



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

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ST. JOHN'S, FRIDAY, DECEMBER 17, 2010

No. 50

**CANADA-NEWFOUNDLAND ATLANTIC ACCORD IMPLEMENTATION ACT
AND
CANADA-NEWFOUNDLAND AND LABRADOR ATLANTIC ACCORD
IMPLEMENTATION NEWFOUNDLAND AND LABRADOR ACT**

**CANADA-NEWFOUNDLAND AND LABRADOR OFFSHORE PETROLEUM BOARD
CALL FOR BIDS No. NL10-01**

The Canada-Newfoundland and Labrador Offshore Petroleum Board hereby gives notice of the bids which have been selected in response to Call for Bids No. NL10-01 in the Newfoundland and Labrador Offshore Area. A summary of the terms and conditions applicable to the call was published in the *The Newfoundland and Labrador Gazette*, on May 7, 2010.

This notice is made pursuant to and subject to the *Canada-Newfoundland Atlantic Accord Implementation Act*, S.C., 1987, c.3, and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*, RSNL., 1990, c.C-2.

Pursuant to Call for Bids No. NL10-01, bids were to be submitted in a prescribed form and were to contain only the information required on this form. In accordance with the requirements, the following bids have been selected. Subject to Ministerial approval, the Board will issue an Exploration Licence for each parcel in January 2011:

Parcel No. 1

Work Expenditure Bid		\$1,150,000.00
Bid Deposit		\$10,000
Bidders, with participating shares:	Husky Oil Operations Limited	67%
	Repsol E & P Canada Ltd.	33%
Designated Representative	Husky Oil Operations Limited	

Parcel No. 2

Work Expenditure Bid		\$15,150,000.00
Bid Deposit		\$10,000
Bidders, with participating shares:	Husky Oil Operations Limited	50%
	Statoil Canada Ltd.	50%
Designated Representative	Husky Oil Operations Limited	

Further information, including the full text of the Call for Bids No. NL10-01, may be obtained by contacting Ms. Susan Gover, Legal and Land, Canada-Newfoundland and Labrador Offshore Petroleum Board, Fifth Floor, TD Place, 140 Water Street, St. John's, Newfoundland and Labrador, A1C 6H6.

December 2010

CANADA-NEWFOUNDLAND AND LABRADOR OFFSHORE PETROLEUM BOARD
MAX RUELOKKE, P.Eng.
Chairman and Chief Executive Officer

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CRIMINAL CODE OF CANADA

**ATTORNEY GENERAL OF NEWFOUNDLAND AND LABRADOR ANNUAL REPORT
SECTION 195 CRIMINAL CODE OF CANADA
RNC/RCMP**

This report covers the period of January 1, 2009 to December 31, 2009.

Section 195(5)(a)

Designated agents who made application(s) in accordance with section 185 CCC:

-Mr. Stephen Dawson

Section 195(2)

a.	The number of applications made for authorizations (185 and 188 CCC)	1	
b.	The number of applications made for renewals of authorizations	0	
c.	i.	The number of applications granted	0

ii.	The number of applications refused	1
iii.	The number of applications granted, subject to terms and conditions	0
d.	The number of persons identified in an authorization against whom proceedings were commenced at the instance of the Attorney General of Newfoundland and Labrador in respect of:	
i.	An offence specified in an Authorization	0
ii.	An offence other than an offence specified in an Authorization but in respect of which an Authorization may be given	0
iii.	An offence in respect of which an Authorization may not be given	0
e.	The number of persons not identified in an Authorization against whom proceedings were commenced at the instance of the Attorney General of Newfoundland and Labrador in respect of:	
i.	An offence specified in such an Authorization	0
ii.	An offence other than an offence specified in such an Authorization but in respect of which an Authorization may be given	0
iii.	An offence other than an offence specified in such an Authorization and for which no such Authorization may be given	0
	and whose commission or alleged commission of the offence became known to a peace officer as a result of an interception of a private communication under an authorization;	
f.	The average period for which Authorizations were given and for which renewals thereof were granted: Not Applicable	
g.	The number of Authorizations, by virtue of one or more renewals thereof, were valid:	
	For more than 60 days	0
	For more than 120 days	0
	For more than 180 days	0
	For more than 240 days	0
h.	The number of notifications given pursuant to section 196	0
i.	The offences in respect of which authorizations were given, specifying the number of authorizations given in respect of each of those offences.....	0
j.	A description of all classes of places specified in authorizations and the number of authorizations in which each of those classes of places was specified :	
	Residences	0
	Businesses	0
	Vehicles	0
	Mobile Phones.....	0
	Internet.....	0
k.	A general description of the methods of interception involved in each interception under an authorization:	
	(i) telecommunications	
	(ii) oral communications	
	(iii) video surveillance	
	(iv) internet intercept	
l.	The number of persons arrested whose identity became known to a Peace Officer as a result of an interception under an authorization	0

- m. The number of criminal proceedings commenced at the instance of the Attorney General of Newfoundland and Labrador in which private communication obtained by interception under an authorization were adduced in evidence and the number of those proceedings that resulted in a conviction:
- | | |
|--|---|
| Criminal proceedings adduced in evidence | 0 |
| Resultant convictions | 0 |
- (Ongoing Preliminary Proceedings)**
- n. The number of criminal investigations in which information obtained as a result of the interception of a private communication under an authorization was used although the private communication was not adduced in evidence in criminal proceedings commenced at the instance of the Attorney General of Newfoundland and Labrador as a result of the investigations:
- | | |
|--|---|
| Intercepted information used but not adduced into evidence | 0 |
|--|---|

Section 195(3)

Other information:

- a. The number of prosecutions commenced against officers or servants of Her Majesty in Right of Canada or members of the Canadian Forces for offences under Section 184 or Section 193:
- | | |
|------------------------------|---|
| Number of prosecutions | 0 |
|------------------------------|---|

HONOURABLE FELIX COLLINS
Attorney General of Newfoundland and Labrador

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Date	Number	Company Name	2010-10-06	63422	63422 NEWFOUNDLAND AND LABRADOR LTD.
CORPORATIONS ACT					
<i>Corporations Act - Section 393</i>					
Local Incorporations					
For the Month of: October 2010					
2010-10-01	63391	63391 NEWFOUNDLAND AND LABRADOR INC.	2010-10-06	63421	63421 ARNOLD'S COVE HERITAGE FOUNDATION INC.
2010-10-01	63400	THE VINEYARD, INC.	2010-10-06	63423	63423 DRIVEN 3 LIMITED
2010-10-01	63392	TIMBER CREEK HOLDINGS INC.	2010-10-06	63420	63420 JIENG SUDANESE CANADIAN COMMUNITY CULTURAL INC.
2010-10-01	63388	NCS Enterprises Limited	2010-10-06	63409	63409 STAGG'S CONSTRUCTION LTD
2010-10-01	63390	Professional Business Solutions Inc.	2010-10-06	63419	63419 ETHOS ENTERPRISES INC.
2010-10-04	63408	MACDONALD WELL SERVICES INC.	2010-10-07	63430	63430 NEWFOUNDLAND AND LABRADOR INC.
2010-10-04	63403	MDN FINANCIAL SERVICES INC.	2010-10-07	63431	63431 ASHTA HOLDINGS LIMITED
2010-10-04	63407	NESTU'ET MANAGEMENT CONSULTING INC.	2010-10-07	63429	63429 GRANITE SPECIALISTS INC.
2010-10-04	63398	MP Enterprises Inc.	2010-10-07	63432	63432 NL FERRIES INC.
2010-10-04	63399	Elliott's Real Estate Limited	2010-10-07	63428	63428 WADE'S EXCAVATING & SEPTIC SERVICES LTD
2010-10-04	63401	Isthmus Design Inc.	2010-10-08	63427	63427 P.K. Kennedy Investments Ltd.
2010-10-04	63402	Dance Assembly Newfoundland and Labrador Inc.	2010-10-08	63438	63438 BUSY BEES CLEANING LIMITED
2010-10-05	63413	63413 NEWFOUNDLAND AND LABRADOR LTD.	2010-10-08	63439	63439 MPC CONSULTING INC.
2010-10-05	63418	A.C.J. RENOVATIONS INC.	2010-10-08	63437	63437 SMART CHARGE INC.
2010-10-05	63410	NEWFOUND INTERNATIONAL FOODS INC.	2010-10-08	63435	63435 INITIAL MANAGEMENT SERVICES INC.
2010-10-05	63412	PROVINCIAL BENEFITS PROGRAM INC.	2010-10-12	63448	63448 NEWFOUNDLAND & LABRADOR LIMITED
			2010-10-12	63446	63446 COBRA PAINTING & PLASTERING LIMITED

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2010-10-12	63444	Lab West Shotokan Karate Club Inc.	2010-10-20	63503	DR. JODY WOOLFREY PROFESSIONAL MEDICAL CORPORATION
2010-10-12	63445	BONAVISTA - TRINITY MINOR HOCKEY ASSOCIATION INC.	2010-10-20	63497	SBS Consulting Inc.
2010-10-13	63455	63455 NEWFOUNDLAND & LABRADOR INCORPORATED	2010-10-20	63498	Beatons Holdings Limited
2010-10-13	63456	DR. I.S. MADU PMC INC.	2010-10-20	63499	Northern Logistics and Communications Services Inc.
2010-10-13	63458	NEWBRIDGE DEVELOPMENT LIMITED	2010-10-21	63514	B&B ELECTRICAL LTD.
2010-10-13	63451	M. Gray Holdings Ltd.	2010-10-21	63507	STRAY LIGHT MEDIA, INC
2010-10-13	63452	Faith's Haven Animal Shelter Inc.	2010-10-21	63506	Octagon Group Inc.
2010-10-13	63453	Torbay Road Orangestore Limited	2010-10-22	63515	63515 NEWFOUNDLAND AND LABRADOR LIMITED
2010-10-13	63454	Topsail Road Orangestore Limited	2010-10-22	63516	63516 NEWFOUNDLAND AND LABRADOR LIMITED
2010-10-14	63462	63462 NEWFOUNDLAND & LABRADOR LIMITED	2010-10-22	63517	63517 NEWFOUNDLAND & LABRADOR LIMITED
2010-10-14	63470	63470 NEWFOUNDLAND AND LABRADOR LIMITED	2010-10-22	63519	BURSEY CLEANERS (2010) LIMITED
2010-10-14	63468	DR. ELIZABETH BAUTISTA PROFESSIONAL MEDICAL CORPORATION	2010-10-22	63521	BURSEY CONTRACTING (2010) LTD.
2010-10-14	63473	DR. HULBERT SILVER PROFESSIONAL MEDICAL CORPORATION	2010-10-22	63522	CELTIC GENERAL CONTRACTING LTD.
2010-10-14	63466	PDL HOLDINGS LTD	2010-10-22	63518	EAST COAST ENTERPRISES INC.
2010-10-14	63465	SUBURBAN HEATING & AIR CONDITIONING LIMITED	2010-10-22	63523	NORTHEAST ESCAPES NEWFOUNDLAND AND LABRADOR INCORPORATED
2010-10-14	63463	Collins Properties Incorporated	2010-10-25	63526	SOUND HOMES INC
2010-10-14	63464	Grady Sales and Services Inc.	2010-10-25	63531	CLARENVILLE CAR CARE LTD.
2010-10-15	63477	63477 NEWFOUNDLAND & LABRADOR INC.	2010-10-25	63530	HAPPY CITY ST. JOHN'S INC.
2010-10-15	63476	AA MOVING INC.	2010-10-25	63529	HUNTER ENTERPRISES INC.
2010-10-15	63475	CENTRE FOR NEWFOUNDLAND-IRISH FIELD STUDIES INC.	2010-10-25	63537	S & C HELICOPTER MAINTENANCE SERVICES INC.
2010-10-15	63474	DIAMOND CONSTRUCTION & DEVELOPMENT INC	2010-10-25	63532	SATORI ELITE ATHLETICS INC.
2010-10-15	63471	Autonav (2004) Inc.	2010-10-25	63534	SHOAL HARBOUR RENOVATIONS LTD
2010-10-15	63472	S.L.K. Trucking Inc.	2010-10-25	63525	C & A HELICOPTER SERVICES INC.
2010-10-18	63478	63478 NEWFOUNDLAND & LABRADOR INC.	2010-10-26	63544	HAVANA BRACE PRODUCTIONS INC.
2010-10-18	63480	BOB'S COVE FARM LIMITED	2010-10-26	63543	IWCV (CANADA) INC.
2010-10-18	63479	CORNER BROOK SUMMER EXPO INC.	2010-10-26	63528	ELSEC Consulting Inc.
2010-10-19	63488	D C F ENTERPRISE LTD	2010-10-26	63533	63533 NEWFOUNDLAND & LABRADOR INC.
2010-10-19	63495	GREENS ELECTRICAL LTD.	2010-10-26	63536	DeLar Contracting Limited
2010-10-19	63494	JOANNE'S COMMUNITY CARE HOME INC.	2010-10-26	63538	JCD Investments Ltd.
2010-10-19	63496	JON E. WILLIAMS SURVEYS LIMITED	2010-10-26	63539	Dark Palace Investments Inc.
2010-10-19	63491	PANDORA HOLDINGS INC.	2010-10-26	63540	FMR Technology Ltd.
2010-10-19	63487	RECOVER MAGAZINE / RAFT PRINT INC.	2010-10-26	63541	SHELF CO LTD.
2010-10-19	63489	SECUREX CONSULTING INC.	2010-10-26	63542	L&P Reno Limited
2010-10-19	63484	63484 NEWFOUNDLAND AND LABRADOR INC.	2010-10-27	63556	CORY HOLDINGS LIMITED
2010-10-19	63485	63485 NEWFOUNDLAND AND LABRADOR INC.	2010-10-27	63559	DIVERSE INDUSTRIAL LIMITED
2010-10-19	63486	63486 NEWFOUNDLAND & LABRADOR CORP	2010-10-27	63557	IZMIR HOLDINGS LIMITED
2010-10-20	63500	BE WELL THERAPEUTIC MASSAGE INC.	2010-10-27	63555	R & A AUTO INC
2010-10-20	63501	BYRNE GEOCONSULTING INC.	2010-10-27	63558	RSN SERVICES LIMITED
2010-10-20	63502	CSR ELECTRICAL LTD.	2010-10-27	63553	SCHOLSTE HOLDINGS LIMITED
			2010-10-27	63560	STRATTON AND WAREHAM FINANCIAL SERVICES LTD.
			2010-10-27	63561	TERRENCEVILLE ATV ASSOCIATION INC.
			2010-10-27	63545	Ford's Accounting Services Inc
			2010-10-27	63547	63547 NEWFOUNDLAND & LABRADOR INC.
			2010-10-27	63548	Dark Sea Venture Technologies Inc.

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2010-10-14	63426	DR. TODD YOUNG PROFESSIONAL MEDICAL CORPORATION	2010-10-29	53982	BIG SKY INC.
			2010-10-29	14097	Complete Paving Limited
2010-10-14	46108	Greeley Properties Inc	2010-10-29	62802	DR. JINKA SATHYA AND DR. PUSHPA SATHYA
2010-10-14	50209	HAROLD WHITTLE (PAINTING CONTRACTOR) LIMITED			PROFESSIONAL MEDICAL CORPORATION
2010-10-14	17611	Nutron Electric Limited	2010-10-29	61246	DR. PAUL SLANEY PROFESSIONAL CHIROPRACTIC CORPORATION
2010-10-15	63311	BHG ENTERPRISES INC.			
2010-10-15	46729	GS HOBBS CONSULTING LTD.	2010-10-29	9360	Patrick Comerford Holdings Limited
2010-10-15	63148	RODO INDUSTRIES LIMITED			RDS DRILLING FACILITIES INC.
2010-10-18	60670	ACCORD CONSULTING AND PSYCHOLOGICAL SERVICES INC.	2010-10-29	63320	
			2010-10-29	63541	SHELF CO LTD.
2010-10-18	59143	ARCTIC OFFSHORE INTERNATIONAL INC.	2010-10-29	63076	SMITH'S ELECTRICAL LIMITED
2010-10-18	58927	AVALON TRIM WORKS LTD.			
2010-10-20	34237	CANADIAN ICEBERG VODKA CORPORATION	Total Amendments: 72		
2010-10-20	42420	CITY TIRE & AUTO CENTRE LIMITED			
2010-10-20	50847	YOUNG'S FABRICATION LIMITED	<i>Corporations Act - Section 335</i>		
2010-10-21	14452	DENTAL CRAFTS LTD.	Local Dissolutions		
2010-10-21	22068	Health And Educational Services Inc.	For the Month of: October 2010		
2010-10-21	62719	INFINITY CONSTRUCTION LTD.	Date	Number	Company Name
2010-10-21	48545	Tony McDonald Painting Ltd.	2010-10-01	13393	Omar Mechanical Limited
2010-10-25	2441	150 (NORTH ATLANTIC) WING, R.C.A.F. ASSOCIATION	2010-10-01	48892	Toulon Development (St. John's) Limited
			2010-10-01	11032	TRINITY PLACENTIA MALL LIMITED
2010-10-25	62749	A 1 SAFETY TRAINING & CONSULTING LTD.	2010-10-04	21373	BAIRD & ASSOCIATES INC.
2010-10-25	10858	ACUREN PIPELINE SERVICES INC.	2010-10-05	11698	Insurance Driving School Limited
2010-10-25	63524	J.A.B. ENTERPRISES LIMITED	2010-10-05	45370	K & K Transfer Limited
2010-10-25	57860	PROSPECT DEVELOPMENT LIMITED	2010-10-06	5535	Clarenville Chemicals Limited
2010-10-25	51620	REAL DEAL CONSTRUCTION LIMITED	2010-10-06	39065	Cupids Development Group Inc.
2010-10-26	51895	BROOKSIDE HOLDINGS LIMITED	2010-10-06	60474	K2 Electrical Ltd.
2010-10-26	42420	CITY TIRE & AUTO CENTRE LIMITED	2010-10-06	61434	NEW WORLD THEATRE PROJECT INC.
2010-10-26	18013	Electro Lift Rentals Limited	2010-10-06	52694	POINT-AUX-GAUL IMPROVEMENT COMMITTEE CORPORATION
2010-10-26	9270	Electro Mechanical Services Limited	2010-10-08	43189	Newfoundland and Labrador Independent Truckers Association Inc.
2010-10-26	35043	Gabbro Expediting & Transfer Inc.	2010-10-08	54094	SEAHORSE LEARNING LTD.
2010-10-26	38763	POST MILL LUMBER INCORPORATED	2010-10-08	7803	SLANEY'S BURNER & HEATING SERVICE LIMITED
2010-10-26	23763	SYNERGY INC.	2010-10-12	49290	1010 Investments Limited
2010-10-27	39075	10633 Newfoundland Limited	2010-10-12	58632	58632 NEWFOUNDLAND AND LABRADOR INCORPORATED
2010-10-27	32288	Advantage Financial Services Inc.	2010-10-12	27468	PPK HOLDINGS LTD.
2010-10-27	50710	AVALON AWARDS INC.	2010-10-13	42691	MARK'S DESIGNER CAKES & PASTRIES INC.
2010-10-27	50194	DR. TERRY PEDDLE, PROF. DENTAL CORP. INC.	2010-10-15	54466	NORTH ATLANTIC CONSTRUCTION LTD.
2010-10-27	15434	P.A.L. INDUSTRIES LIMITED	2010-10-18	48573	Robanna Trucking Ltd.
2010-10-27	28877	Weather Shore Windows Inc.	2010-10-19	32939	HAYDEN HOLDINGS LTD.
2010-10-28	35551	Cabletec Business Telecommunication Systems Newfoundland Limited	2010-10-20	46728	Kellys Convenience Ltd
			2010-10-21	9165	Mario's Hairstylist Limited
			2010-10-21	9017	RUSSELL PIKE LIMITED
2010-10-28	62339	CREATE OFFSHORE INC.	2010-10-25	33998	Traditional Meals & Snacks Ltd.
2010-10-28	45547	Learning Disabilities Association of Newfoundland and Labrador Inc.	2010-10-27	39829	Control Systems Services Ltd.
			Total Dissolutions: 26		

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<i>Corporations Act - Section 294</i>			59143	ARCTIC OFFSHORE INTERNATIONAL INC.	
Local Amalgamations					INTERNATIONAL INC.
For the Month of: October 2010			2010-10-18	From:	ATLANTIC OFFSHORE INTERNATIONAL INC.
Date	Number	Company Name			
2010-10-01	63387	NORTHERN HARVEST SEA FARMS NEWFOUNDLAND LTD.	50847		YOUNG'S FABRICATION LIMITED
From:	48293	ICEWATER MARINE FARMS LTD.	2010-10-20	From:	YOUNG'S RECREATION LIMITED
	57738	NORTHERN HARVEST SEA FARMS NEWFOUNDLAND LTD.	62339		CREATE OFFSHORE INC.
			2010-10-28	From:	CREATE-OFFSHORE INC.
2010-10-22	63524	J.A.B. ENTERPRISES LIMITED	63320		RDS DRILLING FACILITIES INC.
From:	55917	GALCOM ENTERPRISES LTD.	2010-10-29	From:	RDS-Hinz Drilling Facilities Inc.
	31813	J.A.B. ENTERPRISES LIMITED	63541		SHELF CO LTD.
			2010-10-29	From:	PAL Aerospace Ltd.
2010-10-30	63589	SPORTS VILLAS RESORT, INC.	Total Name Changes: 13		
From:	61188	KING GEORGE PROPERTIES INC.			
	42415	SPORTS VILLAS RESORT, INC.			
Total Amalgamations: 3					
<i>Corporations Act - Section 443</i>			<i>Extra-Provincial Registrations</i>		
Local Name Changes			For the Month of: October 2010		
Number		Company Name	Date	Number	Company Name
		MORRIS HOLDINGS LIMITED	2010-10-01	63393	ALLIANCEBERNSTEIN CANADA, INC.
2010-10-04	From:	59699 NEWFOUNDLAND & LABRADOR INC.	2010-10-01	63395	GRYPHON CAPITAL CORPORATION
					CORPORATION GRYPHON CAPITAL
63263		A-1 Glass Inc.	2010-10-01	63397	QUADRA CHEMICALS LTD./
2010-10-05	From:	1st Choice Glass Inc	2010-10-01	63396	QUADRA CHIMIE LTÉE
			2010-10-01	63394	SARSTEDT INC.
56530		UNDER THE SEA FOODS INC.	2010-10-04	63404	SENTRY SELECT CAPITAL INC./SENTRY SELECT CAPITAL INC.
2010-10-05	From:	NEWFOUNDLAND ORGANIC SEAFOODS INC.	2010-10-04	63406	MATT PROPERTIES LTD.
			2010-10-05	63415	NYLIFE DISTRIBUTORS LLC
63275		North Atlantic Iron Corporation	2010-10-05	63414	BENJAMIN MOORE & CO., LIMITED
2010-10-06	From:	63275 NEWFOUNDLAND & LABRADOR INC.	2010-10-05	63417	CUSTOMER CARE PHARMACY INC.
					DAS LEGAL PROTECTION INSURANCE COMPANY LIMITED
63120		ST. GERTRUDE'S EMPORIUM INC.	2010-10-05	63416	PATHWAY 2010 GORR INC.
2010-10-07	From:	63120 NEWFOUNDLAND & LABRADOR CORP	2010-10-05	63411	RINNAI CANADA HOLDINGS LIMITED
			2010-10-07	63436	FAY ENVIRONMENTAL CANADA LIMITED
58173		DIALOG WINES INC.	2010-10-07	63433	SENTRY SELECT INVESTMENTS INC./
2010-10-14	From:	Bin 22 Beverages Inc.	2010-10-08	63440	SENTRY SELECT INVESTISSEMENTS INC.
			2010-10-08	63443	CONTINENTAL AIRLINES, INC.
63148		RODO INDUSTRIES LIMITED	2010-10-08	63442	J.P. MORGAN CLEARING CORP.
2010-10-15	From:	Perac Industries Ltd.	2010-10-08	63442	WEICHERT CORPORATE HOUSING CANADA, INC.
					3043177 NOVA SCOTIA LIMITED
60670		ACCORD CONSULTING AND PSYCHOLOGICAL SERVICES INC.	2010-10-12	63449	
2010-10-18	From:	ACCORD CONSULTING INC.			

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2010-10-12	63450	MAPLE LEAF SHORT DURATION 2010 FLOW-THROUGH MANAGEMENT CORP.	2010-10-04	From:	CANADA BREAD COMPANY, LIMITED/PAIN CANADA COMPAGNIE, LIMITEE
2010-10-12	63447	UMC FINANCIAL MANAGEMENT INC.	59634		HOWSON TATTERSALL INVESTMENT
2010-10-13	63459	LABOUR READY TEMPORARY SERVICES LTD.			COUNSEL LIMITED/ LES CONSEILLERS EN PLACEMENT HOWSON
2010-10-13	63461	MARRET ASSET MANAGEMENT INC.	2010-10-04	From:	TATTERSALL LIMITEE HOWSON TATTERSALL INVESTMENT COUNSEL LIMITED/LES CONSEILLERS EN PLACEMENT HOWSON TATTERSALL LIMITEE
2010-10-13	63457	RAE OF HOPE PRODUCTIONS INC.			
2010-10-14	63467	AVENUE CAPITAL MARKETS CPVC INC. MARCHÉS DES CAPITAUX AVENUE CPVC INC.			
2010-10-18	63483	CANAM PHYSICIAN RECRUITING INCORPORATED	61887		SALLY BEAUTY (CANADA) LIMITED
2010-10-19	63493	FSC GP VII CORP.	2010-10-07	From:	SALLY BEAUTY (CANADA) CORPORATION
2010-10-19	63490	RPM REAL CANADIAN PROPERTY MANAGEMENT INC.	59481		JUBILANT DRAXIMAGE INC. DRAXIS SPECIALTY PHARMACEUTICALS INC./
2010-10-19	63492	SALVATORE INSURANCE BROKERS LIMITED	2010-10-08	From:	PRODUITS PHARMACEUTIQUES SPÉCIALISÉS DRAXIS INC.
2010-10-20	63505	CESSNA SERVICEDIRECT, INC.			
2010-10-21	63510	6774326 CANADA INC.	54031		ESA CANADA ADMINISTRATOR L.L.C.
2010-10-21	63511	DRIVER IRON INC.			
2010-10-21	63508	HDI-GERLING INDUSTRIE VERSICHERUNG AG	2010-10-12	From:	ESA CANADA TRUSTEE INC.
2010-10-21	63512	KTA SULLIVAN CORPORATION OF CANADA LIMITED	3993D		WYETH CANADA INC.
2010-10-21	63509	MORGAN STANLEY & CO. INCORPORATED	2010-10-14	From:	WYETH CANADA INC.
2010-10-22	63520	MORGAN STANLEY SMITH BARNEY LLC	3993D		WYETH CANADA ULC
2010-10-22	63527	PAVEX LTEE	2010-10-14	From:	WYETH CANADA INC.
2010-10-25	63535	3102597 NOVA SCOTIA LIMITED	54514		VALEANT PHARMACEUTICALS INTERNATIONAL, INC.
2010-10-28	63577	ADVANCED WIRING SOLUTIONS INC.	2010-10-19	From:	BIOVAIL CORPORATION
2010-10-28	63576	ATLANTICA MECHANICAL SERVICES INC.	59062		BECLIN EQUITIES INC. 235 WATER STREET EQUITIES INC.
2010-10-28	63575	GOLDMAN SACHS CANADA INC.	2010-10-20	From:	
2010-10-28	63574	THE GOLDMAN SACHS GROUP, INC.	5750F		RHEINMETALL MAN MILITARY VEHICLES CANADA LTD.
2010-10-28	63567	THE GOLDMAN, SACHS & CO. L.L.C.	2010-10-22	From:	MAN MILITARY VEHICLE SYSTEMS CANADA LTD.
2010-10-29	63590	BÉTON NOUVEAU LTÉE. - NEW CONCRETE PRODUCTS LTD.	2228D		MOMENTIVE SPECIALTY CHEMICALS CANADA INC. PRODUITS CHIMIQUES SPÉCIALISÉS MOMENTIVE CANADA INC.
2010-10-29	63588	RIOCAN MANAGEMENT INC.			
Total Registrations: 44			2010-10-26	From:	HEXION SPECIALTY CHEMICALS CANADA, INC. PRODUITS CHIMIQUES SPÉCIALISÉS HEXION CANADA, INC.

Corporations Act - Section 451
Extra-Provincial Name Changes
For the Month of: October 2010

Total Name Changes: 11

Number	Company Name
61700	CANADA BREAD COMPANY, LIMITED/BOULANGERIE CANADA BREAD, LIMITEE

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<i>Corporations Act - Section 294</i>			2010-10-18	63481	STRATOS WIRELESS INC.
Extra-Provincial Registrations for Amalgamation					STRATOS SANS FIL INC.
For the Month of: October 2010			From:	2834D	Stratos Global Corporation
				3356D	STRATOS WIRELESS INC.
					STRATOS SANS FIL INC.
Date	Number	Company Name			
2010-10-04	63405	MACKENZIE FINANCIAL CORPORATION - CORPORATION FINANCIERE	2010-10-18	63482	STRATOS WIRELESS INC.
		MACKENZIE	From:	3481	STRATOS SANS FIL INC.
From:	59634	HOWSON TATTERSALL INVESTMENT COUNSEL LIMITED/LES CONSEILLERS EN PLACEMENT HOWSON TATTERSALL LIMITEE	2010-10-20	63504	THE CASH STORE INC.
			From:	54202	TEMBO TELECOM INC.
				58014	THE CASH STORE INC.
	62398	MACKENZIE FINANCIAL CORPORATION - CORPORATION FINANCIERE	2010-10-21	63513	PRECISION DRILLING CORPORATION
		MACKENZIE	From:	55455	PRECISION DRILLING CORPORATION
2010-10-07	63434	BEAUTY SYSTEMS GROUP (CANADA), INC.	2010-10-26	63546	CTV INC.
From:	61887	SALLY BEAUTY (CANADA) LIMITED	From:	63228	CTV INC.
2010-10-13	63460	OMG BENEFITS CONSULTING INC.	2010-10-27	63554	CLAIMSPRO INC.
From:	60287	OMG BENEFITS CONSULTING INC.	From:	51189	CLAIMSPRO INC.
			Total Registrations for Amalgamation: 10		
			DEPARTMENT OF GOVERNMENT SERVICES		
			Dean Doyle, Registrar (Acting)		
2010-10-14	63469	AEROQUEST LIMITED			
From:	58055	AEROQUEST LIMITED			

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MENTAL HEALTH CARE AND TREATMENT ACT

Pursuant to Subsection 4(1) of the *Mental Health Care and Treatment Act*, I designate the Dr. Charles A. Janeway Child Health Centre in St. John's, Newfoundland and Labrador, as a psychiatric unit for the purposes of the *Mental Health Care and Treatment Act*.

Dated at St. John's, Newfoundland and Labrador this 6th day of December, 2010

JEROME P. KENNEDY, Q.C.
Minister of Health and Community Services

Mineral License 014140M
Held by Altius Resources Inc.
Situate near Rolling Pond, Central NL
On map sheet 02D/11 02D/12

Mineral License 014141M
Held by Altius Resources Inc.
Situate near Rolling Pond, Central NL
On map sheet 02D/11

Mineral License 006989M
Held by Aeroquest Limited
Situate near Evening Lake
On map sheet 23G/09E

Dec 17

MINERAL ACT

NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, cM-12, RSNL 1990 as amended.

Mineral rights to the following mineral lands have reverted to the Crown:

Mineral License 011371M
Held by Bayswater Holdings Inc.
Situate near Kaipokok River
On map sheet 13K/10

Mineral License 011372M
Held by Bayswater Holdings Inc.
Situate near Kaipokok River
On map sheet 13K/10 13K/09

Mineral License 011373M
Held by Bayswater Holdings Inc.
Situate near Kaipokok River
On map sheet 13K/10 13K/09
Mineral License 011374M

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Held by	Bayswater Holdings Inc.	Mineral License	013836M
Situate near	Kaipokok River	Held by	Celtic Minerals Ltd
On map sheet	13K/10 13K/15	Situate near	Alliger Lake
		On map sheet	14E/02 14E/01
Mineral License	011375M	Mineral License	016859M
Held by	Bayswater Holdings Inc.	Held by	Altius Resources Inc.
Situate near	Kaipokok River	Situate near	Sheffield Lake Area, Central NL
On map sheet	13K/09	On map sheet	12H/01 12H/02 12H/08
Mineral License	011377M	Mineral License	016860M
Held by	Bayswater Holdings Inc.	Held by	Altius Resources Inc.
Situate near	Otter Lake	Situate near	Barneys Brook, Central NL
On map sheet	13K/02 13K/07	On map sheet	12H/01 12H/02
Mineral License	011379M	Mineral License	016848M
Held by	Bayswater Holdings Inc.	Held by	Altius Resources Inc.
Situate near	Kaipokok River	Situate near	Mizzen Topsail, Central NL
On map sheet	13K/07 13K/08 13K/10 13K/09	On map sheet	12H/02
A portion of license	011388M	Mineral License	016861M
Held by	Crosshair Exploration & Mining Corp (60%) /Silver Spruce Resources Inc.(40%)	Held by	Altius Resources Inc.
Situate near	Makkovik River	Situate near	Little Sandy Pond, Central NL
On map sheet	13J/12 13J/13	On map sheet	12H/01 12H/02
	more particularly described in an application on file at Department of Natural Resources		
A portion of license	016797M	Mineral License	016863M
Held by	Crosshair Exploration & Mining Corp (60%) /Silver Spruce Resources Inc.(40%)	Held by	Altius Resources Inc.
Situate near	Makkovik River	Situate near	Grand Lake, Central NL
On map sheet	13J/13 13J/14	On map sheet	12A/14 12H/03
	more particularly described in an application on file at Department of Natural Resources	Mineral License	016829M
		Held by	Altius Resources Inc.
		Situate near	Little Pond Brook, West - Central NL
		On map sheet	12A/14
A portion of license	011521M	Mineral License	016854M
Held by	Crosshair Exploration & Mining Corp (60%) /Silver Spruce Resources Inc.(40%)	Held by	Altius Resources Inc.
Situate near	Pocketknife Lake	Situate near	Howley, Western NL
On map sheet	13K/06 13K/11 13K/10	On map sheet	12H/03
	more particularly described in an application on file at Department of Natural Resources		
Mineral License	012463M	Mineral License	016867M
Held by	Kendell, Colin Albert	Held by	Altius Resources Inc.
Situate near	Bernards Pond, Central NL	Situate near	Red Indian Brook North ,Central NL
On map sheet	02D/04	On map sheet	12A/11 12A/14
Mineral License	012465M	Mineral License	016836M
Held by	Bayswater Ventures Corp.	Held by	Altius Resources Inc.
Situate near	Makkovik River	Situate near	Shanadithit Brook Area,West - Central NL
On map sheet	13J/13	On map sheet	12A/11 12A/14
Mineral License	013822M	Mineral License	016866M
Held by	Duffitt, Alexander S.	Held by	Altius Resources Inc.
Situate near	Northwest Brook, Eastern NL	Situate near	Red Indian Brook East ,Central NL
On map sheet	02C/04	On map sheet	12A/11 12A/14
		Mineral License	016862M
		Held by	Altius Resources Inc.
		Situate near	Northeast of Buchans, Central NL
		On map sheet	12A/15

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Mineral License Held by Situates near On map sheet	015417M Duffitt, Alexander S. Conne River Area, Southern NL 02D/03 02D/04 02D/06	Mineral License Held by Situates near On map sheet	016435M Mercer, David Fortune Harbour, Central NL 02E/06
Mineral License Held by Situates near On map sheet	015437M Vale Exploration Canada Inc. Castors River, Great Northern Peninsula 12I/10 12I/15	Mineral License Held by Situates near On map sheet	016436M Mercer, David Fortune Harbour, Central NL 02E/11
Mineral License Held by Situates near On map sheet	015441M Vale Exploration Canada Inc. Torrent River, Great Northern Peninsula 12I/10	Mineral License Held by Situates near On map sheet	016437M Mercer, David Fortune Harbour, Central NL 02E/11
Mineral License Held by Situates near On map sheet	016395M Dawson, Michael E. Jonathans Pond, Central NL 02E/01 02E/02	Mineral License Held by Situates near On map sheet	016438M Mercer, David Fortune Harbour, Central NL 02E/06 02E/11
Mineral License Held by Situates near On map sheet	016409M Northcott, Ivor Rocky Ridge Pond Area, Central NL 12A/04	Mineral License Held by Situates near On map sheet	017247M Altius Resources Inc. Hinds Lake, Central NL 12H/03
Mineral License Held by Situates near On map sheet	016410M Golden Dory Resources Corp. Great Rattling Brook, Central NL 02D/13	Mineral License Held by Situates near On map sheet	017259M Altius Resources Inc. Little Pond Brook, West - Central NL 12A/14 12H/03
Mineral License Held by Situates near On map sheet	016411M Hicks, David Coombs Cove, Southern NL 01M/05	Mineral License Held by Situates near On map sheet	017262M Altius Resources Inc. Shanadithit Brook Area, West - Central NL 12A/14
Mineral License Held by Situates near On map sheet	016417M Senior, Carter Red Harbour Area, Burin Peninsula 01M/07 01M/06	Mineral License Held by Situates near On map sheet	017264M Altius Resources Inc. Shanadithit Brook, West - Central NL 12A/14
Mineral License Held by Situates near On map sheet	016418M Dawson, Michael E. Jonathans Pond, Central NL 02E/02	Mineral License Held by Situates near On map sheet	017265M Altius Resources Inc. Mizzen Topsail, Central NL 12H/02
Mineral License Held by Situates near On map sheet	016419M Senior, Carter Red Harbour Area, Burin Peninsula 01M/06	The lands covered by this notice except for the lands within Exempt Mineral Lands, the Exempt Mineral Lands being described in CNLR 1143/96 and NLR 71/98, 104/98, 97/2000, 36/2001, 31/2004, 78/2006, 8/2008 and 28/2009 and outlined on 1:50 000 scale digital maps maintained by the Department of Natural Resources, will be open for staking after the hour of 9:00 a.m. on the 32 nd clear day after the date of this publication.	
Mineral License Held by Situates near On map sheet	016430M Dawson, Michael E. Jonathans Pond, Central NL 02E/02		

DEPARTMENT OF NATURAL RESOURCES
JIM HINCHEY, P.Geo.
Manager - Mineral Rights

File Nos. 774:3214, 3616, 6436, 6437, 6438, 6439, 6440, 6441, 6442, 6443, 6445, 6453, 6550, 6569, 7360, 7362, 8644, 8658, 8830, 8834, 8838, 8841, 8845, 8847, 8848, 8857, 8858, 8860, 8862, 9885, 9902, 9906.
775:0350, 0365, 0366, 0367, 0373, 0374, 0375, 0376, 0381, 0382, 0383, 0384, 0826, 0837, 0841, 0843, 0844.

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URBAN AND RURAL PLANNING ACT

**NOTICE OF REGISTRATION
TOWN OF CARBONEAR**

**MUNICIPAL PLAN AMENDMENT No. 12, 2010,
and
DEVELOPMENT REGULATIONS AMENDMENT
No. 19, 2010**

TAKE NOTICE that the Town of Carbonear Municipal Plan Amendment No. 12, 2010, and Development Regulations Amendment No. 19, 2010, approved by Council on the 17th day of November, 2010, has been registered by the Minister of Municipal Affairs.

Municipal Plan Amendment No. 12, 2010, is divided into two parts. Part A will re-designate an area of land located east of Highroad south and south of Park Avenue from Residential to Commercial. Part B will delete Figure 1, Schedule of Street Reservations from section 3.4, Transportation, in the Municipal Plan.

Development Regulations Amendment No. 19, 2010, will re-zone the same area of land as described above from Residential Medium Density to Commercial General.

The Town of Carbonear Municipal Plan Amendment No. 12, 2010, and Development Regulations Amendment No. 19, 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 Town of Carbonear Municipal Plan Amendment No. 12, 2010, and Development Regulations Amendment No. 19, 2010, may do so at the Town Office, Carbonear during normal working hours.

Cathy Somers, Town Clerk
TOWN OF CARBONEAR

Dec 17

NOTICE OF REGISTRATION

**TOWN OF WITLESS BAY
DEVELOPMENT REGULATIONS AMENDMENT
No. 7, 2010**

TAKE NOTICE that the Town of Witless Bay Development Regulations Amendment No. 7, 2010, as

adopted by Council on the 9th day of November, 2010, has been registered by the Minister of Municipal Affairs.

In general terms, Development Regulations Amendment No. 7, 2010 will re-zone an area of land from Residential Subdivision Area to Residential.

The Town of Witless Bay Development Regulations Amendment No. 7, 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 Town of Witless Bay Development Regulations Amendment No. 7, 2010, may do so at the Town Office, Witless Bay during normal working hours.

Geraldine Caul, Town Clerk
TOWN OF WITLESS BAY

Dec 17

LANDS ACT

**NOTICE OF INTENT
*Lands Act, c36, SNL 1991***

NOTICE IS HEREBY GIVEN that DEEP COVE MARINA of Musgravetown, NL 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)(a) of the said Act, to that piece of Crown Land situated within fifteen (15) metres of the waters of Goose Bay, Musgravetown, in the Electoral District of Terra Nova for the purpose of the existing marina and a proposed infilling and being more particularly described as follows:

*Bounded on the North by Greetings Rd. and the 10 metre Crown land reservation;
Bounded on the East by the waters of Goose Bay for a distance of 137 m;
Bounded on the South by land now or formerly owned by John Young and the 10 metre Crown land reservation;
Bounded on the West by land of Deep Cove Marina Inc. for a distance of 124 m;
and land now or formerly owned by John Young for a distance of 13 m;
and containing an area of approximately 0.15 ha*

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:

(Choose Area Applicable)

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, Gander, NL, A1V 2N9.

c/o Western Regional Lands Office, P. O. Box 2006, 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 Deep Cove Marina Inc. Telephone (709) 467-2621
or (709) 467-2188.

Dec 17

NOTICE OF INTENT
Lands Act, c36, SNL 1991

NOTICE IS hereby given that SMALL BOAT MARINA of
Little Heart's Ease, NL 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 Trinity
Bay in the Electoral District of Trinity North for the
purpose of repairs to a small boat marina and being more
particularly described as follows:

*Bounded on the North by Crown Land
for a distance of 100 ft;
Bounded on the East by the waters of Trinity Bay
for a distance of 400 ft;
Bounded on the South by Crown Land
for a distance of 100 ft;
Bounded on the West by a road
for a distance of 400 ft;
and containing an area of
approximately 40,000 square feet.*

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:

(Choose Area Applicable)

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,
Gander, NL, A1V 2N9.

c/o Western Regional Lands Office, P. O. Box 2006,
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: ROLAND SMITH at (709) 548-2419

Dec 17

NOTICE OF INTENT
Lands Act, c36, SNL 1991

NOTICE is hereby given that F. CARSON NOEL of Goose
Cove, Trinity intends to apply to the Department of
Environment and Conservation, two months from the
publication of this notice, to acquire, pursuant to Section

7(2) of the said Act, to that piece or parcel of Crown land
situated within fifteen (15) metres of the waters of Goose
Cove in the Electoral District of Trinity North for the
purpose of Boat House and Wharf.

The land is described as follows:

*Bounded on the North by 10 m reservation
for a distance of 3 metres
Bounded on the East by waters of Goose Cove
for a distance of 2.5 metres
Bounded on the South by 10 m reservation
for a distance of 3 metres
Bounded on the West by 10 m reservation
for a distance of 2.5 metres
and containing an area of
approximately 7.50 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:

(Choose Area Applicable)

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,
Gander, NL, A1V 2N9.

c/o Western Regional Lands Office, P. O. Box 2006,
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: CARSON NOEL at (709) 351-1523

Dec 17

QUIETING OF TITLES ACT

2010 05G 0272
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (GENERAL)

NOTICE of Application under the *Quieting of Titles Act*,
cQ-3, RSNL 1990.

NOTICE is hereby given to all parties that ERIC HOWSE
and MARGUERITE HOWSE, of the Town of Glovertown,
in the District of Terra Nova, in the Province of
Newfoundland and Labrador, has applied to the Supreme
Court, Trial Division, Gander, to have title to all that piece
or parcel of property situate at Glovertown, 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.

SCHEDULE A

ALL BEARINGS aforementioned, for which ERIC HOWSE and MARGUERITE HOWSE claim to be the owners investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said ERIC HOWSE and MARGUERITE HOWSE have 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 ERIC HOWSE and MARGUERITE HOWSE shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Gander, 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 1st day of January, 2011, 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, Trial Division, Gander, may direct.

DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 23rd day of November, 2010.

MILLS PITTMAN LAW OFFICES
Solicitors for the Applicant
Per: Stacy G. MacDonald

ADDRESS FOR SERVICE:
111 Manitoba Drive
Suite 201
Clarenville, NL A5A 1K2
Tel: (709) 466-2641
Fax: (709) 466-7109

Description
Eric and Marguerite Howse
Glovertown NL

ALL THAT piece or parcel of land situate and being on the northern side of Main Street South at Glovertown, in the electoral District of Terra Nova, Newfoundland and Labrador, being bound and abutted as follows:

BEGINNING at a point, said point being a capped iron pin set in the southeast corner other land of Eric and Marguerite Howse and having Coordinates of North 5393126.508 metres and East 231652.850 metres of the Three Degree Modified Transverse Mercator Projection for the province of Newfoundland and Labrador.

THENCE running by other land of Eric and Marguerite Howse N 54°15'47" W 69.933 metres;

THENCE running by land now or formerly the Estate of Augustus Hayward N 69°37'57" E 72.757 metres; S 29°03'37" E 64.965 metres;

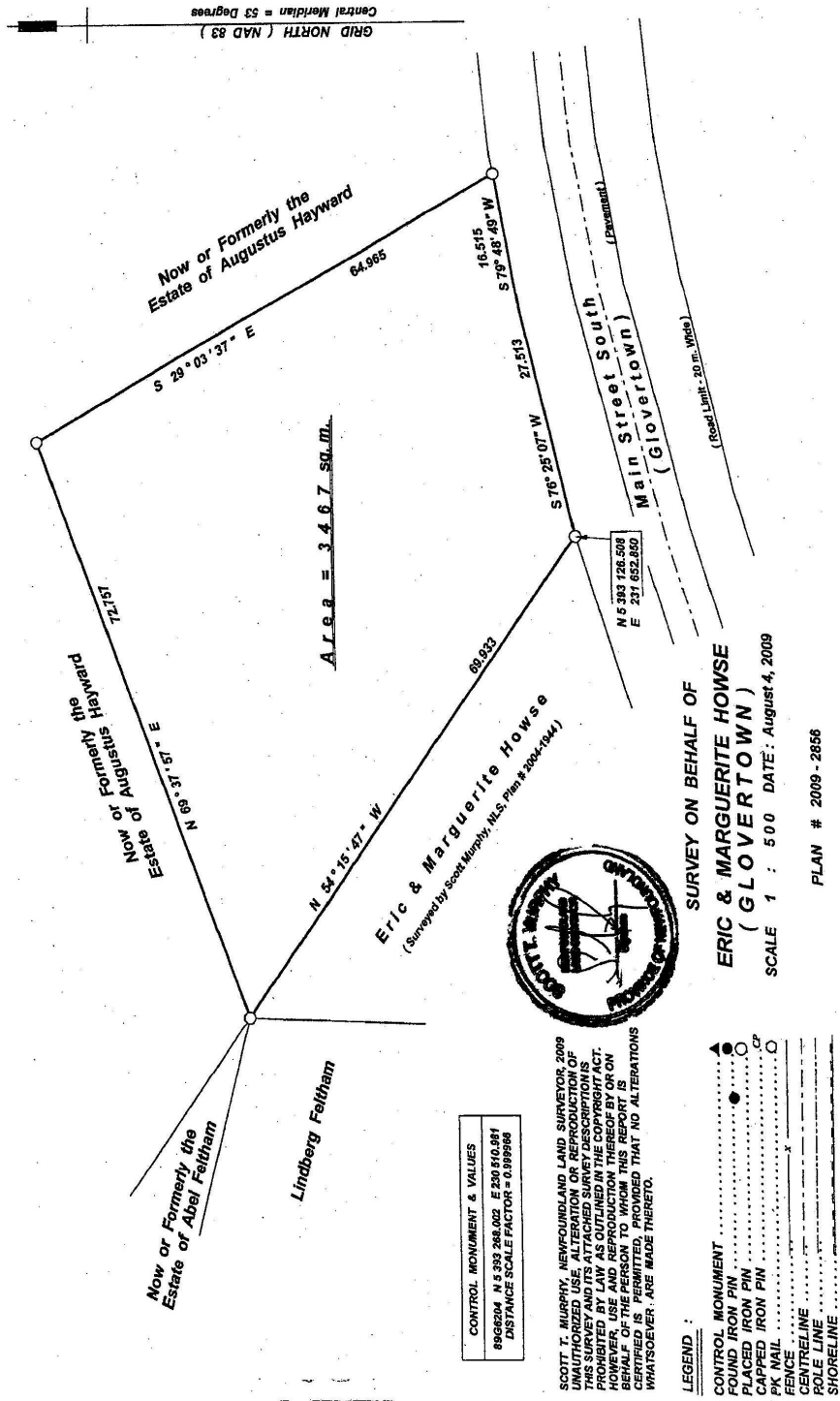
THENCE running along the northern limit of Main Street South, (20 metres wide) S 79°48'49" W 16.515 metres; S 76°25'07" W 27.513 metres, more or less, to the point of beginning,

The above described parcel of land contains an area of 3467 square metres, more or less, and is more particularly shown on the attached plan dated August 4, 2009.

ALL BEARINGS being referred to Grid North (NAD 83) with a Central Meridian of Fifty Three Degrees.

(Plan # 2009-2856)

SCHEDULE "B"



TRUSTEE ACT

ESTATE NOTICE

IN THE ESTATE of ELIZABETH LEROUX, late of the Town of St. George's, in the Province of Newfoundland and Labrador, pensioner, deceased: December 22, 2009

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of ELIZABETH LEROUX, late of the Town of St. George's, 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 Executor of the Estate on or before the 17th day of January, 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 6th day of December, 2010

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

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

Dec 17



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 85

ST. JOHN'S, FRIDAY, DECEMBER 17, 2010

No. 50

NEWFOUNDLAND AND LABRADOR

REGULATIONS

NLR 111/10

NLR 112/10



NEWFOUNDLAND AND LABRADOR REGULATION 111/10

Rules of the Supreme Court, 1986 (Amendment)
under the
Judicature Act

(Filed December 14, 2010)

Under the authority of section 55 of the *Judicature Act*, the Rules Committee of the Trial Division makes the following rules.

Dated at St. John's, December 1, 2010.

Christopher P. Curran, Q.C.
Registrar of the Supreme Court
Secretary, Rules Committee

RULES

Analysis

- | | |
|--|---|
| 1. Rule 7A.09 R&S
Pre-trial conference | 7. Rule 29.09 Amdt.
Evidence on hearing of application |
| 2. Rule 8.05 R&S
Discovery and interrogatories | 8. Rule 29.17 Rep.
Abatement |
| 3. Rule 17A.09 Amdt.
Expedited trial | 9. Rule 37A R&S
RULE 37A
COURT ORDERED
MEDIATION |
| 4. Rule 18.02 R&S
Separate trials or hearings in a proceeding | 37.01 Definitions |
| 5. Rule 18A.03 Amdt.
Case Management Order | 37.02 Purpose |
| 6. Rule 18A.06 Amdt.
Case Management Meetings | 37.03 Court ordered mediation |
| | 37.04 Procedure at mediation sessions |

- 37.05 Failure to attend and other non-compliance
- 37.06 Results of mediation
- 37.07 Costs of mediation
- 37.08 Mediators fees
- 37.09 Mediators list
- 37.10 Exemption
- 10. Rule 39 R&S
 - RULE 39
 - CONFERENCES
 - GENERALLY
 - 39.01 Application of this rule
 - 39.02 Setting down conferences
 - 39.03 General powers
 - 39.04 Attendance
 - 39.05 Conference procedures
 - 39.06 Discussions are without prejudice
 - 39.07 Remote conferencing
 - 39.08 Agreement on issues
 - 39.09 Settlement
 - 39.10 Consequences of failing to file documents
 - 39.11 Consequences of failure to attend conference or lack of preparedness
 - RULE 39A
 - PRE-TRIAL
 - CONFERENCES
 - 39A.01 Purpose of pre-trial conferences
 - 39A.02 How to get a matter on the Pre-Trial List
 - 39A.03 Documents to be filed before pre-trial conferences
 - 39A.04 Disposition of pre-trial conference
 - 39A.05 Report of the pre-trial conference
 - 39A.06 Pre-trial conference judge shall not preside at trial
 - RULE 39B
 - SETTLEMENT
 - CONFERENCES
 - 39B.01 Purpose of settlement conferences
 - 39B.02 How to get a matter on the Settlement Conference List
 - 39B.03 Documents to be filed before settlement conferences
 - 39B.04 Communications during a settlement conference
 - 39B.05 Disposition of settlement conference
 - 39B.06 Settlement conference judge shall not preside at trial
 - RULE 39C
 - MINI-TRIALS
 - 39C.01 Purpose of mini-trials
 - 39C.02 General power
 - 39C.03 Materials used during mini-trial
 - 39C.04 Communications at mini-trial
 - 39C.05 Mini-trial judge shall not preside at the trial
- 11. Rule 40 R&S
 - RULE 40
 - PLACE AND MODE
 - OF TRIAL AND
 - SETTING DOWN
 - 40.01 Application and interpretation
 - 40.02 Place of trial
 - 40.03 Setting down for trial - trials of 5 days or fewer
 - 40.04 Setting down for trial - General
 - 40.05 Application where no Certificate of Readiness
 - 40.06 Setting down for trial
 - 40.07 Settlement
 - 40.08 Consequences of setting down
 - 40.09 Publication of General List
 - 40.10 Brief for trial judge
 - 40.11 Dismissal for want of

- | | |
|--|---|
| prosecution | 12. Rule 49.08 R&S |
| 40.12 Notification of change in status | Default and summary judgments |
| 40.13 Order for separate trials, etc. | 13. Rule 56C.05 R&S |
| 40.14 General powers | Non-Application of Family Justice Services Division involvement |
| 40.15 Transition | 14. Forms Amdt. |
| | 15. Commencement |

1. Rule 7A.09 of the Rules of the Supreme Court, 1986 is repealed and the following substituted:

Pre-trial conference **7A.09.** Notwithstanding Rule 39A, a case management judge appointed under this rule shall conduct the pre-trial conference contemplated by Rule 39A, whether or not he or she may be the trial judge.

2. Rule 8.05 of the rules is repealed and the following substituted:

Discovery and interrogatories **8.05.** Rules 30 to 35, both inclusive, and Rules 39, 39A, 39B and 39C shall apply to a person under disability and to his or her guardian for the action.

3. Rule 17A.09(1) of the rules is repealed and the following substituted:

Expedited trial **17A.09.** (1) Notwithstanding that there may have been an application under rule 17.01, 17A.01, 40.03 or 40.04, the Court may, on application by any party where

(a) the claim is for a liquidated sum not exceeding \$15,000 excluding post-judgment interest and costs; or

(b) in any other case where action under this rule can be taken without injustice to any other party,

order the expedited trial of a proceeding or an issue in a proceeding, and may order that

(c) certain facts described in the order are not in dispute;

(d) pleadings be amended or closed within a fixed time;

(e) interlocutory applications be brought within a fixed time;

- (f) procedures for examination for discovery be completed within a fixed time;
- (g) examination for discovery be dispensed with or limited in nature and scope;
- (h) other pre-trial applications or procedures be dispensed with or limited in nature and scope;
- (i) evidence be adduced by affidavit;
- (j) a party deliver a written summary of the proposed evidence of a witness within a fixed time;
- (k) the evidence in chief of a witness be given in whole or in part by the production of a written statement;
- (l) experts who have been retained by the parties meet, on a without prejudice basis, to determine those matters on which they agree and to identify those matters on which they do not agree;
- (m) a pre-trial conference be held at a time and date to be fixed, at which any of the orders in this rule may be made; and
- (n) a pre-trial conference be dispensed with and the proceeding be set down for trial on a trial list or, with the approval of the Chief Justice, set for trial on a particular date.

4. Rule 18.02 of the rules is repealed and the following substituted:

Separate trials or hearings in a proceeding

18.02. When 2 or more causes of actions or parties are joined in a proceeding, the Court may order separate trials under rule 40.11 or separate hearings under rule 29.14.

5. Rule 18A.03(2) of the rules is repealed and the following substituted:

- (2) An application under rule 18A.03(1) may be made
 - (a) to the court, by way of an interlocutory application, with notice to the other parties;

- (b) informally to the Chief Justice, or a judge designated by the Chief Justice, where all parties consent; or
- (c) to a judge conducting a pre-trial conference, who may make an order where all parties consent, or, where they do not consent, may move the matter into applications court where it may be dealt with on application.

6. (1) Rule 18A.06(3) of the rules is repealed and the following substituted:

(3) At a case management meeting, the judge and the parties may discuss any or all of the following matters:

- (a) the nature and extent of the pre-trial procedures that may be required to advance the proceedings;
- (b) the timing and methodology associated with the making of any application;
- (c) the dispensing with procedural steps associated with any application;
- (d) the possibility of resolving procedural steps by agreement;
- (e) the appropriateness of restructuring any or all of the proceedings for trial;
- (f) the setting or re-adjustment of timetables for steps to be taken in the proceedings;
- (g) the determination of readiness for trial of some or all of the proceedings, if more than one;
- (h) those other matters as would be discussed and dealt with at a pre-trial conference;
- (i) the appropriateness of holding a settlement conference or mediation session;
- (j) the manner of conduct of the trial;

- (k) the preparation and filing of a certificate of readiness when the matter is ready for trial; and
- (l) any other matters pertinent to or affecting the proper conduct of the proceeding.

(2) Rule 18A.06(7) of the rules is repealed and the following substituted:

(7) Where a case management order has been made and the parties have filed a certificate of readiness, a pre-trial conference need not be held as a condition of the matter being placed on a trial list.

7. Rule 29.09(4) of the rules is repealed and the following substituted:

(4) Rules 30 to 36 and 38 on discovery procedures shall, with any necessary modification, apply to an application.

8. Rule 29.17 of the rules is repealed.

9. Rule 37A of the rules is repealed and the following substituted:

**RULE 37A
COURT ORDERED MEDIATION**

Definitions

37A.01. In this rule, unless the context otherwise requires, the following words and phrases shall have the following meanings:

- (a) "defence" means a statement of defence filed by a defendant under Rule 10 or, in the case of an application, the first affidavit, memorandum or other document filed by a respondent under Rule 29, and in the case of a matter involving multiple defendants or respondents, it means the first defence or document so filed;
- (b) "mediation" means a process of discussion between parties or their solicitors if the parties are represented, or both the parties and their solicitors, under the direction of a neutral third party with a view to facilitating communication among the parties to assist them in reaching a mutually acceptable resolution of some or all of the issues in dispute;

- (c) "mediation co-ordinator" means the person designated by the Registrar to administer the Court ordered mediation process contemplated by this rule;
- (d) "mediation order" means an order made under rule 37A.03;
- (e) "mediator" means a person or 2 or more persons appointed under rule 37A.03(4); and
- (f) "mediators list" means a list of names of mediators approved by the Registrar.

Purpose

37A.02. The purpose of this rule is to establish a mechanism to provide mandatory mediation under a Court order in individual cases so as to reduce cost and delay in litigation and to facilitate the early and fair resolution of disputes.

Court ordered mediation

37A.03. (1) Following the filing of a defence, the Court may, on the application of a party or on its own motion, order that the parties named in the order participate in mediation in accordance with the provisions of this rule.

(2) In considering whether to exercise the power conferred by paragraph (1), the Court shall take account of the relevant circumstances including

- (a) the number of parties, the state of the pleadings and the complexity of the issues in the proceeding;
- (b) the nature of the legal issues raised in the proceeding;
- (c) the stage of the proceeding at the time mediation is contemplated;
- (d) whether a party is represented by a solicitor;
- (e) the financial resources of the parties; and
- (f) whether mediation, under this rule or otherwise, has been held on a previous occasion.

(3) Unless otherwise ordered

- (a) a mediation ordered under this rule shall commence within 24 days of the date of the mediation order; and
 - (b) a party shall not be required to participate in mediation under a mediation order for a period longer than 4 hours in total.
- (4) A mediation under this rule shall be conducted by
- (a) a person appointed by the judge making the mediation order;
 - (b) a mediator appointed by agreement of the parties from the mediators list, within 10 days of the date of the mediation order;
 - (c) a person who is not on the mediators list, if the parties consent and if that person is appointed within 10 days of the date of the mediation order;
 - (d) a mediator assigned by the mediation co-ordinator from the mediators list in default of notification under clause (b) or (c); or
 - (e) 2 or more persons appointed as co-mediators by the judge making the mediation order.
- (5) A mediation order may contain the following provisions:
- (a) the name of the mediator or an order to select a mediator under paragraph (4);
 - (b) the time within which the mediation shall commence;
 - (c) the maximum length of the mediation, subject to agreement by the parties to extend the length of the mediation;
 - (d) the responsibility for payment of costs of the mediation including fees and expenses of the mediator and the manner and timing of payment of those costs;
 - (e) a dispensation for a party from attendance at a mediation session;

(f) a requirement that some other person attend the mediation in place of or in addition to a party; and

(g) those other terms and conditions as, in the opinion of the judge, may be desirable to facilitate the mediation.

(6) Unless otherwise ordered, where a mediation order is made, all further proceedings are stayed until the mediator's report is filed under rule 37A.06, and any time limited for the doing of an act or the filing of a document under the Rules shall be suspended for the period of the stay.

Procedure at mediation sessions

37A.04. (1) Following the appointment of a mediator, the parties shall expeditiously contact the mediator to set a time for the mediation.

(2) Unless the parties and the mediator agree otherwise, at least 7 days before the first scheduled mediation session, each party shall provide to the mediator and each other party a brief statement of factual and legal issues in dispute, a summary of that party's position and copies of all documents relevant to the proceeding. The plaintiff or applicant shall provide the mediator with a copy of the relevant pleadings.

(3) If it is not practical to conduct a mediation session because a party fails to comply with paragraph (2), the mediator may cancel the session and immediately file with the mediation co-ordinator a certificate of non-compliance.

(4) The parties, and their solicitors if the parties are represented, shall attend the mediation session unless otherwise ordered.

(5) Unless otherwise ordered, if an insurer may be liable to satisfy all or a part of a judgment in the proceeding or to indemnify or reimburse a party for money paid in satisfaction of all or a part of a judgment in the proceeding, a representative of the insurer and its solicitor shall attend the mediation session.

(6) The parties, or in the absence of a party the persons representing the party in attendance at a mediation session, shall have authority to settle the dispute.

(7) The procedure and methodology to be followed at a mediation session may vary according to the particular style and approach of the mediator who shall, after consultation with the parties, adopt an

approach which in his or her opinion is best calculated to facilitate the purposes of the mediation and otherwise complies with the requirements of this rule.

Failure to attend
and other non-
compliance

37A.05. (1) If it is not practical to conduct a scheduled mediation session because a party fails to attend within 30 minutes of the time scheduled for the commencement of the session, unless the parties in attendance agree otherwise, the mediator shall cancel the session and immediately file with the mediation co-ordinator a certificate of non-compliance.

(2) Where a mediator files a certificate of non-compliance or where a party fails to comply with a requirement of this rule, another party may apply for, or the Court on its own motion may make, an order that is considered just, including an order

- (a) establishing a timetable for the proceeding;
- (b) requiring a further mediation session at the expense of the defaulting party;
- (c) requiring a person to attend a rescheduled mediation session;
- (d) staying further proceedings in Court until a mediation session has been conducted in compliance with this rule;
- (e) striking out a document filed by a party; and
- (f) as to costs or setting the matter for a hearing in Court with respect to costs.

Results of media-
tion

37A.06. (1) Unless otherwise ordered, within 10 days after a mediation is concluded, the mediator shall

- (a) file with the mediation co-ordinator and deliver to each of the parties participating in the mediation a report indicating on which issues agreement has been reached; and
- (b) if all parties request, provide to the parties a report
 - (i) identifying the remaining points of difference, if any, and

- (ii) containing recommendations that the mediator considers appropriate to make as to how the remaining issues might be resolved.

(2) The mediator's report filed under clause (1)(a) shall, unless it reports that the matter has been resolved, be sealed by the mediation co-ordinator and be kept separate from the Court file containing the pleadings and shall not be disclosed to the trial judge.

(3) All communications during a mediation session

(a) shall constitute without prejudice settlement discussions;

(b) shall be privileged from disclosure; and

(c) shall not be admissible as evidence in a proceeding.

(4) Communications under paragraph (3) include, but are not limited to, the following:

(a) the mediator's recollections of a mediation session;

(b) the mediator's notes and records relating to a mediation session; and

(c) anything said or written down during a mediation session.

(5) A mediator shall not be a compellable witness regarding any aspect of a mediation session relating to the issues being mediated or the results including discussions relating to those issues.

(6) A mediator appointed under these rules may stipulate that he or she is not liable for loss or damage suffered by a person by reason of an action or omission of the mediator in the discharge of his or her duties under these rules.

(7) If there is an agreement resolving all or any of the issues in dispute, it shall be in writing and signed by all parties participating in the agreement or their solicitors.

(8) Notwithstanding paragraphs (3) and (4), an agreement under paragraph (7) shall be admissible in evidence for the purpose of enforcing that agreement.

(9) If an agreement under paragraph (7) settles the action, the Plaintiff shall file a Memorandum of Settlement under rule 39.09

(a) in the case of an unconditional agreement, within 10 days after the agreement is signed, and

(b) in the case of a conditional agreement, within 10 days after the condition is satisfied.

(10) If following mediation the proceeding remains unresolved in whole or in part, a party may proceed with the conduct of the proceeding, or that portion of the proceeding that remains unresolved, in the normal course.

(11) Where a party to a signed agreement fails to comply with its terms, another party to the agreement may apply to the Court for

(a) judgment in the terms of the agreement, and the Court may grant judgment accordingly or with those modifications as subsequent circumstances may require to ensure that the applying party receives that to which the applying party is substantially entitled under the agreement; or

(b) leave to continue the proceeding as if there had been no agreement.

Costs of mediation

37A.07. Unless otherwise ordered or the parties otherwise agree, the mediator's fees and expenses shall be borne equally by the parties to the mediation.

Mediators fees

37A.08. (1) A mediator on the mediators list shall file with the Registrar the mediator's schedule of fees.

(2) A mediator under this rule,

(a) who is on the mediators list shall not charge fees for his or her services in excess of those filed with the Registrar, or

(b) who is not on the mediators list shall not charge fees and expenses in excess of a schedule of fees negotiated in advance with the parties and reduced to writing.

Mediators list **37A.09.** (1) On notice to the mediator, the Registrar may remove from the mediators list the name of a mediator who does not comply with this rule or an order made under this rule.

(2) The Registrar may remove from the mediators list a mediator whose fees the Registrar may consider unreasonable.

Exemption **37A.10.** This Rule shall not apply to family law proceedings.

10. Rule 39 of the rules is repealed and the following substituted:

**RULE 39
CONFERENCES GENERALLY**

Application of this rule **39.01.** Unless otherwise specified or ordered, this rule applies to pre-trial conferences and settlement conferences.

Setting down conferences **39.02.** (1) The Registrar shall maintain a Pre-Trial List and a Settlement Conference List setting forth, in chronological order, each proceeding that has been placed on those Lists under these rules or an order.

(2) The Registrar shall publish a list, not later than the first day of each month, setting the dates and times when pre-trial and settlement conferences are scheduled for cases during the next calendar month.

(3) Within 15 days of receipt of notice of the date and time for a conference,

(a) the parties may in writing jointly request 3 alternate conference dates or times and the Registrar shall

(i) assign one of the alternate dates or times; or

(ii) move the proceeding to the bottom of the list,

and notify the parties accordingly; and

(b) a party may apply to a judge to postpone a scheduled conference and to fix another date.

General powers	<p>39.03. Notwithstanding any other rule, a judge in a proceeding may, on his or her own initiative or at the request of a party, order the parties to attend a pre-trial conference or a settlement conference.</p>
Attendance	<p>39.04. Unless otherwise ordered, counsel who attend a conference shall be counsel who are otherwise fully authorized, briefed and prepared to discuss, deal with and, where appropriate, give binding undertakings with respect to all matters properly arising during the conference.</p>
Conference procedures	<p>39.05. Nothing in these rules prevents a judge during a conference, if he or she considers it to be in the interests of justice, from</p> <ul style="list-style-type: none">(a) speaking directly to the parties;(b) inviting a party, in the presence of counsel for that party, if any, to speak during the conference; and(c) meeting with one or more parties or counsel for those parties or both in the absence of one or more of the other parties to the proceeding.
Discussions are without prejudice	<p>39.06. (1) Discussions at a conference are without prejudice and shall not be referred to a subsequent application, or at the trial except as disclosed in an order.</p> <p>(2) Except as provided in rule 39A.05, the judge conducting a conference shall not disclose to the trial judge or to another person what positions were taken or what admissions, concessions or opinions were made or given during the conference, and shall not include reference to those matters in a written report of the conference subsequently prepared by him or her.</p>
Remote conferencing	<p>39.07. A judge may, if requested by one or more of the parties, direct that a conference be held wholly or partly by telephone, teleconference or video conference.</p>
Agreement on issues	<p>39.08. (1) If there is an agreement during a conference resolving all or any of the issues in dispute, it shall be either</p> <ul style="list-style-type: none">(a) in writing and signed by all parties participating in the agreement or their solicitors;

(b) read into the record in the presence of the judge presiding over the conference; or

(c) with leave of the judge presiding over the conference, the subject of a consent order to be filed at a later date.

(2) Notwithstanding rule 39B.04, an agreement resolving any or all of the issues between the parties which is reduced to writing and signed by or on behalf of the parties shall be admissible in evidence for the purpose of enforcing that agreement.

Settlement

39.09. When a proceeding is settled, the plaintiff or applicant shall file within 10 days of settlement

(a) a Memorandum of Settlement containing a statement that the matter has been settled; or

(b) a notice of discontinuance.

Consequences of failing to file documents

39.10. Where counsel or a party fails to file documents required for a conference before the deadline for filing set out in the Rules, the judge at the conference may make an order as to costs that is considered just or, in appropriate circumstances, set the matter for a hearing in Court with respect to costs.

Consequences of failure to attend conference or lack of preparedness

39.11. Where counsel or a party who is required to attend fails to attend a conference or where counsel is not prepared or authorized to proceed in accordance with rule 39.04, the judge may make an order that is considered just, including an order

(a) establishing a timetable for the proceeding;

(b) setting the date for a further conference;

(c) either

(i) moving the matter down on the Pre-Trial List or Settlement Conference List, or

(ii) removing the matter from the Pre-Trial List or Settlement Conference List without prejudice to the parties to file another Certificate of Readiness under rule 40.04;

- (d) requiring a person to attend at a conference;
- (e) staying further proceedings until a conference has been held;
- (f) striking out a document filed by a party; and
- (g) as to costs or setting the matter for a hearing in Court with respect to costs.

RULE 39A
PRE-TRIAL CONFERENCES

Purpose of pre-trial conferences

39A.01. The participants in a pre-trial conference shall come prepared and authorized to discuss and determine, where applicable,

- (a) simplification of the issues;
- (b) the amendment and filing of briefs for the benefit of the trial judge;
- (c) the necessity or desirability of an amendment to a pleading, affidavit or notice;
- (d) admissions of fact or of consent documents;
- (e) the resolution of the quantum of damages, if any, or any other matter by making it the subject of a reference;
- (f) limitations on the number of expert witnesses;
- (g) arrangements for expert witnesses to determine, on a without prejudice basis, those matters on which they agree and to identify those matters on which they do not agree;
- (h) arrangements and procedures for the conduct of lengthy or complex trials;
- (i) the appropriateness of conducting a settlement conference or mini-trial;
- (j) the appropriateness of assigning a fixed date for trial; and

- (k) other matters that may aid in the disposition of the proceeding.

How to get a matter on the Pre-Trial List

39A.02. Matters shall be placed on the Pre-Trial List

- (a) under rules 40.04 or 40.05; or
- (b) by order of a judge either following a settlement conference or otherwise.

Documents to be filed before pre-trial conferences

39A.03. (1) At least 5 days before the date of the pre-trial conference, each party shall file for delivery to the pre-trial conference judge a brief containing a summary of the facts, issues and law and shall deliver on the same date a copy to each other party.

(2) Notwithstanding rule 46.07, at least 4 days before the scheduled date of a pre-trial conference, the parties shall exchange copies of all expert opinions and reports in their possession or under their control and upon which they intend to rely at trial and shall produce those opinions and reports to the judge at the conference.

Disposition of pre-trial conference

39A.04. At or following a pre-trial conference the judge shall

- (a) order that the parties attend a settlement conference or mini-trial;
- (b) order a summary trial or expedited trial;
- (c) order that the proceeding be removed from the Pre-Trial List where the judge determines that the case is not ready for trial, without prejudice to the parties to file a new Certificate of Readiness under rule 40.04; or
- (d) unless a settlement conference, mini-trial, summary trial or expedited trial has been ordered, order that the proceeding be set down for trial in accordance with rule 40.06,

and in any event, may make an order reciting the results of the conference and giving those directions as the judge considers advisable however, the order may be modified by subsequent order or at trial.

Report of the pre-trial conference

39A.05. Notwithstanding rule 39.06(2), a pre-trial conference judge shall provide a report to the trial judge summarizing the anticipated issues in the trial and relevant agreements between the parties.

Pre-trial conference judge shall not preside at trial

39A.06. A judge who presides at a pre-trial conference shall not, except with the consent of the parties, preside at the trial.

**RULE 39B
SETTLEMENT CONFERENCES**

Purpose of settlement conferences

39B.01. (1) The purpose of a settlement conference is to allow the parties to attend before a judge who shall, in private and without hearing witnesses, explore all possibilities of settlement of the issues that are outstanding.

(2) The parties, or in the absence of a party, the persons representing the party in attendance at a settlement conference, shall have authority to settle the dispute.

How to get a matter on the Settlement Conference List

39B.02. (1) Matters shall be placed on the Settlement Conference List

(a) by order of a judge either following a pre-trial conference or otherwise; or

(b) subject to paragraph (2), on request of the parties after the pleadings have closed where the parties agree that it is likely the matter will be resolved with the assistance of a judge.

(2) Requests under clause (1)(b) shall be made by filing a Request for Settlement Conference in Form 39B.02A signed by all parties or their counsel.

(3) Where the judge at a settlement conference determines that it was not appropriate for the parties to have requested a settlement conference under clause (1)(b), the judge may make an order as to costs that is considered just or, in appropriate circumstances, set the matter for a hearing in Court with respect to costs.

Documents to be filed before settlement conferences

39B.03. (1) Each party shall, at least 10 days before the date of a settlement conference, file a brief containing a summary of the facts, issues and law and shall deliver on the same date a copy to each other party.

(2) Unless the parties consent or the Court otherwise orders, materials delivered to a judge under paragraph (1) shall not be placed in the Court file and shall not be disclosed to the trial judge.

(3) Upon completion of a settlement conference, the judge shall return to the parties or their counsel the materials delivered for the purpose of the conference.

Communications
during a settlement
conference

39B.04. (1) All communications during a settlement conference

- (a) shall constitute without prejudice settlement discussions;
- (b) shall be privileged from disclosure; and
- (c) shall not be admissible as evidence in a proceeding.

(2) Communications under paragraph (1) include, but are not limited to,

- (a) the judge's recollections of the settlement conference;
- (b) the judge's notes and records relating to the settlement conference; and
- (c) anything said or written down during the settlement conference.

(3) No reference to the positions taken or admissions or concessions made by the parties, or to the opinion of the judge, at a settlement conference or other settlement-related proceeding, shall be contained in a brief or other document filed in a proceeding and shall not be referred to or commented on at the trial of that proceeding.

Disposition of
settlement conference

39B.05. (1) If the parties settle the proceeding during a settlement conference, a Memorandum of Settlement or notice of discontinuance shall be filed in accordance with rule 39.09.

(2) If the parties do not settle the proceeding during a settlement conference, the judge may

- (a) convert the settlement conference to a pre-trial conference;

- (b) order a pre-trial conference and provide directions on the filing of a trial record and Certificate of Readiness, if necessary;
- (c) order a mini-trial;
- (d) order a summary trial or expedited trial; or
- (e) make another order as is considered just.

(3) A pre-trial conference converted from a settlement conference shall be governed, with any necessary modifications, by Rules 39 and 39A and the judge shall make an order with respect to the filing of the trial record and Certificate of Readiness.

Settlement conference judge shall not preside at trial

39B.06. A judge who presides at a settlement conference shall not preside at the trial.

**RULE 39C
MINI-TRIALS**

Purpose of mini-trials

39C.01. The purpose of a mini-trial is to allow the parties to attend before a judge who shall, in private and without receiving sworn or affirmed evidence, give a non-binding opinion on the probable outcome of a trial of the proceeding.

General power

39C.02. Notwithstanding any other rule, a judge in a proceeding may, on his or her own initiative or at the request of a party, order a mini-trial.

Materials used during mini-trial

39C.03. (1) Unless the parties consent or a judge otherwise orders, materials delivered to a judge to be used during a mini-trial shall not be placed in the Court file and shall not be disclosed to the trial judge.

(2) Upon completion of a mini-trial, the judge shall return to the parties or their counsel the materials delivered for the purpose of the mini-trial.

Communications at mini-trial

39C.04. (1) The judge conducting a mini-trial shall not disclose to the trial judge or to another person what positions were taken or what admissions, concessions or opinions were made or given during the mini-trial, and shall not include reference to those matters in a report subsequently filed as to the holding of the mini-trial.

(2) Unless otherwise ordered, no reference to the positions taken or admissions or concessions made by the parties, or to the opinion of the judge, at a mini-trial shall be contained in a brief or other document filed in a proceeding and shall not be referred to or commented on at the trial of that proceeding. A judge may provide an opinion in writing following a mini-trial but it shall not form part of the record of the proceeding or be placed in the Court file.

Mini-trial judge shall not preside at the trial

39C.05. A judge who has heard a mini-trial shall not preside at the trial.

11. Rule 40 of the rules is repealed and the following substituted:

**RULE 40
PLACE AND MODE OF TRIAL AND SETTING
DOWN**

Application and interpretation

40.01. In this rule, "proceeding" means a proceeding commenced by a statement of claim.

Place of trial

40.02. Unless otherwise ordered, a trial shall take place at the judicial centre where the proceeding is commenced.

Setting down for trial - trials of 5 days or fewer

40.03. (1) If a trial is anticipated to take 5 days or fewer, a party may make an application for a trial date within 90 days after the close of pleadings.

(2) An application under this rule shall be accompanied by an affidavit setting out

- (a) an outline of the issues to be determined at trial;
- (b) the names of all witnesses anticipated to be called by the applicant at the trial with a brief summary of their anticipated evidence and, where known, the corresponding information for the opposing party;
- (c) the number of documents expected to be introduced by the applicant at trial and, where known, the corresponding information for the opposing party; and
- (d) the applicant's estimate of the length of trial.

(3) An opposing party may file an affidavit in response setting out matters considered relevant to the application.

(4) If the application under paragraph (1) is granted, the judge at the hearing shall

- (a) if necessary, establish a schedule for the filing and exchange of trial documents;
- (b) if necessary, establish a schedule for the filing and exchange of witness lists and will-say statements;
- (c) determine whether examinations for discovery are necessary and if so, establish a schedule for all examinations;
- (d) determine whether a pre-trial conference is necessary and if so, set a date;
- (e) make any other order necessary to facilitate appropriate preparation for trial; and
- (f) with the assistance of the Registrar, set a date for the trial.

Setting down for
trial - General

40.04. (1) If a trial date has not been set under rule 40.03 and the proceeding is ready for trial, the parties may jointly initiate the procedures for setting the case down for trial by

- (a) filing in the Registry a trial record containing a copy of
 - (i) the pleadings, particulars and admissions, and
 - (ii) orders relating to the conduct of the trial; and
- (b) filing a Certificate of Readiness in Form 40.04A signed by all parties or their counsel.

(2) The trial record shall be filed in the Registry at the same time as the Certificate of Readiness.

(3) Unless the parties agree otherwise, the Plaintiff shall be responsible for filing the trial record and the Certificate of Readiness.

(4) Within 7 days of a Certificate of Readiness being filed, the Registrar shall examine it and,

- (a) place the proceeding on the Pre-Trial List if it has been properly completed and signed; or
- (b) reject it and so notify all parties or their counsel if it has not been properly completed and signed.

(5) A Certificate of Readiness that has been rejected by the Registrar may be amended and resubmitted, whereupon paragraph (4) shall apply to the Certificate as resubmitted.

Application where
no Certificate of
Readiness

40.05. (1) Where a party to a proceeding

- (a) refuses, or fails within 10 days of a request by another party, to complete or sign a Certificate of Readiness; or
- (b) disagrees with the rejection by the Registrar of a Certificate of Readiness under rule 40.04(4)(b)

a party may apply for an order that the proceeding be placed on the Pre-Trial List.

(2) An application under this rule shall set out

- (a) the form of Certificate of Readiness that the applicant is prepared to sign;
- (b) the circumstances known to the applicant which led to the failure or refusal to complete or sign by another party, or which led to the rejection of the certificate by the Registrar;
- (c) the known points of difference, if any, between the parties as to the state of readiness for trial; and
- (d) a statement that the applicant nevertheless believes that either
 - (i) the case is ready for trial, or
 - (ii) the other party has disintitiled himself or herself to further delay because of inaction or other cause.

- (3) The Court shall
- (a) place the case on the Pre-Trial List if
 - (i) the parties are in fact ready for trial, or
 - (ii) notwithstanding that one party may not be ready, the interest of the ready party in having an early trial outweighs the interest of that other party to further delay, in which case the Court may give directions prescribing or limiting the further procedures which that other party may conduct; or
 - (b) dismiss the application and give further directions and make further orders respecting trial preparation as may be appropriate; and
 - (c) may award costs
 - (i) against an unready party, if the case is placed on the Pre-Trial List,
 - (ii) against the applicant if the application is dismissed, or
 - (iii) against a party who failed or refused to sign the Certificate of Readiness, if the Court determines that the failure or refusal was not justified.

Setting down for trial

40.06. (1) Unless otherwise ordered, no trial date shall be given until a pre-trial conference has been held.

(2) If at a pre-trial conference a judge considers that the case is ready for trial, and no settlement conference, mini-trial, expedited or summary trial has been ordered, he or she shall immediately

- (a) set a fixed date for the trial or order that the proceeding be placed on the Fixed Date List, if
 - (i) the proceeding is to be tried with a jury, or
 - (ii) there are other reasons that merit fixing a specific date; and

(b) in all other cases, order that the proceeding be placed on the General List.

(3) The Registrar shall place the case on the General List without prejudice to the right of a party to apply for a fixed date if

(a) a pre-trial conference has been held;

(b) 30 days has passed, or a longer time as all parties may agree in writing filed in the Registry, since a settlement conference or mini-trial; and

(c) the parties have not filed a Memorandum of Settlement or notice of discontinuance under rule 39.09.

Settlement

40.07. Where a Memorandum of Settlement is filed under rule 39.09

(a) if no consent order is required as part of the settlement, the Registrar shall immediately remove the case from the trial list and the proceeding shall be considered to be discontinued in accordance with the terms of the Memorandum of Settlement; or

(b) if a consent order is required as part of the settlement, the form of that order shall be filed with the Registrar for delivery to the judge who conducted the pre-trial conference, settlement conference or mini-trial, if any, or to a judge in any other case, and, if approved, rule 40.07(a) shall apply.

Consequences of setting down

40.08. (1) When a proceeding has been placed on the General List or the Fixed Date List or a date for trial has been fixed

(a) all parties shall be considered to be ready for trial;

(b) except with leave of the Court, no party shall initiate or continue an application that is based on facts or events which were known before the date of filing of the Certificate of Readiness;

(c) except with leave of the Court, no party shall initiate or continue any form of discovery; and

(d) the trial shall proceed when the case is reached on the General List, Fixed Date List or the fixed date arrives, unless otherwise ordered.

(2) Where a trial does not proceed when the proceeding is reached on the General List, Fixed Date List or the fixed date arrives and no order is made under clause (1)(d), the Registrar shall, unless otherwise ordered, strike the proceeding off the appropriate list.

(3) Where a proceeding is struck off a trial list under paragraph (2), it shall not be placed on a trial list afterwards except on application.

(4) This rule does not

(a) relieve a party from complying with undertakings given on an examination for discovery;

(b) relieve a party from an obligation imposed by rules 30.10, 32.09, 33.02, 34.04 and 46.07; or

(c) preclude a party from resorting to rules 20, 22.02(1), 33 and 40.14.

Publication of
General List

40.09. (1) The Registrar shall publish a list not later than the first day of each month, setting forth the proceedings which are expected to come on for hearing or trial during the next calendar month and that list shall state a time on or after which the trial or hearing shall take place.

(2) The Registrar shall publish a list not later than noon each day setting forth the list of proceedings which are to come on for trial or hearing during the next sitting day of the Court and shall immediately notify the parties.

(3) The Registrar shall deliver to the Central Registry a copy of the docket comprising the General List, Fixed Date List and Monthly List not later than the twentieth day of each month.

Brief for trial judge

40.10. Each party shall, on or before the fourth day preceding the trial, file in the Registry and provide to each other party either

(a) confirmation that the party will rely on the pre-trial brief prepared under rule 39A.03(1) with no changes; or

- (b) an amended brief containing a summary of the facts, issues and law relevant to the proceeding.

Dismissal for want of prosecution	40.11. Where a plaintiff does not apply to set a proceeding down for trial, the defendant may apply to set it down for trial or apply to the Court to dismiss the proceeding for want of prosecution, and the Court may order the proceeding to be dismissed or make an order that is just.
Notification of change in status	40.12. A party shall immediately furnish the Registrar with information that may affect the estimated duration of a trial or changes in contemplated procedure or circumstances that may result in delay of the trial.
Order for separate trials, etc.	40.13. Where claims in respect of 2 or more causes of action are included in the same proceeding, or where 2 or more plaintiffs or defendants are parties to the same proceeding, and it appears to the Court that the joinder of the causes of action or parties may embarrass or delay the trial or is otherwise inconvenient, the Court may order separate trials or make an order that is just.
General powers	40.14. Notwithstanding any other rule, the Court may <ol style="list-style-type: none">(a) assign an early trial date;(b) assign a fixed date for trial;(c) order that a proceeding be placed on the Fixed Date List;(d) order that a proceeding be placed on the General List; and(e) order that the position of a proceeding on the Fixed Date List or General List be advanced or otherwise changed.
Transition	40.15. (1) Dates for a proceeding, including trials, settlement conferences, pre-trial conferences and mediations, that were set before these rules coming into force shall proceed as scheduled, unless otherwise ordered. (2) The Pre-Trial List, the Settlement Conference List, the Fixed Date List and the General List which existed before the date these rules come into force shall continue to be the lists of the Court.

(3) Trial records and Certificates of Readiness that were filed before the date these rules come into force are not required to be re-filed as a result of changes to these rules.

12. Rule 49.08 of the rules is repealed and the following substituted:

Default and summary judgments

49.08. A party may apply for a default order under Rule 16, and for a summary order before trial under Rule 17 and rule 40.11.

13. Rule 56C.05 of the rules is repealed and the following substituted:

Non-Application of Family Justice Services Division involvement

56C.05. The Family Justice Services Division or the process set out in this part shall not apply to the following claims for relief:

- (a) the claim relates only to the granting of a divorce;
- (b) a claim for a division of matrimonial property; and
- (c) a claim for recognition of a constructive or resulting trust, or both;

but Rules 37A, 39.09, 39B and 39C may apply, as, in the opinion of a judge the circumstances may warrant.

Forms Amdt.

14. The rules are amended by

- (a) adding Form 39B.02 as outlined below;
- (c) adding Form 40.04A as outlined below; and
- (b) repealing Form 40.05A.

Commencement

15. These rules come into force on January 11, 2011.

Form 39B.02A

(rule 39B.02)

Court File No. _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General / Family)

(Title of proceeding)

Request for Settlement Conference

To the Court

1. The parties confirm that it is likely that this proceeding will be resolved with the assistance of a judge.
2. The parties confirm that the pleadings are closed in this proceeding.
3. The parties request that this proceeding be placed on the Settlement Conference List.
4. The parties estimate that the Settlement Conference will take _____ hours.

Dated at _____, Newfoundland and Labrador, this _____ day of _____, _____.

Plaintiff/Counsel for the Plaintiff

Dated at _____, Newfoundland and Labrador, this _____ day of _____, _____.

Defendant/Counsel for the Defendant

Form 40.04A

(rule 40.04)

Court File No. _____

In the Supreme Court of Newfoundland and Labrador
Trial Division (General / Family)

(Title of proceeding)

Certificate of Readiness

1. The parties hereby jointly certify that, as of this date, this proceeding is ready for trial and that

- pleadings have closed
- no amendments to pleadings are contemplated
- all relevant parties are before the court
- all examinations for discovery have been completed, or are hereby waived
- all interrogatories have been delivered and answered, or are hereby waived
- lists of documents have been exchanged in accordance with the rules
- all appropriate pre-trial applications have been taken

2. Current estimates of the number of witnesses to be called are as follows:

By the First Plaintiff: _____

Second Plaintiff: _____

_____ Plaintiff: _____

By the First Defendant: _____

Second Defendant: _____
_____ Defendant: _____

3. (a) Current estimates of the total number of documents to be presented at trial are as follows:

By the First Plaintiff: _____
Second Plaintiff: _____
_____ Plaintiff: _____

By the First Defendant: _____
Second Defendant: _____
_____ Defendant: _____

(b) A joint Book of Documents will/will not [delete one] be entered in evidence by consent.

(c) It is anticipated that (check as required):

- audio recordings may be entered/played in evidence
- video recordings may be entered/played in evidence
- a view of _____ may be required
- a _____ language interpreter may be required for the evidence of _____

and the party or parties proposing same hereby undertake to make all necessary arrangements to facilitate such activities at trial.

4. Current estimates of the number and area of expertise of expert witnesses to be called to give evidence are as follows:

	<u>Number</u>	<u>Area of Expertise</u>
By the First Plaintiff:	_____	_____
Second Plaintiff:	_____	_____
_____ Plaintiff:	_____	_____
By the First Defendant:	_____	_____
Second Defendant:	_____	_____

_____ Defendant: _____

- 5. It has been agreed that not more than _____ sitting days is a reasonable time for the hearing of all evidence and argument in this proceeding

OR

- The parties are not in agreement as to their estimate of a reasonable time for the hearing of all evidence and argument in this proceeding. The estimates of each party of the time involved in presentation of that party's case are as follows:

By the First Plaintiff: _____ days

Second Plaintiff: _____ days

_____ Plaintiff: _____ days

First Defendant: _____ days

Second Defendant: _____ days

_____ Defendant: _____ days

- 6. The parties do/do not [delete one] request a settlement conference in which case they estimate _____ hours for its completion.

- 7. The parties do/do not [delete one] request a mini trial in which case, they estimate _____ hours for its completion.

- 8. The trial record has been filed pursuant to rule 40.04(1)(c).

- 9. [Check if applicable]

- Pursuant to the *Jury Act* we hereby jointly request that this proceeding be tried by a judge with a jury

OR

- This proceeding involves an action of defamation, malicious prosecution, false imprisonment, seduction or breach of promise of marriage and the _____ hereby requests, pursuant to subsections 32(1) and (2) of the *Jury Act*, that the issues of fact be tried by a judge with a jury

OR

- The _____ hereby requests, pursuant to section 32(3) of the *Jury Act*, that this proceeding be tried by a judge with a jury, for the reasons that:

10. The parties hereby request, or if a settlement conference or mini-trial is requested, anticipate they will ultimately request:

the earliest available position on the General List;

OR

a position that will result in trial not before _____, on the General List;

OR

a fixed date, for the reasons that: _____

OR

an early fixed trial date, for the reasons that: _____

OR

The parties cannot agree on the manner and times of setting down of this proceeding for trial.

The position of the First Plaintiff, and the reasons therefore, are: _____

The position of the Second Plaintiff, and the reasons therefore, are: _____

The position of the _____ Plaintiff, and the reasons therefore, are: _____

The position of the First Defendant, and the reasons therefore, are: _____

The position of the Second Defendant, and the reasons therefore, are: _____

The position of the _____ Defendant, and the reasons therefore, are: _____

11. If the proceeding is settled before trial we will give the Registrar prompt notice of the settlement by filing a Memorandum of Settlement or Notice of Discontinuance pursuant to rule 39.09.

12. We undertake to give promptly to the Registrar notice in writing of any information that may affect the estimated duration of trial or any changes in contemplated procedure or any circumstance that may result in delay of trial.

13. The counsel who shall have carriage of the proceeding at trial and/or who are authorized and will be fully briefed to attend and participate in any pre-trial or other conference are:

For the First Plaintiff: 1. _____
2. _____

Second Plaintiff: 1. _____
2. _____

_____ Plaintiff: 1. _____
2. _____

For the First Defendant: 1. _____
2. _____

Second Defendant: 1. _____
2. _____

_____ Defendant: 1. _____
2. _____

DATED at _____, this _____ day of _____, _____.

Solicitor for First Plaintiff

Solicitor for Second Plaintiff

Solicitor for _____ Plaintiff

Solicitor for First Defendant

Solicitor for Second Defendant

Solicitor for _____ Defendant

14. The parties jointly estimate that _____ hours is a reasonable time for the conduct of the pre-trial conference in this proceeding.

OR

The parties cannot agree as to an estimate of a reasonable time for the conduct of the pre-trial conference. The longest estimate of any party is _____ hours.

15. _____ practices outside of the judicial centre in which the pre-trial conference will likely be held and therefore requests permission to participate in any pre-trial conference by telephone/teleconference and hereby agrees to be responsible for the actual costs of such telephone call or teleconference.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 112/10**

Judgment Interest Order, 2011
under the
Judgment Interest Act

(Filed December 14, 2010)

Under the authority of section 6 of the *Judgment Interest Act*, I make the following Order.

Dated at St. John's, December 13, 2010.

Felix Collins
Minister of Justice and Attorney General

ORDER

Analysis

- | | |
|----------------|------------------|
| 1. Short title | 2. Interest rate |
|----------------|------------------|

Short title

1. This order may be cited as the *Judgment Interest Order, 2011*.

Interest rate

2. Effective January 1, 2011, the pre-judgment and post-judgment interest rate shall be 2%.

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