



THE NEWFOUNDLAND AND LABRADOR GAZETTE

**PART I
PUBLISHED BY AUTHORITY**

Vol. 94

ST. JOHN'S, FRIDAY, APRIL 12, 2019

No. 15

CITY OF ST. JOHN'S ACT



ST. JOHN'S MUNICIPAL COUNCIL NOTICE ST. JOHN'S TICKETING AMENDMENT (NO. 1-2019) BY-LAW

TAKE NOTICE that the ST. JOHN'S Municipal Council has enacted the ST. JOHN'S Ticketing Amendment (No. 1-2019) By-Law.

The said By-Law was passed by Council on the 11th day of March, 2019, so as to bring the By Law more in line with provisions of the *Highway Traffic Act*. Additionally, the fine for section 8(1)(a), stopping/parking in contravention of a traffic control device, will be increased to \$100 as per the minimum requirement of the Province, and the fine for section 12, pertaining to offences involving mobility impaired permits and access ramps, will be increased to the statutory maximum of \$700.

All persons are hereby required to take notice that any person who wishes to view such Regulations may view same at the Office of the City Solicitor of the St. John's Municipal Council at City Hall, and that any person who wishes to obtain a copy thereof may obtain it at the said office upon the payment of a reasonable charge as established by the St. John's Municipal Council for such copy.

Dated this 11th day of March, 2019.

CITY OF ST. JOHN'S
Elaine Henley, City Clerk

Apr 12

CHANGE OF NAME ACT, 2009

UNDER THE AUTHORITY vested in me by the *Change of Name Act, 2009*, SNL2009 cC-8-1, I hereby certify that the following names have been changed.

Legal name changes processed during the period – March 2019.

FORMER SURNAME	FORMER GIVEN NAME	NEW SURNAME	NEW GIVEN NAME	COMMUNITY
KINSLOW	KEARSTEN DAKOTA	ALLEN	KEARSTEN DAKOTA	CHANNEL-PORT AUX BASQUES
MENCHINGTON	HARRIET SYLVIA	MENCHINGTON	SYLVIA HARRIETT	ST. JOHN'S
BIKKY KUMAR		KUMAR	BIKKY	ST. JOHN'S
HUMBER	RACHEL DEBORAH ANN	RUMBOLT	RACHEL DEBORAH ANN	FRENCHMAN'S COVE
BURKARD	HOPE AVA	WOOLF	AVA HOPE	HARBOUR GRACE
MILLS-HOPKINS	JAMES BRADY	HOPKINS	JAMES BRADY	WINTERTON
HUMBY	TESSA LEIGH	HOWE	TESSA LEIGH	ST. JOHN'S
BATSTONE	ROBERT STEPHEN LLOYD	KELLAND	ROBERT LLOYD	CONCEPTION BAY SOUTH
JABLAN	JOY LYN	MURILLO	ZOEY	TORBAY
LOCKE	EMILY SHIRLEY MISHELLE	RIDEOUT	EMILY SHIRLEY MISHELLE	BADGER
ANISH JOSEPH		JOSEPH	ANISH	GRAND FALLS-WINDSOR
HUTCHINGS	MASON BRENDAN SHELDON	HAYWARD	MASON BRENDAN SHELDON	CONCEPTION BAY SOUTH
HORWOOD	TORY JACOB	ANTHONY-HORWOOD	TORY JACOB	TORBAY
ALLCORN	CONAN ALEXANDER	TARR	ANABEL TIA	ST. JOHN'S
COLES	RYAN WILLIS ROBERT	WHITE-COLES	RYAN WILLIS ROBERT	SWEET BAY
HENNEBURY-O'BRIEN	BAILEY NOAH	MERCER	BAILEY NOAH	CONCEPTION BAY SOUTH
WIEST	ADELAIDE ISABELLA MAUREEN	BAIRD	ADELAIDE ISABELLA MAUREEN	GOULDS
LUCAS	JAMES RAYMOND	KING	JAMES RAYMOND	STEPHENVILLE CROSSING
BAKER	MELANIE ELAINE	CRITCH	MELANIE ELAINE	WABUSH
THATCHELL	GERARD	TATCHELL	GERARD	CASTOR RIVER NORTH
THATCHELL	SUSANNA	TATCHELL	SUSANNE	CASTOR RIVER NORTH
HARTE	BRANDON WILLIAM	OSBOURNE	BRANDON WILLIAM	ST. JOHN'S
SKINNER	ISABELLA NICHOLE	BLUNDON	ISABELLA NICHOLE	PARADISE
ALLEN	KAISON WILLIAM	GOLLOP	KAISON WILLIAM	PLACENTIA
SKINNER	JOHN ALLAN	BLUNDON	JOHN ALLAN	PARADISE
NEWMAN-BURT	LOGAN STEPHEN ROSS	NICHOL	LOGAN EWEN ROSS	PARADISE
WONDAFRASH	SHALOM ALEMU	ALEMU	SHALOM BIZUAYEHU	ST. JOHN'S
BUNGAY	NATHANIEL JAMES	BUNGAY-MEEHAN	NATHANIEL JAMES	CONCEPTION BAY SOUTH
BUNGAY	NATALYA MELINA	BUNGAY-MEEHAN	NATALYA MELINA	CONCEPTION BAY SOUTH
AKANCHA		KUMAR	AKANCHA	ST. JOHN'S
O'DEA	CASSANDRA LILLIAN SARAH	VERGE	ALEXANDER LEONARD	ST. JOHN'S

Dated this 1st day of April, 2019

Ken Mullaly, Registrar, Vital Statistics
SERVICE NL

LANDS ACT

Notice of Intent, Section 7 Lands Act, SNL 1991 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 Mollyguaieck Lake for the purpose of a boat house.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see the website below:

<http://www.ma.gov.nl.ca/lands/sec7notifications.html>

Please note: It may take up to 5 days from the date of application for details to appear on the website.

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 as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Apr 12

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of ADA LUCILLE GREEN NEMEC, Late of St. John's, in the Province of Newfoundland and Labrador, Deceased.

All persons claiming to be creditors or heirs at law of or who have any claims or demands upon or affecting the Estate of ADA LUCILLE GREEN NEMEC, Late of St. John's, in the Province of Newfoundland and Labrador, are hereby

requested to send particulars of the same in writing, duly attested, to the Executors of the Estate of ADA LUCILLE GREEN NEMEC, c/o Stewart McKelvey, Suite 1100, Cabot Place, 100 New Gower Street, St. John's, Newfoundland and Labrador, A1C 6K3, Attn: Paul L. Coxworthy, on or before the 31st day of May, 2019 after which date the Executors will proceed to distribute the said Estate having regard only to the claims of which they then shall have had notice.

DATED AT St. John's, Newfoundland and Labrador, this 5th day of April, 2019.

STEWART MCKELVEY
Solicitors for the
Estate of ADA LUCILLE GREEN NEMEC
PER: Paul L. Coxworthy

ADDRESS FOR SERVICE:

Suite 1100 Cabot Place,
100 New Gower Street
St. John's, NL A1C 5V3

Tel: (709) 722-4270

Fax: (709) 722-4565

Apr 12

ESTATE NOTICE

IN THE MATTER of the Estate of FRANCIS NEWMAN, Late of the City of Comer Brook, in the Province of Newfoundland and Labrador, Canada, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of FRANCIS NEWMAN, Late of Comer Brook, in the Province of Newfoundland and Labrador, Deceased, are requested to send particulars in writing, duly attested, to the undersigned Solicitor for the Administrator of the Estate of the deceased on or before the 13th day of May, 2019 after which date the Administrator will proceed to distribute the Estate having regard only to the claims of which they then shall have had notice.

DATED AT Comer Brook, this 4th day of April, 2019.

PENNEY & BROWN LAW
Solicitors for the Executor
PER: Jill K. Brown

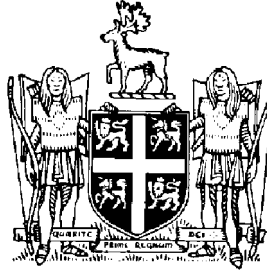
ADDRESS FOR SERVICE:

37 West Street
Corner Brook, NL A2H 2Y6

Tel: (709) 634-9888

Fax: (709) 634-1497

Apr 12



THE NEWFOUNDLAND AND LABRADOR GAZETTE

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

Vol. 94

ST. JOHN'S, FRIDAY, APRIL 12, 2019

No. 15

NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 20/19
NLR 21/19
NLR 22/19
NLR 23/19
NLR 24/19
NLR 25/19
NLR 26/19
NLR 27/19
NLR 28/19**



**NEWFOUNDLAND AND LABRADOR
REGULATION 20/19**

*Proclamation bringing Act into force.
(SNL 2018c.C-12.3) (June 28, 2019)
under
Children, Youth and Families Act
(O.C. 2019-099)*

Filed April 11, 2019

*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 133 of *An Act Respecting Children, Youth and Families*, Statutes of Newfoundland and Labrador 2018, Chapter C-12.3 (the "Act") it is provided that the 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 the Act shall come into force on June 28th, 2019;

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 *An Act Respecting Children, Youth and Families*, Statutes of Newfoundland and Labrador 2018, Chapter C-12.3 shall be proclaimed into force on June 28th, 2019.

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 11th day of April in the year of Our Lord two thousand and nineteen, in the sixty-eighth year of Our Reign.

BY COMMAND,

JAMIE CHIPPETT
Deputy Registrar General

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**NEWFOUNDLAND AND LABRADOR
REGULATION 21/19**

Indigenous Government or Organization Delegation Regulations
under the
Children, Youth and Families Act
(O.C. 2019-100)

(Filed April 11, 2019)

Under the authority of section 108 of the *Children, Youth and Families Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, April 11, 2019.

Krista Quinlan
Deputy Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|----------------|-------------------------------------|
| 1. Short title | 3. Authority to negotiate agreement |
| 2. Definition | 4. Commencement |

Short title

1. These regulations may be cited as the *Indigenous Government or Organization Delegation Regulations*.

Definition

2. In these regulations, "Act" means the *Children, Youth and Families Act*.

Authority to
negotiate agreement

3. The minister may negotiate an agreement with an Indigenous government or organization under section 105 of the Act where the Indigenous government or organization submits to the minister

(a) a request in writing; and

(b) proof satisfactory to the minister that the Indigenous government or organization has, by motion or resolution, authorization from its Indigenous community to enter into an agreement for the provision of services or the administration of all or part of the Act.

Commencement

4. These regulations come into force on the date the Act comes into force.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 22/19**

*Fishing Industry Collective Bargaining Regulations, 2011
(Amendment)
under the
Fishing Industry Collective Bargaining Act*

(Filed April 11, 2019)

Under the authority of subsections 19.11(3) and 19.14(4) of the *Fishing Industry Collective Bargaining Act*, I make the following regulations.

Dated at St. John's, April 11, 2019.

Bernard Davis
Minister of Advanced Education, Skills and Labour

REGULATIONS

Analysis

1. S.3 Amdt.
Reconsideration

NLR 5/11
as amended

1. Subsection 3(3) of the *Fishing Industry Collective Bargaining Regulations, 2011* is repealed and the following substituted:

(3) A decision respecting reconsideration shall be made by the panel within 96 hours from the time the panel has acknowledged receipt of an application for reconsideration.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 23/19**

Forest Fire Regulations (Amendment)
under the
Forestry Act

(Filed April 11, 2019)

Under the authority of section 109 of the *Forestry Act*, I make the following regulations.

Dated at St. John's, April 4, 2019.

Gerry Byrne
Minister of Fisheries and Land Resources

REGULATIONS

Analysis

- | | |
|--|--|
| 1. S.4 Amdt.
Exceptions | 4. S.12 Amdt.
Use of timber harvesting
equipment |
| 2. S.5 R&S
Fire weather index | 5. S.13 Amdt.
Logging or industrial
operations |
| 3. S.11 Amdt.
Travel on forest land | |

CNLR 11/96
as amended

1. (1) Paragraph 4(b) of the *Forest Fire Regulations* is repealed and the following substituted:

(b) on a sand or gravel beach or quarry if

- (i) the fire is located
 - (A) at a distance of not less than 15 metres from the nearest woods, brush or other flammable material, or
 - (B) at a distance of not less than 5 metres from the nearest woods, brush or other flammable material and not more than 1.25 metres from a body of water whose surface area exceeds 10 square metres, and
- (ii) the fire does not exceed a surface area of 0.4 square metres;

(2) Subparagraphs 4(b.1)(iv) and (v) of the regulations are repealed and the following substituted:

- (iv) the unit rests on legs or supports and is placed on mineral soil or non-combustible material having a surface area of not less than 1.5 square metres, and
- (v) the unit is located not less than 3.5 metres from the nearest woods, brush or other flammable material; or

(3) Subparagraphs 4(c)(ii) to (iv) of the regulations are repealed and the following substituted:

- (ii) the unit is located on private property and not less than 15 metres from the nearest woods, brush or other flammable material,
- (iii) the unit is in good working order and an attendant is on site if the fire weather index is high, very high or extreme, and
- (iv) all incinerator ash is totally extinguished before being discarded on mineral soil not less than 15 metres from the nearest woods, brush or other flammable material.

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

Fire weather index

5. (1) Open or outdoor fires are not permitted under paragraphs 4(a), (b) and (b.1) when the fire weather index is very high or extreme.

(2) All permits to burn issued under these regulations are invalid when a high, very high or extreme fire weather index exists in the locality for which the permit has been issued.

3. Subsection 11(2) of the regulations is repealed and the following substituted:

(2) The unit or operator shall be equipped with a fire extinguisher containing a minimum of 225 grams of ABC class dry chemical.

4. Subsection 12(2) of the regulations is repealed and the following substituted:

(2) A person shall not use a power saw during the forest fire season unless the exhaust is fitted in accordance with the manufacturer's original specifications with muffler and proper screening or baffling devices to prevent the escape of sparks or particles of burnt carbon and the operator has a fire extinguisher on his or her person containing a minimum of 225 grams of ABC class dry chemical.

5. Subsection 13(8) of the regulations is repealed and the following substituted:

(8) The operating permit may be temporarily suspended by a forestry official if the fire weather index for that locality rises to high, very high or extreme.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 24/19**

Accessible Parking Regulations
under the
Highway Traffic Act

(Filed April 11, 2019)

Under the authority of section 187 of the *Highway Traffic Act*, I make the following regulations.

Dated at St. John's, April 10, 2019.

Sherry Gambin-Walsh
Minister of Service Newfoundland and Labrador

REGULATIONS

Analysis

- | | |
|--------------------|-------------------------------------|
| 1. Short title | 5. Permits from other jurisdictions |
| 2. Definitions | 6. Curb ramp |
| 3. Parking permit | 7. Penalty |
| 4. Permit required | 8. Repeal |

Short title

1. These regulations may be cited as the *Accessible Parking Regulations*.

Definitions

2. For the purpose of these regulations

- (a) "accessible parking space" means a parking space, including access aisles,
 - (i) designated by a RB-71 sign of any dimension or color from the Manual of Uniform Traffic Control Devices for Canada published by the Transportation Association of Canada,
 - (ii) designated by a uniform traffic control sign of any dimension or color from the Canada Standards Association standard CSA B651,
 - (iii) designated by a sign of any dimension or color bearing a symbol of a figure in a wheelchair,
 - (iv) bearing a symbol of a figure in a wheelchair, or
 - (v) painted blue in whole or in part;
- (b) "Act" means the *Highway Traffic Act*;
- (c) "chiropractor" means a chiropractor as defined in the *Chiropractors Act, 2009*;
- (d) "curb ramp" means a ramp cut in the sidewalk with the lower edge of the ramp blending to the common surface of the finished grade;
- (e) "medical practitioner" means a medical practitioner as defined in the *Medical Act, 2011*;
- (f) "permit" means a valid document issued by the registrar to a person with a mobility challenge;
- (g) "person with a mobility challenge" means

- (i) a person who, because of a mobility challenge, requires the use of a special transit facility,
- (ii) a person who has
 - (A) lost the use of one or more lower extremities,
 - (B) significant limitation in the use of lower extremities, or
 - (C) a disease or disorder which substantially impairs or interferes with mobility,
- (iii) a person who has a lung disease that causes his or her respiratory expiratory volume, per second, when measured by spirometry, to be less than one litre per second or his or her arterial oxygen tension (pO₂) to be less than 60mm/Hg on room air at rest,
- (iv) a person who has a cardiovascular disease that causes his or her functional limitations to be classified in severity as to standards accepted by the Heart and Stroke Foundation of Canada, or
- (v) a person who, because of a visual or other impairment, requires specialized access to ensure safety; and
- (h) "registered nurse" means a registered nurse as defined in the *Registered Nurses Act, 2008*.

Parking permit

- 3. (1) The registrar shall issue a permit to a person who
 - (a) submits an application in the form prescribed by the registrar; and
 - (b) provides documentation satisfactory to the registrar from a medical practitioner, registered nurse or chiropractor confirming the person's mobility challenge.
- (2) The registrar shall renew a permit where a person
 - (a) submits an application in the form prescribed by the registrar; and

(b) where requested by the registrar, provides documentation satisfactory to the registrar from a medical practitioner, registered nurse or chiropractor confirming the person's mobility challenge.

(3) A person who holds a permit shall surrender the permit upon request of a peace officer.

(4) A permit remains the property of the Crown and shall be returned to the registrar upon request.

Permit required

4. (1) A person other than the holder of a permit or a person accompanying the holder of a permit shall not park, temporarily or otherwise, a motor vehicle in an accessible parking space.

(2) A permit shall be displayed in the windshield of a vehicle occupying an accessible parking space.

(3) A person shall not display a permit which

(a) has expired;

(b) does not contain a valid expiry date; or

(c) is otherwise invalid.

Permits from other jurisdictions

5. A motor vehicle displaying a valid permit, number plate or other marker bearing the a symbol of a figure in a wheelchair and issued by another jurisdiction shall be entitled to the same privileges as a motor vehicle displaying a permit issued under these regulations.

Curb ramp

6. (1) A person shall not park within 2 metres of a curb ramp whether on private or public property.

(2) Subsection (1) does not apply where

(a) the curb ramp is located in or adjoins an accessible parking space; and

(b) the person parked in the accessible parking space holds a permit.

Penalty

7. A person who contravenes a provision of these regulations is guilty of an offence and is liable on summary conviction to

(a) a fine of not less than \$400 and not more than \$700; and

(b) in default of payment of a fine, imprisonment for not less than 2 days and not more than 10 days.

Repeal

8. The *Designated Mobility Impaired Parking Regulations, Consolidated Newfoundland Regulation 1026/96*, are repealed.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 25/19**

*Public Service Commission Act Schedule C
Amendment Order, 2019*
under the
Public Service Commission Act
(O.C. 2019-097)

(Filed April 11, 2019)

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, April 11, 2019.

Krista Quinlan
Deputy 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, 2019*.

RSNL1990 cP-43
Sch. C Amdt.

2. Schedule C of the *Public Service Commission Act* is amended by deleting the entity reference “Premier’s Task Force on Improving Educational Outcomes”.

Repeal

3. The *Public Service Commission Act Schedule C Amendment Order, 2018 No. 6*, Newfoundland and Labrador Regulation 119/18 is repealed.

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NEWFOUNDLAND AND LABRADOR REGULATION 26/19

Student Financial Assistance Regulations (Amendment)
under the
Student Financial Assistance Act, 2019
(O.C. 2019-096)

(Filed April 11, 2019)

Under the authority of section 15 of the *Student Financial Assistance Act, 2019*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, April 11, 2019.

Krista Quinlan
Deputy Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|--|
| 1. S.2 Amdt.
Definitions | 6. S.5.09 R&S
Repayment |
| 2. S.5 Amdt.
Granting of financial
assistance | 7. S.5.9 Amdt.
Obligation to pay interest |
| 3. S.5.01 Amdt.
Financial assistance for part-
time students | 8. S.5.10 R&S
Application to pre-April,
2004 loans |
| 4. S.5.2 Amdt.
Payment free status | 9. S.5.11 Amdt.
Revision of terms |
| 5. S.5.8 Amdt.
Consolidation and
repayment | 10. S.6 Amdt.
Debt reduction grants |
| | 11. S.7 Amdt.
Debt reduction calculation |

- | | |
|--|---|
| 12. S.10.1 Amdt.
Repayment assistance | 16. S.12.01 Amdt.
Loan forgiveness due to
severe permanent disability
or death |
| 13. S.10.2 Amdt.
Two stages of repayment
assistance | 17. S.12.1 Amdt.
Debts collected by
subrogation or under Act |
| 14. S.10.8 Amdt.
Monthly payments during
repayment assistance | 18. Commencement |
| 15. S.12 Amdt.
Loan forgiveness due to
permanent disability or death | |

NLR 105/03
as amended

1. (1) Paragraph 2(a) of the *Student Financial Assistance Regulations* is repealed and the following substituted:

- (a) "Act", unless the context indicates otherwise means the *Student Financial Assistance Act, 2019*;

(2) Paragraph 2(i) of the regulations is repealed and the following substituted:

- (i) "service provider" means a person who has entered into an agreement with the minister to provide services with respect to the disbursement, administration, management and recovery of student loans.

2. (1) Paragraph 5(1)(c) of the regulations is repealed and the following substituted:

- (c) submit the completed student loan agreement to the minister or service provider before the last day of the month of his or her period of study end date; and

(2) Subsection 5(2) of the regulations is repealed and the following substituted:

(2) Where a person complies with subsection (1), the minister shall issue financial assistance to that person in the amount set out in the notice of financial assistance.

3. (1) Subsection 5.01(1) of the regulations is repealed and the following substituted:

Financial assistance
for part-time
students

5.01 (1) Notwithstanding section 5, the minister may issue a non repayable grant to a part time student who has been issued a certificate of eligibility for a federal part time student loan.

(2) Subsection 5.01(3) of the regulations is repealed and the following substituted:

(3) Where the amount of a part time student's federal part time student loan is increased after the non repayable grant is issued, the minister may issue a further non repayable grant equal to the amount of the increase.

4. Subsection 5.2(8) of the regulations is repealed and the following substituted:

(8) A borrower referred to in subsection (6) must, no later than 30 days after receipt of his or her posting message provided by Canada's Department of National Defence, unless circumstances beyond the control of the borrower necessitate a longer period, notify the minister in the prescribed form that he or she will be serving on the designated operation and must provide the minister with a list of outstanding student loans not owned by the Crown and, where the minister requests, provide the minister with

- (a) his or her social insurance number;
- (b) a list of outstanding student loans;
- (c) a copy of the posting message; and
- (d) information that is necessary to assess whether the borrower meets the requirements of subsection (6), (7), (10) or (12).

5. Subsection 5.8(4) of the regulations is repealed and the following substituted:

(4) This section does not apply to a borrower who enters into a student loan agreement after July 31, 2012.

6. Section 5.09 of the regulations is repealed and the following substituted:

Repayment

5.09 A borrower who enters into a student loan agreement after July 31, 2012 shall, within 6 months after ceasing to be a full time student, discharge all outstanding student loans of that borrower in accordance with the repayment terms established by the lender.

7. Subsections 5.9(1), (2), (2.1), (3), (4) and (4.1) of the regulations are repealed and the following substituted:

Obligation to pay interest

5.9 (1) Before August 1, 2007, the interest in effect on any day on a student loan owned by the Crown shall be

- (a) the prime rate on that day plus 2.5% yearly; or
- (b) after consolidation of a student loan under section 5.8 and where requested by the borrower, the prime rate upon the date that the borrower made the request, plus 5% yearly.

(2) From August 1, 2007 to July 31, 2009, the interest rate in effect on any day on a student loan owned by the Crown shall be

- (a) the prime rate on that day yearly; or
- (b) after consolidation of a student loan under section 5.8 and where requested by the borrower, the prime rate upon the date that the borrower made the request, plus 2.5% yearly.

(2.1) After July 31, 2009, the interest rate in effect on any day on a student loan owned by the Crown is 0%.

(3) Before August 1, 2007, the interest rate on any day on a student loan not owned by the Crown shall be in accordance with the student loan agreement relating to that student loan.

(4) From August 1, 2007 to July 31, 2009, the interest rate in effect on any day on a student loan not owned by the Crown shall be

- (a) the prime rate on that day yearly; or
- (b) after consolidation of a student loan under section 5.8 and where requested by the borrower, the prime rate upon the date that the borrower made the request, plus 2.5% yearly.

(4.1) After July 31, 2009, the interest rate in effect on any day on a student loan not owned by the Crown is 0%.

8. Section 5.10 of the regulations is repealed and the following substituted:

Application to pre-April, 2004 loans

5.10 Section 5.8 and subsection 5.9(1) shall only apply to a student loan owned by the Crown that has not been consolidated or entered into repayment status before April 1, 2004, notwithstanding that contrary terms and conditions of a student loan agreement apply to that loan immediately before that date.

9. Subsection 5.11(1) of the regulations is repealed and the following substituted:

Revision of terms

5.11 (1) Where, on April 1, 2004, a student loan owned by the Crown is in repayment status, the following terms and conditions shall be considered to apply to the student loan agreement applicable to that loan, notwithstanding contrary terms and conditions of that agreement immediately before April 1, 2004:

- (a) interest payable shall be calculated based on the prime rate as defined in these regulations;
- (b) the amortization period shall be adjusted as required to ensure that a borrower's total monthly payment to repay his or her student loan and his or her direct loan under the federal Act is not greater than the sum of his or her monthly student loan payment and federal direct loan payment immediately before April 1, 2004;
- (c) where a student loan has, immediately before April 1, 2004, a fixed interest rate and the borrower's direct loan under the federal Act has a floating rate, the interest rate applicable to the student loan shall be a floating rate that is the prime rate plus 2.5% yearly;
- (d) where a borrower has a student loan with a fixed interest rate and a direct loan under the federal Act with a fixed interest rate that is lower than the fixed interest rate applicable to his or her student loan, the interest rate on his or her student loan shall be reduced to match the fixed interest rate applicable to the borrower's direct loan under the federal Act;

- (e) the allocation and application of payments between a student loan and a direct loan under the federal Act shall be as agreed upon by the minister and the Government of Canada; and
- (f) monthly payments on a student loan shall be due and payable on the last day of each month.

10. Subsection 6(3) of the regulations is amended by deleting the word "and" at the end of paragraph (g) and substituting the word "or".

11. Subsection 7(3.1) of the regulations is repealed and the following substituted:

(3.1) Where a borrower enters into a student loan agreement after July 31, 2012, a grant to a borrower shall not exceed the principal amount of his or her student loan at the time the repayment terms are established by the lender.

12. Subsections 10.1(2) and (3) of the regulations are repealed and the following substituted:

(2) Repayment assistance available includes, for a loan owned by the Crown

- (a) a reduction in the borrowers monthly payments on the student loan; or
- (b) assistance from the minister in forgiving an outstanding student loan by forgiving monthly payments on the loan.

(3) Repayment assistance available includes, for a loan not owned by the Crown

- (a) a reduction in the borrowers monthly payments on the student loan; or
- (b) assistance from the minister in paying off the borrower's outstanding student loan by making monthly payments on the loan in the amount of the reduction under paragraph (a).

13. Subsection 10.2(5) of the regulations is repealed and the following substituted:

(5) For the purpose of this section, where the lender is the Crown, the minister shall be considered to have complied with this section by forgiving, each month, the portion of the borrower's outstanding student loan that is equal to the payments that the minister is otherwise required to make under this section.

14. Subsection 10.8(7) of the regulations is repealed and the following substituted:

(7) For the purpose of this section, where the lender is the Crown, the minister shall be considered to have complied with this section by forgiving, each month, the portion of the borrower's outstanding student loan that is equal to the payments that the minister is otherwise required to make under this section.

15. Subsection 12(9) of the regulations is repealed and the following substituted:

(9) If a student loan is forgiven under this section, the minister shall in a case where the loan is

- (a) not owned by the Crown, pay the full amount, principal and interest, outstanding on the loan; and
- (b) owned by the Crown, forgive the full amount, principal and interest, outstanding on the loan.

16. Subsection 12.01(10) of the regulations is repealed and the following substituted:

(10) If a student loan is forgiven under this section, the minister shall in a case where the loan is

- (a) not owned by the Crown, pay the full amount, principal and interest, outstanding on the loan; and
- (b) owned by the Crown, forgive the full amount, principal and interest, outstanding on the loan.

17. (1) Subsections 12.1(1) and (2) of the regulations are repealed and the following substituted:

Debts collected by subrogation or under Act

12.1 (1) Notwithstanding the interest rate applicable to a student loan under the terms of the student loan agreement, from August 1, 2007 to July 31, 2009 the interest rate in effect on any day for a debt owed to the Crown as a result of the Crown fulfilling the obligations of a borrower under that student loan agreement, shall be

- (a) the prime rate on that day yearly; or
- (b) after consolidation of a student loan under section 5.8 and where requested by the borrower, the prime rate upon the date that the borrower made the request, plus 2.5% yearly.

(2) Notwithstanding the interest rate applicable to a student loan under the terms of the student loan agreement, after July 31, 2009 the interest rate in effect on any day for a debt owed to the Crown as a result of the Crown fulfilling the obligations of a borrower under that student loan agreement, shall be 0%.

(2) Subsection 12.1(4) of the regulations is repealed and the following substituted:

(4) Subsections (1) and (2) shall not apply to debts owed to the Crown as a result of a judgment of the court.

Commencement

18. These regulations come into force on August 1, 2019.

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NEWFOUNDLAND AND LABRADOR REGULATION 27/19

Student Financial Assistance Administration Regulations (Amendment)
under the
Student Financial Assistance Act, 2019

(Filed April 11, 2019)

Under the authority of section 14 of the *Student Financial Assistance Act, 2019*, I make the following regulations.

Dated at St. John's, April 11, 2019.

Bernard Davis
Minister of Advanced Education, Skills and Labour

REGULATIONS

Analysis

- | | |
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Financial assistance appeal | 8. S.26.1 R&S
Refunds of \$10 or less |
| | 9. Commencement |

NLR 106/03
as amended

1. Paragraph 2(a) of the *Student Financial Assistance Administration Regulations* is repealed and the following substituted:

- (a) "Act" unless the context indicates otherwise, means the *Student Financial Assistance Act, 2019*;

2. (1) Paragraphs 3(1)(f), (f.1) and (g) of the regulations are repealed and the following substituted:

- (f) the person does not owe money to the Crown related to a student loan for which a judgment has not been obtained or is not in arrears on previous student loans under the federal Act, the Act, the *Student Financial Assistance Act* or the *Student Assistance Act*, for which a judgment has not been obtained, unless the person has brought his or her student loan into good standing by making six consecutive payments in accordance with a repayment arrangement approved by the minister and all interest accrued to a day, has been paid in full, or, in a case where a judgment has been obtained, the judgment has been released;

- (f.1) the person does not owe money related to a student loan, for which a judgment has not been obtained, that is not owned by the Crown, unless the person has brought the student loan into good standing by making six consecutive payments in accordance with a repayment arrangement approved by the lender and all interest accrued to a day, has been paid in full, or, in a case where a judgment has been obtained, the judgment has been released;

- (g) the person does not owe money with respect to a grant received by him or her under the *Student Financial Assistance Act* in force immediately before the Act;

(2) Subsection 3(1.1) of the regulations is repealed and the following substituted:

- (1.1) A student will be considered to have met the requirements of paragraph 3(1)(f) if the student has complied fully with paragraph 16(1)(d) of the *Canada Student Financial Assistance Regulations*, or, in the case where the student has made less than 6 of the payments required under paragraph 16(1)(d) of the *Canada Student Financial Assistance Regulations*, then the number of required payments remaining under those regulations will be the number of payments required for compliance with paragraph 3(1)(f) and in both

cases all interest owing to the Crown related to a student loan accrued to a day, must be paid in full.

3. Paragraph 8(1)(e) of the regulations is amended by deleting the reference "Department of Child, Youth and Family Services" and substituting the reference "Department of Children, Seniors and Social Development".

4. Subsection 20(2) of the regulations is repealed and the following substituted:

(2) The appeal board shall hear and consider an appeal made under subsection (1) not more than 6 weeks after its receipt of the appeal and shall notify the appellant in accordance with subsection 13(3) of the Act.

5. Paragraph 21(4)(c) of the regulations is repealed and the following substituted:

(c) the appeal board shall hear and consider the appeal not more than 4 weeks after its receipt of the appeal and shall notify the appellant in accordance with subsection 13(3) of the Act.

6. Subsection 25(5) of the regulations is repealed and the following substituted:

(5) The appeal board shall provide a decision to the appellant in accordance with subsection 13(3) of the Act.

7. Section 26 of the regulations is repealed and the following substituted:

Fees and charges

26. Where a borrower owes money to the Crown under an agreement by subrogation or otherwise on account of financial assistance received by the borrower, that borrower shall pay the following charges

- (a) \$35 for a dishonoured cheque provided to the Crown;
- (b) \$15 for a late payment where the borrower has entered into a repayment arrangement;

- (c) an amount paid by the Crown to a lender to obtain financial assistance documentation with respect to the borrower who received the financial assistance; and
- (d) legal costs incurred by the Crown pursuant to a court action to collect a debt under this Act or Regulations or an amount for same paid to an agent collecting on behalf of the Crown.

8. Section 26.1 of the regulations is repealed and the following substituted:

Refunds of \$10 or less

26.1 Where an amount of \$10 or less is owed to a borrower by the Crown, that amount shall not be refunded to the borrower unless requested by him or her.

Commencement

9. These regulations come into force on August 1, 2019.

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