



# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I

### PUBLISHED BY AUTHORITY

Vol. 86

ST. JOHN'S, FRIDAY, JANUARY 28, 2011

No. 4

### JUDICATURE ACT

#### RULES OF THE SUPREME COURT, 1986 SUPREME COURT OF NEWFOUNDLAND AND LABRADOR – COURT OF APPEAL CRIMINAL APPEAL RULES (2002)

#### COURT OF APPEAL PRACTICE NOTE

#### CAPN No. 2011-01

**DATE ISSUED:** January 17, 2011

**RULES AFFECTED:** Civil Rules: Rule 57.06; 57.14  
Criminal Rules: Rule 11; 13

**PREVIOUS PRACTICE NOTES AFFECTED:** CAPN No. 2006-01

**EFFECTIVE DATE:** Upon Publication

The following Practice Note was filed with the Registrar, as Secretary of the Rules Committee of the Court of Appeal, and is published pursuant to Rule 57.31(3) of the Rules of the Supreme Court, 1986 and Rule 27 of the Supreme Court of Newfoundland and Labrador – Court of Appeal Criminal Appeal Rules (2002).

**PREPARATION AND FILING OF TRANSCRIPTS**

Background and Purpose

1. The Court is contemplating the implementation of standards for the preparation of transcripts to be filed in the Court to facilitate ease of access to portions of the evidence that may be relevant to the appeal and to prepare for the introduction of provisions for the filing and use of transcripts electronically.
2. At present, there is no requirement that an index of key words be provided with the paper copies of the transcript that must be filed under the relevant rules of court.
3. As an interim measure, pending development of general transcript preparation and filing standards, the Court wishes to have some form of transcript search feature available for every transcript that is filed. The easiest and most cost effective method has been determined to be the use of “search” features on existing word processing programs.

Practice Note

4. Henceforth, all transcripts submitted for filing in the Court should be prepared using Microsoft Word word-processing software in a manner that will enable electronic search and find word and phrase identification to be utilized by the user of the finished product. (At present, the Court uses the 2003 version of the Microsoft Word software. Persons using later versions should save their product in the 2003 version. When the Court’s version is updated – as is planned for later in 2011 – a notice to the profession will be issued).
5. All parties filing transcripts in the Court must provide to the Court, along with the required paper copies, four (4) copies of read-only CDs of the transcript in a format that will enable electronic word and phrase searches of the transcript to be undertaken.
6. The paper copy of the transcript, as filed in the Court, will continue to be regarded as the official record for the purposes of the appeal. Any inconsistencies between the electronic version and the paper version shall be resolved in favour of the paper version.

Authorized by:

Chief Justice of Newfoundland and Labrador  
Court of Appeal  
Supreme Court of Newfoundland and Labrador

CHRISTOPHER P. CURRAN, Q.C.  
Registrar of the Supreme Court of  
Newfoundland and Labrador  
Secretary, Rules Committee of the  
Court of Appeal

Jan 28

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**URBAN AND RURAL PLANNING ACT, 2000**

**NOTICE OF REGISTRATION  
TOWN OF CHANNEL-PORT AUX BASQUES  
MUNICIPAL PLAN 2010  
AND DEVELOPMENT REGULATIONS 2010**

Take notice that the TOWN OF CHANNEL-PORT AUX BASQUES Municipal Plan 2010 and Development Regulations 2010, adopted on the 7<sup>th</sup> day of September, 2010 and approved on the 2<sup>nd</sup> day of November, 2010, have been registered by the Minister of Municipal Affairs.

The Channel-Port aux Basques Municipal Plan 2010 and Development Regulations 2010 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 Channel-Port aux Basques Municipal Plan 2010 and Development Regulations 2010 may do so at the Town Office, Channel-Port aux Basques during normal working hours.

TOWN OF CHANNEL-PORT AUX BASQUES  
Melvin Keeping, Town Manager

Jan 28

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**NOTICE OF REGISTRATION  
TOWN OF PASADENA DEVELOPMENT  
REGULATIONS AMENDMENT NO. 1, 2010**

Take notice that the TOWN OF PASADENA Development Regulations Amendment No. 1, 2010 adopted on the 20<sup>th</sup> day of December 2010, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of the Development Regulations Amendment No. 1, 2010 is to amend the Residential Low Density Zone of the Pasadena Development Regulations to add "double dwelling" as a Discretionary Use and "subsidiary apartment" as a Permitted Use, and amend the conditions for the development of a subsidiary apartment.

The Pasadena Development Regulations Amendment No 1, 2010 comes 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 Pasadena Development Regulations Amendment No. 1, 2010 may do so at the Pasadena Town Office during normal working hours.

TOWN OF PASADENA  
Jim Merrigan

Jan 28

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**NOTICE OF REGISTRATION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 501, 2011**

Take notice that the St. John's Development Regulations Amendment Number 501, 2011, adopted on the 10<sup>th</sup> day of January, 2011, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Development Regulations Amendment Number 501, 2011 is to rezone land at Civic Number 567 Empire Avenue from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone.

The amendment comes into effect on the date that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendment may do so at the Department of Planning, St. John's City Hall during regular business hours.

CITY OF ST. JOHN'S  
Neil Martin, Department of Planning

Jan 28

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**NOTICE OF REGISTRATION  
TOWN OF STEPHENVILLE  
DEVELOPMENT REGULATIONS  
AMENDMENT NO. 21, 2010**

Take notice that the TOWN OF STEPHENVILLE Development Regulations Amendment No. 21, 2010 as adopted on the 16<sup>th</sup> day of September 2010 has been registered by the Minister of Municipal Affairs.

The purpose of this amendment is to accommodate transportation uses, including float plane operations and accessory uses, in the Resource Management Zone as a discretionary use, provided that these are tourism related.

The Development Regulations Amendment No. 21, 2010 comes 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 Stephenville Development Regulations Amendment No. 21, 2010 may do so at the Stephenville Town Office during normal working hours.

TOWN OF STEPHENVILLE  
Carolyn Lidstone, Town Clerk

Jan 28

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**LANDS ACT**

**NOTICE OF INTENT  
*Lands Act* c36, SNL 1999**

NOTICE IS hereby given that BENEDICT ALEXANDER of P.O. Box 10, St. George's, NL A0N 1Z0 intends to apply to the Department of Environment and Conservation, two months from the publication of this notice, to acquire

title, pursuant to section 7(2) (e) of the said Act, to that piece of Crown Land situated within fifteen (15) metres of the waters of Long Gull Pond in the Electoral District of St. George's – Stephenville East for the purpose of a small Float Plane House and Dock and being more particularly described as follows:

*At West Longitude 58° 26' 28"*  
*And North Latitude 48° 33' 43"*  
*Bounded on the North by Waters of Gull Pond*  
*for a distance of 16 m;*  
*Bounded on the East by a Shoreline Reservation*  
*for a distance of 15 m;*  
*Bounded on the South by Crown Land*  
*for a distance of 16 m;*  
*Bounded on the West by a Shoreline Reservation*  
*for a distance of 15 m;*  
*and containing an area of*  
*approximately 240 square metres.*

Any person wishing to object to the application must file the objection in writing, within one month from the publication of this notice, with reasons for it, to the Minister of Environment and Conservation and mail to the nearest Regional Lands Office:

c/o Eastern Regional Lands Office, P.O. Box 8700, 5 Mews Place, St. John's, NL, A1B 4J6.

c/o Central Regional Lands Office, P.O. Box 2222, 230 Airport Boulevard, Fraser Mall, Gander, NL, A1V 2N9

c/o Western Regional Lands Office, P.O. Box 2006, 1 Riverside Drive, Noton Building, Corner Brook, NL, A2H 6J8

c/o Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0

For further information on the proposed application, please contact: BENEDICT ALEXANDER at (709) 647-3373.

Jan 28

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#### TRUSTEE ACT

#### ESTATE NOTICE

IN THE ESTATE of EILEEN WARREN, late of the Town of Channel-Port aux Basques, in the Province of Newfoundland and Labrador, Canada, Widow, Homemaker, 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 EILEEN WARREN, Widow, Homemaker, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the

undersigned solicitors for the Administrator of the Estate of the said deceased on or before the 28<sup>th</sup> day of February, 2011, after which date the said Administrator will proceed to distribute the said Estate having regard only to the claims to which he then shall have had notice.

DATED at the Town of Channel-Port aux Basques, in the Province of Newfoundland and Labrador, this 24<sup>th</sup> day of January, 2011.

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

ADDRESS FOR SERVICE  
P.O. Box 640  
174 Caribou Road  
Channel-Port aux Basques, NL A0M 1C0  
Tel: (709) 695-7338/7341  
Fax: (709) 695-3944

Jan 28

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#### ESTATE NOTICE

IN THE ESTATE of MARY ELIZABETH MADORE, late of the Town of Stephenville Crossing, formerly of the Town of Stephenville, in the Province of Newfoundland and Labrador, housewife, widow, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of MARY ELIZABETH MADORE, late of the Town of Stephenville Crossing, formerly of the Town of Stephenville, Newfoundland and Labrador, deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 28<sup>th</sup> day of February, 2011, after which date the said Executor 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 25<sup>th</sup> day of January, 2011.

MILLS & GALLANT  
Solicitors for the Executor  
PER: Susan H. Gallant

ADDRESS FOR SERVICE:  
P.O. Box 447, 87 Gallant Street  
Stephenville, NL  
A2N 3A3

Tel: (709) 643-5688  
Fax: (709) 643-2906

Jan 28

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART II

### SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

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Vol. 86

ST. JOHN'S, FRIDAY, JANUARY 28, 2011

No. 4

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### NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 7/11

NLR 8/11

NLR 9/11



**NEWFOUNDLAND AND LABRADOR  
REGULATION 7/11**

*Proclamation re: By-Election for the  
Electoral District of Humber West  
under the  
Elections Act, 1991 and House of Assembly Act  
(O.C. 2011-018)*

*(Filed January 24, 2011)*

*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.*

J. DEREK GREEN  
Administrator

FELIX COLLINS  
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 pursuant to section 54 of the *House of Assembly Act*, upon the occurrence of a vacancy by resignation of the sitting member on the 3<sup>rd</sup> day of December, 2010, 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 Humber West;

NOW KNOW YE that We do by this Our Proclamation direct that a Writ of Election for the Electoral District of Humber West 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 Saturday, the 5<sup>th</sup> day of February, 2011;
2. That the place for the nomination of candidates is the Valley Mall, 1 Mount Bernard Avenue, Corner Brook;
3. That the day of polling for the Election is Tuesday, the 15<sup>th</sup> day of February, 2011; and
4. That the Writ of Election shall be issued on Monday, the 24<sup>th</sup> day of January, 2011 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 Our province to be hereunto affixed.

WITNESS: Our trusty and well-beloved the  
Honourable Chief Justice, J. Derek Green,  
Administrator in and for  
Our Province of Newfoundland and Labrador.

AT St. John's this 24<sup>th</sup> day of January  
in the year of Our Lord two thousand and eleven  
in the fifty-ninth year of Our Reign.

BY COMMAND,

SANDRA BARNES  
Registrar General



## NEWFOUNDLAND AND LABRADOR REGULATION 8/11

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

*(Filed January 25, 2011)*

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

Dated at St. John's, January 24, 2011.

Harry Burden  
Executive Director  
Dairy Farmers of Newfoundland and Labrador

### REGULATIONS

#### *Analysis*

1. S.22 R&S  
Minimum price for milk
2. Commencement

NLR 69/98  
as amended

**1. Section 22 of the *Milk Regulations, 1998* is repealed and the following substituted:**

Minimum price for  
milk

**22.** The minimum price at which milk shall be bought, sold or offered for sale FOB registered processors premises in the province shall be \$107.06 per hectolitre of standard milk containing 3.6 kilograms of



butterfat, and for every kilogram in excess of that butterfat content, the minimum price shall be adjusted by the amount of \$4.20 per hectolitre.

Commencement

**2. This regulation shall come into force on February 1, 2011.**

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## NEWFOUNDLAND AND LABRADOR REGULATION 9/11

*Official Copy Regulations*  
under the  
*Statutes Act*

*(Filed January 25, 2011)*

Under the authority of section 17 of the *Statutes Act*, I make the following regulations.

Dated at St. John's, January 24, 2011.

Felix Collins  
Minister of Justice

### REGULATIONS

#### *Analysis*

1. Short title
2. Definition
3. Official copy

Short title                    **1.** These regulations may be cited as the *Official Copy Regulations*.

Definition                    **2.** In these regulations, "Act" means the *Statutes Act*.

Official copy                    **3.** For the purpose of section 11 of the Act, the following are the prescribed forms or formats of a copy of legislation or consolidated legislation accessed from the legislation website:

- (a) an on-screen display of a copy viewed on or downloaded from the legislation website in HTML format, PDF format or Word format; and
- (b) a print-out of a copy viewed on or downloaded from the legislation website in HTML format, PDF format or Word format.

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## Index

### PART I

Judicature Act – Notice .....	17
Lands Act – Notice .....	19
Urban and Rural Planning Act – Notices .....	19
Trustee Act – Notices .....	20

### 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.
<b>Elections Act, 1991 and House of Assembly Act</b>			
Proclamation re: By-Election, Electoral District of Humber West (February 1, 2011)	NLR 7/11	New Extraordinary January 24, 2011	Jan 28/11 p. 33
 <b>Natural Products Marketing Act and the Milk Scheme, 1998</b>			
Milk Regulations, 1998 (Amdt.) (In force February 20, 2011)	NLR 8/11	Amends NLR 69/98 S.22 R&S	Jan 28/11 p. 35
 <b>Statutes Act</b>			
Official Copy Regulations	NLR 9/11	New	Jan 28/11 p. 37

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