



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I
PUBLISHED BY AUTHORITY

Vol. 93

ST. JOHN'S, FRIDAY, DECEMBER 21, 2018

No. 51

URBAN AND RURAL PLANNING ACT, 2000

NOTICE OF REGISTRATION TOWN OF LABRADOR CITY MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS, 2018-2028

TAKE NOTICE that the TOWN OF LABRADOR CITY Municipal Plan and Development Regulations, 2018-2028, adopted on the 12th day of June, 2018, and approved (as amended) on the 21st day of December, 2018, has been registered by the Minister of Municipal Affairs and Environment.

The TOWN OF LABRADOR CITY Municipal Plan and Development Regulations, 2018-2028 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 LABRADOR CITY Municipal Plan and Development Regulations, 2018-2028 may do so at the Town Hall, during normal working hours.

TOWN OF LABRADOR CITY
Kim Conway, Town Clerk/
Director of Finance and Administration

Dec 21

NOTICE RESOLUTION TO ADOPT AMENDMENT No. 2, 2018 TOWN OF WABANA MUNICIPAL PLAN

TAKE NOTICE that under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Wabana adopts the amendment to the TOWN OF WABANA Municipal Plan.

Adopted by the Town Council of Wabana on the 23rd day of August, 2018.

The Town of Wabana feels that the minimum floor area standards in the Residential zones are too restrictive to allow for affordable housing options for the residents of the community; therefore, the purpose of this amendment is to remove the minimum floor area requirements from the Residential zones in the TOWN OF WABANA Development Regulations.

The Notice regarding the proposed amendment to the Development Regulations and the opportunity for comment, objection or other representation, was published in the July 15, 2018 edition of *The Northeast Avalon Times*. The deadline for submissions was noon, July 31, 2018.

No submissions or representations were made to the Town Clerk by the deadline.

Frontage (m) (minimum)			
Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING
			1-BR 2- BR 3- BR 4- BR
15	26	8 *	30
		(average)	

Building Line Setback (m) (minimum) (maximum)			
Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING
			1-BR 2- BR 3- BR 4- BR
8 30	8 30	8 30	8 30

Sideyard Width (m) (minimum)			
Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING
			1-BR 2- BR 3- BR 4- BR
3 & 1	3	3	5

Rearyard Depth (m) (minimum)			
Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING
			1-BR 2- BR 3- BR 4- BR
10	10	10	14

Lot Coverage (%) (maximum)			
Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING
			1-BR 2- BR 3- BR 4- BR
33	33	33	35

Height (m) (maximum)			
Single Dwelling	Double Dwelling	Row Dwelling	APARTMENT BUILDING
			1-BR 2- BR 3- BR 4- BR
8	8	10	10

(See Conditions)

Condition 8 in the Residential Medium Density Zone under Schedule C of the Development Regulations, which states:

8. Mobile Homes

Where permitted, a mobile home use shall conform with

development standards prescribed for single dwellings this zone except that the minimum floor area may be reduced to 70 m².

IS AMENDED AS FOLLOWS:

8. Mobile Homes

Where permitted, a mobile home use shall conform with development standards prescribed for single dwellings this zone.

The Standards for the Residential Rural Zone under Schedule C of the Development Regulations, which state:

ZONE TITLE RESIDENTIAL - RURAL

PERMITTED USE CLASSES - (see Regulation 85)
Single dwelling, double dwelling, recreational open space.

DISCRETIONARY USE CLASSES - (see Regulations 23 and 86)
Child care, mobile homes, convenience, store, medical and professional, personal service, antenna.

STANDARDS

	Single Dwelling
Lot Area (m ²) (minimum)	5000
Floor Area (m ²) (minimum)	80
Frontage (m) (minimum)	30
Building Line Setback (m) (minimum) (maximum)	15 30
Sideyard Width (m) (minimum)	10 & 5
Lot Coverage (%) (maximum)	30
Height (m) (maximum) (see conditions)	8

ARE AMENDED AS FOLLOWS:

ZONE TITLE RESIDENTIAL - RURAL

PERMITTED USE CLASSES - (see Regulation 85)

Single dwelling, double dwelling, recreational open space.

DISCRETIONARY USE CLASSES -
(see Regulations 23 and 86)

Child care, mobile homes, convenience, store, medical and professional, personal service, antenna.

STANDARDS
Single Dwelling

Lot Area (m2) (minimum) 5000

Frontage (m) (minimum) 30

Building Line Setback (m)
(minimum) 15
(maximum) 30

Sideyard Width (m)
(minimum) 10 & 5

Lot Coverage (%)
(maximum) 30

Height (m) (maximum) 8
(see conditions)

Condition 8 in the Residential Rural Zone under Schedule C of the Development Regulations, which states:

8. Mobile Homes

Where permitted, a mobile home use shall conform with development standards prescribed for single dwellings in this zone except that the minimum floor area may be reduced to 70 m².

IS AMENDED AS FOLLOWS:

8. Mobile Homes

Where permitted, a mobile home use shall conform with development standards prescribed for single dwellings in this zone.

TOWN OF WABANA
Lisa Reid, Town Clerk

Dec 21

MUNICIPALITIES ACT, 1999

**NOTICE OF ADOPTION
THE TOWN OF
LOGY BAY-MIDDLE COVE-OUTER COVE
FENCE REGULATIONS 2018**

TAKE NOTICE that the Town Council of LOGY BAY-MIDDLE COVE-OUTER COVE adopted the TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE Fence Regulations 2018 pursuant to Section 414(hh) of the *Municipalities Act, 1999*, Chapter M-24 as amended on December 10, 2018.

The Regulations come into effect on the date that the notice is published in *The Newfoundland and Labrador Gazette*. Any person who wishes to view the Regulations may do so at the office of the Town Manager or by visiting the Town's Website: www.lbmccoc.ca.

TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE
Adele Carruthers, Town Manager

Dec 21

QUIETING OF TITLES ACT

**2018 06G
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION**

NOTICE of Application under the *Quieting of Titles Act*, RSNL c.Q-3

NOTICE IS HEREBY given to all parties that VICTOR WISEMAN, of the Town of Clarenville, in the District of Terra Nova, 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 Hickman's Harbour, 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 VICTOR WISEMAN claims to be the owner investigated and for a Declaration that he is the absolute owner in fee simple in possession and the said VICTOR WISEMAN has 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 VICTOR WISEMAN shall file in the Registry of the Supreme Court of Newfoundland and Labrador, 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 21st day of January, 2018, 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, Grand Bank, may direct.

DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 18th day of September, 2108.

MILLS, PITTMAN & TWYNE
Solicitors for the Applicant
PER: Gregory Pittman

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

Tel: (709) 466-2641
Fax (709) 466-7109

SCHEDULE "A"

VICTOR and PEARL WISEMAN
Hickman's Harbour, NL

ALL THAT piece or parcel of land situate and being in the Community of Hickman's Harbour, in the Electoral District of Trinity North abutted and bounded as follows:

THAT IS TO SAY: Beginning at a point on the western limit of the Main road through Hickman's Harbour the said point having coordinates N5 329 321.30 metres and E250 375.19 metres of the Three Degree Modified Transverse Mercator Projection (NAD-83) for the Province of Newfoundland and Labrador;

THENCE by property of Quinn Avery south thirty-three degrees fifty-seven minutes zero zero seconds west (S33-57-00W) twelve decimal five four (12.54) metres;

THENCE by property of Quinn Avery north sixty-five degrees twelve minutes fifty-five seconds west (N65-12-55 W) six decimal seven one (6.71) metres;

THENCE by property of Quinn Avery north twenty-eight degrees thirty-one minutes fifty-five seconds east (N28-31-55E) nine decimal seven three (9.73) metres;

THENCE by property of Quinn Avery north twenty-eight degrees twenty-six minutes zero zero seconds west (N28-26-00W) six decimal four four (6.44) metres;

THENCE by property of Quinn Avery south eighty-four degrees twenty-five minutes zero zero seconds west (S84-25-00W) fourteen decimal nine seven (14.97) metres;

THENCE by property of Quinn Avery south fifty-four degrees fifty-four minutes twenty-five seconds west (S54-54-25W) sixteen decimal one seven (16.17) metres;

THENCE by property of Quinn Avery south twelve degrees twenty-two minutes zero zero seconds west (S12-22-00W) five decimal zero four (5.04) metres;

THENCE by property of Quinn Avery south eighty-six degrees forty-eight minutes thirty-five seconds west (S86-48-35W) nine decimal two nine (9.29) metres;

THENCE by property of Quinn Avery north eleven degrees twenty-five minutes forty-five seconds west (N11-25-45W) five decimal one one (5.11) metres;

THENCE by property of Harvey Brown north fifteen degrees one minute fifty seconds east (N15-01-50E) four decimal eight seven (4.87) metres;

THENCE by property of Harvey Brown south eighty-four degrees twenty-nine minutes forty seconds west (S84-29-40 W) seven decimal zero seven (7.07) metres;

THENCE by property of Harvey Brown north sixty-three degrees fifty-six minutes zero zero seconds west (N 63-56-00W) four decimal five eight (4.58) metres;

THENCE by property of Harvey Brown south seventy-five

degrees fourteen minutes twenty-five seconds west (S75-14-25W) twenty-two decimal zero zero (22.00) metres;

THENCE along the eastern limit of a local road to a point, the said point being a distant fifty-one decimal one one (51.11) metres as measured on a bearing of north twenty-seven degrees ten minutes five seconds east (N27-10-05E) from the last mentioned point;

THENCE by property of the Estate of John Martin north eighty-seven degrees seven minutes twenty-five seconds east (N87-07-25E) fifteen decimal six seven (15.67) metres;

THENCE by property of the Estate of the Late Hezilkiah Martin south five degrees thirty-three minutes fifty seconds east (S5-33-50E) nineteen decimal nine nine (19.99) metres;

THENCE by property of the Estate of the Late Hezilkiah Martin south twenty two degrees forty-seven minutes thirty-five seconds east (S22-47-35E) fourteen decimal seven nine (14.79) metres;

THENCE by property of the Estate of the Late Hezilkiah Martin north eighty one degrees thirty-eight minutes forty seconds east (N81-38-40E) twenty-eight decimal six four (28.64) metres;

THENCE by property of the Estate of the Late Hezilkiah Martin north six degrees sixteen minutes fifteen seconds west (N6-16-15W) seven decimal five three (7.53) metres;

THENCE by property of the Estate of the Late Hezilkiah Martin north eighty-two degrees ten minutes fifty-five seconds east (N82-10-55E) five decimal one three (5.13) metres;

THENCE along the western limit of the Main road through Hickman's Harbour south thirteen degrees fifty-four minutes thirty-five seconds east (S13-54-35E) seven decimal five one (7.5) metres;

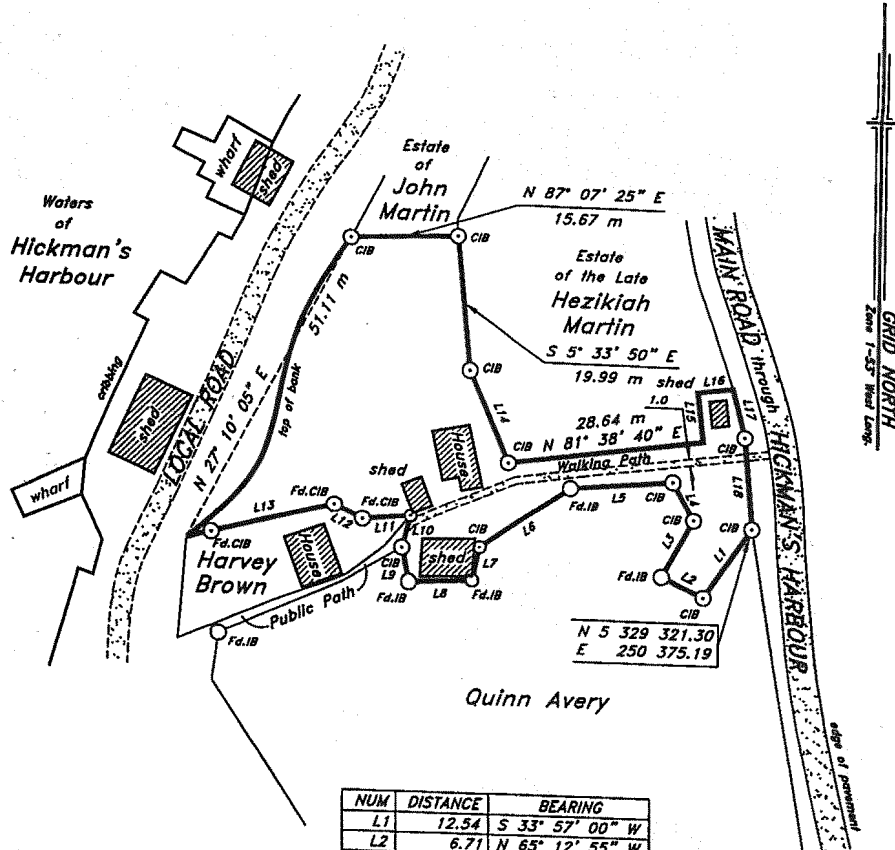
THENCE along the western limit of the Main road through Hickman's Harbour south four degrees forty-three minutes forty-five seconds east (S4-43-45E) thirteen decimal seven one (13.71) metres, more or less to the point of beginning and containing an area of 0.1956 hectares;

All bearings refer to the above mentioned Projection.

The above described piece or parcel of land is subject to a walking path (1.0 metre wide) extending through the property as shown on the plan hereto attached.

((((CONTROL SURVEYS LTD

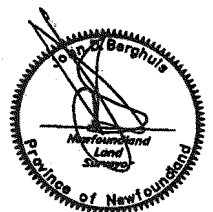
SCHEDULE "B"



NUM	DISTANCE	BEARING
L1	12.54	S 33° 57' 00" W
L2	6.71	N 65° 12' 55" W
L3	9.73	N 28° 31' 55" E
L4	6.44	N 28° 26' 00" W
L5	14.97	S 84° 25' 00" W
L6	16.17	S 54° 54' 25" W
L7	5.04	S 12° 22' 00" W
L8	9.29	S 86° 48' 35" W
L9	5.11	N 11° 25' 45" W
L10	4.87	N 15° 01' 50" E
L11	7.07	S 84° 29' 40" W
L12	4.58	N 63° 56' 00" W
L13	22.00	S 75° 14' 25" W
L14	14.79	S 22° 47' 35" E
L15	7.53	N 6° 16' 15" W
L16	5.13	N 82° 10' 55" E
L17	7.51	S 13° 54' 35" E
L18	13.71	S 4° 43' 45" E

Area = 0.1956 hectares
 NOTE ○ CIB CAPPED IRON BAR
 ○ IB IRON BAR
 ○ Fd. FOUND
 - NO SCALE FACTOR USED
 ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES

CONTROL MONUMENTS
 (NAD-83)
 78G2036 N 5 329 851.811
 E 249 863.335
 78G2037 N 5 329 356.165
 E 250 368.833



(((CONTROL SURVEYS LTD.)))
 NEWFOUNDLAND LAND SURVEYORS
 39 MARINE DRIVE, ASA 1M5 - Tel: (709) 466-5666
 Clarenville Newfoundland

SURVEY ON BEHALF OF
 VICTOR and PEARL WISEMAN

Hickman's Harbour Newfoundland

SCALE: 1 : 750	JOB No.: 2008-437
DATE: November 26, 2008	SURVEY BY: J.D.B.

TRUSTEE ACT

NOTICE

IN THE MATTER OF the Estate of FREDERICK CHAULK, Retired Railway Worker, Late of the town of Channel-Port aux Basques, district of Burgeo-LaPoile, Province of Newfoundland and Labrador, Canada, 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 FREDERICK CHAULK, Retired Rrailway Worker, 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 24th day of January, 2019, after which date the said Executor will proceed to distribute the said Estate having regard only to the claims to which he shall then have had notice.

DATED AT the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, this 14th day of December, 2018.

MARKS & PARSONS
Solicitors for the Executor

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

Dec 21

NOTICE

IN THE MATTER OF the Estate of MARY ALICE HYNES Late, of the Town of Stephenville, in the Province of Newfoundland and Labrador.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of MARY ALICE HYNES Late of the Town of Stephenville, in the Province of Newfoundland and Labrador, Deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Executrix of the Estate on or before the 20th day of January, 2019, after which date the said Executrix will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED AT Stephenville, Newfoundland and Labrador, this 25th day of November, 2018.

Margaret Elizabeth Bennett
Executrix of the Estate of
MARY ALICE HYNES

ADDRESS FOR SERVICE:
6 Sunset Crescent
Stephenville, NL Canada A2N 2C4

Dec 21

NOTICE

IN THE MATTER OF the Estate of PAULINE JOHNSON, Late of Southury, in the State of Connecticut, USA, Deceased, December 25, 2011.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of PAULINE JOHNSON, Late of Southury, in the State of Connecticut, USA, Deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Administrator of the Estate on or before the 22nd day of January, 2019, after which date the said Administrator will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

DATED AT Stephenville, Newfoundland and Labrador, this 17th day of December, 2018.

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

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

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

Dec 21



THE NEWFOUNDLAND AND LABRADOR GAZETTE

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

Vol. 93

ST. JOHN'S, FRIDAY, DECEMBER 21, 2018

No. 51

NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 113/18
NLR 114/18
NLR 115/18
NLR 116/18
NLR 117/18
NLR 118/18
NLR 119/18
NLR 120/18
NLR 121/18**



**NEWFOUNDLAND AND LABRADOR
REGULATION 113/18**

*Proclamation Re: By-Election for the Electoral District of Topsail - Paradise
under the
Elections Act, 1991 and the House of Assembly Act
(O.C. 2018-266)*

Filed December 19, 2018

*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.*

JUDY M. FOOTE
Lieutenant-Governor in General

JENNIFER MERCER, Q.C.
Deputy Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS under the authority of section 57 of the *Elections Act, 1991* ("the Act"), and section 54 of the *House of Assembly Act*, upon the occurrence of a vacancy by resignation of the sitting member on the 2nd day of November, 2018, we are directed to issue a Writ of Election for the election of a Member to the House of Assembly;

AND WHEREAS it is Our will and pleasure that a Writ of Election be issued for the Election of One Member to serve in the House of Assembly of Our Province of Newfoundland and Labrador for the Electoral District of Topsail - Paradise;

NOW KNOW YE that We do by this Our Proclamation direct that a Writ of Election for the Electoral District of Topsail - Paradise be issued;

AND WE DO further direct

1. That the date set to be the last day for nomination of candidates for the Election is Thursday, the 27th day of December, 2018, at 2:00 p.m.;
2. That the place for the nomination of candidates is 1429-E Topsail Road, Paradise, NL, A1L 1H6;
3. That the day of polling for the Election is Thursday, the 24th day of January, 2019; and
4. That the Writ of Election shall be issued on Wednesday, the 19th day of December, 2018, and be returnable at the time and in the manner prescribed by Division E of the Act, together with the return of the person to whom the writ is directed endorsed thereon, and all other documents and other things required to be transmitted to the Chief Electoral Officer by virtue thereof.

IN WITNESS WHEREOF we have caused the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Judy M. Foote, Member of Our Privy Council 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 19th day of December in the year of Our Lord two thousand and eighteen, in the sixty-seventh year of Our Reign.

BY COMMAND,

JAMIE CHIPPETT
Deputy Registrar General



**NEWFOUNDLAND AND LABRADOR
REGULATION 114/18**

Highway Traffic Demerit Point System Regulations (Amendment)
under the
Highway Traffic Act
(O.C. 2018-264)

(Filed December 20, 2018)

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, December 19, 2018.

Ann Marie Hann
Clerk of the Executive Council

REGULATIONS

Analysis

- 1. Sch. Amdt.
- 2. Commencement

CNLR 753/96
as amended

1. The Schedule to the *Highway Traffic Demerit Point System Regulations* is amended by adding immediately after the row respecting an offence under paragraph 127(a) the following:

127(a.1)	2	Failing to leave proper distance when passing pedestrian
----------	---	--

*Highway Traffic Demerit Point System Regulations
(Amendment)*

114/18

Commencement

2. These regulations come into force on March 5, 2019.

©Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 115/18**

Proclamation bringing sections 1-3, 5, 12-18, 20-24 and 27 into force.

under

*An Act to Regulate Greenhouse Gas Emissions
from Industrial Facilities in the Province
(O.C. 2018-269)*

Filed December 20, 2018

*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.*

JUDY M. FOOTE
Lieutenant-Governor in General

JENNIFER MERCER, Q.C.
Deputy Attorney General

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*, Statutes of Newfoundland and Labrador 2016, Chapter M-1.001 (the "Act") it is provided that this Act or a section, subsection, paragraph or subparagraph of this Act, comes into force on a day or days . to be proclaimed by the Lieutenant-Governor in 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 1-3, 5, 7-9, 12-18, 20-24, and 27 of *An Act to Regulate Greenhouse Gas Emissions from Industrial Facilities in the Province*, Statutes of Newfoundland and Labrador 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.

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 Judy M. Foote, Member of Our Privy Council 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 19th day of December in the year of Our Lord two thousand and eighteen, in the sixty-seventh year of Our Reign.

BY COMMAND,

JAMIE CHIPPETT
Deputy Registrar General

	PART VI ADVISORY COUNCIL
9. Greenhouse gas reduction credits	16. Advisory council meetings
10. Performance credits	
11. Transfer of performance credits	PART VII APPEALS
12. Fund credits	17. Appeal to minister
	18. Appeal to Supreme Court
PART IV PAYMENTS FROM FUND	19. Civil remedy
13. Payments from the fund	20. Service
14. Discontinuance of payments	PART VIII COMMENCEMENT
	21. Commencement
PART V REGISTRY	
15. Registry	

Short title

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

Definitions

2. In these regulations

- (a) "Act" means the *Management of Greenhouse Gas Act*;
- (b) "baseline emissions intensity" means baseline emissions intensity as calculated in accordance with section 4;
- (c) "baseline emissions level" means baseline emissions level as calculated in accordance with section 6;
- (d) "biomass" has the same meaning as in the *Management of Greenhouse Gas Reporting Regulations*;
- (e) "comparable facilities" means facilities located in Canada or the United States that
 - (i) have the same NAICS code,
 - (ii) have a similar production process,
 - (iii) produce a similar product or range of products, and
 - (iv) sell their products in similar markets;

- (f) "emissions report" has the same meaning as in the *Management of Greenhouse Gas Reporting Regulations*;
- (g) "flaring emissions" means the controlled release of gas from the combustion of a gas or liquid steam produced at an industrial facility not for the purpose of producing energy;
- (h) "fugitive emissions" means the uncontrolled release of gas other than releases that are venting emissions or flaring emissions and including releases resulting from the production, processing, transmission, storage and use of solid, liquid or gaseous fuels;
- (i) "industrial facility" includes an opted-in facility;
- (j) "ISO 14064-3" has the same meaning as in the *Management of Greenhouse Gas Reporting Regulations*;
- (k) "ISO 14065" has the same meaning as in the *Management of Greenhouse Gas Reporting Regulations*;
- (l) "material impact" means a reduction in production of at least 10% relative to production in previous years;
- (m) "NAICS code" has the same meaning as in the *Management of Greenhouse Gas Reporting Regulations*;
- (n) "offshore industrial facility" means an industrial facility located in the offshore area;
- (o) "performance benchmark" means performance benchmark as calculated in accordance with section 7;
- (p) "production" means
 - (i) the volume of output from a production process, or
 - (ii) the volume of material moved within a mine, in relation to blasting operations and mobile transportation within a mine;
- (q) "production process" means a process of combining material, capital equipment, labour and energy inputs to

extract mineral and petroleum resources or to produce a semi-processed or final product for consumption;

- (r) "registry" means the registry established under section 15;
- (s) "retire" means to terminate the ability to use or transfer;
- (t) "throughput" means the volume of material in a production process;
- (u) "unexpected interruption of production" means an extended period where there is no production due to
 - (i) a labour dispute,
 - (ii) capital equipment breakdown,
 - (iii) natural disaster, or
 - (iv) another unforeseen event satisfactory to the Lieutenant-Governor in Council; and
- (v) "venting emissions" means the controlled release of a gas to the atmosphere and includes emissions from
 - (i) the release of casing gas, a gas associated with a liquid, solution gas, treater, stabilizer or dehydrator off-gas or blanket gas,
 - (ii) the release from pneumatic devices that use natural gas as a driver,
 - (iii) the release from compressor start-ups, pipelines and other blowdowns, and
 - (iv) releases from metering and regulation station control loops.

Application

3. (1) These regulations apply to

- (a) industrial facilities that emit 25,000 tonnes of carbon dioxide equivalent or more of greenhouse gases in any year since the coming into force of section 4 of the Act; and

(b) opted-in facilities.

(2) Notwithstanding paragraph (1)(a), these regulations do not apply to an industrial facility during its construction and pre-production stage.

(3) Notwithstanding paragraph (1)(a), where an industrial facility commences production after these regulations come into force, Parts I to III do not apply to the industrial facility until its fourth year of production.

**PART I
BASELINE EMISSIONS INTENSITY,
BASELINE EMISSIONS LEVEL AND
PERFORMANCE BENCHMARK**

Baseline emissions
intensity

4. (1) The baseline emissions intensity of an industrial facility, other than an offshore industrial facility, for the year 2019 shall be determined in accordance with the following formula:

$$BEI = \frac{AE_{2016} + AE_{2017}}{AP_{2016} + AP_{2017}}$$

where

BEI = baseline emissions intensity for the industrial facility;

AE = the industrial facility's actual emissions of carbon dioxide equivalent of greenhouse gases in a year expressed in tonnes rounded up to the nearest tonne, excluding biomass emissions and any emissions generated from a source category referred to in paragraphs 5(1)(f) to (i) of the *Management of Greenhouse Gas Reporting Regulations*; and

AP = the industrial facility's actual production in a year rounded up to the nearest tonne.

(2) The baseline emissions intensity of an industrial facility, other than an offshore industrial facility, for the year 2020 and subsequent years shall be determined in accordance with the following formula:

$$BEI = \frac{AE_{2016} + AE_{2017} + AE_{2018}}{AP_{2016} + AP_{2017} + AP_{2018}}$$

where

BEI = baseline emissions intensity for the industrial facility;

AE = the industrial facility's actual emissions of carbon dioxide equivalent of greenhouse gases in a year expressed in tonnes rounded up to the nearest tonne, excluding biomass emissions and any emissions generated from a source category referred to in paragraphs 5(1)(f) to (i) of the *Management of Greenhouse Gas Reporting Regulations*; and

AP = the industrial facility's actual production in a year rounded up to the nearest tonne.

(3) The baseline emissions intensity of an industrial facility, other than an offshore industrial facility, that commenced production after the year 2016 or was designated as an opted-in facility after the coming into force of these regulations shall be determined in accordance with the following formulas:

$$BEI_{yr4} = \frac{AE_{yr3}}{AP_{yr3}}$$

$$BEI_{yr5} = \frac{AE_{yr3} + AE_{yr4}}{AP_{yr3} + AP_{yr4}}$$

$$BEI = \frac{AE_{yr3} + AE_{yr4} + AE_{yr5}}{AP_{yr3} + AP_{yr4} + AP_{yr5}}$$

where

BEI_{yr4} = baseline emissions intensity for the industrial facility for fourth year of production;

BEI_{yr5} = baseline emissions intensity for the industrial facility for fifth year of production;

BEI = baseline emissions intensity for the industrial facility;

AE = the industrial facility's actual emissions of carbon dioxide equivalent of greenhouse gases in a year expressed in tonnes rounded up to the nearest tonne, excluding biomass emissions and any emissions generated from a source category referred to in paragraphs 5(1)(f) to (i) of the *Management of Greenhouse Gas Reporting Regulations*; and

AP = the industrial facility's actual production in a year rounded up to the nearest tonne.

(4) Notwithstanding subsections (1) to (3), where the industrial facility has an unexpected interruption of production that has a material impact on its production in a year that is to be used to establish the industrial facility's baseline emissions intensity, the Lieutenant-Governor in Council may

- (a) exclude that year from the calculation of the baseline emissions intensity and calculate the baseline emissions intensity on fewer years; or
- (b) adjust the AP and AE in subsections (1) to (3) on a time denominated basis in a manner that attributes the period of production in a year as if it were a full year.

Per product baseline emissions intensity

5. (1) Notwithstanding section 4, an operator may request the approval of the Lieutenant-Governor in Council for the baseline emissions intensity to be calculated for each product produced at an industrial facility.

(2) The Lieutenant-Governor in Council may approve a request under subsection (1) where

- (a) the industrial facility produces 2 or more products; and
- (b) the operator provides information required under the *Management of Greenhouse Gas Reporting Regulations* on a per product basis to the satisfaction of the Lieutenant-Governor in Council.

(3) Subsection (1) does not apply to an industrial facility with a greenhouse gas reduction target based on a performance benchmark.

Baseline emissions level

6. (1) The baseline emissions level for an offshore industrial facility for the year 2019 shall be calculated in accordance with the following formula:

$$\text{BEL} = \frac{\text{AE}_{2016} + \text{AE}_{2017}}{2}$$

where

BEL = baseline emissions level for the offshore industrial facility;
and

AE = the offshore industrial facility's actual emissions of carbon dioxide equivalent of greenhouse gases in a year expressed in tonnes rounded up to the nearest tonne, excluding biomass emissions and any venting emissions and fugitive emissions generated from a source category referred to in paragraph 5(1)(j) of the *Management of Greenhouse Gas Reporting Regulations*.

(2) The baseline emissions level for an offshore industrial facility for the year 2020 and subsequent years shall be calculated in accordance with the following formula:

$$\text{BEL} = \frac{\text{AE}_{2016} + \text{AE}_{2017} + \text{AE}_{2018}}{3}$$

where

BEL = baseline emissions level for the offshore industrial facility;
and

AE = the offshore industrial facility's actual emissions of carbon dioxide equivalent of greenhouse gases in a year expressed in tonnes rounded up to the nearest tonne excluding biomass emissions and any venting emissions and fugitive emissions generated from a source category referred to in paragraph 5(1)(j) of the *Management of Greenhouse Gas Reporting Regulations*.

(3) The baseline emissions level of an offshore industrial facility that commenced production after the year 2016 or was designated as an

opted-in facility after the coming into force of these regulations shall be determined in accordance with the following formulas:

$$BEL_{\text{yr4}} = \frac{AE_{\text{yr3}}}{1}$$

$$BEL_{\text{yr5}} = \frac{AE_{\text{yr3}} + AE_{\text{yr4}}}{2}$$

$$BEL = \frac{AE_{\text{yr3}} + AE_{\text{yr4}} + AE_{\text{yr5}}}{3}$$

where

BEL_{yr4} = baseline emissions level for the offshore industrial facility for fourth year of production;

BEL_{yr5} = baseline emissions level for the offshore industrial facility for fifth year of production;

BEL = baseline emissions level for the offshore industrial facility; and

AE = the offshore industrial facility's actual emissions of carbon dioxide equivalent of greenhouse gases in a year expressed in tonnes rounded up to the nearest tonne excluding biomass emissions and any venting emissions and fugitive emissions generated from a source category referred to in paragraph 5(1)(j) of the *Management of Greenhouse Gas Reporting Regulations*.

(4) Notwithstanding subsections (1) to (3), where an offshore industrial facility experiences an unexpected interruption of production that has a material impact on its production in a year that is to be used to establish the offshore industrial facility's baseline emissions level, the Lieutenant-Governor in Council may

- (a) exclude that year from the calculation of the baseline emissions level and calculate the baseline emissions level on fewer years; or

- (b) adjust the AE in subsections (1) to (3) on a time denominated basis in a manner that attributes the period of production in a year as if it were a full year.

Performance
benchmark

7. (1) A performance benchmark shall be determined by ranking the intensity based performance of all comparable facilities, including the industrial facility requesting a performance benchmark, from lowest to highest.

(2) The intensity based performance of a comparable facility is calculated by

- (a) dividing the comparable facility's actual emissions of carbon dioxide equivalent of greenhouse gases in a year expressed in tonnes rounded up to the nearest tonne, excluding biomass emissions;

by

- (b) the comparable facility's actual throughput.

(3) For the purposes of subsection (2), the information for

- (a) paragraph (2)(a) shall be based on Environment and Climate Change Canada's Greenhouse Gas Reporting Program or where the comparable facility is located the United States, the United States Environmental Protection Agency's Greenhouse Gas Reporting Program; and
- (b) paragraph (2)(b) shall be based on Environment and Climate Change Canada's Air Quality Management System or where the comparable facility is located in the United States, the United States Environmental Protection Agency's Air Quality System.

(4) Where the operator of an industrial facility is of the opinion that the primary energy source used by the industrial facility is used by less than 10% of comparable facilities, the operator may request the approval of the Lieutenant-Governor in Council to convert, on a british thermal unit basis, that energy source used by the industrial facility to the energy source used by the majority of the comparable facilities.

(5) A request under subsection (4), shall include evidence from an independent consultant qualified under ISO 14064-3 or 14065 confirming that

(a) the requested energy source conversion satisfies the requirement in subsection (4); and

(b) the energy source conversion information is verified and accurate.

(6) Where the Lieutenant-Governor in Council is satisfied with the evidence provided under subsection (5), the Lieutenant-Governor in Council may approve the request and the industrial facility shall be ranked using the converted energy source.

(7) A performance benchmark shall be adjusted annually or where data is not available annually, at least every 3 years.

**PART II
GREENHOUSE GAS REDUCTION TARGETS**

Greenhouse gas
reduction target

8. (1) The greenhouse gas reduction target for an industrial facility to which these regulations apply shall be a reduction of

(a) 6% below the industrial facility's baseline emissions intensity or baseline emissions level in the year 2019;

(b) 8% below the industrial facility's baseline emissions intensity or baseline emissions level in the year 2020;

(c) 10% below the industrial facility's baseline emissions intensity or baseline emissions level in the year 2021; and

(d) 12% below the industrial facility's baseline emissions intensity or baseline emissions level in the year 2022 and subsequent years.

(2) Notwithstanding subsection (1), the greenhouse gas reduction target for an industrial facility that commenced production in 2015 or a subsequent year is set out in Schedule A.

(3) Where an industrial facility's baseline emissions intensity is calculated on a per product basis, a greenhouse gas reduction target

shall be calculated per product in accordance with this section and the industrial facility's greenhouse gas reduction target shall be the sum of the per product greenhouse gas reduction targets weighted according to the share of total production for each product.

(4) Notwithstanding subsections (1) to (3), an industrial facility may request the approval of the Lieutenant-Governor in Council for a greenhouse gas reduction target based on a performance benchmark rather than baseline emissions intensity.

(5) A request under subsection (4) shall be submitted no later than June 30 of the calendar year preceding the calendar year in which the greenhouse gas reduction target is to apply.

(6) Notwithstanding subsection (5), a request under subsection (4) relating to the calendar year 2019 shall be submitted on or before March 1, 2019.

(7) A request under subsection (4) shall include evidence from an independent consultant qualified under ISO 14064-3 or 14065 confirming that a performance benchmark can be objectively and reasonably developed based on the number of comparable facilities.

(8) Where the Lieutenant-Governor in Council is satisfied with the evidence provided under subsection (7), the Lieutenant-Governor in Council may approve the request and, where approved, the greenhouse gas reduction target for the industrial facility shall be set at the top tercile of all comparable facilities in the performance benchmark.

(9) An industrial facility that has a greenhouse gas reduction target based on a performance benchmark for at least 5 calendar years may change to a greenhouse gas reduction target based on baseline emissions intensity by giving the minister at least 6 months notice before the calendar year in which the greenhouse gas reduction target is to apply.

**PART III
GREENHOUSE GAS REDUCTION CREDITS**

Greenhouse gas
reduction credits

9. (1) A greenhouse gas reduction credit is equal to one tonne of greenhouse gas emissions on a carbon dioxide equivalent basis.

(2) Each greenhouse gas reduction credit is recorded with a unique serialized number in the registry in accordance with these regulations.

(3) A greenhouse gas reduction credit may only be used by the owner of the greenhouse gas reduction credit and shall be serialized before use.

(4) Greenhouse gas reduction credits may be used by an operator to achieve

(a) 100% of the industrial facility's greenhouse gas reduction target in the year 2019;

(b) 90% of the industrial facility's greenhouse gas reduction target in the year 2020;

(c) 85% of the industrial facility's greenhouse gas reduction target in the year 2021; and

(d) 80% of the industrial facility's greenhouse gas reduction target in the year 2022 and subsequent years.

(5) Notwithstanding subsection (4), an operator may use performance credits earned at the industrial facility to achieve the remaining

(a) 10% of the industrial facility's greenhouse gas reduction target in the year 2020;

(b) 15% of the industrial facility's greenhouse gas reduction target in the year 2021; and

(c) 20% of the industrial facility's greenhouse gas reduction target in the year 2022 and subsequent years.

(6) Notwithstanding subsection (4), an offshore industrial facility may use greenhouse gas reduction credits to achieve 100% of its greenhouse gas reduction target.

(7) Notwithstanding subsection (4), an operator may purchase fund credits at the price prescribed in subsection 12(3) multiplied by 4 to achieve the remaining

- (a) 10% of the industrial facility's greenhouse gas reduction target in the year 2020;
- (b) 15% of the industrial facility's greenhouse gas reduction target in the year 2021; and
- (c) 20% of the industrial facility's greenhouse gas reduction target in the year 2022 and subsequent years.

(8) The minister shall retire greenhouse gas reduction credits used by an industrial facility to achieve its greenhouse gas reduction target.

Performance credits

10. (1) The minister may issue performance credits to an industrial facility in accordance with this section.

(2) Where an industrial facility has a greenhouse gas reduction target based on baseline emissions intensity, the number of performance credits that the minister may issue to the industrial facility for a year shall be calculated in accordance with the following formula:

$$PC = (RT \times AP) - AE$$

where

PC = the number of performance credits, expressed in tonnes on a carbon dioxide equivalent basis rounded up to the nearest tonne;

RT = the industrial facility's greenhouse gas reduction target calculated in accordance with subsection 8(1);

AP = the industrial facility's actual production in a year rounded up to the nearest tonne; and

AE = the industrial facility's actual greenhouse gas emissions expressed in tonnes on a carbon dioxide equivalent basis rounded up to the nearest tonne, excluding biomass emissions and any emissions generated from a source category referred to in paragraphs 5(1)(f) to (i) of the *Management of Greenhouse Gas Reporting Regulations*.

(3) For the purposes of calculating performance credits which may be earned by the Holyrood Generating Station

(a) the Holyrood Generating Station shall be deemed to continue to have its greenhouse gas reduction target;

(b) AP in subsection (2) shall be deemed production as set out in Schedule B; and

(c) AE in subsection (2) shall be deemed to be zero in each year after the closure of the Holyrood Generating Station.

(4) Subsection (3) only applies as long as the operator of the Holyrood Generating Station continues to provide electricity from an industrial facility in the province.

(5) Notwithstanding subsection (4), the Lieutenant-Governor in Council may approve a transitional period during which electricity may be provided from an industrial facility outside the province.

(6) The number of performance credits that the minister may issue to an offshore industrial facility for a year shall be calculated in accordance with the following formula:

$$PC = RT - AE$$

where

PC = the number of performance credits, expressed in tonnes on a carbon dioxide equivalent basis rounded up to the nearest tonne;

RT = the offshore industrial facility's greenhouse gas reduction target calculated in accordance with subsection 8(1);

AE = the industrial facility's actual greenhouse gas emissions expressed in tonnes on a carbon dioxide equivalent basis rounded up to the nearest tonne, excluding biomass emissions and any venting emissions and fugitive emissions generated from a source category referred to in paragraph 5(1)(j) of the *Management of Greenhouse Gas Reporting Regulations*.

(7) Where an industrial facility has a greenhouse gas reduction target based on a performance benchmark and is in the top quartile of the performance benchmark, the number of performance credits that the minister may issue to the industrial facility for a year shall be calculated in accordance with the following formula:

$$PC = (TQP B \times AP) - AE$$

where

PC = the number of performance credits, expressed in tonnes on a carbon dioxide equivalent basis rounded up to the nearest tonne;

TQP B = the top quartile of the performance benchmark;

AP = the industrial facility's actual production in a year rounded up to the nearest tonne; and

AE = the industrial facility's actual greenhouse gas emissions expressed in tonnes on a carbon dioxide equivalent basis rounded up to the nearest tonne, excluding biomass emissions.

(8) Where the minister determines that the industrial facility is eligible for performance credits the minister shall

- (a) create and assign serial numbers to the performance credits;
- (b) record the performance credits in the registry; and
- (c) notify the industrial facility of the serial numbers of its performance credits.

(9) A performance credit that is not used to achieve an industrial facility's greenhouse gas reduction target shall expire 7 years after it is created.

Transfer of
performance credits

11. (1) Performance credits may be transferred from the operator of an industrial facility to the operator of another industrial facility but the transfer is not effective until it is recorded in the registry.

(2) The operators involved in a transfer of performance credits shall provide the following information in the form determined by the minister:

- (a) the quantity of performance credits being transferred and the serial number of each performance credit being transferred;
- (b) the name of the operator transferring the performance credits and the name of the operator receiving the performance credits;
- (c) the name of the individual designated to transfer the performance credits on behalf of the operator;
- (d) confirmation from the operator transferring the performance credits and the operator receiving the performance credits that the transfer has been authorized;
- (e) the date of the transfer; and
- (f) any other information required by the minister.

Fund credits

12. (1) An operator may purchase fund credits by contributing money to the fund.

(2) An operator shall not purchase more fund credits than required to achieve all or a portion of the industrial facility's greenhouse gas reduction target as permitted under these regulations.

(3) The purchase price of fund credits shall be as follows:

- (a) \$20 per one tonne of greenhouse gas emissions on a carbon dioxide equivalent basis for reporting year 2019;
- (b) \$30 per one tonne of greenhouse gas emissions on a carbon dioxide equivalent basis for reporting year 2020;
- (c) \$40 per one tonne of greenhouse gas emissions on a carbon dioxide equivalent basis for reporting year 2021; and
- (d) \$50 per one tonne of greenhouse gas emissions on a carbon dioxide equivalent basis for reporting year 2022 and subsequent years.

- (4) Where an operator purchases fund credits the minister shall
 - (a) create and assign serial numbers to the fund credits;
 - (b) record the fund credits in the registry; and
 - (c) notify the industrial facility of the serial numbers of its fund credits.
- (5) A fund credit purchased for a reporting year shall only be used in that reporting year.
- (6) Notwithstanding subsection (5), a fund credit may be purchased for use in a previous year where an industrial facility submitted a revised emissions report for a previous year and the industrial facility required additional fund credits to achieve all or a portion of its greenhouse gas reduction target as permitted under these regulations.
- (7) Where subsection (6) applies, the cost of the fund credits shall be
 - (a) the cost in the reporting year for which the fund credit is purchased; or
 - (b) where subsection 9(7) applies, 4 times the cost of the fund credit in the reporting year for which it is purchased.
- (8) A fund credit is non-transferable and non-refundable.

**PART IV
PAYMENTS FROM FUND**

Payments from the fund

- 13.** (1) In determining whether to authorize a payment from the fund under section 7 of the Act the minister and the advisory council shall consider
- (a) the impact that the proposed project for which the money is being requested may have on climate change and the reduction of greenhouse gas emissions in the province;
 - (b) the quality of the evidence provided by the operator to demonstrate that the money will achieve a verifiable

reduction in greenhouse gas emissions in a reasonable period of time;

- (c) the scientific, technical and operational evidence provided in support of the application;
- (d) the cost effectiveness of the proposed project for which the money is being requested in relation to the proposed reduction in greenhouse gas emissions; and
- (e) the economic and social benefits that may accrue as a result of the proposed project for which the money is being requested.

(2) Where the minister authorizes a payment from the fund the minister shall enter into a funding agreement with the person receiving the money.

(3) The funding agreement referred to in subsection (2) may

- (a) specify the time period in which the proposed project for which the money is being requested shall be completed;
- (b) impose terms and conditions on the operator in relation to the use of the money received from the fund; and
- (c) contain other requirements as determined by the minister.

Discontinuance of payments

14. (1) The minister may discontinue payments from the fund under section 13 where the operator who received the money

- (a) does not implement the proposed project in the manner outlined in the funding agreement referred to in subsection 13(2);
- (b) does not take reasonable steps within a reasonable period of time to complete the proposed project;
- (c) contravenes a term or condition of the funding agreement; or
- (d) ceases operation.

(2) Where the minister discontinues payments under subsection (1), the minister may also seek repayment of all the money received by the operator for that project.

**PART V
REGISTRY**

Registry

15. (1) The minister shall establish and maintain a registry for industrial facilities and opted-in facilities referred to in section 5 of the Act.

(2) Each industrial facility referred to in subsection (1) shall have an account on the registry which shall contain information including

- (a) the serial numbers of the greenhouse gas reduction credits owned by the industrial facility;
- (b) the dates the greenhouse gas reduction credits were created and deposited into the industrial facility's account;
- (c) the date of a transfer of performance credits;
- (d) the serial numbers of the performance credits transferred;
- (e) the name of the person at the industrial facility who authorized the transfer referred to in paragraph (d);
- (f) the serial numbers of greenhouse gas reduction credits used for compliance; and
- (g) the date greenhouse gas reduction credits were used in accordance with subsection 9(8) or expired in accordance with subsection 10(9) or 12(5).

(3) The information in an industrial facility's account is confidential and only accessible to the operator.

(4) The registry shall also contain the following information which shall be publicly available:

- (a) the name and address of the industrial facility;

- (b) the name of the operator of the industrial facility;
- (c) the number of performance credits owned by the industrial facility;
- (d) the serial numbers of the performance credits owned by the industrial facility; and
- (e) the name of the person at the industrial facility authorized to transfer performance credits.

**PART VI
ADVISORY COUNCIL**

Advisory council meetings

16. (1) The advisory council shall meet at least once a year.

(2) The advisory council may conduct its meetings in person, by video conference, by teleconference or by other telecommunication device as long as, at a meeting, all participants may communicate simultaneously and instantaneously.

(3) A member of the advisory council participating in a meeting by videoconference, teleconference or other telecommunication device shall be counted as a member present at the meeting for the purpose of establishing a quorum.

**PART VII
APPEALS**

Appeal to minister

17. (1) A person who is aggrieved by an order or a decision made under the Act or these regulations may appeal that order or decision to the minister by notice in writing, within 60 days of receipt of that decision or order, stating the reasons for the appeal.

(2) The minister shall notify the appellant, in writing, of his or her decision within 30 days of receipt of the notice of appeal.

(3) The minister may dismiss the appeal, allow the appeal or make another order or decision that may be made under the Act or these regulations.

Appeal to Supreme Court

18. (1) A person aggrieved by an order or decision of the minister under the Act or these regulations may, within 30 days of the order or

the decision appeal, on a question of law or on a question of mixed law and fact, to the Supreme Court and the decision of the Supreme Court is final.

(2) Notwithstanding a rule or practice to the contrary, a notice of appeal shall

(a) set out in detail the allegations of the appellant and the grounds upon which the order or decision is appealed against; and

(b) be signed by the appellant or the appellant's solicitor.

(3) An appellant shall, within 30 days after the service of the notice of appeal under this section, apply to a judge for the appointment of a day for the hearing of the appeal and shall, not fewer than 30 days before the hearing, serve upon the minister or deputy minister a written notice of the day appointed for the hearing.

(4) The minister shall produce before the judge hearing the appeal all papers and documents in his or her possession affecting the matter of the appeal.

(5) Where an appellant does not comply with subsection (3) the notice of appeal shall be considered void and the order or decision being appealed shall be considered to be final.

(6) The judge shall hear an appeal made under subsection (1) and the evidence brought forward by the appellant and the Crown in a summary manner and shall decide the matter of the appeal by

(a) upholding, amending or revoking the order or decision; or

(b) making another order or decision that the judge considers proper in the circumstance.

(7) An appeal made under this section shall be dismissed by the Supreme Court if the sole ground for relief established on the appeal is a defect in form or a technical irregularity.

(8) A judge may make an order as to costs for or against the appellant or the Crown and may fix the amount of those costs.

(9) An appeal may be taken from a decision of a judge of the Supreme Court to the Court of Appeal on a point of law raised upon the hearing of the appeal by the judge of the Supreme Court.

(10) The filing of an appeal under this section or section 17 shall not affect the order or decision appealed from and the order shall remain in force pending the outcome of the appeal.

Civil remedy

19. A civil remedy for an act or omission is not suspended or affected by reason only that the act or omission is an offence under the Act or these regulations or gives rise to a remedy under the Act or these regulations, and nothing in the Act or these regulations shall be considered to repeal, reduce or remove a remedy available to a person under another Act of the province, at common law or under an Act of the government of Canada or of another province of Canada.

Service

20. A notice, order or document under the Act or these regulations is sufficiently given or served where it is 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.

**PART VIII
COMMENCEMENT**

Commencement

21. These regulations come into force on January 1, 2019.

Schedule A

Industrial Facility Commenced Production in 2015

Year	Percentage reduction below industrial facility's baseline emissions intensity or baseline emissions level
2019	2.4%
2020	4.8%
2021	8%
2022 and subsequent years	12%

Industrial Facility Commenced Production in 2016

Year	Percentage reduction below industrial facility's baseline emissions intensity or baseline emissions level
2019	1.2%
2020	3.2%
2021	6%
2022	9.6%
2023 and subsequent years	12%

Industrial Facility Commenced Production in 2017

Year	Percentage reduction below industrial facility's baseline emissions intensity or baseline emissions level
2020	1.6%
2021	4%
2022	7.2%
2023	9.6%
2024 and subsequent years	12%

Industrial Facility Commenced Production in 2018

Year	Percentage reduction below industrial facility's baseline emissions intensity or baseline emissions level
2021	2%
2022	4.8%
2023	7.2%
2024	9.6%
2025 and subsequent years	12%

Industrial Facility Commenced Production in 2019 or Subsequent Years

Year of production	Percentage reduction below industrial facility's baseline emissions intensity or baseline emissions level
Year 4	2.4%
Year 5	4.8%
Year 6	7.2%
Year 7	9.6%
Year 8 and subsequent years	12%

Schedule B

Year	Projected Gross Production (GWh)
2019	1,682
2020	1,562
2021	1,524
2022	1,489
2023	1,603
2024	1,668
2025	1,679
2026	1,626
2027	1,695
2028	1,740
2029	1,770
2030	1,773
2031	1,720
2032	1,771
2033	1,349
2034	924
2035	927
2036	546

©Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 117/18**

*Management of Greenhouse Gas Reporting Regulations (Amendment)
under the
Management of Greenhouse Gas Act*

(Filed December 20, 2018)

Under the authority of section 29 of the *Management of Greenhouse Gas Act*, I make the following regulations.

Dated at St. John's, December 20, 2018.

Graham Letto
Minister of Municipal Affairs and Environment

REGULATIONS

Analysis

- | | |
|--|--|
| 1. S.2 Amdt.
Interpretation | 6. S.11 Amdt.
Requirement for verification
of emissions report |
| 2. S.5 Amdt.
Application | 7. S.20.1 Added
Compliance report |
| 3. S.6 Amdt.
Quantification of carbon di-
oxide equivalent | 8. S.21 Amdt.
Audit by minister |
| 4. S.7 Amdt.
Emissions report | 9. S.22 Amdt.
Retention of records by in-
dustrial facility |
| 5. S.8 Amdt.
Annual volume of produc-
tion report | 10. Sch. C Amdt. |
| | 11. Sch. D Amdt. |
| | 12. Commencement |

NLR 14/17

1. Subsection 2(1) of the *Management of Greenhouse Gas Reporting Regulations* is amended by adding immediately after paragraph (c) the following:

(c.1) "compliance report" means the annual report referred to in section 20.1;

2. Subsection 5(1) of the regulations is amended by deleting the word "and" at the end of paragraph (h), deleting the period at the end of paragraph (i) and substituting a semi-colon and the word "and" and adding immediately after that paragraph the following:

(j) petroleum and natural gas production and natural gas processing.

3. Subsection 6(4) of the regulations is repealed and the following substituted:

(4) Notwithstanding subsection (2), greenhouse gas generated from a source category referred to in paragraphs 5(1)(e) to (j) may be quantified using an alternative quantification method approved by the minister, where the minister is satisfied that the resulting emissions estimates are at least as accurate as the WCI standard.

4. (1) Section 7 of the regulations is amended by adding immediately after subsection (1) the following:

(1.1) Notwithstanding subsection (1), the emissions report relating to an industrial facility in the offshore area shall be submitted to the board on or before a date set by the board, which date shall be no later than June 1.

(2) Section 7 of the regulations is amended by adding immediately after subsection (4) the following:

(4.1) Notwithstanding paragraphs (4)(j) and (q), where an industrial facility has a greenhouse gas reduction target per product in accordance with subsection 8(3) of the *Management of Greenhouse Gas Regulations*, the industrial facility shall include the following information in its emissions report:

(a) the total carbon dioxide equivalent generated from all source categories for each product at the industrial facility, as quantified in accordance with section 6; and

- (b) the annual volume of each product the industrial facility produces.

5. Subsection 8(3) of the regulations is repealed and the following substituted:

(3) Notwithstanding subsection (2), where it is not reasonably practicable for the industrial facility to use the method referred to in subsection (2), the operator shall provide

- (a) all reports and documentation relating to the volume of product the industrial facility produced during the previous 4 year period that the operator submitted to the Department of Environment and Climate Change as required under a Certificate of Approval issued under the *Environmental Protection*; or
- (b) where the industrial facility is located in the offshore area, all reports and documentation relating to the volume of product the industrial facility produced during the previous 4 year period that the operator submitted to the board.

6. Subsection 11(1) of the regulations is repealed and the following substituted:

Requirement for
verification of
emissions report

11. (1) An operator is required to have a verification body conduct a verification of the emissions report where

- (a) the industrial facility emits 25,000 tonnes of carbon dioxide equivalent or more of greenhouse gases in a year; or
- (b) the industrial facility is designated as an opted-in facility.

7. The regulations are amended by adding immediately after section 20 the following:

Compliance report

20.1 (1) A compliance report shall be submitted to the minister on or before November 1 of the calendar year immediately following the reporting period.

(2) Notwithstanding subsection (1), where an industrial facility closes permanently before the end of a reporting period, the operator is not required to submit a compliance report for that reporting period.

(3) A compliance report shall be in writing and shall include

- (a) the industrial facility's greenhouse gas reduction target;
- (b) the quantity, type and serial number of the greenhouse gas reduction credits used by the industrial facility to achieve its greenhouse gas reduction target; and
- (c) a statement signed and dated by the individual designated by the operator to sign on behalf of the operator certifying that
 - (i) he or she examined the compliance report to ensure that it is complete and accurate,
 - (ii) the compliance report was completed in accordance with these regulations, and
 - (iii) the statements and information contained in the compliance report are true to the best of his or her knowledge.

(4) For the purpose of paragraph 3(b), where an industrial facility uses fund credits to achieve its greenhouse gas reduction target, the operator shall specify

- (a) the quantity and serial numbers of the fund credits purchased at the price prescribed in subsection 12(2) of the *Management of Greenhouse Gas Regulations*; and
- (b) the quantity and serial numbers of the fund credits purchased at the price prescribed in subsection 9(7) of the *Management of Greenhouse Gas Regulations*.

(5) Where an operator submits a revised emissions report after the compliance report is submitted, the operator shall submit a revised compliance report within 30 days of its submission of the revised emissions report.

(6) Where an operator becomes aware of an error, omission or misrepresentation in a compliance report that has been prepared and submitted to the minister, the operator shall submit a revised compliance report to the minister within 30 days of becoming aware of the error, omission or misrepresentation.

8. Subsection 21(4) of the regulations is repealed and the following substituted:

(4) Upon request of the minister, the operator shall, for the purpose of an audit made under this section, provide all of the data used to generate the emissions report and the compliance report, including all data made available to a verification body for the purposes of the verification of the emissions report.

9. (1) Paragraph 22(1)(d) of the regulations is repealed and the following substituted:

(d) all records submitted to the minister under these regulations, including emission reports, verification reports and compliance reports;

(2) Subsection 22(1) of the regulations is amended by adding immediately after paragraph (d) the following:

(d.1) all records relating to the creation, transfer and use of greenhouse gas reduction credits;

10. Schedule C of the regulations is amended by adding immediately after the row starting with "methane" the following:

Nitrogen trifluoride	NF ₃	17,200
----------------------	-----------------	--------

11. Schedule D of the regulations is amended by adding immediately after the row starting with "Lime manufacturing" the following:

Petroleum and Natural Gas Production and Natural Gas Processing	WCI.360
---	---------

Commencement

12. These regulations come into force on January 1, 2019.

©Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 118/18**

Opted-in Facilities Regulations
under the
Management of Greenhouse Gas Act

(Filed December 20, 2018)

Under the authority of section 29 of the *Management of Greenhouse Gas Act*, I make the following regulations.

Dated at St. John's, December 20, 2018.

Graham Letto
Minister of Municipal Affairs and Environment

REGULATIONS

Analysis

- | | |
|--|--|
| 1. Short title | 5. Revocation of designation by minister |
| 2. Definitions | 6. Compliance report |
| 3. Opted-in facility | 7. Greenhouse gas reduction target |
| 4. Application for revocation of designation | 8. Commencement |

Short title **1.** These regulations may be cited as the *Opted-in Facilities Regulations*.

Definitions **2.** In these regulations

(a) "Act" means the *Management of Greenhouse Gas Act*;

- (b) "compliance report" has the same meaning as in the *Management of Greenhouse Gas Reporting Regulations*;
- (c) "designation" means designation as an opted-in facility; and
- (d) "year" means calendar year.

Opted-in facility

3. An industrial facility designated as an opted-in facility shall remain an opted-in facility unless

- (a) the designation is revoked under section 4 or 5; or
- (b) the industrial facility emits 25,000 tonnes of carbon dioxide equivalent or more of greenhouse gas in a year.

Application for revocation of designation

4. (1) An operator of an opted-in facility may apply to the minister for revocation of the designation.

(2) An application under subsection (1) shall

- (a) be submitted in the form and manner determined by the minister;
- (b) be submitted after the operator submits the verification report but before October 1 of the year preceding the year in which the revocation is intended to be effective; and
- (c) contain the information required by the minister.

(3) The minister may revoke the designation where the application satisfies the requirements in subsection (2).

(4) Notwithstanding subsection (1), an operator shall not make an application under subsection (1) until at least 3 years after the industrial facility received its designation.

Revocation of designation by minister

5. Notwithstanding section 4, the minister may revoke a designation where the opted-in facility emits less than 15,000 tonnes of carbon dioxide equivalent or more of greenhouse gases in 3 consecutive years.

Compliance report

6. Where an industrial facility's designation has been revoked, the operator shall submit the compliance report for the last year that the

industrial facility was an opted-in facility on or before November 1 of the following year.

Greenhouse gas
reduction target

7. Where an industrial facility's designation has been revoked, the operator may

- (a) sell any performance credits owned by the industrial facility as of the date of the revocation; and
- (b) purchase greenhouse gas reduction credits to achieve its greenhouse gas reduction target for the last year that the industrial facility was an opted-in facility subject to any restrictions in the *Management of Greenhouse Gas Regulations*.

Commencement

8. These regulations come into force on January 1, 2019.

©Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 119/18**

*Public Service Commission Act Schedule C
Amendment Order, 2018 No. 6*
under the
Public Service Commission Act
(O.C. 2018-267)

(Filed December 20, 2018)

Under the authority of section 24 of the *Public Service Commission Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 19, 2018.

Ann Marie Hann
Clerk of the Executive Council

ORDER

Analysis

1. Short title
2. RSNL1990 cP-43 Sch. C Amdt.
3. Repeal

Short title

1. These regulations may be cited as the *Public Service Commission Act Schedule C Amendment Order, 2018 No. 6*.

RSNL1990 cP-43
Sch. C Amdt.

2. *Schedule C of the Public Service Commission Act is amended by*

- (a) deleting the entity reference "Dental Monitoring Committee";
- (b) deleting the statutory reference "*Lands Act, St. John's Urban Region Agriculture Development Area Regulations*, subsections 3(3) and 7(2)" and substituting the statutory reference "*Lands Act, St. John's Urban Region Agriculture Development Area Regulations*, subsections 3(4) with respect to the appointment of a member of the community and subsection 7(2); and
- (c) deleting the statutory reference "*Professional Fish Harvesters Act*, section 5, subsection 15(1) and section 20" and substituting the statutory reference "*Professional Fish Harvesters Act*, paragraphs 5(2)(f) and (h) and subsection 15(3) and section 20 with respect to the appointment of a person who is not a professional fish harvester.

Repeal

3. The *Public Service Commission Act Schedule C Amendment Order, 2018 No. 5*, Newfoundland and Labrador Regulation 105/18 is repealed.

©Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 120/18**

Rental Agreement Notice Regulations
under the
Residential Tenancies Act, 2018

(Filed December 20, 2018)

Under the authority of paragraph 53(a) of the *Residential Tenancies Act, 2018*, I make the following regulations.

Dated at St. John's, December 19, 2018.

Sherry Gambin-Walsh
Minister of Service NL

REGULATIONS

Analysis

1. Short title
2. Contents of notice
3. Commencement

Short title

1. These regulations may be cited as the *Rental Agreement Notice Regulations*

Contents of notice

2. Where a landlord and tenant enter into an oral or implied rental agreement, the written notice required under subsection 7(3) shall include

(a) the legal names of the landlord and the tenant;

- (b) the landlord's telephone number, electronic address and civic address where documents may be received, delivered or served by the tenant;
- (c) where the landlord has an agent or another person who is responsible for the residential premises, the name, telephone number, electronic address and civic address of the agent or other person where documents may be received, delivered or served by the tenant;
- (d) where available, the tenant's telephone number and electronic address where documents may be received, delivered or served by the landlord;
- (e) the civic address of the rental unit;
- (f) the date on which the rental agreement was entered into;
- (g) the statutory conditions in section 10;
- (h) the date on which the tenancy starts;
- (i) whether the rental agreement is from week to week, month to month or for a fixed term;
- (j) where the rental agreement is for a fixed term, the termination date of the tenancy;
- (k) the amount of rent payable for a specified period and the day within that specified period upon which rent is due;
- (l) the amount of the security deposit paid and the date on which it was paid; and
- (m) any other terms and conditions of the rental agreement.

Commencement

3. These regulations come into force on January 1, 2019.

©Queen's Printer



**NEWFOUNDLAND AND LABRADOR
REGULATION 121/18**

Residential Tenancies Regulations
under the
Residential Tenancies Act, 2018

(Filed December 20, 2018)

Under the authority of paragraph 52(b) of the *Residential Tenancies Act, 2018*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 19, 2018.

Ann Marie Hann
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|-----------------------------------|-----------------|
| 1. Short title | 3. Commencement |
| 2. Persons who may give statement | |

Short title

1. These regulations may be cited as the *Residential Tenancies Regulations*.

Persons who may give statement

2. The following persons or classes of persons may provide a statement under subparagraph 25(3)(a)(ii):

(a) a medical practitioner registered and licensed under the *Medical Act, 2011*;

- (b) a registered nurse or nurse practitioner registered and licensed under the *Registered Nurses Act, 2008*;
- (c) a practical nurse licensed under the *Licensed Practical Nurses Act, 2005*;
- (d) a social worker registered under the *Social Workers Act*;
- (e) a psychologist registered under the *Psychologists Act, 2005*;
- (f) a member of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police; and
- (g) an individual employed by an agency or organization to assist individuals for whom the agency or organization provides accommodation in an emergency or transitional shelter because of violence or abuse.

Commencement

3. These regulations come into force on January 1, 2019.

©Queen's Printer

Index

PART I

Municipalities Act,1999 — Notice	402
Quieting of Titles Act — Notice	402
Trustee Act — Notices	405
Urban and Rural Planning Act, 2000 — Notices	399

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.
Elections Act, 1991 and House of Assembly Act			
Proclamation Re: By-Election for the Electoral District of Topsail - Paradise	NLR 113/18	New Extraordinary Gazette Dec 19/18	Dec 21 /18 p. 1217
Highway Traffic Act			
HighwayTraffic Demerit Point System Regulations (Amdt) (in force March 5, 2019)	NLR 114/18	Amends CNLR 753/96 Sch. Amdt.	Dec 21/18 P. 1219
Management of Greenhouse Gas Act			
Proclamation bringing sections 1-3, 5, 7-9, 12-18, 20-24 and 27 into force.	NLR 115/18	New	Dec 21/18 p. 1221
Management of Greenhouse Gas Regulations (in force January 1, 2019)	NLR 116/18	New	Dec 21/18 p. 1223
Management of Greenhouse Gas Reporting Regulations (Amdt) (in force January 1, 2019)	NLR 117/18	Amends NLR 14/17 S.2 Amdt, S.5 Amdt, S.6 Amdt S.7 Amdt, S.8 Amdt, S.11 Amdt S.11 Amdt, S.20.1 Added, S.21 Amdt, S. 22 Amdt, Sch. C Amdt, Sch. D.Amdt	Dec 21/18 p. 1251
Opted-in Facilities Regulations (in force January 1, 2018)	NLR 118/18	New	Dec 21/18 p. 1257
Public Service Commission Act			
Public Service Commission Act Schedule C Amendment Order, 2018 No.6	NLR 119/18	R&S NLR 105/18	Dec 21/18 p. 1261
Residential Tenancies Act, 2018			
Rental Agreement Notice Regulations (In force january 1, 2019)	NLR 120/18	New	Dec 21/18 p. 1263
Residential Tenancies Regulations (in force january 1, 2019)	NLR 121/18	New	Dec 21/18 p. 1265

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

Copy for publication must be received by **Friday, 4:30 p.m.**, seven days before publication date to ensure inclusion in next issue. 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. Subscription rate for *The Newfoundland and Labrador Gazette* is \$144.38 for 52 weeks plus 15% HST (\$166.04). Weekly issues, \$3.47 per copy, plus 15% HST (\$3.99) payable in advance.

All cheques, money orders, etc., should be made payable to THE NEWFOUNDLAND EXCHEQUER ACCOUNT and all correspondence should be addressed to: Office of the Queen's Printer, P. O. Box 8700, Ground Floor, East Block, Confederation Building, St. John's, NL A1B 4J6, Telephone: (709) 729-3649, Fax: (709) 729-1900.

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

The Newfoundland and Labrador Gazette
Advertising Rates
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

All other public notices required by law to be published in *The Newfoundland and Labrador Gazette*, eg., Corporations Act, Municipalities Act, Quieting of Titles Act, Urban and Rural Planning Act, etc., are priced according to size: for Single Column \$3.47 per cm or Double Column \$6.93 per cm, plus 15% HST.

For quotes please contact the Office of the Queen's Printer queensprinter@gov.nl.ca

**Government Information Product
Publication Rate Mail
G.S.T. # R107442683**