



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

PUBLISHED BY AUTHORITY

Vol. 90

ST. JOHN'S, FRIDAY, OCTOBER 23, 2015

No. 43

### QUIETING OF TITLES ACT

**2015 06G 0121  
SUPREME COURT OF  
NEWFOUNDLAND AND LABRADOR  
TRIAL DIVISION (GENERAL)**

NOTICE OF APPLICATION under the *Quieting of Titles Act*, RSNL1990 cQ-3, as amended.

NOTICE IS HEREBY given to all parties that LEONARD BARRY and NANCY BARRY, of the Town of Port Rexton, in the District of Trinity North, in the Province of Newfoundland and Labrador, has applied to the Supreme Court, 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 LEONARD BARRY and NANCY BARRY claim to be the owners investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said LEONARD BARRY and NANCY BARRY have been ordered to public Notice of Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said LEONARD BARRY and NANCY BARRY 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 the 20<sup>th</sup> day of November, 2015, 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 21<sup>st</sup> day of September, 2015.

MILLS PITTMAN & TWYNE  
Solicitors for the Applicants  
PER: Gregory J. French

ADDRESS FOR SERVICE:  
111 Manitoba Drive, Suite 201  
Clarenville, NL A5A 1K2

Tel: (709) 466-2641  
Fax: (709) 466-7109  
e-mail: [fandrews@clarenvillelawyers.com](mailto:fandrews@clarenvillelawyers.com)

Leonard and Nancy Barry

Port Rexton, NL

**SCHEDULE "A"**

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 World Pond Road (12 metres wide), the said point having coordinates N 5 362 550.48 metres and E 280 452.47 metres of the Three Degree Modified Transverse Mercator Projection (NAD-83) for the Province of Newfoundland and Labrador;

THENCE by property of Roy Ayles South eighty-five degrees thirty-nine minutes fifteen seconds East (S85°39'15"E) one hundred and ten decimal six nine (110.69) metres;

THENCE along the western limit of Country Road to a point, the said point being distant fifty decimal four nine

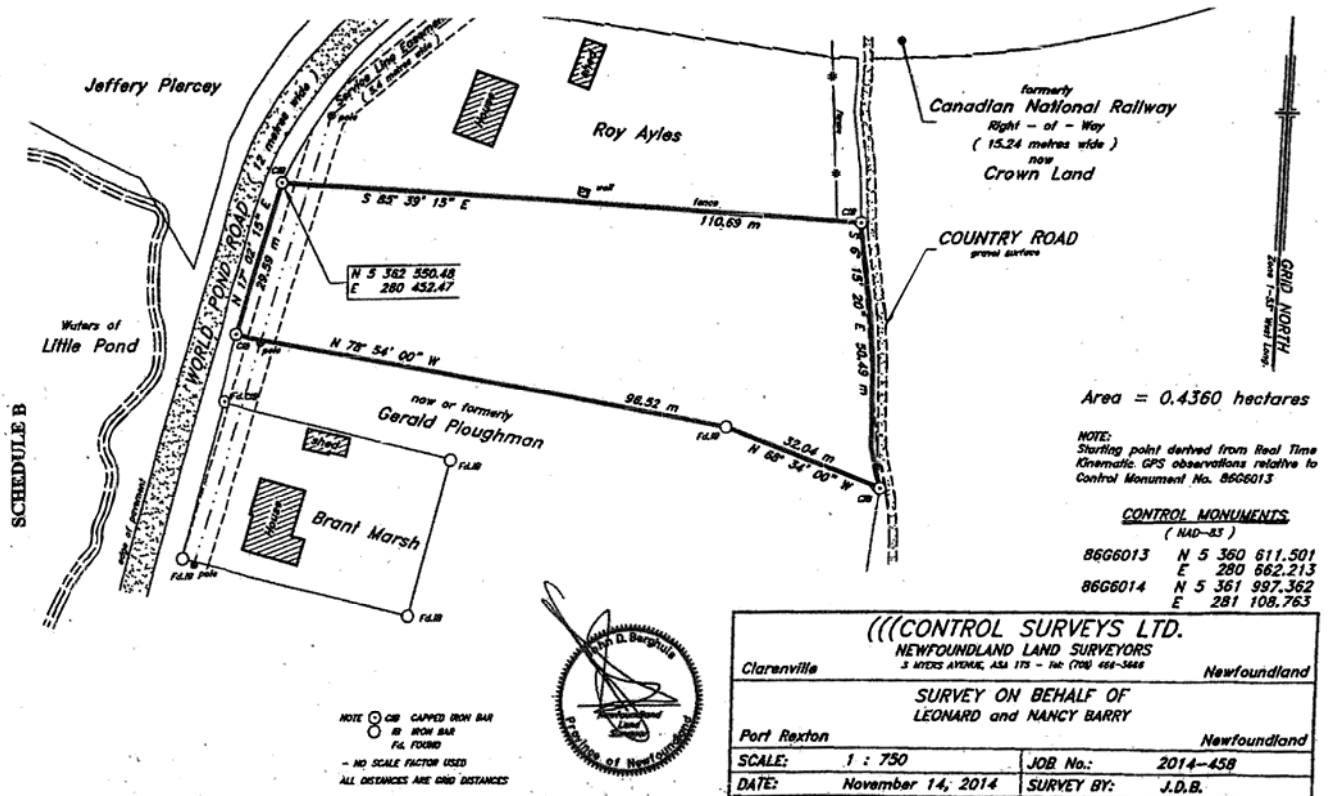
(50.49) metres as measured on a bearing of South six degrees fifteen minutes twenty seconds East (S6°15'20"E) from the last mentioned point;

THENCE by property now or formerly Gerald Ploughman North sixty-eight degrees thirty-four minutes zero zero seconds West (N68°34'00"W) thirty-two decimal zero four (32.04) metres, North seventy-eight degrees fifty-four minutes zero zero seconds West (N78°54'00"W) ninety-six decimal five two (96.52) metres;

THENCE along the said western limit of World Pond Road North seventeen degrees zero two minutes fifteen seconds East (N17°02'15"E) twenty-nine decimal five nine (29.59) metres, more or less to the point of beginning and containing an area of 0.4360 hectares.

ALL bearings refer to the above mentioned Projection.

The above described piece or parcel of land is subject to a Service Line Easement (5.4 metres wide) extending through the property as shown on the plan hereto attached.



**TRUSTEE ACT**

**ESTATE NOTICE**

IN THE MATTER OF the Estate and Effects of Late MAGGIE LOUISE BLACKLER, of the Town of Twillingate, 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 MAGGIE LOUISE BLACKLER, the aforesaid deceased, who died at Town of Twillingate, in the Province of Newfoundland and Labrador on or about the 16<sup>th</sup> day of February, 2015, 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 27<sup>th</sup> day of October, 2015 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 6<sup>th</sup> day of October, 2015.

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

ADDRESS FOR SERVICE:  
P.O. Box 563  
218 Airport Boulevard  
Gander, Newfoundland A1V 2E1

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

Oct 16 & 23

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**ESTATE NOTICE**

IN THE MATTER of the Estate of WILLIAM GRIFFIN, of St. John's, in the Province of Newfoundland and Labrador, Gentleman, Deceased.

All persons claiming to be creditors or heirs at law of or who have any claims or demands upon or affecting the Estate of WILLIAM GRIFFIN, Late of St. John's, in the Province of Newfoundland and Labrador, Gentleman, are hereby requested to send particulars of the same in writing, duly attested, to the Executor of the Estate of WILLIAM GRIFFIN, c/o Stewart McKelvey, Suite 1100, Cabot Place, 100 New Gower Street, P.O. Box 5038, St. John's, Newfoundland and Labrador, A1C 5V3, Attention: Dennis J. Ryan on or before the 30<sup>th</sup> day of November, 2015 after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which it then shall have had notice.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 23<sup>rd</sup> day of October, 2015.

STEWART MCKELVEY  
PER: Dennis J. Ryan

ADDRESS FOR SERVICE:  
P.O. Box 5038  
Suite 1100, Cabot Place  
100 New Gower Street  
St. John's, NL A1C 5V3

Oct 23

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**ESTATE NOTICE**

IN THE MATTER of the Estate of ARTHUR GORDON JAMES, Late of Channel - Port aux Basques, in the Province of Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of, or who have any claims or demands either as beneficiaries or next of kin (by full or half blood, legal adoption or marriage) upon or affecting the Estate of ARTHUR GORDON JAMES, retired person, who died at Channel Port aux Basques, NL on or about July 10, 2014, are hereby requested to send particulars thereof in writing, duly attested, to: Office of the Public Trustee, 401 - 136 Crosbie Road, St. John's, NL A1B 3K3.

Particulars will be received by the Public Trustee, as Administrator of the Estate of ARTHUR GORDON JAMES, on or before November 25, 2015, after which date the said Administrator will proceed to distribute the Estate having regard only to the claims of which he then shall have had notice.

DATED at the City of St. John's, in the Province of Newfoundland and Labrador this 23<sup>rd</sup> day of October, 2015.

OFFICE OF THE PUBLIC TRUSTEE  
Administrator of the Estate of  
ARTHUR GORDON JAMES

ADDRESS FOR SERVICE:  
Viking Building  
401 - 136 Crosbie Road  
St. John's, NL A1B 3K3

Tel: (709) 729-4513  
Fax: (709) 729-3063

Oct 23

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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. 90

ST. JOHN'S, FRIDAY, OCTOBER 23, 2015

No. 43

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### NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 88/15

NLR 89/15

NLR 90/15





## NEWFOUNDLAND AND LABRADOR REGULATION 88/15

*Legal Aid Regulations (Amendment)*  
under the  
*Legal Aid Act*  
(O.C. 2015-220)

*(Filed October 22, 2015)*

Under the authority of section 67 of the *Legal Aid Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, October 22, 2015.

Julia Mullaley  
Clerk of the Executive Council

### REGULATIONS

#### *Analysis*

1. Sch. A to C R&S

2. Commencement

CNLR 1010/96  
as amended

**1. Schedules A to C of the *Legal Aid Regulations* are repealed and the following substituted:**

#### **Schedule A**

**Schedule of Fees in Criminal, Quasi - Criminal  
and Civil Matters**

Legal aid tariff

**1.** This Schedule is a legal aid tariff reflecting fees that are considered to be reasonable for the services provided taking into consideration the experience of the solicitor and the nature and complexity of the case.

Taxation of account

**2.** In taxing an account, the taxing officer shall take into consideration all the circumstances of the case, including

- (a) the result obtained;
- (b) the complexity of the matter;
- (c) the nature of the work done;
- (d) the importance of the matter to the client;
- (e) the solicitor's degree of skill and competence;
- (f) the number of similar or related matters handled for any one or more clients by the solicitor and whether or not they are dealt with at around the same time;
- (g) the length of the trial or hearing;
- (h) the amount of court time saved;
- (i) the amount of money saved by the Legal Aid Commission;
- (j) the time necessarily spent;
- (k) whether or not the solicitor has been successful in recovering costs;
- (l) the extent to which the matter had progressed before a settlement or an agreement was reached;
- (m) what a reasonable person of moderate means would be prepared to pay a solicitor to pursue a similar matter; and
- (n) any other factor the taxing officer reasonably considers relevant.



Increase in maximum hours	<p><b>3.</b> (1) A solicitor may apply in writing to the provincial director for a preauthorized increase in the maximum number of allowable hours for a matter where upon initial review of the file the solicitor is of the opinion that the maximum number of allowable hours stated in the certificate is insufficient to complete the matter.</p> <p>(2) Notwithstanding subsection (1), where the need for an increase in the maximum number of allowable hours stated in the certificate could not have been reasonably foreseen upon initial review of the file a solicitor may, as soon as the need for additional hours becomes apparent, apply in writing to the provincial director for a preauthorized increase in the maximum number of allowable hours.</p> <p>(3) The provincial director may prescribe the form and content of the preauthorized application for an increase in the maximum number of allowable hours.</p>
Maximum hours exceeded	<p><b>4.</b> A solicitor submitting an account in which the maximum number of allowable hours have been exceeded, whether or not doing so was preauthorized by the provincial director, shall justify the account having regard to the criteria in section 2.</p>
Accounts in duplicate, signed	<p><b>5.</b> Accounts shall be prepared in duplicate and signed by the solicitor or firm submitting the account.</p>
Separate account	<p><b>6.</b> A separate account shall be submitted for each legal aid client except accounts for duty counsel services.</p>
Representation of multiple clients	<p><b>7.</b> If a solicitor is representing 2 or more persons for similar or related matters or for appearances in court that occur at the same time and one of them is a private client, this fact shall be disclosed in the solicitor's account.</p>
Hourly rates	<p><b>8.</b> (1) The maximum hourly rates contained in Section 2 of Schedule B are divided into categories which indicate the rates to be paid to solicitors based on the number of years a solicitor has been a member of the bar association of the province, another province or another jurisdiction recognized by the commission.</p> <p>(2) Upon receipt of a file a solicitor may apply in writing to the provincial director for a preauthorized increase in the maximum hourly rate contained in section 2 of Schedule B.</p>

(3) The provincial director may authorize an increase in the maximum hourly rate where he or she is satisfied that exceptional circumstances exist that require an increase in the maximum hourly rate.

(4) The provincial director may prescribe the form and content of the preauthorized application for an increase in the maximum hourly rate.

Itemization of  
accounts

**9.** All accounts shall be itemized by date, service performed and time spent.

Proof

**10.** The taxing officer may require proof and justification of all items included in an account.

Interim accounts,  
disbursements

**11.** Interim accounts may be rendered when the unbilled account balance, exclusive of disbursements, exceeds \$500 and at other times that the provincial director may permit.

Reasonable fee

**12.** In a matter not dealt with by this Schedule, the taxing officer shall allow a reasonable fee and, in determining the fee properly payable in respect of the matter, the taxing officer shall have regard to this Schedule for comparable services.

**Schedule B****Fees**

Definition

**1.** In this Schedule of Fees the following definitions apply:

- (a) attendance in court means attendance in court or a judge's chambers and waiting at the court house for either;
- (b) preparation means a service performed on behalf of a client other than attendance in court; and
- (c) appeals include prerogative writ and charter of rights applications.

Maximum hourly rate

**2.** (1) The maximum hourly rate chargeable by a solicitor for preparation or attendance in court, including travel, is as follows:

- |   |     |
|---|-----|
| (a) for articulated students  | 50  |
| (b) for solicitors who are members of the bar for less than 5 years                       | 120 |
| (c) for solicitors who are members of the bar for at least 5 years but less than 10 years | 125 |
| (d) for solicitors who are members of the bar for 10 years or more                        | 135 |

(2) For the purposes of subsection (1), travel includes in transit waiting time.

Maximum hours

**3.** (1) The maximum number of hours for preparation in criminal and quasi-criminal matters are as follows:

- |   |     |
|---|-----|
| (a) for all offences within the exclusive jurisdiction of the Supreme Court and dangerous offender applications | 200 |
| (b) for all offences before a judge and jury  | 100 |
| (c) for all indictable offences before a judge alone  | 50  |

(d)	for all summary conviction offences	20
(e)	for all bail, bail review and bail variations before any level of court	20
(f)	for young offenders	
	(i) all offences and bail applications are to be taxed as if the young offender was an adult	
	(ii) transfer hearings	50
	(iii) review of disposition	10

(2) The maximum number of hours for preparation in civil matters are as follows:

(a)	for divorce	7
(b)	for maintenance	20
(c)	for all custody matters except custody proceedings referred to in paragraphs (e) and (f)	40
(d)	for all child access matters except custody proceedings referred to in paragraphs (e) and (f)	20
(e)	for temporary custody proceedings under the <i>Child Youth Care and Protection Act</i>	30
(f)	for continuous custody proceedings under the <i>Child Youth Care and Protection Act</i>	60
(g)	for all other civil actions	20
(h)	for appeals	
	(i) before the Trial Division	50

(ii)	sentence appeals before the Court of Appeal	40
(iii)	all other appeals before the Court of Appeal	75
(iv)	bail pending appeal	10
(v)	Supreme Court of Canada	100
(i)	before an administrative boards and other tribunals	30
(j)	for appeals from administrative boards and other tribunals	
(i)	to the Trial Division	40
(ii)	to the Court of Appeal, Federal Court or Federal Court of Appeal	60
(iii)	to the Supreme Court of Canada	100

Maximum hours per day

**4. The maximum number of hours chargeable in a day for**

- (a) appearances in court or appearances before another tribunal, including waiting time and delays of court proceedings, is 7 hours a day; and
- (b) actual time spent travelling to and from the solicitor's ordinary place of business, including in transit waiting time, is 7 hours a day.

Mileage, meals and accommodations

**5. Mileage, meals and accommodations shall be paid in accordance with amounts paid by the provincial government to its employees.**

### **Schedule C**

#### **Solicitor's Out-of-Pocket Disbursements**

Every solicitor who has rendered legal aid shall be entitled to be paid in accordance with this Schedule the following out-of-pocket disbursements actually and reasonably incurred:

- (a) disbursements, not being witness fees, required or permitted to be made under a statute, rule having statutory authority, regulation or order-in-council;
- (b) witness fees and travelling expenses of witnesses in accordance with the statute, rule or regulation under which the proceeding is brought, and if no provision is made for witness fees, then in accordance with the scale of costs as set out in the *Rules of Supreme Court, 1986*;
- (c) fees payable for a transcript of evidence taken on a preliminary inquiry, reasons for judgment or evidence for use on an appeal authorized by the regulations to be taken;
- (d) subject to Schedules A and B, a solicitor's travelling expenses where the distance travelled is more than 16 kilometres one way from the solicitor's ordinary place of business, and the solicitor satisfies the taxing officer that the travel was reasonable and necessary under the circumstances;
- (e) telephone and telecommunications charges;
- (f) subject to section 158 of the regulations, the fees and out-of-pocket disbursements of his or her out-of-town agent in the province for routine attendance and services, except where the agent is acting as counsel;
- (g) postage or courier charges;
- (h) notwithstanding paragraph (b), with the prior approval of the provincial director, the services of a person entitled by law or practice to give expert or opinion evidence may be engaged and the reasonable and proper fees paid at the rate

specified by the provincial director in his or her authorization; and

- (i) with the prior approval of the provincial director or taxing officer, any other proper out-of-pocket disbursements, including a deposit or other proper payment that may be required, made in furtherance of the proceeding or matter, which approval shall, except in an emergency, be obtained before the disbursements being made.

Commencement

**2. These regulations come into force on October 31, 2015.**

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## NEWFOUNDLAND AND LABRADOR REGULATION 89/15

*Coast of Bays Regional Service Board Order*  
under the  
*Regional Service Boards Act, 2012*  
(O.C. 2015-219)

*(Filed October 22, 2015)*

Under the authority of section 3 of the *Regional Service Boards Act, 2012*, the Lieutenant-Governor in Council, on the recommendation of the Minister of Municipal and Intergovernmental Affairs, makes the following Order.

Dated at St. John's, October 22, 2015.

Julia Mullaley  
Clerk of the Executive Council

### ORDER

#### *Analysis*

1. Short title
2. Creation of region.
3. Establishment of board

Short title

**1.** This Order may be cited as the *Coast of Bays Regional Service Board Order*.

Creation of region

**2.** The towns, local service districts and unincorporated areas of the Island of Newfoundland situated on the Coast of Bays including all lands south of where Provincial Highway Route Number 360 intersects with Provincial Highway Route Number 361, including communities and areas south accessed by Provincial Highway Route Numbers 360,

361, 362, 363, 364 and 365 and the isolated communities of Gaultois, McCallum and Rencontre East.

Establishment of  
board

**3.** The Coast of Bays Regional Service Board is established for the region with the purpose of providing regional services in accordance with the Act.

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## NEWFOUNDLAND AND LABRADOR REGULATION 90/15

*Coast of Bays Regional Service Board Regulations*  
under the  
*Regional Service Boards Act, 2012*

*(Filed October 22, 2015)*

Under the authority of section 19 of the *Regional Service Boards Act, 2012*, I make the following regulations.

Dated at St. John's, October 19, 2015.

Keith Hutchings  
Minister of Municipal and Intergovernmental Affairs

### REGULATIONS

#### *Analysis*

- |                |                          |
|----------------|--------------------------|
| 1. Short title | 4. Prescribed services   |
| 2. Definition  | 5. Recovery of debt      |
| 3. Wards       | 6. Withdrawal of service |

Short title                    **1.** These regulations may be cited as the *Coast of Bays Regional Service Board Regulations*.

Definition                    **2.** In these regulations, "board" means the Coast of Bays Regional Service Board.

Wards                        **3.** (1) The Coast of Bay Region shall be divided into 4 wards as follows:

(a) Ward 1 shall be comprised of the following communities:

- (i) Belloram,
- (ii) Boxey,
- (iii) Coombs Cove,
- (iv) English Harbour West,
- (v) Mose Ambrose,
- (vi) Pool's Cove,
- (vii) Rencontre East,
- (viii) St. Jacques, and
- (ix) Wreck Cove;

(b) Ward 2 shall be comprised of the following communities:

- (i) St. Alban's,
- (ii) St. Joseph's Cove,
- (iii) Milltown-Head of Bay d'Espoir,
- (iv) Morrisville, and
- (v) St. Veronica's;

(c) Ward 3 shall be comprised of the following communities:

- (i) Gaultois,
- (ii) McCallum,
- (iii) Seal Cove (Fortune Bay),

(iv) Hermitage-Sandyville, and

(v) Harbour Breton; and

(d) Ward 4 shall be comprised of the Miawpukek First Nation.

(2) The number of members appointed or elected to the board from each ward shall be as follows:

(a) 3 members from Ward 1;

(b) 3 members from Ward 2;

(c) 3 members from Ward 3; and

(d) one member from Ward 4.

Prescribed services

**4.** The board has the power to construct, acquire, maintain and operate a waste management system within the Coast of Bays region.

Recovery of debt

**5.** An amount owing under section 24 of the Act is a debt due to the board and the board may recover it by civil action in a court.

Withdrawal of service

**6.** The board may stop providing a service to a municipal authority, user or other person where the municipal authority, user or other person fails to comply with a policy of the board respecting the service.

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### PART II

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<b>Regional Service Boards Act, 2012</b>			
Coast of Bays Regional Service Board Order	NLR 89/15	New	Oct 23/15 p. 755
Coast of Bays Regional Service Board Regulations	NLR 90/15	New	Oct 23/15 p. 757

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

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

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*The Newfoundland and Labrador Gazette*

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Trustee Act - Estate Notice - 2 weeks	\$59.40	\$7.72	\$67.12
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