 7 days before the commencement of the trial or hearing of the proceeding, and

(ii) was not revoked or accepted prior to commencement of the trial or hearing,

and

(b) where the plaintiff's claim is dismissed,

the defendant shall be entitled to party and party costs plus taxed disbursements to the date of service of the offer to settle and thereafter to double party and party costs plus taxed disbursements.

(2.2) If a plaintiff or defendant is awarded costs after judgment under a column of the Scale of Costs pursuant to rule 55.04, the judge shall not change the column if it is later determined that paragraphs (1), (2) or (2.1) apply.

(3) If after a trial or hearing

(a) an offer to settle had been made and not revoked or accepted prior to commencement of the trial or hearing; and

(b) an application for a determination as to costs based on the application of Rule 20A or rule 56A.26 is made by a party within 15 days following the filing or delivery of the decision or order

the decision of a judge with respect to costs shall be suspended pending determination of the application in clause (b).

(4) A determination as to costs resulting from an application pursuant to paragraph (3) shall, to the extent determined by the judge, replace and be deemed to have replaced a determination made by the judge as to costs in the original decision or order.

(5) In place of an application pursuant to paragraph (3), the parties may settle the issue of costs on a basis different from that stipulated in the original decision or order by filing, within 15 days following the filing or delivery of the decision or order, a consent in writing as to the manner of disposition of costs.

(6) Paragraphs (1)-(2.2) do not apply to family proceedings.

3. (1) Rule 55.17(1) of the rules is repealed and the following substituted:

Contingent fee
agreement must be
in writing

55.17. (1) Where under an agreement referred to in rule 55.16, a solicitor's compensation is dependent or contingent, in whole or in part, upon the successful disposition of the subject matter, then

- (a) the agreement shall be in writing and signed by the client or the client's authorized agent; and
- (b) a copy of the signed agreement shall be provided to the client.

(2) Rule 55.17(3) of the rules is repealed.

(3) Rule 55.17(4) of the rules is repealed and the following substituted:

(4) Where an agreement as mentioned in paragraph (1) does not comply with paragraphs (1) and (2), the solicitor is, upon the successful disposition of the subject matter, entitled only to the compensation as would have been payable in the absence of a contingency arrangement and without regard to the contingency.

4. Rule 56.30(1)(d) of the rules is repealed and the following substituted:

- (d) the names of all persons for whose estates the Public Trustee becomes guardian under subsection (4) of section 20 of the *Mentally Disabled Persons' Estates Act*, together with the effective date of the appointment; and

Transitional

5. Where a hearing of an application under rule 20A.08(3) has commenced prior to February 1, 2013, then the rules in force prior to February 1, 2013 apply.

Commencement

6. The amendments in section 2 come into force on February 1, 2013.

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Correction Notice

(December 14, 2012)

The *Special Purpose Properties Regulations*, Newfoundland and Labrador Regulation 89/12, published under the *Assessment Act, 2006* on December 7, 2012, page 1169, is corrected by deleting the number "115712" in line 487 of the Schedule and substituting the number "115772".

An incorrect parcel identification number was included in the original publication.

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PART II

CONTINUING INDEX OF SUBORDINATE LEGISLATION

Title of Act and Subordinate Legislation made thereunder	CNLR or NL Reg.	Amendment	NL Gazette Date & Page No.
Assessment Act, 2006			
Special Purpose Properties Regulations (Correction)		Correction Notice NLR 89/12	Dec 14/12 p. 1201
Judicature Act			
Rules of Supreme Court, 1986 (Amdt.)	NLR 88/12	Rule 7A.04 Amdt. Rule 20A.08 R&S Rule 55.17 Amdt. Rule 56.30 Amdt.	Dec 14/12 p. 1197

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