



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I
PUBLISHED BY AUTHORITY

Vol. 92

ST. JOHN'S, FRIDAY, JULY 28, 2017

No. 30

PUBLIC SERVICE PENSIONS ACT, 1991

NOTICE OF CORPORATION NAME CHANGE

NOTICE IS HEREBY given that pursuant to Section 36.1(6) of the Public Service Pensions Act, 1991 (the "Act"), the Public Service Pension Plan Corporation is changing its name to Provident¹⁰ to be effective as of the 30th day following publication of this notice. The Board of Directors approved the change of name by affirmative vote at a meeting of the Board of Directors held on June 27, 2017.

PUBLIC SERVICE PENSION PLAN CORPORATION
Chuck Bruce, Chief Executive Officer

Jul 28

LANDS ACT

NOTICE OF INTENT, SECTION 7 LANDS ACT, SNL1991 c36 AS AMENDED

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Three Island Pond in the District of Topsail–Paradise for the purpose of a wharf.

The land is described as follows (to the extent of the intrusion on the reservation):

*Bounded on the North by Crown land
for a distance of 4.9 metres;
Bounded on the East by Crown land
for a distance of 2.7 metres;
Bounded on the South by Crown land
for a distance of 4.9 metres;
Bounded on the West by Crown land
for a distance of 2.7 metres;
and, containing an area of
approximately 20 square metres.*

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of the notice on the Department of Fisheries and Land Resources website, Crown Lands, <http://www.ma.gov.nl.ca/lands/index.html>, to the Minister of Fisheries and Land Resources by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca

• Western Regional Lands Office, P.O. Box 2006,
Sir Richard Squires Building, Corner Brook, NL,
A2H 6J8 Email: westernregionlands@gov.nl.ca

• Labrador Regional Lands Office, P.O. Box 3014,
Station "B", Happy Valley-Goose Bay, NL, A0P 1E0
Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: *The Newfoundland and Labrador Gazette*
publishes a NOTICE OF INTENT received from the
Applicant and takes no responsibility for errors or omissions
in the property being more particularly described.)

Jul 28

TRUSTEE ACT

ESTATE NOTICE

IN THE ESTATE of JOHN W. COLEMAN, Fisherman, Late
of the Town of Isle Aux Morts, 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 blood, legal adoption or marriage) upon or affecting
the Estate of JOHN W. COLEMAN, Retired, Deceased,
are hereby requested to send particulars thereof in writing,
duly attested, to the undersigned solicitors for the Executrix
of the Estate of the said deceased on or before the 31st day
of August, 2017, after which date the said Executrix will
proceed to distribute the said Estate having regard only to
the claims to which she shall then have had notice.

DATED at the Town of Channel-Port aux Basques, Province
of Newfoundland and Labrador, this 21st day of July, 2017.

MARKS & PARSONS
Solicitors for the Executrix
PER: M. Beverley L. Marks, Q.C.

ADDRESS FOR SERVICE:
P.O. Box 640
174 Caribou Road
Channel-Port aux Basques, NL
A0M 1C0

Tel: (709) 695-7338/7341
Fax: (709) 695-3944

Jul 28

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of Late
CALVIN JENNINGS PELLELY, of Gander, 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 CALVIN
JENNINGS PELLELY, the aforesaid deceased, who died
at Town of Gander, in the Province of Newfoundland and

Labrador on or about the 4th day of February, 2017, 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 7th day of August, 2017 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.

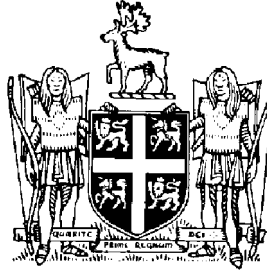
DATED at the Town of Gander, Newfoundland and
Labrador, this 19th day of July, 2017.

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

Jul 28



THE NEWFOUNDLAND AND LABRADOR GAZETTE

**PART II
SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

Vol. 92

ST. JOHN'S, FRIDAY, JULY 28, 2017

No. 30

**NEWFOUNDLAND AND LABRADOR
REGULATIONS**

**NLR 69/17
NLR 70/17
NLR 71/17
NLR 72/17**



NEWFOUNDLAND AND LABRADOR REGULATION 69/17

Milk Regulations, 1998 (Amendment)
under the
Milk Scheme, 1998
under the
Natural Products Marketing Act

(Filed July 27, 2017)

Under the authority of section 8 of the *Milk Scheme, 1998* and the *Natural Products Marketing Act*, the Dairy Farmers of Newfoundland and Labrador make the following regulations.

Dated at St. John's, July 27, 2017.

John Moores
General Manager
Dairy Farmers of
Newfoundland and Labrador

REGULATIONS

Analysis

- | | |
|---------------------------------------------------------------|-------------------------------------------|
| 1. S.2 Amdt.
Definitions | 7.1 Payments from registered
processor |
| 2. S.4 R&S
Licences refusal, suspension
or revocation | 7.2 Payments to registered
producer |
| 3. Part I.1 and I.2 Added

PART I.1
PAYMENT FOR MILK | PART I.2
MILK QUALITY
STANDARDS |
| | 7.3 Definitions |
| | 7.4 Testing of raw milk |

- 7.5 Compliance with milk quality standards
- 7.6 Penalties for violation of milk quality standards
- 7.7 Reinstatement of licence
- 7.8 Notice
- 7.9 Payment of penalty
- 4. Ss. 20 & 21 Rep.
- 5. S.27 R&S
- Collection of service charge

NLR 69/98
as amended

1. Section 2 of the Milk Regulations, 1998 is amended by deleting the word "and" at the end of paragraph (d), by deleting the period at the end of paragraph (e) and substituting a semi-colon and the word "and" and by adding immediately after that paragraph the following:

(f) "raw milk" means milk that has not been pasteurized.

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

Licences refusal,
suspension or
revocation

4. The DFNL may refuse to issue or renew a licence or may suspend or revoke a licence where the applicant or licensee contravenes a condition of the licence, these regulations or an order of the DFNL.

3. The regulations are amended by adding immediately after Part I the following:

**PART I.1
PAYMENT FOR MILK**

Payments from
registered processor

7.1 A registered processor purchasing milk from the DFNL shall pay the DFNL no later than

- (a) the twenty-fifth day of the month for milk collected from the first day to the fifteenth day of the month; and
- (b) the tenth day of the following month for milk collected from the sixteenth day to the last day of the month.

Payments to
registered producer

7.2. (1) The DFNL shall pay a registered producer in 2 instalments each month for milk collected in the previous month.

- (2) The first instalment shall be
 - (a) paid on the first day of the month;
 - (b) the same amount each month; and

- (c) determined by the DFNL at the beginning of each year.
- (3) The second instalment shall be
 - (a) paid on the fifteenth day of the month; and
 - (b) the amount owing to the registered producer for milk collected in the previous month less
 - (i) the amount of the first instalment; and
 - (ii) the monies owing by the registered producer to the DFNL.
- (4) Where the first or fifteenth day of the month is not a business day, the instalment shall be paid on the next business day following those dates.
- (5) Notwithstanding paragraph (2)(b),
 - (a) the DFNL may cancel or adjust the first instalment at any time; or
 - (b) a registered producer may apply to the DFNL for a review of the first instalment amount and the DFNL may adjust that amount for the remainder of the year.

**PART I.2
MILK QUALITY STANDARDS**

Definitions

7.3. In this Part

- (a) "bacteria standard" means a bacterial count of a maximum of 50,000 mesophilic aerobic colony forming units per ml or 121,000 individual bacterial count per ml;
- (b) "milk quality standards" means the bacteria standard and the somatic cell standard; and
- (c) "somatic cell standard" means a somatic cell count of a maximum of 400,000 per ml.

Testing of raw milk

7.4 (1) Raw milk shall be tested for compliance with the milk quality standards by a laboratory

- (a) accredited by the Standards Council of Canada; and
 - (b) approved by the DFNL.
- (2) Raw milk shall be tested at least
- (a) twice a month to determine its bacterial count; and
 - (b) four times a month to determine its somatic cell count.
- (3) The method used to test raw milk shall conform with
- (a) the methods outlined in the latest edition of the Standard Methods for the Examination of Dairy Products approved by the American Public Health Association;
 - (b) the Official Methods of Analysis of the Association of Official Analytical Chemists; or
 - (c) a method approved by the DFNL.

Compliance with milk quality standards

7.5 A registered producer shall ensure that its milk complies with the milk quality standards.

Penalties for violation of milk quality standards

7.6 (1) If, in any 3 month period, 40% of the milk samples of a registered producer tested under section 7.4 are found to violate the milk quality standards and if at least one of those findings occurred in the third month, the registered producer is liable to the following penalties with respect to any milk marketed in the third month:

- (a) \$3 per hectolitre in the case of a first violation incurred within a 12 month period;
- (b) \$4 per hectolitre in the case of a second violation incurred within a 12 month period; and
- (c) \$5 per hectolitre in the case of a third or subsequent violation incurred within a 12 month period.

(2) Where a registered producer is liable to a penalty under subsection (1) for a

- (a) fourth violation within a 12 month period, the DFNL shall suspend the registered producer's licence for a minimum of 6 days;
- (b) fifth violation within a 12 month period, the DFNL shall suspend the registered producer's licence for a minimum of 12 days; and
- (c) sixth violation within a 12 month period, the DFNL shall suspend the registered producer's licence for a minimum of 24 days.

Reinstatement of licence

7.7 (1) The DFNL may reinstate a licence suspended under paragraph 7.6(2)(a) where

- (a) 6 days have elapsed since the licence was suspended; and
- (b) the registered producer's milk is tested and does not violate the milk quality standards.

(2) The DFNL may reinstate a licence suspended under paragraph 7.6(2)(b) where

- (a) 12 days have elapsed since the licence was suspended;
- (b) the registered producer's milk is tested and does not violate the milk quality standards; and
- (c) the registered producer's farm is inspected and meets the quality standards approved by the DFNL.

(3) The DFNL may reinstate a licence suspended under paragraph 7.6(2)(c) where

- (a) 24 days have elapsed since the licence was suspended;
- (b) the registered producer's milk is tested and does not violate the milk quality standards;

- (c) the registered producer's farm is inspected and meets the quality standards approved by the DFNL; and
- (d) the registered producer submitted an application to the DFNL for the reinstatement of its licence and the DFNL is satisfied that
 - (i) the violations of the milk quality standards resulted from exceptional circumstances; and
 - (ii) the registered producer demonstrated that appropriate measures have been taken to deliver milk that meets the milk quality standards.

Notice

7.8 (1) Where a registered producer becomes liable to a penalty under section 7.6, the DFNL shall notify the registered producer in writing of the penalty payable.

(2) Notice referred to in subsection (1) may be sent to the last known address of the registered producer

- (a) by regular mail, and if so sent, the notice is considered to have been received within 5 business days from the date it is postmarked;
- (b) electronically, and if so sent, the notice is considered to have been received on the day of transmission if the notice is transmitted before 4 p.m. or the next day that is not a Saturday, Sunday or a holiday, if the notice is transmitted after 4 p.m.; or
- (c) personally or by courier, and if so sent, the notice is considered to have been received upon delivery.

Payment of penalty

7.9 A penalty incurred under section 7.6 shall be deducted from the money otherwise payable to the registered producer under section 7.2.

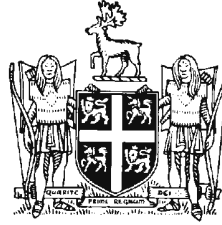
4. Sections 20 and 21 of the regulations are repealed.

5. Section 27 of the regulations is repealed and the following substituted:

Collection of
service charge

27. A service charge under paragraph 26(b) shall be collected by registered processors and remitted to the DFNL no later than the ninth day of the month following all deliveries and sales of milk made to registered processors in the preceding month.

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NEWFOUNDLAND AND LABRADOR REGULATION 70/17

Child Care Regulations (Amendment)
under the
Child Care Act

(Filed July 27, 2017)

Under the authority of section 34 of the *Child Care Act*, I make the following regulations.

Dated at St. John's, July 27, 2017.

Dale Kirby
Minister of Education and Early Childhood Development

REGULATIONS

Analysis

- | | |
|-------------------------------------------|-------------------------------------------|
| 1. S.54 Amdt.
Caregiver to child ratio | 3. S.69 Amdt.
Caregiver to child ratio |
| 2. S.64 R&S
Outdoor play structures | |

NLR39/17
as amended

1. Subsection 54(8) of the *Child Care Regulations* is repealed and the following substituted:

(8) Notwithstanding subsection (7), where there are more than 3 children that are 2 years old or younger assigned to the same homeroom, the second caregiver assigned to that homeroom shall also hold at least level I certification.

2. Section 64 of the regulations is repealed and the following substituted:

Outdoor play
structures

64. (1) In addition to the requirements under section 39, a play structure for use in an outdoor play area of a centre shall be designated by the manufacturer as designed for commercial use.

(2) Notwithstanding subsection (1), where a play structure is not designated by the manufacturer as designed for commercial use, it may be used in an outdoor play area of a centre where it has been approved by an inspector appointed under the Act as safe for use in a centre.

(3) Approval of a play structure under subsection (2) shall be obtained

(a) within a year of the coming into force of these regulations where the play structure was being used at a centre in which a child care service

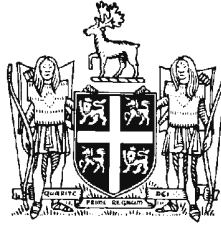
(i) was being operated under a valid licence issued under the *Child Care Services Act* on the coming into force of these regulations, and

(ii) is being operated in the same centre in which it was being operated on the coming into force of these regulations; or

(b) before the play structure is used at the centre.

3. Subsection 69(5) is repealed.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 71/17**

*Proclamation bringing sections
6, 19, 25, 28 and 30 of the Act into force
(SNL 2016 cM-1.001) (In force July 27, 2017)
under the
Management of Greenhouse Gas Act
(O.C. 2017-230)*

(Filed July 27, 2017)

PROCLAMATION

*ELIZABETH THE SECOND, by the Grace of God
of the United Kingdom, Canada and Her Other Realms and Territories
QUEEN, Head of the Commonwealth, Defender of the Faith.*

FRANK F. FAGAN
Lieutenant Governor

TODD STANLEY
Deputy Attorney General (Acting)

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 31 of *An Act to Regulate Greenhouse Gas Emissions from Industrial Facilities in the Province*, SNL 2016, Chapter M-1.001 (the "Act") it is provided that the Act, or a section, subsection, paragraph or subparagraph of the Act shall come into force on a date to be fixed by Proclamation of Our Lieutenant Government Council;

AND WHEREAS it is deemed expedient that certain sections of the Act shall now come into force;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that sections 6, 19, 25, 28 and 30 of *An Act to Regulate Greenhouse Gas Emissions from Industrial Facilities in the Province*, SNL 2016, Chapter M-1.001, shall come into force on the date of publication of this Proclamation in *The Newfoundland and Labrador Gazette*.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

*Proclamation bringing sections 6, 19, 25, 28 and 30 of the Act
into force under the Management of Greenhouse Gas Act
(In force July 27, 2017)*

71/17

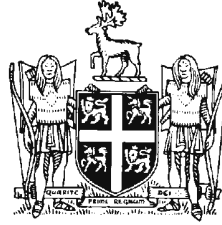
IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the
Honourable Frank F. Fagan,
Member of the Order of Canada,
Chancellor of the Order of Newfoundland and Labrador,
Lieutenant Governor in and for
Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE
in Our City of St. John's, this 27th day of July
in the year of Our Lord two thousand and seventeen
in the sixty-sixth year of Our Reign.

BY COMMAND,

JAMIE CHIPPETT
REGISTRAR GENERAL (Acting)



**NEWFOUNDLAND AND LABRADOR
REGULATION 72/17**

Management of Greenhouse Gas Administrative Penalty Regulations
under the
Management of Greenhouse Gas Act
(O.C. 2017-231)

(Filed July 27, 2017)

Under the authority of paragraph 30(1)(m) of the *Management of Greenhouse Gas Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, July 27, 2017.

Elizabeth Day
Clerk of the Executive Council (Acting)

REGULATIONS

Analysis

- | | |
|---------------------------|------------|
| 1. Short title | 4. Notice |
| 2. Administrative penalty | 5. Payment |
| 3. Amount | |

Short title

1. These regulations may be cited as the *Management of Greenhouse Gas Administrative Penalty Regulations*.

Administrative
penalty

2. Where a person contravenes one or more of the following provisions of the *Management of Greenhouse Gas Reporting Regulations*, the minister may order that person to pay to the government of the province an administrative penalty of not less than

\$1,500 and not more than \$7,500 for each day or part of a day the contravention occurs or continues to occur:

- (a) subsection 7(1);
- (b) subsection 7(5);
- (c) subsection 7(6);
- (d) subsection 7(8);
- (e) subsection 8(1);
- (f) subsection 8(3);
- (g) section 9;
- (h) subsection 10(4);
- (i) subsection 10(5);
- (j) subsection 18(2);
- (k) subsection 18(3);
- (l) section 19;
- (m) subsection 20(3);
- (n) subsection 20(4);
- (o) subsection 21(4);
- (p) subsection 21(5); and
- (q) subsection 22(2).

Amount

3. In determining the amount of the administrative penalty under section 2 the minister shall consider

- (a) the severity of the contravention;

- (b) the degree of wilfulness or negligence in the contravention;
- (c) whether there was any mitigation relating to the contravention;
- (d) whether steps were taken to prevent reoccurrence after the contravention;
- (d) whether the industrial facility has a history of non-compliance; and
- (e) any other factors the minister considers relevant.

Notice

4. (1) Where the minister orders a person to pay an administrative penalty under these regulations, he or she shall give written notice to that person.

(2) A notice under subsection (1) shall include

- (a) the name of the person required to pay the administrative penalty;
- (b) the basis on which the administrative penalty was ordered; and
- (c) the address for payment of the administrative penalty.

(3) Notice under these regulations shall be given

- (a) to a person other than a corporation, by
 - (i) personal delivery,
 - (ii) registered mail or other mail delivery which produces a receipt or other proof of delivery, to the last known address of the person, or
 - (iii) facsimile telecommunication or other electronic communication; and
- (b) to a corporation, by

- (i) personal delivery to a director or chief executive officer of the corporation, or
- (ii) registered mail or other mail delivery which produces a receipt or other proof of delivery, to the registered office of the corporation.

Payment

5. An administrative penalty imposed under these regulations shall be payable within 60 days from the date of the service of the notice.

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PART II

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Management of Greenhouse Gas Act			
Proclamation bringing sections 6, 19, 25, 28 and 30 of the Act into force (In force July 28/17)	NLR 71/17	New	Jul 28/17 p. 1165
Management of Greenhouse Gas Administrative Penalty Regulations	NLR 72/17	New	Jul 28/17 p. 1167
Milk Scheme, 1998 and Natural Products Marketing Act			
Milk Regulations, 1998 (Amendment)	NLR 69/17	Amends NLR 69/98 S.2 Amdt. S.4 R&S Part I.1 & I.2 Added S.20 & 21 Rep. S.27 R&S	Jul 28/17 p. 1155

The Newfoundland and Labrador Gazette is published from the Office of the Queen's Printer.

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Web Site: <http://www.servicenl.gov.nl.ca/printer/index.html>

The Newfoundland and Labrador Gazette
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Prices effective July 1, 2016

Notices	Rate	15%	HST Total
Lands Act - Notice of Intent - 1 week	\$31.13	\$4.67	\$35.80
Motor Carrier Act - Notice - 1 week	\$39.90	\$5.99	\$45.89
Trustee Act - Estate Notice - 1 week	\$34.65	\$5.20	\$39.85
Trustee Act - Estate Notice - 2 weeks	\$62.37	\$9.36	\$71.73
Trustee Act - Estate Notice - 3 weeks	\$91.25	\$13.69	\$104.94
Trustee Act - Estate Notice - 4 weeks	\$118.97	\$17.85	\$136.82

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