



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I PUBLISHED BY AUTHORITY

Vol. 93

ST. JOHN'S, FRIDAY, OCTOBER 19, 2018

No. 42

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 and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2)(d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of New Perlican harbour for the purpose of boathouse 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 the website below:
<http://www.ma.gov.nl.ca/lands/sec7notifications.html>
Please note: It may take up to 5 days from the date of application for details to appear on the website.

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

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca
- Central Regional Lands Office, P.O. Box 2222, Gander,

NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca

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

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

Oct 19

QUIETING OF TITLES ACT

2018 OIG IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR GENERAL DIVISION

Notice of Application under the *Quieting of Titles Act*, RSNL1990, c.Q-3. as amended;

NOTICE

NOTICE IS HEREBY given to all persons that SUSAN VILLEMAIRE, of the City of St. Johns, Newfoundland and Labrador, has applied to the Supreme Court of Newfoundland

and Labrador to have title to

ALL THAT piece or parcel of property, more particularly described in Schedule "A" hereto attached, of which the said SUSAN VILLEMAIRE claims to be the beneficial owner of, investigated,

and for a declaration that SUSAN VILLEMAIRE is the absolute owner in fee simple in possession and the said SUSAN VILLEMAIRE has been ordered to publish Notice of Application as required by the above named Act.

All persons having title adverse to the said title claim by the said SUSAN VILLEMAIRE shall file in the Registry of the Supreme Court of Newfoundland and Labrador, particulars of such adverse claim and serve the same together with an Afidavit verifying the same on the undersigned Solicitors for the Applicant on or before the 16th day of November, 2018, after which date no party having any claims 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 then be investigated in such manner as the Court may direct.

DATED AT St. John's, in the Province of Newfoundland and Labrador, this 11th day of October 2018.

A.F. BRUCE LAW
Solicitors for the Applicant
PER: Jillian A. Hewitt

ADDRESS FOR SERVICE:
302 LeMarchant Road
P.O. Box 26057,
RPO LeMarchant Road
St. John's, NL A1E 0A5

Tel: (709) 700-0949
Fax: (709) 800-8988

Schedule "A"
Lot 5

ALL THAT piece or parcel of land situate and being Northeast of Doyle's Road, West of a Proposed Cul-de-Sac, in the City of St. John's, in the Province of Newfoundland and Labrador, Canada, bounded and abutted as follows: that is to say beginning at a point, said point having M.T.M. Grid Co-ordinates (C.M. 53°) [NAD 83] of N 5 258 179.724 and E 321232.680;

THENCE running North 88°07'00" West a distance of 30.770 metres by land of Glen Byrne Lot 4 to a point;

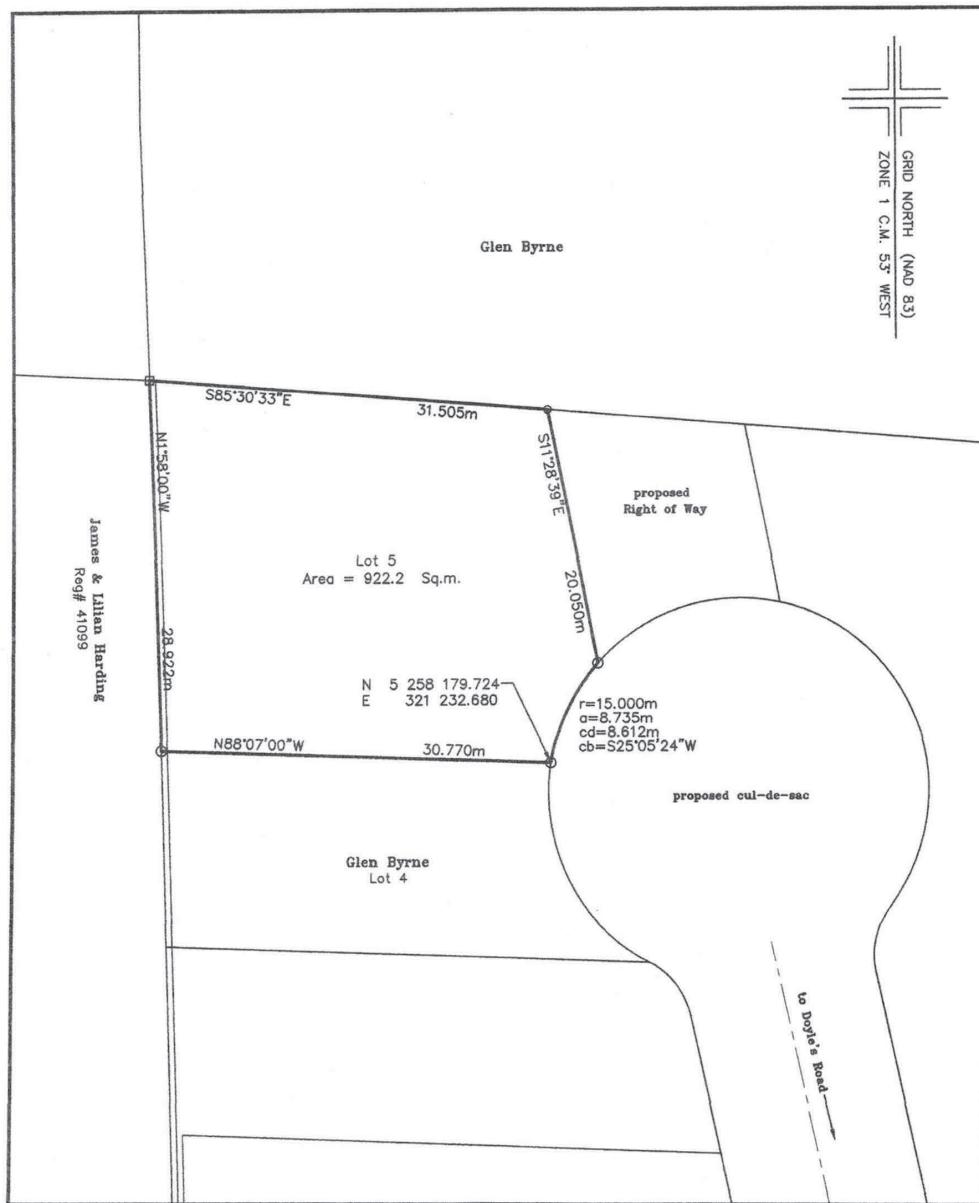
THENCE running North 1°058'00" West a distance of 28.922 metres by land of James & Lilian Harding, Registration Number 41099 to a point;

THENCE running South 85°30'33" East a distance of 31.505 metres by land of Glen Byrne to a point;

THENCE running South 11°28'39" East a distance of 20.050 metres along the Western limits of a Proposed Right of Way to a point;

THENCE running along the Western limits of a Proposed Cul-de-Sac counter clockwise along a curve with a chord bearing of South 25°05'24" West, a chord distance of 8.612 metres, an arc distance of 8.735 metres, and a radius of 15.000 metres to the Place of Beginning and containing in all an area of 922.2 Square Metres as more particularly described and delineated on plan 2018-077, 19 June 2018 hereto annexed.

ALL bearings referenced to the meridian of 53 degrees west longitude of the Three Degree Modified Transverse Mercator Projection, Zone 1, NAD 83 for the Province of Newfoundland and Labrador.



NOTES:-

THIS IS PAGE 2 OF 2 FOR THE BOUNDARY SURVEY.

ALL DISTANCES ARE METRIC.

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THERETO.

LEGEND:-

CONTROL MONUMENT	◎
PLACED IRON BAR	○
FOUND IRON BAR	●
POLE OR LIGHT STANDARD	●
PROPERTY DEALT WITH	—
FENCE LINES	—x—
POWER-TELEPHONE LINES	—:—
EASEMENTS	— - -

MONUMENTS USED FOR CONTROL [CM 53°] (NAD 83)
97G7207 N 5 258 379.299
E 321 101.559
97G7209 N 5 257 566.566
E 321 111.778
COMBINED SCALE FACTOR = 0.999887



Boundary Survey

Susan Villemaire

Lot 5 Doyle's Road, St. John's, NL

drawn by:	S.N.	date:	19 June 2018
survey by:	D.N.	ch'kd by:	D.N.
scale:	1:400	job no.:	2018-077

Don Nolan NLS.

PHONE (709) 368-2085, FAX (709) 834-3004

EMAIL: donnolansurveys@live.com

P.O. Box 692, Goulds, NL., A1S 1G7

TRUSTEE ACT

ESTATE NOTICE

IN THE ESTATE of AUGUSTUS WHITE, Late of Stephenville, in the Province of Newfoundland and Labrador, Gentleman, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of AUGUSTUS WHITE, Late of Stephenville, Newfoundland and Labrador, Deceased, are hereby requested to send the particulars of the same in writing, duly attested, to the undersigned Solicitor for the Administrator of the Estate on or before the 5th day of November, 2018, after which date the said Administrator will proceed to distribute the said Estate having regard only to the claims of which notice shall have been received.

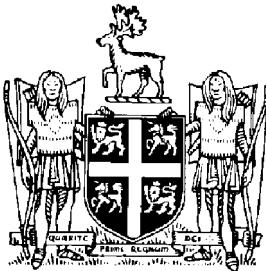
DATED AT Stephenville, Newfoundland and Labrador this 12th day of October, 2018.

MILLS LAW
Solicitor for the Administrator of the Estate
PER: David A. Mills

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

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

Oct 19



THE NEWFOUNDLAND AND LABRADOR GAZETTE

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

Vol. 93

ST. JOHN'S, FRIDAY, OCTOBER 19, 2018

No. 42

NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 90/18
NLR 91/18
NLR 92/18
NLR 93/18
NLR 94/18
NLR 95/18**



**NEWFOUNDLAND AND LABRADOR
REGULATION 90/18**

*Proclamation bringing Act into force
(SNL 2018 c.23) [October 17, 2018]
under the
An Act to Amend the Liquor Corporation Act
(O.C. 2018-207)*

(Filed October 16, 2018)

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her Other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

LIEUTENANT GOVERNOR: JUDY M. FOOTE

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 10 of *An Act to Amend the Liquor Corporation Act*, Statutes of Newfoundland and Labrador 2018, Chapter 23 (the "Act") it is provided that the Act, or a section, subsection, paragraph or subparagraph of the Act, comes into force on a day or days to be proclaimed by the Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall come into force on October 17th, 2018;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that *An Act to Amend the Liquor Corporation Act*, Statutes of Newfoundland and Labrador 2018, Chapter 23 shall be proclaimed into force on October 17th, 2018.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Judy M. Foote, Member of Our Privy Council of Canada, Chancellor of the Order of Newfoundland and Labrador, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE, in Our City of St. John's, this 15th day of October in the year of Our Lord two thousand and eighteen, in the sixty-seventh year of Our Reign.

BY COMMAND,

JENNIFER MERCER, Q.C.
DEPUTY ATTORNEY GENERAL

AL HAWKINS
REGISTRAR GENERAL



**NEWFOUNDLAND AND LABRADOR
REGULATION 91/18**

*Proclamation bringing Act into force
(SNL 2018 c.24) [October 17, 2018]
under the
An Act to Amend the Smoke Free Environment Act, 2005
(O.C. 2018-205)*

(Filed October 16, 2018)

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her Other
Realms and Territories QUEEN, Head of the Commonwealth,
Defender of the Faith.

LIEUTENANT GOVERNOR: JUDY M. FOOTE

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 7 of *An Act to Amend the Smoke-Free Environment Act, 2005*, Statutes of Newfoundland and Labrador 2018, Chapter 24 (the "Act") it is provided that the Act, or a section, subsection, paragraph or subparagraph of the Act, comes into force on a day or days to be proclaimed by the Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall come into force on October 17th, 2018;

NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that *An Act to Amend the Smoke-Free Environment Act, 2005*, Statutes of Newfoundland and Labrador 2018, Chapter 24 shall be proclaimed into force on October 17th, 2018.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Judy M. Foote, Member of Our Privy Council of Canada, Chancellor of the Order of Newfoundland and Labrador, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE, in Our City of St. John's, this 15th day of October in the year of Our Lord two thousand and eighteen, in the sixty-seventh year of Our Reign.

BY COMMAND,

JENNIFER MERCER, Q.C.
DEPUTY ATTORNEY GENERAL

AL HAWKINS
REGISTRAR GENERAL

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**NEWFOUNDLAND AND LABRADOR
REGULATION 92/18**

*Proclamation bringing Act into force
(SNL 2018 cC-4.1) [October 17, 2018]
under the
Cannabis Control Act
(O.C. 2018-206)*

(Filed October 16, 2018)

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her Other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

LIEUTENANT GOVERNOR: JUDY M. FOOTE

TO ALL TO WHOM THESE PRESENTS SHALL COME,

GREETING;

A PROCLAMATION

WHEREAS in and by section 115 of *An Act Respecting the Control and Sale of Cannabis*, Statutes of Newfoundland and Labrador 2018, Chapter C-4.1 (the "Act") it is provided that the Act, or a section, subsection, paragraph or subparagraph of the Act, comes into force on a day or days to be proclaimed by the Lieutenant Governor in Council;

AND WHEREAS it is deemed expedient that the Act shall come into force on October 17th, 2018;
NOW KNOW YE, THAT WE, by and with the advice of Our Executive Council of Our Province of Newfoundland and Labrador, do by this our Proclamation declare and direct that *An Act Respecting the Control and Sale of Cannabis*, Statutes of Newfoundland and Labrador 2018, Chapter C-4.1 shall be proclaimed into force on October 17th, 2018.

OF ALL WHICH OUR LOVING SUBJECTS AND ALL OTHERS whom these Presents may concern are hereby required to take notice and to govern themselves accordingly.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Great Seal of Newfoundland and Labrador to be hereunto affixed.

WITNESS: Our trusty and well-beloved the Honourable Judy M. Foote, Member of Our Privy Council of Canada, Chancellor of the Order of Newfoundland and Labrador, Lieutenant Governor in and for Our Province of Newfoundland and Labrador.

AT OUR GOVERNMENT HOUSE, in Our City of St. John's, this 15th day of October in the year of Our Lord two thousand and eighteen, in the sixty-seventh year of Our Reign.

BY COMMAND,

JENNIFER MERCER, Q.C.
DEPUTY ATTORNEY GENERAL

AL HAWKINS
REGISTRAR GENERAL

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NEWFOUNDLAND AND LABRADOR REGULATION 93/18

*Cannabis Control Regulations
under the
Cannabis Control Act
(O.C. 2018-209)*

(Filed October 16, 2018)

Under the authority of section 101 of the *Cannabis Control Act*,
the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, October 16, 2018.

Ann Marie Hann
Clerk of the Executive Council

REGULATIONS

Analysis

1. Short title	5. Interest on gross profit
2. Definitions	6. Products in cannabis store
3. Application	7. Cultivating, propagating and
4. Interest on value of cannabis seized	growing cannabis
	8. Commencement

Short title **1.** These regulations may be cited as the *Cannabis Control Regulations*.

Definitions **2.** In these regulations

(a) "Act" means, unless otherwise stated, the *Cannabis Control Act*; and

(b) "brand element" means brand element as defined in the federal Act.

Application

3. These regulations, unless otherwise stated, do not apply to

(a) the distribution, possession, purchase, sale, consumption, cultivation, propagation and growth of cannabis for medical purposes in accordance with the federal Act;

(b) industrial hemp as defined in the federal Act; or

(c) a drug under the *Food and Drugs Act* (Canada) that contains cannabis.

Interest on value of cannabis seized

4. (1) Where the corporation pays to a person an amount under subsection 51(3) of the Act that is equal to the value of cannabis seized, interest shall be payable on the amount equal to the value of cannabis seized from the date that the person establishes to the satisfaction of the corporation that the cannabis was obtained in accordance with the Act and the regulations and that he, she or it otherwise complies with the Act and regulations to the date of payment.

(2) For the purpose of subsection (1), the annual rate of interest is the rate equal to the prime lending rate of the bank holding the province's general revenue fund as determined and adjusted in accordance with this section.

(3) Notwithstanding subsections (1) and (2), interest is not payable to a person where the corporation pays the amount equal to the value of the cannabis seized within 60 days of the date that the person establishes to the satisfaction of the corporation that the cannabis was obtained in accordance with the Act and the regulations and that he, she or it otherwise complies with the Act and regulations.

(4) Interest calculated under this section shall be compounded monthly.

(5) The interest rate prescribed by this section shall be determined on June 15 and December 15 in each year and

(a) the interest rate as determined on June 15 shall apply to the amount equal to the value of the cannabis seized that is owing after June 30; and

(b) the interest rate as determined on December 15 shall apply to the amount equal to the value of the cannabis seized that is owing after December 31.

(6) Interest shall not be paid under this section where the amount equal to the value of the cannabis seized is less than \$100.

(7) Interest shall not be paid under this section where the corporation returns the cannabis seized to a person under subsection 51(3) of the Act.

Interest on gross profit

5. (1) Interest shall be levied upon the gross profit due under subsection 68 of the Act for each month or part of a month from the date it is required to be paid to the date of payment.

(2) For the purpose of subsection (1), the annual rate of interest with respect to the gross profit is the rate equal to the sum of

(a) the prime lending rate of the bank holding the province's general revenue fund as determined and adjusted in accordance with this section; and

(b) 4 percentage points.

(3) Interest calculated under this section shall be compounded monthly.

(4) The interest rate prescribed by this section shall be determined on June 15 and December 15 in each year and

(a) the interest rate as determined on June 15 shall apply to the gross profit that is owing after June 30; and

(b) the interest rate as determined on December 15 shall apply to the gross profit that is owing after December 31.

(5) Interest shall not be levied for a month in which the total of the following is less than \$100:

- (a) the gross profit due in that month; and
- (b) any gross profit and interest due from a previous month that is required to be paid but has not been paid.

Products in
cannabis store

6. A cannabis store may sell or offer to sell the following products other than cannabis and cannabis accessories:

- (a) non-alcoholic beverages; and
- (b) products, other than food, that display a brand element.

Cultivating,
propagating and
growing cannabis

7. (1) A person who is under 19 years of age shall not cultivate, propagate or grow a cannabis plant.

(2) A maximum of 4 cannabis plants that are not authorized under the *Cannabis Act* (Canada) to be cultivated, propagated or grown as medical cannabis may be cultivated, propagated or grown in a dwelling house at any one time.

(3) A person shall not cultivate, propagate or grow a cannabis plant in, at or on a place or premises other than in a dwelling house.

(4) A person shall not cultivate, propagate or grow a cannabis plant in a dwelling house in which he or she is not ordinarily resident.

(5) For the purpose of this section,

- (a) a person shall not be ordinarily resident in more than one dwelling house at any one time; and
- (b) "dwelling house" includes a building or an enclosed structure within the curtilage of a dwelling house but does not include the curtilage of the dwelling house.

(6) A person who cultivates, propagates or grows a cannabis plant shall take reasonable measures to ensure that the cannabis plant is not accessible to a person who is under 19 years of age.

(7) A person shall not cultivate, propagate or grow a cannabis plant where it is visible from a public place without using a device other than a device for the relief or correction of a visual or muscular error or defect of the eye.

(8) A person shall not cultivate, propagate or grow a cannabis plant or cultivate, propagate or grow a cannabis plant from cannabis that he or she knows or ought to know is contraband.

Commencement

8. These regulations come into force on October 17, 2018.

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NEWFOUNDLAND AND LABRADOR REGULATION 94/18

*Cannabis Licensing and Operations Regulations
under the
Cannabis Control Act
(O.C. 2018-208)*

(Filed October 16, 2018)

Under the authority of section 102 of the *Cannabis Control Act*, the board of directors of the Newfoundland and Labrador Liquor Corporation, with the approval of the Lieutenant-Governor in Council, makes the following regulations.

Dated at St. John's, October 16, 2018.

Wayne Myles, Q.C.
Chairperson, Board of Directors of the
Newfoundland and Labrador Liquor Corporation

Ann Marie Hann
Clerk of the Executive Council

REGULATIONS

Analysis

1. Short title	4. Classes of licences
2. Definitions	5. Application for licence
3. Application	6. Notice

7. Terms and conditions of licences	10. Online sales
8. Storage of cannabis	11. Period of inactivity
9. Hours of sale	12. Commencement

Short title **1.** These regulations may be cited as the *Cannabis Licensing and Operations Regulations*.

Definitions **2.** In these regulations

- (a) "Act" means, unless otherwise stated, the *Cannabis Control Act*;
- (b) "brand element" means brand element as defined in the federal Act;
- (c) "online content" means information that is available on the internet through or on a website or otherwise that is maintained, published or made available by a retailer;
- (d) "online order" means an order taken or received by the corporation or a retailer on the internet through or on a website or otherwise;
- (e) "promote" means promote as defined in the federal Act;
- (f) "secure area" means the secure area required under section 4; and
- (g) "unsaleable" means unsuitable for sale or supply because
 - (i) it is contaminated,
 - (ii) it is subject to a recall order made under the federal Act,
 - (iii) it is subject to a recall directive issued by the corporation,
 - (iv) the package or container has been tampered with, opened, unsealed, manipulated or otherwise altered or a label has been added to or removed from the package or container, or

(v) where there is an expiry date, that expiry date has passed.

Application

3. These regulations, unless otherwise stated, do not apply to

- (a) the distribution, possession, purchase, sale, consumption, cultivation, propagation and growth of cannabis for medical purposes in accordance with the federal Act;
- (b) industrial hemp as defined in the federal Act; or
- (c) a drug under the *Food and Drugs Act* (Canada) that contains cannabis.

Classes of licences

4. (1) There are 2 classes of licences that may be issued by the board for a cannabis store:

- (a) tier 1; and
- (b) tier 2.

(2) There are 2 classes of licences that may be issued by the board for a cannabis retail location:

- (a) tier 3; and
- (b) tier 4.

(3) A tier 1 licence may be issued in relation to a place or premises which meets the following requirements:

- (a) the place or premises is configured as a stand-alone cannabis store;
- (b) the area of the place or premises where cannabis will be stored, sold or otherwise supplied is separate and does not co-exist and is not contained in the same space as another establishment;
- (c) a person is not able and is not required to pass through the interior of the place or premises in order to access an area which is unrelated to the cannabis store;

- (d) there is sufficient space for the storage, sale and supply of cannabis;
- (e) there is a secure area which
 - (i) is equipped with a commercial lock or locking mechanism,
 - (ii) is a permanent area with walls that are fixed or is a vault, safe, locker, cabinet or other enclosure that is fixed to the floor or a wall, and
 - (iii) has the capacity to store all of the cannabis purchased or obtained by a retailer from a producer for that cannabis store or cannabis retail location;
- (f) the place or premises has an intrusion detection system which
 - (i) allows the detection of any attempted or unauthorized access to the place or premises or any attempted or unauthorized tampering with the system, and
 - (ii) monitors the area of the place or premises in which cannabis will be sold or otherwise supplied, the secure area where cannabis will be stored and the entrance and exit doors of the place or premises; and
- (g) the place or premises has a video surveillance system which
 - (i) is capable of making a visible recording of any illicit conduct in the conditions under which the video surveillance system is used, and
 - (ii) monitors the area of the place or premises in which cannabis will be sold or otherwise supplied, the secure area where cannabis will be stored and the entrance and exit doors of the place or premises.

(4) A tier 2 licence may be issued in relation to a place or premises which meets the following requirements:

- (a) the place or premises is configured as a stand-alone cannabis store located within a retail establishment that

- (i) is not a cannabis store or cannabis retail location,
- (ii) does not include a pharmacy, and
- (iii) has not been issued a lounge licence under the *Liquor Licensing Regulations*;

(b) the area of the place or premises where cannabis will be stored, sold or otherwise supplied is separate from the retail establishment;

(c) a person is not able and is not required to pass through the interior of the place or premises in order to access the retail establishment or an area which is unrelated to the cannabis store; and

(d) the requirements set out in paragraphs (3)(d) to (g).

(5) A tier 3 licence may be issued in relation to a place or premises which meets the following requirements:

- (a) the place or premises is configured as a separate point of sale within a retail establishment;
- (b) the retail establishment in which it is located
 - (i) does not include a pharmacy, and
 - (ii) has not been issued a lounge licence under the *Liquor Licensing Regulations*;
- (c) there is a counter designated for the sale and supply of cannabis and cannabis accessories which is separate and apart from the counter that is used by the retail establishment in which it is located; and
- (d) the requirements set out in paragraphs (3)(d) to (g).

(6) A tier 4 licence may be issued in relation to a place or premises which meets the following requirements:

- (a) the sale and supply of cannabis and cannabis accessories occurs at the same counter that is used by the retail establishment in which it is located; and

Application for
licence

(b) the requirements set out in paragraphs (3)(d) to (g) and (5)(b).

5. (1) An application for a licence shall include the following information in addition to the information required under the Act:

- (a) personal data in the form set by the board for the officer or agent in charge of the place or premises to which the licence will apply;
- (b) proof of identity satisfactory to the board for the officer or agent in charge of the place or premises to which the licence will apply;
- (c) confirmation in writing from the city or municipality in which the place or premises to which the licence will apply is located that the city or municipality does not object to a licence being issued to the applicant and the proposed cannabis store or cannabis retail location would not violate the city's or municipality's zoning by-laws and regulations;
- (d) evidence satisfactory to the board that the applicant owns or is in lawful possession of the place or premises to which the licence will apply;
- (e) a plan of the place or premises to which the licence will apply and where the application is for a tier 3 or tier 4 licence, a plan of the retail establishment in which it will be located that
 - (i) is drawn to scale,
 - (ii) shows all areas of the place or premises and the retail establishment and the dimensions of all of those areas, and
 - (iii) is on paper that is 22 centimetres by 36 centimetres or smaller;
- (f) evidence satisfactory to the board that the notice required under section 21 of the Act was posted in accordance with the Act and these regulations;

- (g) evidence satisfactory to the board that all exterior windows of the cannabis store or cannabis retail location
 - (i) have been hardened or protected against being broken, or
 - (ii) are not likely to permit access by a person to the cannabis store or cannabis retail location if the window is broken;
- (h) evidence satisfactory to the board that all entrance and exit doors and doorways of the cannabis store or cannabis retail location
 - (i) have been hardened or protected against being broken, and
 - (ii) are equipped with a commercial lock or locking mechanism;
 - (i) evidence satisfactory to the board that the place or premises to which the licence will apply is adequately illuminated;
- (j) evidence satisfactory to the board that the applicant
 - (i) is not employed by the corporation and is not a member of or employed by the board,
 - (ii) is not a police officer, and
 - (iii) is not indebted to the corporation or the board; and
- (k) a consent for the disclosure of information in relation to the application.

(2) Where the applicant is an incorporated company, an application for a licence shall include the following information in addition to the information required under the Act and this section:

- (a) a copy of the most recent notice of directors of the company and where that notice of directors does not include the names and addresses of the current directors and officers of the company, a list of those names and addresses; and

(b) where the applicant is a subsidiary of an incorporated company, a copy of the most recent notice of directors of each parent company and where that notice of directors does not include the names and addresses of the current directors and officers of each parent company, a list of those names and addresses.

(3) Where the applicant is applying on behalf of a beneficial owner, an application for a licence shall include the following information in addition to the information required under the Act and this section:

- (a) personal data in the form set by the board for the beneficial owner; and
- (b) proof of identity satisfactory to the board for the beneficial owner.

Notice

6. (1) A notice under section 21 of the Act shall include

- (a) the heading "Public Notice";
- (b) a statement of the intention of the applicant to apply for a licence or the person to request permission to transfer a licence;
- (c) the address of the place or premises to which the licence will apply or does apply;
- (d) the name of the person making the application or requesting permission to transfer a licence;
- (e) a deadline for objecting to the application or request that is 4 weeks from the date the notice is first posted; and
- (f) the manner set by the corporation in which an objection shall be filed.

(2) A notice under section 21 of the Act shall be posted for the 3 consecutive weeks immediately before the application or request is made

- (a) in a newspaper circulating in the area where the place or premises to which the licence will apply or does apply is located;
- (b) in 3 public locations in the electoral district where the place or premises to which the licence will apply or does apply is located; and
- (c) on a website directed by the corporation.

(3) In addition to the requirements under subsection (2), a notice under section 21 of the Act shall be posted on or at the place or premises to which the licence will apply or does apply for the 3 consecutive weeks immediately before the application or request is made up to the date the board issues a licence or refuses to issue a licence or grants or refuses permission to transfer a licence.

Terms and
conditions of
licences

7. (1) The following are terms and conditions of a licence with respect to the sale and supply of cannabis in addition to the terms and conditions imposed by the board and the Act:

- (a) a retailer and an employee of a retailer shall not sell or otherwise supply cannabis at a price other than the price fixed by the corporation;
- (b) a retailer and an employee of a retailer shall not supply cannabis to a person until that person has paid the price fixed by the corporation in full;
- (c) a retailer and an employee of a retailer shall not do any of the following except in accordance with the written directions provided by the corporation:
 - (i) dispose of cannabis, or
 - (ii) remove cannabis from the cannabis store or cannabis retail location;
- (d) a retailer and an employee of a retailer shall not encourage or induce the sale, supply or consumption of cannabis or cannabis accessories by combining a sale or the supply of cannabis or cannabis accessories with the sale or the supply of any other product or service;

- (e) a retailer who holds a tier 3 licence and an employee of that retailer shall not sell or otherwise supply products other than cannabis and cannabis accessories from the counter designated for the sale and supply of cannabis and cannabis accessories unless those products are sold or otherwise supplied along with cannabis or cannabis accessories;
- (f) a retailer who holds a tier 3 licence shall ensure that cannabis and cannabis accessories are not sold or otherwise supplied from a counter other than the counter designated for the sale and supply of cannabis and cannabis accessories;
- (g) a retailer shall not pay or remunerate his, her or its employees with cannabis or cannabis accessories;
- (h) a retailer and an employee of a retailer shall not give cannabis or cannabis accessories gratuitously to any person; and
- (i) a retailer and an employee of a retailer shall not accept cannabis for a refund or as a return other than cannabis that is subject of a recall order made under the federal Act or a recall directive issued by the corporation.

(2) The following are terms and conditions of a licence with respect to cannabis stores and cannabis retail locations in addition to the terms and conditions imposed by the board and the Act:

- (a) a retailer who holds a tier 1 or tier 2 licence shall ensure that the interior of the cannabis store cannot be seen from the exterior of the cannabis store;
- (b) a retailer who holds a tier 1 or tier 2 licence shall ensure that cannabis and cannabis accessories in the interior of the cannabis store cannot be seen from the exterior of the cannabis store;
- (c) a retailer who holds a tier 1 or tier 2 licence shall ensure that a sign which indicates that a person who is under 19 years of age is prohibited from entering the cannabis store is located near every entrance and exit door;
- (d) a retailer who holds a tier 3 or tier 4 licence shall take reasonable measures to ensure that cannabis, cannabis accessories, brand elements and advertising and promotion

relating to cannabis cannot be seen by a person who is under 19 years of age;

- (e) a retailer shall take reasonable measures to ensure that a package or container of cannabis purchased in or at the cannabis store or cannabis retail location is not opened in the interior of the cannabis store or cannabis retail location;
- (f) a retailer shall ensure that the secure area is locked when the cannabis store or cannabis retail location is closed to the public;
- (g) a retailer shall ensure that the intrusion detection system and the video surveillance system for the cannabis store or cannabis retail location is in good working order and continuously monitors the cannabis store or cannabis retail location;
- (h) a retailer who holds a tier 1 or tier 2 licence or an employee of that retailer shall immediately verify the age of each person who enters the cannabis store that appears to be under 19 years of age to ensure that the person is not under 19 years of age;
- (i) a retailer who holds a tier 3 or tier 4 licence or an employee of that retailer shall immediately verify the age of each person who makes inquiries about cannabis or cannabis accessories or attempts to purchase or obtain cannabis or cannabis accessories that appears to be under 19 years of age to ensure that the person is not under 19 years of age;
- (j) a retailer who holds a tier 2, tier 3 or tier 4 licence shall maintain books of account and records of transactions relating to cannabis and cannabis accessories separate from the books of account and records of transactions for the retail establishment in which it is located;
- (k) a retailer and an employee of a retailer shall not do any of the following without the prior written approval of the corporation:
 - (i) alter the structure, walls, layout or configuration of the cannabis store or cannabis retail location, or

(ii) alter the lock, locking mechanism, intrusion detection system, video surveillance system or anything that would adversely affect the security of the cannabis store or the cannabis retail location; and

(l) a retailer shall ensure that the interior and the exterior of the cannabis store or cannabis retail location are kept clean and in good repair.

(3) The following are terms and conditions of a licence with respect to promoting cannabis and cannabis accessories in addition to the terms and conditions imposed by the board and the Act:

(a) a retailer and an employee of a retailer shall not sell, supply or offer to sell or supply anything that is not cannabis or a cannabis accessory, including a right to participate in a game, draw, lottery or contest, where it is sold, supplied or offered to be sold or supplied as an inducement for the purchase of cannabis or a cannabis accessory;

(b) a retailer and an employee of a retailer shall not promote or engage in or conduct promotional activities with respect to cannabis or cannabis accessories on or from the exterior of the cannabis store or cannabis retail location unless otherwise permitted under the Act, regulations made under the Act or the federal Act;

(c) a retailer and an employee of a retailer shall not make any claim or statement or provide advice with respect to any health effects of cannabis or provide information on cannabis for medical purposes;

(d) a retailer who holds a tier 3 or tier 4 licence and an employee of that retailer shall not wear, use or display anything in or at the cannabis retail location that contains a brand element that promotes cannabis or cannabis accessories or the sale of cannabis or cannabis accessories;

(e) a retailer who holds a tier 1 or tier 2 licence shall take reasonable measures to ensure that the online content for the cannabis store is not accessible to persons who are under 19 years of age;

(f) a retailer who holds a tier 3 or tier 4 licence shall take reasonable measures to ensure that the online content for the

cannabis retail location relating to cannabis and cannabis accessories is not accessible to persons who are under 19 years of age; and

(g) a retailer shall ensure that the online content in relation to cannabis for the cannabis store or cannabis retail location does not contain any of the following information or advertising, references, promotions or links to the following information:

- (i) health and safety information that is not approved or published by the government of Canada, the government of the province or the corporation,
- (ii) any information relating to cannabis for medical purposes other than a link to a website maintained or published by the government of Canada,
- (iii) any information which encourages or induces risky behaviour,
- (iv) any information which encourages or induces the consumption of cannabis in a manner that is not socially responsible,
- (v) any information which encourages or induces the sale, gift, supply, purchase, possession, storage, consumption or transportation of cannabis contrary to the Act, the regulations made under the Act or the federal Act,
- (vi) any information that is false, misleading, deceptive or that is likely to create an erroneous impression about the cannabis and cannabis accessories for sale or supply by that retailer, and
- (vii) any information that is false, misleading, deceptive or that is likely to create an erroneous impression about the pricing or availability of cannabis and cannabis accessories for sale or supply by that retailer.

(4) The following are terms and conditions of a licence with respect to recalls and unsaleable cannabis in addition to the terms and conditions imposed by the board and the Act:

(a) a retailer shall store unsaleable cannabis in the secure area but separate and apart from cannabis that is not unsaleable cannabis; and

(b) a retailer shall follow the written directions provided by the corporation with respect to unsaleable cannabis including the records that shall be kept with respect to unsaleable cannabis.

(5) The following are terms and conditions of a licence with respect to reporting and records in addition to the terms and conditions imposed by the board and the Act:

(a) a retailer shall report to the corporation a change in any information that was provided as part of his, her or its application;

(b) a retailer shall report to the corporation a change in the ownership of the place or premises where the cannabis store or cannabis retail location is located;

(c) a retailer shall report to the corporation any circumstance which the retailer knows or ought to know would disqualify him, her or it from being issued a licence under section 18 of the Act;

(d) a retailer shall immediately report to the corporation a theft or an attempted theft by any person at the cannabis store or cannabis retail location;

(e) a retailer shall keep all records, other than video surveillance, relating to the cannabis store or cannabis retail location for a minimum of 7 years from the date the record was created;

(f) a retailer shall keep all video surveillance for 120 days from the date it was taken unless otherwise directed in writing by the corporation; and

(g) notwithstanding paragraph (f), a retailer shall keep all video surveillance from the time a theft or attempted theft occurred for 2 years after the date of the theft or attempted theft where a report is made under paragraph (d) unless otherwise directed in writing by the corporation.

(6) A report required under paragraph (5)(a), (b) or (c) shall be made to the corporation within 30 days of the date the change occurred or the circumstances became known to the retailer.

Storage of cannabis

8. (1) Cannabis purchased or obtained by a retailer from a producer and located in a cannabis store or cannabis retail location shall be

- (a) stored in accordance with any specifications provided by the producer of the cannabis;
- (b) sold and otherwise supplied, stocked, managed and dealt with by only those employees who are designated by the retailer; and
- (c) stored in a secure area that is locked when the cannabis store or cannabis retail location is closed to the public.

(2) Notwithstanding paragraph (1)(c), the secure area may be unlocked while the cannabis store or cannabis retail location is closed to the public where

- (a) the area in which cannabis is sold is being restocked;
- (b) the retailer or an employee of the retailer is doing an inventory;
- (c) the retailer or an employee of the retailer is receiving delivery of cannabis; or
- (d) it is permitted by a written direction provided by the corporation.

(3) A retailer shall not store cannabis at a cannabis store or cannabis retail location that was not purchased or obtained from a producer.

(4) A retailer shall keep an up-to-date list of all employees who are designated under paragraph (1)(b).

Hours of sale

9. A retailer and an employee of a retailer are prohibited from selling or otherwise supplying cannabis between the hours of 2:00 a.m. and 9:00 a.m.

Online sales

10. (1) The corporation may sell cannabis through an online order at any time.

(2) Cannabis that is sold by the corporation through an online order shall not be delivered unless

(a) a person takes delivery of the cannabis; and

(b) the person who takes delivery of the cannabis is 19 years of age or older.

(3) Notwithstanding section 9, a retailer may solicit or receive an online order for cannabis at any time.

(4) Where an online order is taken or received by a retailer, the exchange of money, value or other consideration and the delivery of cannabis in relation to that online order shall take place in or at the cannabis store or cannabis retail location of the retailer who received that online order.

Period of inactivity

11. For the purpose of paragraphs 15(1)(b) and 34(1)(c) of the Act, the period of time that constitutes a period of inactivity is 180 days.

Commencement

12. These regulations come into force on October 17, 2018.

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NEWFOUNDLAND AND LABRADOR REGULATION 95/18

Child Care Regulations (Amendment)
under the
Child Care Act

(Filed October 18, 2018)

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

Dated at St. John's, October 18, 2018.

Al Hawkins
Minister of Education and Early Childhood Development

REGULATIONS

Analysis

1. S.66 Amdt.
Waiver of building and outdoor play area requirements

NLR 39/17
as amended

1. (1) Section 66 of the *Child Care Regulations* is amended by adding immediately after subsection (1) the following:

(1.1) The minister may waive one or more of the requirements under subsections 23(1) and 35(1), paragraph 39(1)(a), subsections 56(4), 58(3), 58(4), 58(6) and 59(1), paragraph 60(1)(b), subsections 60(4) and 60(5), section 61 and subsection 62(1) for a facility in which a child care service is operated where

- (a) that child care service
 - (i) was operated under a valid licence issued under the *Child Care Services Act* at any time in the 5 years before the coming into force of these regulations,
 - (ii) is being operated in the same facility in which it was being operated under a valid licence issued under the *Child Care Services Act*, and
 - (iii) is being operated by the same child care service provider who operated the child care service under a valid licence issued under the *Child Care Services Act*; and
- (b) the minister is satisfied that
 - (i) the operation of this specific child care service in this specific facility is urgently required,
 - (ii) there are exceptional circumstances which warrant the requirement being waived, such as the facility is in a remote location or there is a barrier to meeting the requirement, and
 - (iii) there is a reasonable plan to meet the requirement being waived within one year of the date of the waiver.

(2) Subsection 66(2) of the regulations is repealed and the following substituted:

- (2) A person shall apply for a waiver under this section in writing.
- (3) Where a person applies for a waiver under subsection (1.1), he or she shall provide the minister with a plan to meet the requirement being waived in writing.
- (4) A waiver under subsection (1.1) is valid for a maximum of one year and may be renewed once for a maximum of 6 months.

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October 19, 2018

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