



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 86

ST. JOHN'S, FRIDAY, NOVEMBER 4, 2011

No. 44

JUDICATURE ACT

SUPREME COURT OF NEWFOUNDLAND AND LABRADOR TRIAL DIVISION

Rules of the Supreme Court, 1986

PRACTICE NOTE P.N. (TD) No. 2011-02

DATE ISSUED: October 28, 2011

RULES AFFECTED: 56A.17, 56A.18

EFFECTIVE DATE: October 28, 2011

PREVIOUS PRACTICE NOTES REVISED: N/A

The following Practice Note is published pursuant to Rule 4.04 of the *Rules of the Supreme Court, 1986*.

EX PARTE APPLICATIONS IN FAMILY PROCEEDINGS

Background and Purpose

1. The following practice note is issued to provide guidance on the issuance and disposition in family proceedings of *ex parte* applications (an application by one party without notice to any other party or person). Examples of such applications provided for in the *Rules of the Supreme Court, 1986* are: renewal of an originating document (r. 5.06(2)); order for substituted service (r. 6.04(2)); leave to issue a contempt application (r. 53.02(1)); leave to file an interim application pursuant to r. 56A.16(8).
2. This Practice Note does **not** apply to warrants under the *Children and Youth Care and Protection Act*, SNL, 2010, cC-12.2.

Practice Note

3. Wherever possible, the applicant should include with the application a draft of the formal order sought by the application.
4. Provided that all necessary documents are provided in prescribed form including, where appropriate, the documents required by r. 56A.17(2), the *ex parte* application will be issued by the Registry.
5. The application will be brought to a judge for review. The judge may, in his or her discretion, do one or more of the following:
 - (i) without ruling on the application, require the applicant to provide additional information in appropriate form, and so indicate by means of a signed and dated endorsement on the application itself;
 - (ii) without ruling on the application, require the applicant to appear in open court to address the application, and so indicate by means of a signed and dated endorsement on the application itself;
 - (iii) allow the application and so indicate on the application itself by means of a signed and dated endorsement which provides, where the judge considers it necessary, reasons in summary form for allowing the application;
 - (iv) dismiss the application and so indicate on the application itself by means of a signed and dated endorsement which includes reasons in summary form for dismissing the application;
 - (v) sign a formal order reflecting the disposition of the application;
 - (vi) where appropriate, direct the Registry to set a return date for an *inter partes* appearance in accordance with r. 56A.18(2).
6. In the event that no formal order is signed reflecting the disposition of the application, the endorsement of the judge on the application itself will be considered for all purposes to be the formal order.
7. Upon the return of the file to the Registry, the Registry will advise the applicant of the disposition of the application as reflected in the written endorsement on the application, and will cause the disposition of the application (granted, refused, or otherwise) to be entered into the court's case management system.

Authorized by:

DAVID B. ORSBORN
Chief Justice of the Supreme Court
of Newfoundland and Labrador,
Trial Division

DARLENE WELLS
for Registrar of the Supreme Court
of Newfoundland and Labrador

Nov 4

URBAN AND RURAL PLANNING ACT, 2000

**NOTICE OF REGISTRATION
TOWN OF RED BAY
MUNICIPAL PLAN AND
DEVELOPMENT REGULATIONS**

TAKE NOTICE that the TOWN OF RED BAY Municipal Plan and Development Regulations, adopted on the 11th day of January, 2011, and approved on the 4th day of June, 2011, has been registered by the Minister of Municipal Affairs.

The Municipal Plan and Development Regulations 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 them may do so at the Red Bay Town Office during normal working hours.

TOWN OF RED BAY
Elizabeth Yetman

Nov 4

TRUSTEE ACT

ESTATE NOTICE

IN THE ESTATE of HAROLD GABRIEL, Late of the Town of Stephenville, in the Province of Newfoundland and Labrador, deceased: March 6th, 1985.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of HAROLD GABRIEL, 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 Solicitor for the Administrator of the Estate on or before the 30th day of November, 2011, 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 27th day of October, 2011.

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

Nov 4

ESTATE NOTICE

IN THE ESTATE of MAX DUDLEY BRAZIL SHEARS, Late of the Town of Stephenville, in the Province of Newfoundland and Labrador, deceased: September 23rd, 1996.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of MAX DUDLEY BRAZIL SHEARS, 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 Solicitor for the Administrator of the Estate on or before the 30th day of November, 2011, 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 26th day of October, 2011.

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

Nov 4



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 86

ST. JOHN'S, FRIDAY, NOVEMBER 4, 2011

No. 44

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 98/11
NLR 99/11



**NEWFOUNDLAND AND LABRADOR
REGULATION 98/11**

*Newfoundland and Labrador T'Railway Provincial Park
Proclamation (Amendment)
under the
Provincial Parks Act*

(Filed November 1, 2011)

Under the authority of subsection 4(2) of the *Provincial Parks Act*, I make the following order.

Dated at St. John's, October 25, 2011.

Ross Wiseman
Minister of Environment and Conservation

REGULATIONS

Analysis

1. Sch. Amdt.

NR 93/97
as amended

1. The *Newfoundland and Labrador T'Railway Provincial Park Proclamation* is amended by adding at the end of the Schedule the following:

The area described in this Schedule is decreased by removing the following parcel of land:

All that piece or parcel of land situate and being on the south side of Forest Avenue, in the City of Mount Pearl, in the Provincial Electoral District of Mount Pearl North, abutted and bounded as follows:

Beginning at a point, in the southern limit of Forest Avenue, the said point being distant 142.857 metres from Control Monument No. 8OG2170 on a bearing of south 16° 41' 30" west with a reference bearing of south 77° 17' 30" east from Control Monument No. 8OG2171 to Control Monument No. 8OG2170;

Then running by the Newfoundland and Labrador T'Railway Provincial Park south 15° 56' 04" east 7.816 metres;

Then running by the northern limits of the Newfoundland and Labrador T'Railway Provincial Park south 80° 17' 33" west 50.185 metres;

Then running along the eastern limits of Forest Avenue north 03° 29' 52" east 5.215 metres;

Then running along the southeastern limits of Forest Avenue along the arc of a curve having a chord bearing and distance of north 26° 43' 58" east 3.348 metres and a radius of 21.133 metres;

Then running by land of Wayne Piccott north 80° 17' 33" east 46.158 metres, more or less, to the point of beginning.

The above described parcel of land containing, in all, an area of 377.9 square metres, more or less.

All bearing and co-ordinates being referred to the meridian of 53° west longitude of the 3° Transverse Mercator Projection, North American Datum 1983.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 99/11**

*Newfoundland T'Railway Provincial Park
Proclamation (Amendment)
under the
Provincial Parks Act*

(Filed November 1, 2011)

Under the authority of subsection 4(2) of the *Provincial Parks Act*, I make the following Order.

Dated at St. John's, October 25, 2011.

Ross Wiseman
Minister of Environment and Conservation

ORDER

Analysis

1. Sch. Amdt.

NR 93/97
as amended

1. The Schedule to the *Newfoundland T'Railway Provincial Park Proclamation* is amended by repealing the description of Ocean Pond Parcel (No. 2) and substituting the following:

2. Ocean Pond Parcel (No. 2)

Also, all that piece or parcel of land being a portion of the former Canadian National Railway mainline right of way as shown on Special Plan No. 22 in the Registry of Crown Titles, situated and being at Ocean Pond in the Electoral District of Harbour Main-Whitbourne;

More particularly described as a strip of land 22.86 metres wide running parallel to and being perpendicularly distant 7.62 metres on each side of the centreline of the railway right of way;

Commencing at a point on the centreline at the mile 48 marker;

Then running along the centreline in a generally northwesterly and a westerly direction to another point on the centreline at the mile 50 marker as shown on Special Plan No. 22.

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PART II

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Provincial Parks Act			
Newfoundland and Labrador T’Railway Provincial Park Proclamation (Amdt.)	NLR 98/11	Amends NLR 93/97 Sch. Amdt.	Nov 4/11 p. 689
Newfoundland and Labrador T’Railway Provincial Park Proclamation (Amdt.)	NLR 99/11	Amends NLR 93/97 Sch. Amdt.	Nov 4/11 p. 691

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