



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I
PUBLISHED BY AUTHORITY

Vol. 97

ST. JOHN'S, FRIDAY, JULY 29, 2022

No. 30

MINERAL ACT

NOTICE

Published in accordance with section 62 of CNLR 1143/96 under the *Mineral Act*, RSNL1990 cM-12 as amended.

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

Mineral License 16581M
held by Labmag GP Inc.
on map sheet 23J/14

Mineral License 23799M
held by Clyde Burt
on map sheet 2E/02

Mineral License 24260M
held by Shawn A. Ryan
on map sheet 2E/02, 2E/07

Mineral License 24420M
held by Shawn A. Ryan
on map sheet 2E/07

A portion of
Mineral License 25220M
held by Shawn A. Ryan
on map sheet 23J/10, 23J/11
more particularly described in an application on file at Dept.
of Industry, Energy and Technology.

A portion of Mineral License 25221M
held by Shawn A. Ryan
on map sheet 23J/10, 23J/11
more particularly described in an application on file at Dept.
of Industry, Energy and Technology.

A portion of
Mineral License 25222M
held by Shawn A. Ryan
on map sheet 23J/10, 23J/11
more particularly described in an application on file at Dept.
of Industry, Energy and Technology.

Mineral License 25223M
held by Shawn A. Ryan
on map sheet 23J/10, 23J/11

A portion of
Mineral License 25760M
held by Shawn A. Ryan
on map sheet 23J/11
more particularly described in an application on file at Dept.
of Industry, Energy and Technology.

A portion of
Mineral License 25761M
held by Shawn A. Ryan
on map sheet 23J/11
more particularly described in an application on file at Dept.
of Industry, Energy and Technology.

Mineral License 25762M
held by Shawn A. Ryan
on map sheet 23J/11

Mineral License 25851M
held by Aubrey Budgell
on map sheet 2E/02

Mineral License 26439M
held by Aubrey Budgell
on map sheet 12H/01

A portion of Mineral License 26612M
held by White Metals Resources Corp.
on map sheet 2E/02
more particularly described in an application on file at Dept.
of Industry, Energy and Technology.

Mineral License 26636M
held by Unity Resources Inc.
on map sheet 12H/01

Mineral License 26637M
held by Unity Resources Inc.
on map sheet 12H/01

Mineral License 26847M
held by Adam Pretty
on map sheet 2E/01, 2E/02

Mineral License 26856M
held by Adam Pretty
on map sheet 23J/14

A portion of Mineral License 27264M
held by Canstar Resources Inc.
on map sheet 12A/15
more particularly described in an application on file at Dept.
of Industry, Energy and Technology.

A portion of Mineral License 27427M
held by Shawn A. Ryan
on map sheet 23J/06, 23J/07, 23J/10, 23J/11
more particularly described in an application on file at Dept.
of Industry, Energy and Technology.

Mineral License 31333M
held by 81296 Newfoundland
and Labrador Inc.
on map sheet 1K/13

Mineral License 31900M
held by Joan Marie Benoit
on map sheet 13F/07, 13F/10

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, 97/00, 36/01, 31/04, 78/06, 8/08, 28/09, 5/13 3/2017, and 12/22 and outlined on 1:50 000 scale digital maps maintained by the Department of Industry, Energy and Technology, will be open for staking after the hour of 9:00 a.m. on the 32nd clear day after the date of this publication.

DEPARTMENT OF INDUSTRY,
ENERGY AND TECHNOLOGY
Trina Adams, Mineral Claims Recorder

July 29

CITY OF ST. JOHN'S ACT



ST. JOHN'S MUNICIPAL COUNCIL NOTICE ST. JOHN'S HERITAGE DESIGNATION AMENDMENT (GEORGE STREET UNITED CHURCH) BY-LAW

TAKE NOTICE that the St. John's Municipal Council has enacted the ST. JOHN'S HERITAGE DESIGNATION AMENDMENT (GEORGE STREET UNITED CHURCH) BY-LAW.

The said By-Law was passed by Council on the 25th day of July, 2022, so as to remove the Heritage Building Designation from that portion of the George Street United Church known as the Annex – 25 Buchanan Street – Parcel ID #51036.

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

Dated this 29th day of July, 2022.

CITY OF ST. JOHN'S
Karen Chafe, City Clerk

July 29

URBAN AND RURAL PLANNING ACT, 2000**AMENDMENT TO THE
TRINITY SOUTH HIGHWAY
PROTECTED ROAD ZONING PLAN
(BLAKETOWN) AMENDMENT NO. 4, 2022**

TAKE NOTICE that the TRINITY SOUTH HIGHWAY PROTECTED ROAD ZONING PLAN AMENDMENT NO. 4, 2022, adopted on the 15th day of June, 2022 and approved on the 27th day of July, 2022, has been registered.

The purpose of the amendment is to apply zoning on both sides of Route 80 on the access road to the Trans-Canada Highway.

The TRINITY SOUTH HIGHWAY PROTECTED ROAD ZONING PLAN AMENDMENT NO. 4, 2022 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 TRINITY SOUTH HIGHWAY PROTECTED ROAD ZONING PLAN AMENDMENT NO. 4, 2022 may do so by visiting www.gov.nl.ca/mpa/protected-road-zoning-consultations or by contacting the Local Governance and Land Use Planning Division, Department of Municipal and Provincial Affairs at (709) 729-3090 or emailing LandUsePlanning@gov.nl.ca.

MUNICIPAL AND PROVINCIAL AFFAIRS
Elaine Mitchell, MCIP

July 29

**NOTICE OF REGISTRATION
TOWN OF TORBAY
MUNICIPAL PLAN
AMENDMENT NO. 5, 2022
DEVELOPMENT REGULATIONS
AMENDMENT No. 9, 2022**

TAKE NOTICE that the TOWN OF TORBAY MUNICIPAL PLAN AMENDMENT NO. 5, 2022, and DEVELOPMENT REGULATIONS AMENDMENT NO. 9, 2022, as approved by Council on the 4th day of April, 2022, has been registered by the Minister of Municipal and Provincial Affairs.

IN GENERAL TERMS, MUNICIPAL PLAN AMENDMENT NO. 5, 2022 will re-designate a single parcel of land located at 615 Bauline Line from Rural to Residential to create a second residential lot. DEVELOPMENT REGULATIONS AMENDMENT NO. 9, 2022, will re-zone the same area of land from Rural (RUR) to Residential Infill (RI).

THE TOWN OF TORBAY MUNICIPAL PLAN AMENDMENT NO. 5, 2022, and DEVELOPMENT REGULATIONS AMENDMENT NO. 9, 2022, 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 TORBAY MUNICIPAL PLAN AMENDMENT NO. 5, 2022, and DEVELOPMENT REGULATIONS AMENDMENT NO. 9, 2022, may do so at the Town Office, Torbay during normal working hours.

TOWN OF TORBAY
Dawn Chaplin, Town Clerk

July 29

**NOTICE OF REGISTRATION
TOWN OF WABANA
MUNICIPAL PLAN AND
DEVELOPMENT REGULATIONS, 1990
MUNICIPAL PLAN
AMENDMENT NO. 3, 2021 AND
DEVELOPMENT REGULATIONS
AMENDMENT NO. 6, 2022**

TAKE NOTICE that the TOWN OF WABANA MUNICIPAL PLAN AMENDMENT NO. 3, 2021 and DEVELOPMENT REGULATION AMENDMENT NO. 6, 2021 approved on September 16, 2021, has been registered by the Minister of Municipal and Provincial Affairs.

IN GENERAL TERMS, the purpose of the amendment is to redesignate the area around West Dam Pond from 'Conservation' to 'Recreation Open Space'; and rezone the area around West Dam Pond from 'Water Supply Catchment Area' to 'Recreation Open Space'; and to add to Recreation Open Space Discretionary Uses: 'outdoor market' and 'campground'; and add a definition for 'Campground' in the Development Regulations.

MUNICIPAL PLAN AMENDMENT NO. 3, 2021 and DEVELOPMENT REGULATION AMENDMENT NO. 6, 2021 comes into legal effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of the amendment may do so at the Town Office, Wabana Complex (former District Vocation School), PO Box 1229, 14 Middleton Avenue, Bell Island, during normal office hours.

TOWN OF WABANA
Town Manager

July 29

CHANGE OF NAME ACT, 2009

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

COLE	CHAD THOMAS	MANNING	CHAD THOMAS	Torbay
FURLONG	ALEXANDRA RYAN	KANE	ALEXANDRA RYAN	St. John's
PARDY MALAFA	MAGNUS BRYNJAR TIMO BJARNASON	BJARNASON	MAGNUS BRYNJAR TIMO	St. John's
GRANT	SCOTT HARVEY	NOSEWORTHY	SCOTT HARVEY	St. John's
MUSSEAU	BRITTANY JANE	ELLSWORTH	BRITTANY JANE	Corner Brook
SIMMS	COHEN JAY ALEXANDER	GILLINGHAM	COHEN JAY ALEXANDER	Norris Arm
KENNEDY	SARAH CANDACE	ANDERSON	SARAH CANDACE	Bishop's Falls
TUCKER	ALLIE REBECCA	TUCKER-SQUIRES	ALLIE REBECCA	Portugal Cove-St. Philip's
PASION	LILIBETH COLARTE	DALEY	LILIBETH PASION	Torbay
SPARKS	YVONNE PHYLIS	SPARKES	PHYLIS YVONNE	Conception Bay South
STANLEY-DEWLING	EMILY EILEEN	STANLEY	EMILY EILEEN	St. John's
ADAMS	PEYTON ANNA CHRISTINE	BIRMINGHAM	PEYTON ANNA CHRISTINE	Portugal Cove-St. Philip's
ADAMS	PRESTON WILLIAM BENEDICT	BIRMINGHAM	PRESTON WILLIAM BENEDICT	Portugal Cove-St. Philip's
WINSOR	COLIN GEORGE	PARDY	ARDENT	Grand Bank
LAWRENCE	HAROLD JEFFREY	ARIIES	ATLLAS REMIEL AZREAL	Conception Bay South
REARDON	BROOKE NICOLE	CLARKE-REARDON	BROOKE NICOLE	Mount Pearl
SETSHEDI	DINGAAN	ZOBANE	DINGAAN	Happy Valley-Goose Bay

Dated this 20th day of July, 2022.

DIGITAL GOVERNMENT & SERVICE NL
Sheena Evans, Registrar of Vital Statistics

LANDS ACT**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (a) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of the Atlantic Ocean at Cape Race's Northern Radar site, for the purpose of safety fencing around two transmitter antennas of approximately 100 meters long.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

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

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: *The Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT as received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

July 29

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Dildo Harbour, for the purpose of a boathouse, slipway and wharf.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

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

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

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- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

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July 29

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Englee, for the purpose of a public turnaround for traffic and emergency service vehicles.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

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

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of

Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

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- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

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July 29

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Joe Batts Arm Harbour, for the purpose of a floating dock and shelter for recreational purposes.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

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

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

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- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca

- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

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July 29

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Strait of Bell Isle, for the purpose of signage and light development of a hiking trail.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

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

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

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- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

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July 29

**NOTICE OF INTENT, SECTION 7
LANDS ACT, SNL1991 c36 AS AMENDED**

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries, Forestry and Agriculture Branch, to acquire title, pursuant to section 7(2) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Trinity Bay, for the purpose of a boat dock and stage.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see website: <https://www.gov.nl.ca/ffa/lands/sec7notifications/>.

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

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of notice on the Department of Fisheries, Forestry and Agriculture website, Crown Lands, <https://www.gov.nl.ca/ffa/lands/>, to the Minister of Department of Fisheries, Forestry and Agriculture by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca
- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca
- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

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July 29

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of DAVID JOSEPH HOGAN of the Town of Carbonear, in the Province of Newfoundland and Labrador, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands upon or affecting the estate of the late DAVID JOSEPH HOGAN, of the Town of Carbonear, in the Province of Newfoundland and Labrador, deceased, are

hereby requested to send particulars thereof in writing, duly attested, to the undersigned, Solicitors for the Executrix of the said deceased, on or before the 19th day of August, 2022, after which date the Executrix will proceed to distribute the said Estate having regard only to the claim(s) of which she then shall have had notice.

DATED at the Town of Carbonear, in the Province of Newfoundland and Labrador, this 18th day of July, 2022.

BABB LAW OFFICE
Solicitors for the Executrix
PER: JESSICA M. BABB

ADDRESS FOR SERVICE:

PO Box 400
18 Goff Avenue
Carbonear, NL A1Y 1B8

Tel: (709) 596-2377
Toll Free: 1-800-596-0596
Fax: (709) 596-0415

July 22 & 29

ESTATE NOTICE

IN THE ESTATE OF PAUL MURPHY, Late of St. John's, in the Province of Newfoundland and Labrador, Tour Boat Captain/Fisherman, single, deceased.

ALL PERSONS claiming to be creditors of or who have any claims or demands upon or affecting the Estate of PAUL MURPHY, Tour Boat Captain/Fisherman, single, deceased, who died at St. John's, in the Province of Newfoundland and Labrador on or about the 27th day of February, 2022, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Executrix of the Estate of the late PAUL MURPHY, on or before the 25th day of August, 2022, after which date the said Executrix will proceed to distribute the said Estate having regard only to the claims of which she shall then have had notice.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 18th day of July, 2022.

MCINNES COOPER
Solicitors for the Executrix
PER: KOLIN KENNEDY

ADDRESS FOR SERVICE:

10 Fort William Place, 5th Floor
PO Box 5939
St. John's, NL A1C 5X4

Tel: (709) 570-7370
Fax: (709) 722-1763

July 22 & 29

ESTATE NOTICE

IN THE ESTATE OF JAMES (JIM) MACDONALD NOSEWORTHY of the Town of Harbour Grace, in the Province of Newfoundland and Labrador, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands upon or affecting the estate of the late JAMES (JIM) MACDONALD NOSEWORTHY, of the Town of Harbour Grace, in the Province of Newfoundland and Labrador, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned, Solicitors for the Executor of the said deceased, on or before the 19th day of August, 2022, after which date the Executor will proceed to distribute the said Estate having regard only to the claim(s) of which he then shall have had notice.

DATED at the Town of Carbonear, in the Province of Newfoundland and Labrador, this 18th day of July, 2022.

BABB LAW OFFICE
Solicitors for the Executor
PER: JESSICA M. BABB

ADDRESS FOR SERVICE:

PO Box 400
18 Goff Avenue
Carbonear, NL A1Y 1B8

Tel: (709) 596-2377
Toll Free: 1-800-596-0596
Fax: (709) 596-0415
Email: babblaw@babblaw.ca

July 22

ESTATE NOTICE

IN THE ESTATE OF ELLEN CARRIE THORNE of Brownsdale, in the Province of Newfoundland and Labrador, Deceased.

ALL PERSONS claiming to be creditors of, or who have any claims or demands upon or affecting the estate of the late ELLEN CARRIE THORNE, of Brownsdale, in the Province of Newfoundland and Labrador, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned, Solicitors for the Executrix of the said deceased, on or before the 19th day of August, 2022, after which date the Executrix will proceed to distribute the said Estate having regard only to the claim(s) of which she then shall have had notice.

DATED at the Town of Carbonear, in the Province of Newfoundland and Labrador, this 18th day of July, 2022.

BABB LAW OFFICE
Solicitors for the Executrix
PER: JESSICA M. BABB

ADDRESS FOR SERVICE:

PO Box 400
18 Goff Avenue
Carbonear, NL A1Y 1B8

Tel: (709) 596-2377
Toll Free: 1-800-596-0596
Fax: (709) 596-0415
Email: babblaw@babblaw.ca

July 22 & 29



THE NEWFOUNDLAND AND LABRADOR GAZETTE

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

Vol. 97

ST. JOHN'S, FRIDAY, JULY 29, 2022

No. 30

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 41/22
NLR 42/22
NLR 43/22
NLR 44/22
NLR 45/22



**NEWFOUNDLAND AND LABRADOR
REGULATION 41/22**

Child Care Regulations (Amendment)
under the
Child Care Act

(Filed July 28, 2022)

Under the authority of section 34 of the *Child Care Act*, I make the following regulations.

Dated at St. John's, July 27, 2022.

Dr. John Haggie
Minister of Education

REGULATIONS

Analysis

- | | |
|--|--|
| 1. S.2 Amdt.
Definitions | 5. S.16 Amdt.
Requirements for employees, students and volunteers |
| 2. S.4 Amdt.
Child care service licence application | 6. S.18 Amdt.
Registration mandatory |
| 3. S.5 Amdt.
Family homes | 7. S.21 Amdt.
Program |
| 4. S.11 Amdt.
Levels | 8. S.22 Amdt.
Indoor play materials |
| | 9. S.23 Amdt. |

- | | |
|---|---|
| Telephone | 22. S.58 Amdt. |
| 10. S.26 Amdt. | Requirements of homerooms |
| Health and safety generally | 23. S.60 Amdt. |
| 11. S.28 Amdt. | Washroom area |
| Clothing, bedding and grooming materials | 24. S.66 Amdt. |
| 12. S.29 Amdt. | Waiver of building and outdoor play area requirements |
| Diapering and toileting | 25. S.66.1 Added |
| 13. S.31 Amdt. | Waiver of requirements for pre-kindergarten program |
| Medication | 26. S.69 Amdt. |
| 14. S.33 Amdt. | Caregiver to child ratio |
| Illness, accidents, communicable diseases and incidents | 27. S.70 Amdt. |
| 15. S.35 Amdt. | Child care service provider's children |
| Food handling and preparation | 28. S.74 Amdt. |
| 16. S.36 Amdt. | Records of residents |
| Nutrition | 29. S.75 Amdt. |
| 17. S.38 Amdt. | Monitors |
| Travel | 30. S.77 Amdt. |
| 18. S.45 Amdt. | Records to be kept |
| Daily register | 31. S.81 Amdt. |
| 19. S.53 Amdt. | Qualifications |
| Homerooms | 32. Transitional |
| 20. S.54 Amdt. | 33. Commencement |
| Caregiver to child ratio | |
| 21. S.55 Amdt. | |
| Administrator | |

NLR 39/17
as amended

1. (1) Paragraph 2(h) of the *Child Care Regulations* is amended by deleting the words "his or her" and substituting the word "a".

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

(1.1) "not-for-profit corporation" means

(i) a corporation incorporated under the *Corporations Act* without share capital that operates exclusively to provide child care services for the benefit of the community without financial gain to the members of the corporation, and

(ii) a co-operative incorporated under the *Co-operatives Act* whose primary purpose is to provide child care services for the benefit of the community;

(3) Paragraph 2(m) of the regulations is repealed.

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

- (o.1) "pre-kindergarten age range" means attending a pre-kindergarten program and an age range from 3 years and 8 months old up to 5 years and 9 months old;
- (o.2) "pre-kindergarten program" means a child care service that is
 - (i) operated by a not-for-profit corporation solely for children in the pre-kindergarten age range before school entry, and
 - (ii) provided in a centre located in a school under the *Schools Act, 1997* or where there is no space available in a school, a facility approved by the minister;

(5) Section 2 of the regulations is amended by adding immediately after paragraph (p) the following:

- (p.1) "provincial early learning framework" means a framework established by the province that is designed to provide support and guidance in the provision of child care services to ensure an optimal learning environment to build a strong foundation for the growth, development and well-being of children;
- (p.2) "school age range" means attending school and an age range from 4 years and 8 months old up to 13 years old;

(6) Paragraph 2(s) of the regulations is repealed.

2. Paragraph 4(1)(b) of the regulations is amended by deleting the words "his or her" and substituting the words "the administrator's".

3. (1) Paragraph 5(2)(a) of the regulations is amended by deleting the words "he or she" and substituting the words "the applicant".

(2) Paragraph 5(2)(b) of the regulations is amended by deleting the words "his or her".

4. Paragraph 11(1)(a) of the regulations is amended by deleting the words "he or she" and substituting the words "the applicant".

5. (1) Subparagraph 16(2)(b)(i) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

(2) Paragraph 16(3)(c) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

6. Section 18 of the regulations is amended by deleting the words "he or she" and substituting the words "the child".

7. (1) Subsection 21(1) of the regulations is amended by deleting the word "and" at the end of paragraph (e), deleting the period at the end of paragraph (f) and substituting a semi-colon and the word "and" and by adding immediately after paragraph (f) the following:

(g) follow the provincial early learning framework.

(2) Paragraph 21(3)(c) of the regulations is repealed and the following substituted:

(c) a period of rest for children in the infant age range, toddler age range, pre-school age range and pre-kindergarten age range.

8. Paragraph 22(c) of the regulations is repealed and the following substituted:

(c) where the indoor play materials are used by children in the pre-school age range, the pre-kindergarten age range, the school age range or any 2 of those age ranges, cleaned and disinfected at least once weekly or more where necessary.

9. Subsection 23(1) of the regulations is repealed and the following substituted:

Telephone

23. (1) A facility shall have a telephone which shall be in good working order while children are participating in the child care service.

10. Subsection 26(4) of the regulations is repealed and the following substituted:

(4) Where children in the infant age range, toddler age range, pre-school age range or pre-kindergarten age range are registered in the child care service, an administrator of that child care service shall ensure that electrical outlets are capped when not in use.

11. Subsection 28(2) of the regulations is repealed and the following substituted:

(2) Paragraphs (a) and (b) apply to clothing, bedding and grooming materials provided by a parent for a child participating in the child care service.

12. Subsection 29(3) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

13. Subsection 31(3) of the regulations is amended by deleting the words "his or her" and substituting the word "the".

14. (1) Subsection 33(1) of the regulations is amended by deleting the words "he or she".

(2) Subsection 33(4) of the regulations is amended by deleting the words "he or she" and substituting the words "the child".

15. (1) Section 35 of the regulations is amended by adding immediately after subsection (1) the following:

(1.1) Where a child care service provider solely operates a pre-kindergarten program and the food preparation and storage area is not located in the homeroom, the child care service provider shall

- (a) ensure that the food to be used by the child care service is stored securely and is only accessible to employees, students or volunteers of the child care service; and
- (b) submit a plan regarding the storage, preparation and delivery of food to the homeroom to a manager for approval.

(2) Subsection 35(2) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

16. (1) Paragraph 36(6)(b) of the regulations is amended by deleting the words "his or her own" and substituting the word "the".

(2) Paragraph 36(6)(d) of the regulations is amended by deleting the words "he or she is".

17. Subsection 38(4) of the regulations is repealed.

18. Paragraph 45(2)(d) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

19. (1) Subsection 53(6) of the regulations is repealed and the following substituted:

(6) Notwithstanding subsection (4), a child is not required to change homerooms between September 1 of a year and August 31 of the following year even though the child may have a birthday that moves the child into a different age range where on September 1

(a) the children assigned to the child's homeroom are in the school age range; or

(b) the child is in the infant age range or the toddler age range and the child participates in a child care service that is operated in a school under the *Schools Act, 1997* and is for children of persons who are enrolled in and attend the school.

(2) Subsection 53(8) of the regulations is repealed and the following substituted:

(8) Notwithstanding subsection (4), children of 2 age ranges may be assigned to the same homeroom, where all the children in the homeroom are

(a) in the infant age range or the toddler age range and none of the children are one year old or younger and not more than 3 children are 2 years old or younger;

- (b) in the toddler age range or the pre-school age range and none of the children are 2 years old or younger and not more than 5 children are 3 years old or younger; or
- (c) in the pre-school age range or the school age range and none of the children are 3 years old or younger and no children are 7 years or older.

20. (1) Subsections 54(4) to (6) of the regulations are repealed and the following substituted:

(4) A maximum of 20 children shall be assigned to a homeroom of children in the pre-kindergarten age range and the caregiver to child ratio for that homeroom shall be one caregiver to 10 children.

(5) A maximum of 30 children shall be assigned to a homeroom of children in the school age range and the caregiver to child ratio for that homeroom shall be one caregiver to 15 children.

(6) At least one caregiver who has at least level I certification shall be assigned to every homeroom of children in the infant age range, toddler age range, pre-school age range and school age range and that caregiver shall also have the applicable classification for the age range of the children participating in the homeroom.

(2) Section 54 of the regulations is amended by adding immediately after subsection (6) the following:

(6.1) At least one caregiver who has at least level III certification and a pre-kindergarten classification shall be assigned to every homeroom of children in the pre-kindergarten age range.

(6.2) All caregivers who are considered to be a part of the caregiver to child ratio in a pre-kindergarten program shall complete an orientation course regarding the provincial early learning framework.

(3) Subsection 54(11) of the regulations is repealed.

21. (1) Section 55 of the regulations is amended by adding immediately after subsection (3) the following:

(3.1) Notwithstanding paragraph (3)(a), where the centre operates a pre-kindergarten program, the person shall, in addition to the re-

quirements in paragraph (3)(a), hold at least a level III certification in child care provided in a centre with a pre-kindergarten classification.

(2) Subsection 55(4) of the regulations is repealed and the following substituted:

(4) A manager may waive one of the requirements under subsection (3) or (3.1) for an administrator in relation to a specific child care service.

22. Subsection 58(6) of the regulations is repealed and the following substituted:

(6) Where children in the infant age range or the toddler age range are assigned to a homeroom, that homeroom shall have a washroom area within it with a diapering station and a child sized washbasin and shall permit supervision of both the homeroom and the washroom area at the same time.

23. (1) Subsection 60(2) of the regulations is repealed.

(2) Paragraph 60(4)(b) of the regulations is amended by deleting the words "he or she" and substituting the words "the child".

24. (1) Section 66 of the regulations is amended by adding immediately after subsection (1.1) the following:

(1.2) A manager may waive one or more of the requirements under subsections 58(4), 59(1) and 59(2), paragraph 60(4)(a) and subsection 60(5) where the child care service provides child care for children in the school age range and is operated in a school under the *Schools Act, 1997*, a church or other community facility.

(2) Subsection 66(3) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

25. The regulations are amended by adding immediately after section 66 the following:

Waiver of requirements for pre-kindergarten program

66.1 Where a child care service provider solely operates a pre-kindergarten program, a manager may waive

- (a) the requirements under subsections 59(1) and (2) where
 - (i) an alternate plan for the administration area and the keeping of records of children is submitted, and
 - (ii) the plan is approved by the manager;
- (b) the requirements under paragraph 60(1)(b) and subsections 60(5) and (6) where
 - (i) an alternate plan for access to washrooms and toilets is submitted,
 - (ii) the plan referred to in subparagraph (i) ensures that the washroom for the child care service provider, employees, students and volunteers is different from the washroom for children, and
 - (iii) the plan is approved by the manager; and
- (c) the requirements under paragraph 39(1)(d) and subsections 39(2), 39(3), 62(2) and 63(1) where
 - (i) an alternate plan for access to and use of outdoor play materials and equipment including a schedule of use is submitted,
 - (ii) a plan for the use of existing outdoor play area structures and temporary enclosures is submitted which includes a clearly defined designated outdoor play area to be used by the pre-kindergarten program,
 - (iii) a plan for any necessary renovations required to be completed to ensure that the child care service complies with the requirements under subsections 39(2), 39(3) and 63(1) in the time period determined by the manager is submitted, and
 - (iv) the plans referred to in subparagraphs (i), (ii) and (iii) are approved by the manager.

26. Subsection 69(8) of the regulations is repealed and the following substituted:

(8) Notwithstanding anything in this section, not more than 7 children shall participate in a child care service operated in a family home at one time where none of those children are in the infant age range and no more than 2 children are in toddler age range.

27. (1) Section 70 of the regulations is amended by adding immediately after subsection (1) the following:

(1.1) Notwithstanding subsection (1), where the child care service provider's own children participate in a child care service outside of the family home, subsection (1) does not apply where

- (a) the child care service provider submits an alternate child care plan for the child care service provider's children; and
- (b) the plan is approved by the manager or agency.

(2) Subsection 70(2) of the regulations is repealed and the following substituted:

(2) Where the child care service provider's own children include more than 2 children who are in the school age range, 2 of those children shall not be counted toward the number of children participating in the child care service under section 69.

28. Paragraph 74(c) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

29. Paragraph 75(e) of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the person's".

30. Subparagraph 77(3)(b)(i) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

31. Paragraph 81(a) of the regulations is repealed and the following substituted:

- (a) holds at least level IV certification and has experience in a child care service operated under a valid child care service licence;

Transitional

32. Notwithstanding the coming into force of these regulations, the age range of children who may participate in the child care service that is stated on a child care service provider's licence or approval issued by a licensed agency shall continue to apply until the licence or approval expires or is renewed, varied, suspended or revoked.

Commencement

33. These regulations come into force on August 15, 2022.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 42/22**

*Low Income Tax Reduction Regulations for the 2021 and 2022
Taxation Years
under the
Income Tax Act, 2000
(O.C. 2022-182)*

(Filed July 28, 2022)

Under the authority of sections 21.1 and 68 of the *Income Tax Act, 2000*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, July 26, 2022.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|-------------------------------------|-----------------|
| 1. Short title | 4. Repeal |
| 2. Definition | 5. Commencement |
| 3. Low income tax reduction amounts | |

Short title

1. These regulations may be cited as the *Low Income Tax Reduction Regulations for the 2021 and 2022 Taxation Years*.

Definition

2. In these regulations, "Act" means the *Income Tax Act, 2000*.

Low income tax
reduction amounts

3. For the purpose of the Act,

(a) for the 2021 taxation year

(i) the amount referred to in paragraph 21.1(2.1)(a) is \$862;
and

(ii) the amount referred to in paragraph 21.1(2.1)(b) is
\$481; and

(b) for the 2022 taxation year

(i) the amount referred to in paragraph 21.1(2.1)(a) is \$886;
and

(ii) the amount referred to in paragraph 21.1(2.1)(b) is
\$494.

Repeal

4. The *Low Income Tax Reduction Regulations for the 2020 Taxation Year*, Newfoundland and Labrador Regulations 85/20 is repealed.

Commencement

5. (1) These regulations, except for paragraph 3(b), are considered to have come into force on January 1, 2021.

(2) Paragraph 3(b) is considered to have come into force on January 1, 2022.



**NEWFOUNDLAND AND LABRADOR
REGULATION 43/22**

Occupational Health and Safety Regulations, 2012 (Amendment)
under the
Occupational Health and Safety Act
(O.C. 2022-187)

(Filed July 28, 2022)

Under the authority of section 65 of the *Occupational Health and Safety Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, July 28, 2022.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|---|
| 1. S.9 Amdt.
Notifiable occupational diseases | 5. S.18 Amdt.
Safety inspections |
| 2. S.10 Amdt.
Serious injury | 6. S.22 Amdt.
Interpretation |
| 3. S.14 Amdt.
General duties of employers | 7. S.24.1 Amdt.
Harassment prevention plan |
| 4. S.17 Amdt.
General duties of workers | 8. S.26 Amdt.
Personal conduct |

- | | |
|--|--|
| 9. S.35 Amdt.
Barriers | 29. S.383 Amdt.
Supervision |
| 10. S.38 Amdt.
Emergency plan risk as-
sessment | 30. S.405 Amdt.
Entrapment danger |
| 11. S.41 Amdt.
Emergency training | 31. S.411 Amdt.
Underground workings |
| 12. S.43 Amdt.
Health surveillance | 32. S.422 Amdt.
Records |
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Silica regulation | 33. S.423 Amdt.
Suspension or seizure of cer-
tificate |
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Custody of certificates |
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| 18. S.106 Amdt.
Powder actuated tool use | 38. S.466 Amdt.
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| 19. S.116 Amdt.
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| 20. S.132 Amdt.
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| 21. S.133 Amdt.
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| 22. S.134 Amdt.
Group lockout procedure | 42. S.511 Amdt.
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| 23. S.139 Amdt.
Training requirement | 43. S.513 Amdt.
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| 24. S.142 Amdt.
Fall arrest system | 44. S.528 Amdt.
Water accumulation in mine
workings |
| 25. S.252 Amdt.
Competency and testing op-
erators | 45. S.550 Amdt.
Cap lamps |
| 26. S.313 Amdt.
Unsafe lift | 46. S.594 Amdt.
Operating vehicles |
| 27. S.360 Amdt.
Spooling tape | 47. S.685 Amdt.
Trailing and cable repair |
| 28. S.374 Amdt.
Traffic control person | |

NLR 5/12
as amended

1. Subsection 9(2) of the *Occupational Health and Safety Regulations, 2012* is amended by deleting the words "in his or her employ" and substituting the words "employed by the employer".

2. (1) Paragraph 10(6)(a) of the regulations is amended by deleting the words "his or her" and substituting the words "the worker's".

(2) Paragraph 10(6)(b) of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

3. Subsection 14(2) of the regulations is amended by deleting the words "his or her" and substituting the words "the employer's".

4. (1) Section 17 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the worker's".

(2) Subsection 17(2) of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

5. Subsection 18(1) of the regulations is amended by deleting the words "his or her" and substituting the words "the employer's".

6. Subsection 22(1) of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

7. (1) Paragraph 24.1(2)(i) of the regulations is amended by deleting the words "his or her" and substituting the words "the worker's".

(2) Subsection 24.1(5) of the regulations is amended by deleting the words "he or she" and substituting the words "the officer".

8. Subsection 26(2) of the regulations is repealed and the following substituted:

(2) An employer, supervisor or worker shall not enter or remain on the premises of a workplace or at a job site while the employer's, supervisor's or worker's ability to perform work responsibilities is impaired by intoxicating substances or another cause that endangers the health or safety of the employer, supervisor or worker or that of other workers.

9. Section 35 of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

10. Subsection 38(4) of the regulations is amended by deleting the words "he or she" and substituting the words "the employer".

11. Subsection 41(1) of the regulations is amended by deleting the words "his or her" and substituting the word "the".

12. (1) Subsection 43(1) of the regulations is amended by deleting the words "his or her" and substituting the words "the employer's".

(2) Paragraph 43(8)(a) of the regulations is amended by deleting the words "his or her" and substituting the words "the employee's".

13. (1) Subsection 46(10) of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the worker's".

(2) Paragraph 46(12)(c) of the regulations is amended by deleting the words "he or she" and substituting the words "the officer".

(3) Subsection 46(19) of the regulations is amended by deleting the words "he or she" wherever they appear and substituting the words "the examining physician".

14. (1) Subsection 47(1) of the regulations is amended by deleting the words "his or her".

(2) Paragraph 47(2)(a) of the regulations is amended by deleting the words "he or she" and substituting the words "the employee".

15. (1) Subsection 55(1) of the regulations is repealed and the following substituted:

Seating or standing
work

55. (1) Where a worker in the course of work has a reasonable opportunity to sit without detriment to the work, an employer shall provide and maintain suitable seating for the worker's use to enable the worker to take advantage of that opportunity.

(2) Subsection 55(3) of the regulations is amended by deleting the words "his or her".

16. Section 75 of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

17. Section 81 of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

18. Subsection 106(7) of the regulations is amended by

(a) deleting the words "he or she" wherever they appear and substituting the words "the worker"; and

(b) deleting the words "his or her" and substituting the words "the worker's".

19. Subsection 116(1) of the regulations is amended by deleting the words "he or she" and substituting the words "the operator or other worker".

20. Paragraph 132(b) of the regulations is amended by deleting the words "his or her".

21. Subsection 133(3) of the regulations is amended by deleting the words "his or her" and substituting the words "the worker's".

22. Subsection 134(5) of the regulations is repealed and the following substituted:

(5) On completion of work, a worker referred to in subsections (3) and (4) shall remove the worker's personal lock from the key securing system.

23. Section 139 of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

24. (1) Subparagraph 142(1)(b)(ii) of the regulations is repealed and the following substituted:

(ii) that complies with

(A) CSA Standard Z259.11 "Personal Energy Absorbers and Lanyards", or

(B) CSA Standard Z259.2.2 "Self-Retracting Devices".

(2) Subparagraph 142(1)(c)(i) of the regulations is amended by replacing the words "Energy Absorbers and Lanyards" with the words "Personal Energy Absorbers and Lanyards".

(3) Subsection 142(1) of the regulations is amended by deleting the word "and" at the end of paragraph (c), by deleting the period at the end of paragraph (d) and substituting a semi-colon, by adding the word "and" at the end of paragraph (d) and by adding immediately after paragraph (d) the following:

- (e) include connecting components that comply with CSA Standard Z259.12 "Connecting Components for Personal Fall Arrest Systems".

(4) Paragraph 142(2)(a) of the regulations is repealed and the following substituted:

- (a) comply with CSA Standard Z259.2.5 "Fall Arresters and Vertical Lifelines";

(5) Subsection 142(4) of the regulations is repealed and the following substituted:

(4) Where a fall arrest system provided to a worker includes a ropegrab, the ropegrab used shall comply with

- (a) CSA Standard Z259.2.4 "Fall Arresters and Vertical Rigid Rails"; and
- (b) CSA Standard Z259.2.5 "Fall Arresters and Vertical Lifelines".

25. Subsection 252(1) of the regulations is amended by deleting the words "he or she" wherever they appear and substituting the words "the person".

26. Section 313 of the regulations is amended by deleting the words "he or she" and substituting the words "the operator".

27. Subsection 360(1) of the regulations is amended by deleting the words "his or her" and substituting the words "the worker's".

28. Subsection 374(5) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

29. Subsection 383(2) of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

30. Subsection 405(1) of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

31. Subsection 411(2) of the regulations is amended by deleting the words "he or she" and substituting the words "the employer".

32. (1) Subsection 422(1) of the regulations is amended by deleting the words "his or her" and substituting the words "the blaster's".

(2) Subsection 422(3) of the regulations is amended by deleting the words "his or her" and substituting the word "the".

33. Subsection 423(3) of the regulations is amended by deleting the words "he or she" and substituting the words "the minister".

34. Section 424 of the regulations is repealed and the following substituted:

Custody of certificates

424. A blaster shall

- (a) retain the blaster's certificate and keep it in a safe place at the workplace while carrying out the blaster's duties; and
- (b) upon the request of an officer, produce the blaster's certificate.

35. Subsection 426(4) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

36. Subsection 438(2) of the regulations is amended by deleting the words "he or she" and substituting the words "the blaster".

37. Paragraph 461(a) of the regulations is amended by deleting the words "keep him or her" and substituting the words "keeps the wearer".

38. Subsection 466(1) of the regulations is repealed and the following substituted:

Personal flotation
devices

466. (1) Where a worker is employed under conditions which expose the worker to a risk of drowning, the worker shall wear a personal flotation device appropriate to the work environment and hazards.

39. (1) Subsection 468(2) of the regulations is amended by deleting the words "his or her" and substituting the words "the crew-member's".

(2) Subsection 468(3) of the regulations is amended by deleting the words "he or she" and substituting the words "the crew-member".

40. (1) Subsection 471(5) of the regulations is amended by deleting the words "him or her" and substituting the words "the worker".

(2) Subsection 471(11) of the regulations is amended by deleting the words "his or her" and substituting the words "the operator's".

41. Subsection 474(2) of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

42. Subsection 511(3) of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

43. (1) Subsection 513(1) of the regulations is amended by deleting the words "he or she" and substituting the words "the worker".

(2) Subsection 513(3) of the regulations is repealed and the following substituted:

(3) Where a worker is required to enter a confined space the employer shall ensure that an attendant

(a) is assigned to the worker;

(b) is stationed outside and near

- (i) the entrance to the confined space, or
- (ii) where there is more than one entrance to the confined space, the one that best allows the attendant to perform the attendant's duties under subsection (4);
- (c) is in continuous communication with the worker using the means of communication described in the relevant safe work procedure; and
- (d) is provided with a device for summoning an adequate rescue response.

(3) Paragraph 513(4)(b) of the regulations is amended by deleting the words "him or her" and substituting the words "the worker".

44. Subsection 528(2) of the regulations is amended by deleting the words "his or her" and substituting the word "the".

45. Subsection 550(1) of the regulations is repealed and the following substituted:

Cap lamps

550. (1) An employer shall provide every person entering an underground place of employment with an approved cap lamp and the person shall keep the lamp in the person's possession while underground.

46. Paragraph 594(3)(e) of the regulations is amended by repealed and the following substituted:

- (e) ensure that each passenger is seated with the seatbelt secured before moving the vehicle; and

47. Subsection 685(3) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

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NEWFOUNDLAND AND LABRADOR REGULATION 44/22

Student Financial Assistance Regulations (Amendment)
under the
Student Financial Assistance Act, 2019
(O.C. 2022- 186)

(Filed July 28, 2022)

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

Dated at St. John's, July 28, 2022.

Krista Quinlan
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|--|
| 1. S.2 Amdt.
Definitions | 4. S.5.2 Amdt.
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NLR 105/03
as amended

1. (1) Paragraph 2(d) of the *Student Financial Assistance Regulations* is amended by deleting the words "his or her" and substituting the words "the person's".

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

- (e) "full time student" means a qualifying student who is enrolled in 80% of a full course load or who qualifies to receive financial assistance under subsection 3(3) or (4) of the *Student Financial Assistance Administration Regulations* or who is a member of the reserve force who interrupts the qualifying student's program of study to serve on a designated operation until
- (i) the last day of the month in which the qualifying student's service on the designated operation ends, or is considered to have ended under subsection 5.2(7), or
- (ii) the date determined under subsection 5.2(10) that is the earlier of the day
- (A) on which it is determined by Canada's Minister of Human Resources and Skills Development under the *Canada Student Financial Assistance Regulations* that the injury or disease, or the aggravation of the injury or disease, no longer precludes the qualifying student from returning to a program of study, and

(B) that is 2 years after the day on which the qualifying student's service on the designated operation ended;

(3) Subparagraph 2(f)(iii) of the regulations is amended by deleting the words "his or her" and substituting the words "the borrower's".

2. Section 4 of the *Student Financial Assistance Regulations* is repealed and the following substituted:

Amount of financial assistance

4. (1) Financial assistance shall not be issued in an amount that is less than \$67.

(2) For the year commencing August 1, 2022, financial assistance issued to a qualifying student shall be issued in the manner and amounts as follows:

- (a) first, subject to subsection (3), an amount of not more than \$345 per course in a non-repayable Memorial University Tuition Relief Grant;
- (b) second, an amount of not more than \$100 per week of a period of study in student loan;
- (c) third,
 - (i) an amount of not more than \$100 per week of a period of study in a non repayable grant, or
 - (ii) where the qualifying student is enrolled in medical school at Memorial University of Newfoundland, an amount of not more than \$125 per week of a period of study in a non repayable grant; and
- (d) fourth, where the qualifying student is enrolled in medical school at Memorial University of Newfoundland, a further amount of not more than \$35 per week of a period of study in student loan.

(3) In order to qualify for the Memorial University Tuition Relief Grant referenced in paragraph (2)(a), a qualifying student must:

- (a) be a resident of the province as determined by the division under section 9 of the *Student Financial Assistance Administration Regulations*;
- (b) have completed high school in the province;
- (c) be enrolled in full-time studies at Memorial University of Newfoundland;
- (d) be enrolled in a bachelor degree level program;
- (e) be required to pay tuition fees of \$600 per course or more;
- (f) be eligible for the Canada Student Grant for Full-Time Students; and
- (g) have at least \$1 of need as determined under the *Student Financial Assistance Administration Regulations*.

(4) Notwithstanding subsection (2), for the year commencing August 1, 2022, where a qualifying student is enrolled in a program of study outside the province, financial assistance issued to the qualifying student shall be issued in an amount of not more than \$200 per week of a period of study in student loan unless the minister determines that

- (a) the qualifying student's program of study is not offered in the province;
- (b) the qualifying student is enrolled in graduate studies;
- (c) the qualifying student's program of study differs substantially from any program of study offered in the province;
- (d) the qualifying student does not meet the minimum entry requirement for the qualifying student's program of study in the province but meets the requirements for substantially the same program outside the province;
- (e) the qualifying student applied to do the qualifying student's program of study in the province but was denied entry due to limited spaces in that program;

- (f) the qualifying student received transfer credits toward advanced standing into the qualifying student's program of study, resulting in a reduced length of time for that program;
- (g) the qualifying student's partner
 - (i) has undertaken studies outside the province, and
 - (ii) meets a requirement under one or more of paragraphs (a) to (f); or
- (h) there is another reason that the minister considers to be appropriate.

3. (1) Subsection 5(1) of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the person's".

(2) Paragraph 5(1)(b) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

4. (1) Section 5.2 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the borrower's".

(2) Subsection 5.2(8) of the regulations is amended by deleting the words "he or she" and substituting the words "the borrower".

5. Section 5.3 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the borrower's".

6. Section 5.4 of the regulations is amended by deleting the words "his or her" and substituting the words "the borrower's".

7. Paragraph 5.5(b) of the regulations is amended by

- (a) deleting the words "him or her" and substituting the words "the borrower"; and**
- (b) deleting the words "he or she" and substituting the words "the borrower".**

8. Section 5.6 of the regulations is amended by

- (a) deleting the words "he or she" and substituting the words "the borrower"; and**
- (b) deleting the words "his or her" and substituting the words "the borrower's".**

9. (1) Section 5.7 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the borrower's".

(2) Paragraph 5.7(1)(b) of the regulations is amended by deleting the words "he or she" and substituting the words "the borrower".

10. Subsection 5.8(3) of the regulations is amended by deleting the words "he or she" and substituting the words "the borrower".

11. Section 5.11 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the borrower's".

12. (1) Section 6 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the borrower's".

(2) Paragraph 6(1)(d) of the regulations is amended by deleting the words "he or she" and substituting the words "the borrower".

(3) Subsection 6(2) of the regulations is amended by adding a period at the end of the subsection.

(4) Paragraph 6(3)(g) of the regulations is amended by deleting the words "him or her" and substituting the words "the borrower's partner".

13. (1) Section 7 of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the borrower's".

(2) Subsection 7(2) of the regulations is amended by deleting the words "he or she" and substituting the words "the borrower".

14. Section 8 of the regulations is amended by

- (a) deleting the words "his or her" wherever they appear and substituting the words "the borrower's"; and**
- (b) deleting the words "he or she" wherever they appear and substituting the words "the borrower".**

15. Subsection 9(3) of the regulations is amended by deleting the words "he or she" and substituting the words "the borrower".

16. Subsection 10(1) of the regulations is amended by deleting the words "his or her" wherever they appear and substituting the words "the borrower's".

17. (1) Subsection 12.01(1) of the regulations is amended by

- (a) deleting the word "borrower" and substituting the word "person"; and**
- (b) deleting the words "his or her" and substituting the words "the person's".**

(2) Subsection 12.01(9) of the regulations is repealed and the following substituted:

(9) A borrower who has a severe permanent disability may have the borrower's loan forgiven where the borrower meets the following criteria:

- (a) the borrower is a Canadian citizen or is a permanent resident within the meaning of the *Immigration and Refugee Protection Act* (Canada);
- (b) the borrower resides in Canada;
- (c) the borrower submits an application to the minister for the severe permanent disability benefit; and
- (d) the borrower satisfies the minister that by reason of severe permanent disability, the borrower is unable to repay the student loan and will never be able to do so.

Commencement

18. These regulations shall come into force on August 1, 2022.



NEWFOUNDLAND AND LABRADOR REGULATION 45/22

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

(Filed July 28, 2022)

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

Dated at St. John's, July 22, 2022.

Dr. John Haggie
Minister of Education

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NLR 106/03
as amended

1. (1) Paragraph 2(e) of the *Student Financial Assistance Administration Regulations* is amended by deleting the words "his or her" and substituting the words "the person's".

(2) Section 2 of the regulations is amended by adding immediately after paragraph (g) the following:

(g.1) "permanent disability" means a functional limitation caused by a physical or mental impairment that restricts the ability of a person to perform the daily activities necessary to participate in studies at a post-secondary school level or the labour force and is expected to remain with the person for the person's expected life;

(g.2) "persistent or prolonged disability" means a functional limitation caused by a physical, mental, intellectual, cognitive, learning, communication or sensory impairment that restricts the ability of a person to perform the daily activities necessary to pursue studies at a post-secondary school level or to participate in the labour force and has lasted, or is expected to last, for a period of at least 12 months;

2. (1) Section 3 of the regulations is amended by

(a) deleting the words "he or she" wherever they appear and substituting the words "the person";

(b) deleting the words "him or her" wherever they appear and substituting the words "the person"; and

(c) deleting the words "his or her" wherever they appear and substituting the words "the person's".

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

(4) Notwithstanding subsection (2), a person who meets the criteria under subsection (1) and is enrolled in at least 40% of a full

course load may receive financial assistance where, upon application to the division, it is demonstrated that the person has

- (a) a permanent disability; or
- (b) a persistent or prolonged disability.

3. (1) Subsection 4(1) of the regulations is repealed and the following substituted:

Maintaining and
duration of eligibil-
ity

4. (1) A person who may receive financial assistance under these regulations shall maintain that eligibility where

- (a) the person successfully completes 80% of a full course load during a period of study; or
- (b) the person is eligible for financial assistance under subsection 3(3) or (4), the person successfully completes all courses in which the person is registered during the period of study.

(2) Subsection 4(5) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

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

Program change

5. (1) A person who changes the person's program of study may maintain eligibility for financial assistance where that change occurs before

- (a) the start of the fifth semester in that program, or
- (b) the mid point of that program,

whichever occurs first.

(2) Where a person changes the person's program of study after the time referred to in subsection (1) that person may maintain eligibility for financial assistance where the minister determines that the new program is an academic progression or has good labour market prospects and does not leave that person with an unmanageable amount of financial assistance debt.

5. (1) Section 8 of the regulations is amended by

- (a) deleting the words "he or she" wherever they appear and substituting the words "the person"; and**
- (b) deleting the words "his or her" wherever they appear and substituting the words "the person's".**

(2) Paragraph 8(3)(c) of the regulations is repealed and the following substituted:

- (c) the person is cohabiting in a conjugal relationship with another person and during that relationship they became the natural or adoptive parents of a child.**

6. Section 9 of the regulations is amended by

- (a) deleting the words "he or she" wherever they appear and substituting the words "the student"; and**
- (b) deleting the words "his or her" wherever they appear and substituting the words "the student's".**

7. Subsection 10(2) of the regulations is amended by deleting the words "his or her" and substituting the words "the person's".

8. (1) Section 14 of the regulations is amended by deleting the words "he or she" wherever they appear and substituting the words "the person".

(2) Paragraph 14(1)(c) of the regulations is amended by deleting the words "his or her" and substituting the word "the".

9. (1) Subsection 15(1) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

(2) Section 15 of the regulations is amended by deleting the words "him or her" wherever they appear and substituting the words "the person".

10. Subsection 16(1) of the regulations is amended by

(a) deleting the words "he or she" wherever they appear and substituting the words "the person"; and

(b) deleting the words "his or her" and substituting the words "the person's".

11. (1) Subsection 18(6) of the regulations is amended by deleting the words "he or she" and substituting the words "the member".

(2) Subsection 18(7) of the regulations is amended by deleting the words "he or she is replacing" and substituting the words "being replaced".

12. Subsection 19(1) of the regulations is amended by deleting the words "he or she" and substituting the words "the person".

13. Section 24 of the regulations is amended by deleting the words "him or her" and substituting the words "the person".

14. Subsection 25(3) of the regulations is repealed and the following substituted:

(3) A person who makes an appeal to the appeal board has the right

(a) to be present;

(b) to be present with representation; or

(c) to designate a representative to appear on the person's behalf,

at the hearing of the matter under appeal.

15. Section 26.1 of the regulations is amended by deleting the words "him or her" and substituting the words "the borrower".

16. These regulations come into force on August 1, 2022.

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

Copy for publication must be received by **Friday, 4:30 p.m.**, seven days before publication date to ensure inclusion in next issue. Advertisements must be submitted in either PDF format or as a MSWord file. When this is not possible, advertisements must be either, typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

Copy may be mailed to the address below, faxed to (709) 729-1900 or emailed to queensprinter@gov.nl.ca. Subscription rate for *The Newfoundland and Labrador Gazette* is \$144.38 for 52 weeks plus 15% HST (\$166.04). Weekly issues, \$3.47 per copy, plus 15% HST (\$3.99) payable in advance.

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

Web Site: www.gov.nl.ca/snl/printer/gazette/weekly-issues

The Newfoundland and Labrador Gazette

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