

# THE NEWFOUNDLAND AND LABRADOR GAZETTE

## PART I PUBLISHED BY AUTHORITY

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Vol. 99

ST. JOHN'S, FRIDAY, JUNE 21, 2024

No. 25

### **HIGHWAY TRAFFIC ACT**

#### **TOWN OF HAPPY VALLEY-GOOSE BAY NOTICE TRAFFIC REGULATIONS**

The following regulations have been made by the Town Council of THE TOWN OF HAPPY VALLEY-GOOSE BAY pursuant to the authority delegated by the Minister of Transportation and Infrastructure by Order dated June 4, 2024, under Section 189 of the *Highway Traffic Act*, RSNL 1990, c H-3, and amendments thereto, and under Sections 172 and 414(2)(nn) of the *Municipalities Act, 1999*, SNL 1999, c M-24, as amended.

Amended and adopted by the Town Council of the TOWN OF HAPPY VALLEY-GOOSE BAY on the 27<sup>th</sup> day of February, 2024.

Published in *The Newfoundland and Labrador Gazette* June 21<sup>st</sup>, 2024.

MAYOR  
George Andrews

CAO/Town Clerk  
Nadine MacAuley

### **TRAFFIC REGULATIONS**

#### **TITLE**

1. These regulations may be cited as the Town of Happy Valley-Goose Bay Traffic Regulations.

#### **DEFINITIONS**

2. In these Regulations, the following words, unless the context otherwise requires, shall have the following meanings:

a. “Commercial Motor Vehicle” means a Motor Vehicle designed to carry goods, or to carry more than six passengers in addition to the driver, and includes a truck, delivery van, hearse, fire engine, traction engine, and any other motor vehicle designed for commercial, agricultural, or industrial use, but does not include:

- i. Buses or school buses, or
- ii. Camper type vehicles designed or adapted exclusively for pleasure or recreational purposes.

b. “Council” means the Town Council of Happy Valley-Goose Bay constituted under the provisions of the *Municipalities Act, 1999*, SNL 1999, c M-24.

c. “Driver” means a person who operates, or is in physical control of, a Motor Vehicle.

d. “Highway” shall include any way to which the public has access and bridges over which a highway passes, any local roadway within the boundaries of the Town, and also include every place to which the public has access as a parking place for Motor Vehicles.

e. “Motorcycle” means a Motor Vehicle that:

- i. Has steering handle bars completely constrained from rotating in relation to the axle of 1 wheel in contact with the ground;
- ii. Is designed to travel on not more than 3 wheels in contact with the ground, and
- iii. In the case of a 3-wheel Motor Vehicle that:
  1. Does not have as an integral part of the Motor Vehicle an enclosure around the occupant, and
  2. Requires the operator to sit astride the Motor Vehicle,
  3. But does not include a competition motor cycle, mini bicycle, moped, motor driven bicycle, a passenger car, a truck, or multi-purpose Motor Vehicle.

f. “Motor Vehicle” means a device in, upon or by which a person or thing may be transported or drawn upon a Highway, including a Motorcycle.

g. “Park” means to allow a Motor Vehicle to remain on a Highway in a stationary position, whether or not the operator remains in control, provided that a Motor Vehicle shall not be deemed to be so parked if it is stopped for the immediate taking up or discharging of passengers, or for such time as may be actually necessary for the loading or unloading of goods, or for repairing such Motor Vehicle when repairs thereto on a Highway are necessary.

h. “Sidewalk” means that portion of a Highway lying between the curb lines or the lateral lines of a roadway and the adjacent property lines set apart of the use of pedestrians, includes any part of a Highway set apart or marked as being for the exclusive use of pedestrians and is deemed to include any area of Highway lying between the curb lines or the lateral lines of a roadway and that portion of a Highway set apart for the use of pedestrians.

i. “Stop” means:

- i. When required, the complete cessation of movement, and
- ii. When prohibited, any stopping or standing of a Motor Vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a traffic officer or traffic control device or signal.

j. “Town” means the Town of Happy Valley-Goose Bay as defined by Order-in-Council dated the 15th day of March 1955 or any amendments thereto made or continued under the *Municipalities Act, 1999*, SNL 1999, c M-24

k. “Traffic Officer” means a Municipal Enforcement Officer and any other person appointed by Council to enforce these regulations.

l. “Traffic Sign” includes all traffic control signals, warning signposts, direction- posts, signs, lines, marks or other devices for the guidance of persons using Highways.

m. “Wait” means to allow a Motor Vehicle to remain on a Highway in a stationary position whether or not the operator remains in control and includes the stopping of a Motor Vehicle to load or unload goods or passengers.

## COUNCIL AUTHORITY

3. No person shall Park any Motor Vehicle on the Highway at any time in such a way as to interfere with, hinder, or obstruct the normal flow of traffic.
4. No Motor Vehicle shall Park parallel to any place of business which is faced upon a street of the Town when sufficient space is provided to allow such a Motor Vehicle to park at right angles to such place of business.
5. No person shall Stop, stand, or Park a Motor Vehicle on a Highway so that the Motor Vehicle or any part of it is:
  - a. On a Sidewalk or an area generally used by or intended for use by pedestrians.
  - b. In front of a public or private driveway or in front of an authorized loading door designated as such.

- c. Within 6 meters of an intersection.
- d. Within 1 meter of any fire hydrant.
- e. Within a crosswalk.
- f. Within 6 meters of the approach side of a crosswalk.
- g. Within 10 meters upon the approach to any flashing beacon, stop sign, or Traffic Sign located at any side of a roadway.
- h. Within 6 meters of either side of the entrance to or exit from a hotel, church, school, public meeting place, theater, dance hall, or playground.
- i. Within 20 meters of a bus stop.
- j. On the left side of the Highway in the direction it is heading excepting where the parking is designated by proper signs erected by Council.
- k. Within 7 meters of a driveway entrance to a fire station.
- l. Within 150 meters of any site where a fire is in progress unless permission has been obtained from a Traffic Officer or police officer, excepting a fire engine, ambulance, police car, clergy's car, or a medical doctor's car.
- m. Alongside or opposite a street excavation or obstruction when Stopping, standing, or Parking obstructs traffic;
- n. In a place in contravention of a Traffic Sign that gives notice that Stopping, standing, or Parking there is prohibited or restricted;
- o. On Highway property between the curb or edge of the roadway and the boundary line of the Highway;
- p. On any property classified as an easement or upon which Council grants a permit;
- q. For the purpose of washing, greasing, or repairing a vehicle, except where such repairs are necessitated by an emergency;
- r. In an area designated as a parking space for persons with a disability.

6. No public service vehicles operating within the Town for hire or reward shall Stop anywhere

on any Highway to solicit business except at designated stops and passengers may enter or leave such public service vehicles at the aforementioned stops only.

- 7. No person shall double Park any Motor Vehicle on any Highway within the limits of the Town.
- 8. No person shall Park or Stop any Motor Vehicle on any roadway unless on the right hand side the roadway, having regard to the direction in which the Motor Vehicle was proceeding, with the right front and rear wheels parallel to and not more than thirty (30) centimeters from the curb where there is a raised curb, or where there is no curb or a rolled curb, with the right front and rear wheels parallel to, and as near to the right hand limit of the roadway as is practical, without Stopping or Parking over a Sidewalk or footpath or over any part of the road where grass is grown or which is not intended for use of Motor Vehicles.

## **SNOW CLEARING**

- 9. During the period from the first day of November in each year to the thirtieth day of April in the succeeding year, both days inclusive, no person shall park an unattended Motor Vehicle, regardless of weather conditions, upon any Highway within the Town between the hours of 12 AM and 8 AM.
- 10. No person shall:
  - a. Park any Motor Vehicle on any Highway in such a way as to interfere with, hinder or obstruct snow clearing operations.
  - b. At any time when 5 centimeters of snow has accumulated on the Highway surface, and for twelve (12) hours thereafter, Park an unattended Motor Vehicle on any Highway within the Town.
- 11. Regulations 9 and 10 do not apply to ambulances or fire fighting apparatus nor to Motor Vehicles operated by clergy, medical doctors, nurses, police, or members of the fire department when at the scene of an emergency.
- 12. No person shall deposit, throw, sweep, or place in any manner any accumulation of snow or ice on any highway, Sidewalk, or public parking lot within the limits of the Town, providing that this regulation shall not apply to employees or contractors of Council while engaged in snow clearing operations.

13. Scheduled street scraping and snow removal will occur between the hours of 8 AM and 10 PM. No person shall Park a Motor Vehicle on a Highway scheduled for scraping and snow removal during the hours of 8 AM and 10 PM. The Town will announce the Highways scheduled for scraping and snow removal by 3 PM the previous day.

## OFFENCE

14. Any unattended Motor Vehicle Parked on any Highway within the Town in contravention of these regulations may be removed and impounded by the Council and the cost of such removal and impounding (including towing and storage costs) may be recovered from the owner as a civil debt prior to the vehicle being returned to the owner. This may be paid at the Town office during regular business hours.

15. Any person who violates any of the provisions of these regulations shall be guilty of an offence and shall be liable on summary conviction to a penalty in accordance with the *Highway Traffic Act*, RSNL 1990, c H-3, and amendments thereto.

## COMPLIANCE WITH OTHER ACTS AND REGULATIONS

16. Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other regulation of the Town or any statute or regulation of the Province of Newfoundland and Labrador.

## EFFECTIVE DATE

17. These regulations shall come into effect from the date of publication in *The Newfoundland and Labrador Gazette*.

18. All previous Traffic Regulations for the Town of Happy Valley-Goose Bay are repealed.

TOWN OF HAPPY VALLEY-GOOSE BAY  
Nadine MacAulay, CAO

Jun. 21

## MINERAL ACT

### NOTICE

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

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

Mineral License held by	23780M Atlantic Minerals Limited
Mineral License held by	24904M North Range Resources Ltd.
Mineral License held by	25807M E. Michele Noel
Mineral License held by	26945M Gerald Terrance Russell
Mineral License held by	26994M G2B Gold Inc.
Mineral License held by	27036M Gary Rowsell
Mineral License held by	27045M Cameron Martin
Mineral License held by	27048M Nathaniel Noel
Mineral License held by	27052M Alpha Gold North Inc.
Mineral License held by	27073M Alpha Gold North Inc.
Mineral License held by	30828M E. Michele Noel
Mineral License held by	30932M Jason White
Mineral License held by	30939M Nancy Rogers
Mineral License held by	31484M Canterra Minerals Corporation
Mineral License held by	31493M Canterra Minerals Corporation
Mineral License held by	31550M Stephen Carlton
Mineral License held by	31708M Neal Blackmore
Mineral License held by	31839M E. Michele Noel

## THE NEWFOUNDLAND AND LABRADOR GAZETTE

June 21, 2024

Mineral License held by	32116M Roger King	Mineral License held by	34859M Darrin Hicks
Mineral License held by	32304M Stephen Sheppard	Mineral License held by	34869M Natalie Hicks
Mineral License held by	33062M Stephen Sheppard	Mineral License held by	34871M Judy Mercer
Mineral License held by	33063M Red Bay Exploration Inc.	Mineral License held by	35584M 2653438 Ontario Inc.
Mineral License held by	33064M Red Bay Exploration Inc.	Mineral License held by	35595M Shoreline Exploration Inc.
Mineral License held by	33069M Shawn Ryan	Mineral License held by	35596M Adam Mogil
Mineral License held by	33106M Letha Quinlan	Mineral License held by	35597M Adam Mogil
Mineral License held by	33115M Stephen Sheppard	Mineral License held by	35598M Adam Mogil
Mineral License held by	33992M North Atlantic Aggregates	Mineral License held by	35600M Shoreline Exploration Inc.
Mineral License held by	34074M Charles Mercer	Mineral License held by	35601M Shoreline Exploration Inc.
Mineral License held by	34078M Judy Taylor	Mineral License held by	35602M Shoreline Exploration Inc.
Mineral License held by	34079M Judy Taylor	Mineral License held by	35603M Shoreline Exploration Inc.
Mineral License held by	34081M Critical Metals NL Corp.	Mineral License held by	35604M Shoreline Exploration Inc.
Mineral License held by	34100M Stephen Carlton	Mineral License held by	35617M Noreen Kennedy
Mineral License held by	34549M Benton Resources Inc.	Mineral License held by	35618M Noreen Kennedy
Mineral License held by	34785M Canterra Minerals Corporation	Mineral License held by	35633M Mountain Lake Minerals Inc.
Mineral License held by	34816M Shoreline Exploration Inc.	Mineral License held by	35634M Stephen Sheppard
Mineral License held by	34822M Stephen Sheppard	Mineral License held by	36068M Canterra Minerals Corporation
Mineral License held by	34825M Shoreline Exploration Inc.	Mineral License held by	36150M Shane Stares

Mineral License held by	37859M Canterra Minerals Corporation
Mineral License held by	37862M Canterra Minerals Corporation
Mineral License held by	37869M Canterra Minerals Corporation
Mineral License held by	37873M Canterra Minerals Corporation
Mineral License held by	37875M Canterra Minerals Corporation
Mineral License held by	37878M Canterra Minerals Corporation

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, 3/17, 12/22 and 76/23 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 32<sup>nd</sup> clear day after the date of this publication.

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

Jun. 21

### URBAN AND RURAL PLANNING ACT, 2000

#### NOTICE OF REGISTRATION TOWN OF HAPPY VALLEY-GOOSE BAY MUNICIPAL PLAN AMENDMENT NO. 1, 2023 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2023

TAKE NOTICE that the TOWN OF HAPPY VALLEY-GOOSE BAY MUNICIPAL PLAN AMENDMENT NO. 1, 2023 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2023 adopted on June 27, 2023 and approved on February 27, 2024 have been registered by the Minister of Municipal and Provincial Affairs.

THAT THE TOWN OF HAPPY VALLEY-GOOSE BAY MUNICIPAL PLAN AMENDMENT NO. 1,

2023 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2023 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*. Anyone who wishes to inspect a copy of these documents may do so at the Town Office during normal working hours.

TOWN OF HAPPY VALLEY-GOOSE BAY  
Town Clerk

Jun. 21

### 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) (d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Muddy Hole Cove/Roddickton, for the purpose of a 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 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](mailto:easternlandsoffice@gov.nl.ca)
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: [centrallandsoffice@gov.nl.ca](mailto: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](mailto: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](mailto: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.)

Jun. 21

### **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 Old Perlican, for the purpose of a recreational walking 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:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: [easternlandsoffice@gov.nl.ca](mailto:easternlandsoffice@gov.nl.ca)
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: [centrallandsoffice@gov.nl.ca](mailto: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](mailto: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](mailto: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.)

Jun. 21

### **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 Sandy Lake, for the purpose of an ATV 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:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: [easternlandsoffice@gov.nl.ca](mailto:easternlandsoffice@gov.nl.ca)
- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: [centrallandsoffice@gov.nl.ca](mailto: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](mailto: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](mailto: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.)

Jun. 21

**QUIETING OF TITLES ACT**

**2024 01G NO. 2079**  
**IN THE SUPREME COURT OF**  
**NEWFOUNDLAND AND LABRADOR**  
**GENERAL DIVISION**

IN THE MATTER OF ROBERT BOLAND, a resident of the Province of Newfoundland and Labrador.

AND IN THE MATTER OF The, *Quieting of Titles Act*, c. Q-3 of the Revised Statutes of Newfoundland, 1990, and amendments thereto

AND IN THE MATTER OF that piece or parcel of land being at 110 Butter Pot Road, in the Town of Holyrood, in the Province of Newfoundland and Labrador

NOTICE OF APPLICATION UNDER the *Quieting of Titles Act*, c. Q-3, of the Revised Statutes of Newfoundland and Labrador 1990, and amendments thereto (the "Act"):

NOTICE IS HEREBY GIVEN to all parties that ROBERT BOLAND, of the City of Mount Pearl, in the Province of Newfoundland and Labrador, has applied to the Supreme Court of Newfoundland and Labrador - General Division, to have the title to ALL THAT piece or parcel of land situate and being at 110 Butter Pot Road, in the Town of Holyrood, in the Province of Newfoundland and Labrador, Canada, and as more particularly described in the Schedule hereto annexed and marked "A", of which the said ROBERT BOLAND claims of his own behalf to be the owner investigated and he request a declaration that the said Robert Boland is the legal, beneficial, and absolute owner in possession and that the said Court having ordered that Notice of the said Application be published as required by the above named Act,

All persons having a claim adverse to this title claimed by the said Robert Boland shall file in the Registry of the Supreme Court of Newfoundland and Labrador - General Division, at the Court House, Duckworth Street, St. John's, Newfoundland and Labrador, Canada, A1C 5M3, particulars of such adverse claim and serve same together with an Affidavit verifying same, on the undersigned solicitors for the Applicant on or before the 25<sup>th</sup> day of July, 2024, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to conditions the Court may deem just.

All such adverse claims shall then be investigated in such manner as the said Supreme Court may direct.

DATED at the City of St. John's, in the Province of Newfoundland and Labrador this 12<sup>th</sup> day of June, 2024.

**FOREST ROAD LAW GROUP**  
 Solicitor for the Applicant  
 PER: RIELY MICHELLE MOSS

ADDRESS FOR SERVICE  
 Old Queen's College, Suite 100  
 16 Forest Road  
 St. John's, NL A1C 2B9

Attention: Emily Ryan

**SCHEDULE "A"**

**CIVIC No. 110 BUTTER POT ROAD**  
**HOLYROOD**  
**NEWFOUNDLAND & LABRADOR**  
**January 17, 2024**  
**Job No. 13367**

ALL THAT piece or parcel of land, situate and being on the eastern side of Butter Pot Pond, in the Town of Holyrood, in the Province of Newfoundland & Labrador, Canada, and being bounded and abutted as follows:

THAT IS TO SAY, beginning at a point to the east of Butter Pot Pond, said point having coordinates N 5 250 740.648 metres and E 297 464.434 metres of the Three Degree Modified Transverse Mercator Projection NAD-83 for The Province of Newfoundland & Labrador,

THENCE along a Road Reservation (10 metres wide) N 78°47'07" W for a distance of 145.661 metres,

THENCE along the sinuosities of the line of Reservation (10 metres wide) for Butter Pot Pond for a distance of 92 metres more or less, straight line bearing N 18°02'17" W for a distance of 86.028 metres,

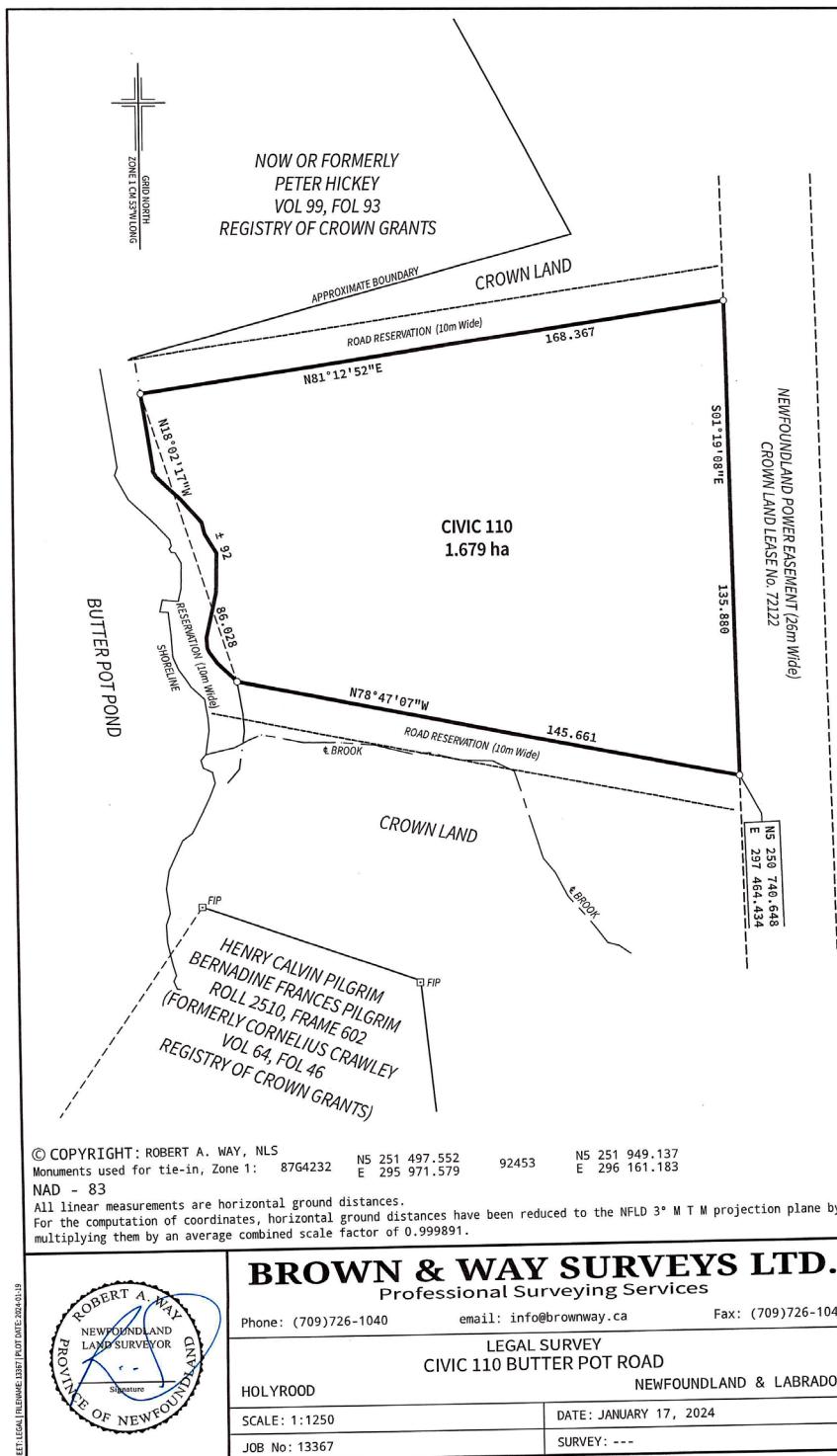
THENCE along a Road Reservation (10 metres wide) N 81 °12'52" E for a distance of 168.367 metres,

THENCE along the western side of Newfoundland Power Easement (26 metres wide) (Crown Land Lease No. 72122) S 01 °19'08" E for a distance of 135.880 metres, more or less, to the point of beginning and containing an area of 1.679 hectares, more or less. Which land is more particularly shown on plan hereto attached. All bearings being referred to the above mentioned projection. All linear measurements are horizontal ground distances.

This description and accompanying plan, Job # 13367 of Brown & Way Surveys, form an integral part of the returns and are not separable.

## BROWN'S AND WAY SURVEYS LTD.

## **SCHEDULE “B”**



**TRUSTEE ACT**

**ESTATE NOTICE**

IN THE MATTER OF the Estate and Effects of late REUBEN CURTIS of Lewisporte, in the Province of Newfoundland and Labrador, Pastor, Widower, Deceased.

ALL persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of REUBEN CURTIS, the aforesaid deceased, who died at Gander, in the Province of Newfoundland and Labrador on or about the 13<sup>th</sup> day of March, 2024, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 21<sup>st</sup> day of June, 2024 after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which they shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 27<sup>th</sup> day of May, 2024.

PEDDLE LAW  
Solicitor for the Executor  
PER: MICHAEL D. PEDDLE

ADDRESS FOR SERVICE:  
P.O. Box 563  
137 Bennett Drive  
Gander, Newfoundland A1V 2E1

Tel: (709) 651-4949  
Fax: (709) 651-4951

Jun. 14 & 21

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# THE NEWFOUNDLAND AND LABRADOR GAZETTE

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

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Vol. 99

ST. JOHN'S, FRIDAY, JUNE 21, 2024

No. 25

### NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 35/24  
NLR 36/24  
NLR 37/24





## **NEWFOUNDLAND AND LABRADOR REGULATION 35/24**

*Proclamation bringing section 6 and subsection 10(5)  
of the Act into Force  
(SNL2019 c14)*

[In force December 2, 2024]

under

*An Act to Amend the Automobile Insurance Act,*

(O.C 2024-084)

*(Filed June 20, 2024)*

CHARLES THE THIRD, by the Grace of God,  
King of Canada and His other Realms and Territories,  
Head of the Commonwealth

JOAN MARIE J. AYLWARD  
Lieutenant Governor

DENIS MAHONEY, K.C.  
Deputy Attorney General

TO ALL TO WHOM THESE PRESENTS SHALL COME OR  
WHOM THE SAME MAY IN ANYWISE CONCERN:

### **GREETING A PROCLAMATION**

WHEREAS in and by subsection 12(3) of An Act to Amend the Automobile Insurance Act, Statutes of Newfoundland and Labrador 2019 Chapter 14 (the "Act"), it is provided that section 6 and subsection 10(5) of the Act come into force on a day to be proclaimed by the Lieutenant-Governor in Council;

*Proclamation bringing section 6 and subsection  
10(5) of the Act into Force (SNL2019 c14)  
[In force December 2, 2024]  
under  
An Act to Amend the Automobile Insurance Act,  
(O.C 2024-084)*

35/24

AND WHEREAS it is deemed expedient that section 6 and subsection 10(5) of the Act shall now come into force;

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 section 6 and subsection 10(5) of An Act to Amend the Automobile Insurance Act, Statutes of Newfoundland and Labrador 2019 Chapter 14, shall come into force on December 2nd, 2024.

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 Joan Marie J. Aylward, 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 19<sup>th</sup> day of June in the year of Our Lord two thousand and twenty-four, in the second year of Our Reign.

BY COMMAND,

JUDITH HEARN  
Deputy Registrar General



## **NEWFOUNDLAND AND LABRADOR REGULATION 36/24**

*Automobile Accident Diagnostic and Treatment Protocols Regulations  
under the  
Automobile Insurance Act  
(O.C. 2024- 085)*

*(Filed June 20, 2024)*

Under the authority of section 60 of the *Automobile Insurance Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, June 19, 2024.

Krista Quinlan  
Clerk of the Executive Council

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Short title

1. These regulations may be cited as the *Automobile Accident Diagnostic and Treatment Protocols Regulations*.

Definitions

2. In these regulations,

(a) "Act" means the *Automobile Insurance Act*;

- (b) "acupuncturist" means an acupuncturist as defined in the *Acupuncturists Regulations*;
- (c) "adjunct therapist" means
  - (i) an acupuncturist,
  - (ii) a dentist,
  - (iii) a massage therapist,
  - (iv) a nurse,
  - (v) an occupational therapist, or
  - (vi) a psychologist;
- (d) "applicant" means a patient or health care practitioner who sends in a completed claim form to an insurer in accordance with section 29;
- (e) "authorization" means a written authorization by a health care practitioner for the diagnosis and treatment of a strain, sprain or whiplash associated disorder injury;
- (f) "business day" means any day other than a
  - (i) Saturday,
  - (ii) Sunday, or
  - (iii) a holiday;
- (g) "chiropractor" means a chiropractor as defined in the *Chiropractors Act, 2009*;
- (h) "claim form" means the form approved by the superintendent for the purposes of these regulations and includes forms for assessments, treatment plans and reports;
- (i) "dentist" means a practitioner as defined in the *Dental Act, 2008*;

- (j) "evidence-informed practice" means the conscientious, explicit and judicious use of current best practice in making decisions about the care of a patient that integrates individual clinical expertise with the best available external clinical evidence from systematic research;
- (k) "health care practitioner" means
  - (i) a chiropractor,
  - (ii) a physiotherapist,
  - (iii) a medical practitioner, or
  - (iv) a nurse practitioner;
- (l) "history" means, in respect of a patient's injury,
  - (i) how the injury occurred,
  - (ii) the patient's current symptoms,
  - (iii) the patient's relevant past, including physical, psychological, emotional, cognitive and social past, and
  - (iv) how the patient's physical functions have been affected by the injury;
- (m) "IMC register" means the register of injury management consultants referred to in section 25;
- (n) "injury management consultant" means a person who is entered on the IMC register in accordance with section 26;
- (o) "International Classification of Diseases" means the most recent edition of the publication titled the *International Statistical Classification of Diseases and Related Health Problems*, Canada, published by the Canadian Institute for Health Information, based on a publication issued from time to time titled the *International Statistical Classification of Diseases and Related Health Problems*, published by the World Health Organization;

- (p) "massage therapist" means a massage therapist as defined in the *Massage Therapy Act, 2005*;
- (q) "medical practitioner" means a medical practitioner as defined in the *Medical Act, 2011*;
- (r) "nurse" means a registered nurse as defined in the *Registered Nurses Act, 2008*;
- (s) "nurse practitioner" means a nurse practitioner as defined in the *Registered Nurses Act, 2008*;
- (t) "occupational therapist" means an occupational therapist as defined in the *Occupational Therapists Act, 2005*;
- (u) "patient" means an insured as defined in the Act;
- (v) "physiotherapist" means a physiotherapist as defined in the *Physiotherapy Act, 2006*;
- (w) "protocols" means the diagnostic and treatment protocols established by these regulations;
- (x) "psychologist" means a registered psychologist as defined in the *Psychologists Act, 2005*;
- (y) "spine" means the column of bone known as the vertebral column that surrounds and protects the spinal cord;
- (z) "sprain" means an injury to
  - (i) one or more tendons,
  - (ii) one or more ligaments, or
  - (iii) tendons and ligaments;
- (aa) "strain" means an injury to one or more muscles;
- (bb) "treatment plan" means a treatment plan referred to in section 19; and

(cc) "whiplash associated disorder injury" means an injury resulting from the sudden forceful movement of the spine other than one that exhibits one or both of the following:

- (i) objective, demonstrable, definable and clinically relevant neurological signs, or
- (ii) a fracture to or a dislocation of the spine.

**PART I  
APPLICATION AND OPERATION**

Application

**3.** (1) These regulations apply only where

- (a) a patient elects to be diagnosed and treated in accordance with the protocols for a sprain, strain or whiplash associated disorder injury caused by an accident arising from the use or operation of an automobile; and
- (b) a health care practitioner chooses to diagnose and treat the patient's sprain, strain or whiplash associated disorder injury in accordance with the protocols.

(2) These regulations, except subsection 6(3), subsection 24(7) and Part IV, cease to apply in respect of an injury on the earlier of

- (a) 90 days after the date of the accident; or
- (b) when the maximum number of visits authorized by these regulations has been reached.

What constitutes a single visit

**4.** For the purpose of these regulations, one visit to a health care practitioner or another person authorized to provide treatment under these regulations constitutes a single visit, irrespective of the number of injuries treated during the visit.

Scope of practice of health care practitioners

**5.** Nothing in these regulations permits a health care practitioner to do anything that is outside the scope of that health care practitioner's practice as determined by the health care practitioner's governing body and legislation.

Authorizations

**6.** (1) An authorization shall be

- (a) in writing; and
- (b) issued within 90 days of the date of the accident in which the patient was injured.

(2) An authorization expires 90 days after the date of the accident in which the patient was injured.

(3) Notwithstanding subsection (2), where approved by an insurer, an authorization shall continue to be valid after the time period referred to in subsection (2).

(4) A health care practitioner may issue an authorization for that health care practitioner to provide the treatment described in section 12 or 17.

Application for additional services or supplies

**7.** Nothing in these regulations prevents or limits a patient or a health care practitioner from applying to an insurer for approval for a service or supply in addition to the limits specified in these regulations, and the insurer may, where the patient has access to accident benefits under a contract, approve the additional service or supply.

Interpretative bulletins and information circulars

**8.** The superintendent may issue interpretative bulletins and information circulars

- (a) describing the anticipated roles and general expectations of those persons affected by or who have an interest in the implementation of the protocols;
- (b) respecting the administration, implementation and operation of the protocols; and
- (c) respecting any other matter the superintendent considers appropriate under these regulations.

Fees and disbursements

**9.** (1) The superintendent may set the fees and disbursements or the maximum fees and disbursements to be charged or paid for any service, activity or function authorized under these regulations, including the following:

- (a) diagnostic imaging;
- (b) laboratory testing;

- (c) specialized testing;
- (d) supplies;
- (e) treatments;
- (f) visits;
- (g) therapy;
- (h) assessments;
- (i) reports; and
- (j) claim forms.

(2) The fees and disbursements or maximum fees and disbursements set under subsection (1) shall be published in the Gazette.

(3) Where the superintendent sets the fees and disbursements or the maximum fees and disbursements under subsection (1), a person shall not charge or collect a fee or a disbursement that is greater than those fees and disbursements.

**PART II  
DIAGNOSTIC AND TREATMENT  
PROTOCOLS**

**Division 1  
Diagnostic and Treatment Protocol for Strains  
and Sprains**

Protocol established  
for strains and  
sprains

**10.** Sections 11 to 13 are established as the protocol for the diagnosis and treatment of strains and sprains.

Developing the  
diagnosis for strains  
and sprains

**11.** (1) Using evidence-informed practice and referring to the International Classification of Diseases, a health care practitioner shall diagnose a strain or sprain by

- (a) taking a history of the patient;
- (b) examining the patient;

(c) making an ancillary investigation; and

(d) identifying

(i) the muscle or muscle groups injured, or

(ii) the tendons or ligaments, or both, that are involved and the specific anatomical site of the injury.

(2) Where a strain is diagnosed, a health care practitioner shall determine the degree of severity of the injury using the diagnostic criteria set out in the following table, as extracted from *Orthopedic Physical Assessment* by David J. Magee, (6th edition), (2014), at page 32, and reproduced with permission from Elsevier Inc.:

	First Degree Strain	Second Degree Strain	Third Degree Strain
<b>Definition of the degree of strain</b>	few fibres of muscle torn	about half of muscle fibres torn	all muscle fibres torn (rupture)
<b>Mechanism of injury</b>	overstretch overload	overstretch overload crushing	overstretch overload
<b>Onset</b>	acute	acute	acute
<b>Weakness</b>	minor	moderate to major (reflex inhibition)	moderate to major
<b>Disability</b>	minor	moderate	major
<b>Muscle spasm</b>	minor	moderate to major	moderate
<b>Swelling</b>	minor	moderate to major	moderate to major
<b>Loss of function</b>	minor	moderate to major	major (reflex inhibition)
<b>Pain on isometric contraction</b>	minor	moderate to major	none to minor
<b>Pain on stretch</b>	yes	yes	not if it is the only tissue injured; however, other structures may suffer first degree or second degree injuries and be painful

<b>Joint play</b>	normal	normal	normal
<b>Palpable defect</b>	no	no	yes (if detected early)
<b>Range of motion</b>	decreased	decreased	may increase or decrease depending on swelling

(3) Where a sprain is diagnosed, a health care practitioner shall determine the degree of severity of the injury using the diagnostic criteria set out in the following table, extracted from *Orthopedic Physical Assessment* by David J. Magee, (6th edition), (2014), at page 32, and reproduced with permission from Elsevier Inc.:

	<b>First Degree Sprain</b>	<b>Second Degree Sprain</b>	<b>Third Degree Sprain</b>
<b>Definition of the degree of sprain</b>	few fibres of ligament torn	about half of ligament torn	all fibres of ligament torn
<b>Mechanism of injury</b>	overstretch overload	overstretch overload	overstretch overload
<b>Onset</b>	acute	acute	acute
<b>Weakness</b>	minor	minor to moderate	minor to moderate
<b>Disability</b>	minor	moderate	moderate to major
<b>Muscle spasm</b>	minor	minor	minor
<b>Swelling</b>	minor	moderate	moderate to major
<b>Loss of function</b>	minor	moderate to major	moderate to major (instability)
<b>Pain on isometric contraction</b>	none	none	none
<b>Pain on stretch</b>	yes	yes	not if it is the only tissue injured; however, other structures may suffer first degree or second degree injuries and be painful
<b>Joint play</b>	normal	normal	normal to excessive
<b>Palpable defect</b>	no	no	yes (if detected early)

<b>Range of motion</b>	decreased	decreased	may increase or decrease depending on swelling; dislocation or subluxation possible
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Treatment for strains and sprains

**12. (1)** A healthcare practitioner shall treat a strain or sprain by

- (a) educating the patient with respect to the following:
  - (i) the desirability of an early return to one or more of the following, as applicable:
    - (A) the patient's employment, occupation or profession,
    - (B) the patient's training or education in a program or course, or
    - (C) the patient's normal daily activities,
  - (ii) an estimate of the probable length of time that symptoms will last, and
  - (iii) the expected course of recovery;
- (b) managing inflammation and pain, as required,
  - (i) by the protected use of ice,
  - (ii) by elevating the injured area,
  - (iii) by compression, and
  - (iv) by using reasonable and necessary equipment to protect a sprained joint during the acute phase of recovery;
- (c) teaching the patient about maintaining flexibility, balance, strength and the functions of the injured area;
- (d) giving advice about

- (i) self-care, and
- (ii) the patient's expected return to one or more of the activities described in clauses (1)(a)(i)(A) to (C);
- (e) discussing the disadvantage of depending on health care providers and passive modalities of care for extended periods of time;
- (f) providing treatment that is appropriate and that, in the opinion of the health care practitioner, is necessary for the treatment or rehabilitation of the injury; and
- (g) any other treatment by an adjunct therapist that, in the opinion of the health care practitioner, is necessary for the treatment or rehabilitation of the injury and that is linked to the continued clinical improvement of the patient.

(2) In addition to the treatment described in subsection (1), a healthcare practitioner shall treat a third degree strain or sprain with definitive care of specific muscles, muscle groups, tendons or ligaments at specific anatomical sites, including, as required,

- (a) immobilization;
- (b) strengthening exercises;
- (c) surgery; and
- (d) where surgery is required, post-operative rehabilitation therapy.

(3) Notwithstanding subsections (1) and (2), a health care practitioner may not use a visit to treat a first degree or second degree strain or sprain to a peripheral joint by a deliberate, brief, fast thrust to move the joints of the spine beyond the normal range but within the anatomical range of motion, which generally results in an audible click or pop.

Diagnostic and  
treatment  
authorization for  
strains and sprains

**13.** (1) A health care practitioner may authorize, for a first degree, second degree or third degree strain or sprain,

- (a) one visit to a health care practitioner for an assessment of the injury, including the preparation of a treatment plan and claim form, if required;
- (b) visits to a physiotherapist, chiropractor, or adjunct therapist necessary to provide the treatment described in section 12;
- (c) necessary diagnostic imaging, laboratory testing and specialized testing;
- (d) necessary medication as determined by the health care practitioner; and
- (e) acquisition of necessary supplies to assist in the treatment or rehabilitation of the injury.

(2) The maximum number of treatment visits authorized under this protocol for the treatment of strains or sprains is prescribed in section 20 or 21.

**Division 2**  
**Diagnostic and Treatment Protocol for Whiplash  
Associated Disorder Injuries — Cervical,  
Thoracic, Lumbar and Lumbosacral**

Protocol established  
for whiplash  
associated disorder  
injuries

Developing the  
diagnosis for  
whiplash associated  
disorder injuries

**14.** Sections 15 to 18 are established as the protocol for the diagnosis and treatment of whiplash associated disorder injuries.

**15.** Using evidence-informed practice, a health care practitioner shall diagnose a whiplash associated disorder injury by

- (a) taking a history of the patient;
- (b) examining the patient;
- (c) making an ancillary investigation; and
- (d) identifying the anatomical sites of the injury.

Diagnostic criteria  
for whiplash  
associated disorder I  
and whiplash  
associated disorder  
II injuries

**16.** (1) Where a whiplash associated disorder injury is diagnosed, a healthcare practitioner shall use the following criteria to diagnose a whiplash associated disorder I injury:

- (a) complaints of spinal pain, stiffness or tenderness;
- (b) no demonstrable, definable and clinically relevant physical signs of injury;
- (c) no objective, demonstrable, definable and clinically relevant neurological signs of injury; and
- (d) no fracture to or dislocation of the spine.

(2) Where a whiplash associated disorder I injury is diagnosed, further investigation of the injury is not warranted, unless a health care practitioner believes there is cause to do so.

(3) Where a whiplash associated disorder injury is diagnosed, a health care practitioner shall use the following criteria to diagnose a whiplash associated disorder II injury:

- (a) complaints of spinal pain, stiffness or tenderness;
- (b) demonstrable, definable and clinically relevant physical signs of injury, including
  - (i) musculoskeletal signs of decreased range of motion of the spine, and
  - (ii) point tenderness of spinal structures affected by the injury;
- (c) no objective, demonstrable, definable and clinically relevant neurological signs of injury; and
- (d) no fracture to or dislocation of the spine.

(4) An investigation to determine a whiplash associated disorder II injury and to eliminate a more severe injury may include

- (a) for cervical spine injuries, radiographic series in accordance with *The Canadian C-Spine Rule for Radiography in Alert*

*and Stable Trauma Patients*, published in the *Journal of the American Medical Association*, October 17, 2001 – Volume 286, No. 15; or

- (b) for thoracic, lumbar and lumbosacral spine injuries, radiographic series appropriate to the region of the spine that is injured, where the patient has one or more of the following characteristics:
  - (i) an indication of bone injury,
  - (ii) an indication of significant degenerative changes or instability,
  - (iii) an indication of polyarthritis,
  - (iv) an indication of osteoporosis, or
  - (v) a history of cancer.

(5) The use of magnetic resonance imaging or computerized tomography is not authorized under this protocol, unless

- (a) a diagnosis cannot be determined from 3 plain view films; or
- (b) there are objective neurological or clinical findings.

Treatment for  
whiplash associated  
disorder I and  
whiplash associated  
disorder II injuries

**17.** A health care practitioner shall treat a whiplash associated disorder I or whiplash associated disorder II injury by

- (a) educating the patient with respect to the following:
  - (i) the desirability of an early return to one or more of the following, as applicable:
    - (A) the patient's employment, occupation or profession,
    - (B) the patient's training or education in a program or course, or
    - (C) the patient's normal daily activities,

- (ii) an estimate of the probable length of time that symptoms will last;
- (iii) the estimated course of recovery;
- (iv) the length of the treatment process;
- (v) that there is likely no serious currently detectable underlying cause of the pain;
- (vi) that the use of a soft collar is not advised, and
- (vii) the probable factors that are responsible for other symptoms the patient may be experiencing that are temporary in nature and that are not reflective of tissue damage;

(b) giving advice about

- (i) self-care, and
- (ii) the patient's expected return to one or more of the activities described in clauses (a)(i)(A) to (C);

(c) discussing the disadvantage of depending on health care providers and passive modalities of care for extended periods of time;

(d) prescribing medication, where appropriate, including analgesics, for the sole purpose of short-term treatment of spinal injuries, but not including narcotics;

(e) any of the following, as appropriate:

- (i) pain management,
- (ii) exercise,
- (iii) early return to normal activities,
- (iv) cryo and thermal therapy, or

- (v) preparing the patient for a return to one or more of the activities described in clauses (a)(i)(A) to (C);
- (f) providing treatment that is appropriate and that, in the opinion of the health care practitioner, is necessary for the treatment or rehabilitation of the injury; and
- (g) any other treatment by an adjunct therapist that, in the opinion of the health care practitioner, is necessary for the treatment or rehabilitation of the injury and that is linked to the continued clinical improvement of the patient.

Diagnostic and  
treatment  
authorization for  
whiplash associated  
disorder injuries

**18.** (1) A health care practitioner may authorize, for a whiplash associated disorder I or whiplash associated disorder II injury,

- (a) one visit to a health care practitioner for an assessment of the injury, including the preparation of a treatment plan and claim form, if required;
- (b) visits to a physiotherapist, chiropractor or adjunct therapist necessary to provide the treatment described in section 17;
- (c) necessary diagnostic imaging, laboratory testing and specialized testing;
- (d) necessary medication as determined by the health care practitioner; and
- (e) acquisition of necessary supplies to assist in the treatment or rehabilitation of the injury.

(2) The maximum number of treatment visits authorized under this protocol for the treatment of a whiplash associated disorder is prescribed in section 20 or 21.

**Division 3**  
**Treatment Plans, Limits and Referrals to Injury  
Management Consultants**

Treatment plans

**19.** (1) A treatment plan describing the treatments that will be provided under the protocols shall be prepared on a claim form.

(2) An insurer is not required to approve claims or provide payment for more than one treatment plan per patient per accident.

(3) A patient's treatment plan shall be completed by the health care practitioner that intends to provide the majority of treatment or will be actively coordinating the care and treatment visits of the patient.

(4) A health care practitioner shall provide copies of a patient's treatment plan to

(a) the patient's insurer;

(b) all health care practitioners providing treatment to the patient; and

(c) the patient.

(5) Before treating a patient under the protocols, a health care practitioner shall ask the patient if any other health care practitioner has been contacted about the patient's injury and, where other health care practitioners have been contacted, the health care practitioner shall

(a) document any actions taken by the other health care practitioners; and

(b) contact the patient's insurer to ensure no other treatment plan has been submitted or is anticipated.

Maximum number of visits authorized for treatment under protocols – single injury

**20.** (1) Where a patient has been diagnosed and treated under the protocols for a single injury, only one visit to a health care practitioner for assessment of the patient's injury is authorized.

(2) In addition to the assessment visit authorized under subsection (1), the maximum number of visits authorized for the treatment of a single injury under the protocols is prescribed in the following table:

<b>Single Injury Diagnosed</b>	<b>Total Number of Visits Authorized</b>
first or second degree strain or sprain	combined total of 10 visits to a physiotherapist, chiropractor or adjunct therapist
third degree strain or sprain	combined total of 21 visits to a

	physiotherapist, chiropractor or adjunct therapist
whiplash associated disorder I injury	combined total of 10 visits to a physiotherapist, chiropractor or adjunct therapist
whiplash associated disorder II injury	combined total of 21 visits to a physiotherapist, chiropractor or adjunct therapist

Maximum number of visits authorized for treatment under protocols – multiple injuries

**21.** (1) Where a patient is diagnosed and treated under the protocols for 2 or more injuries from a single accident, only one visit to a health care practitioner for assessment of the patient's injury is authorized.

(2) In addition to the assessment visit authorized under subsection (1), the maximum number of visits authorized for the treatment of 2 or more injuries under the protocols is prescribed in the following table:

	Multiple Injuries Diagnosed	Total Number of Visits Authorized
<b>A</b>	2 or more of <ul style="list-style-type: none"><li>• first degree strain</li><li>• second degree strain</li><li>• first degree sprain</li><li>• second degree sprain</li><li>• whiplash associated disorder I injury</li></ul>	combined total of 10 visits to a physiotherapist, chiropractor or adjunct therapist
<b>B</b>	one or more of the injuries in row A plus one or more of <ul style="list-style-type: none"><li>• third degree strain</li><li>• third degree sprain</li><li>• whiplash associated disorder II injury</li></ul>	combined total of 21 visits to a physiotherapist, chiropractor or adjunct therapist
<b>C</b>	2 or more of <ul style="list-style-type: none"><li>• third degree sprain</li><li>• third degree strain</li><li>• whiplash associated disorder II injury</li></ul>	combined total of 21 visits to a physiotherapist, chiropractor or adjunct therapist

Limits for treatment  
by adjunct  
therapists

**22.** (1) Notwithstanding section 20 or 21, a visit to the following adjunct therapists shall not count towards the maximum number of visits authorized for the treatment of a strain, sprain or whiplash associated disorder injury:

- (a) a dentist;
- (b) an occupational therapist; and
- (c) a psychologist.

(2) The maximum amount of expenses payable or recoverable in relation to treatment from one or more of the adjunct therapists referred to in subsection (1) shall not exceed \$1000.

Assessment of  
injury to which  
protocols do not  
apply

**23.** Where after an assessment, a physiotherapist or a chiropractor diagnoses an injury as one to which these protocols do not apply, the assessment may be claimed under these regulations.

Referral to injury  
management  
consultant

**24.** (1) A health care practitioner may authorize a single visit by a patient to an injury management consultant of the health care practitioner's choice for an assessment of the patient's injury where the health care practitioner

- (a) is uncertain
  - (i) about an injury to which the protocols apply, or
  - (ii) about the diagnosis or treatment of the injury; or
- (b) requires another opinion or report because the health care practitioner believes that the injury
  - (i) is not resolving appropriately, or
  - (ii) is not resolving within the time expected.

(2) A health care practitioner shall seek to reassess a patient where

- (a) the patient is diagnosed with a sprain, strain, whiplash associated disorder I injury or whiplash associated disorder II injury; and

(b) the patient has any alerting factors that may influence prognosis.

(3) Following a reassessment under subsection (2), where the patient's injury is not resolving, a health care practitioner shall authorize a single visit by the patient to an injury management consultant for an assessment and report.

(4) On a visit authorized under subsection (1) or (3), an injury management consultant shall complete an assessment and prepare a report that shall include one of the following:

(a) advice about the diagnosis or treatment of the patient; or

(b) a recommendation for a multi-disciplinary assessment of the injury, or an aspect of the injury, and the health care practitioners that should be included in that assessment.

(5) The visit and the costs and expenses related to an assessment and report by an injury management consultant under subsection (4) may be claimed under these regulations.

(6) The visit to an injury management consultant under this section shall not count towards the maximum number of visits authorized under section 20 or 21.

(7) Notwithstanding anything in these regulations, where approved by an insurer, a health care practitioner may refer a patient for a visit to an injury management consultant for an assessment and report under this section

(a) after the time period referred to in paragraph 6(1)(b); or

(b) after the maximum number of visits authorized under section 20 or 21 has been reached.

(8) Other than a visit, assessment and report authorized under this section, a further visit to or an assessment or report by an injury management consultant in respect of the same injury is not authorized under these regulations unless approved by the insurer.

**PART III  
INJURY MANAGEMENT CONSULTANTS  
REGISTER**

Register established

**25.** (1) The superintendent shall establish and maintain a register of injury management consultants.

(2) The superintendent shall ensure that the IMC register is published in a form and manner that is accessible to the public.

Eligibility  
requirements

**26.** The superintendent may enter a person on the IMC register where

- (a) the person requests the superintendent enter the person on the IMC register;
- (b) the person provides the superintendent with proof, satisfactory to the superintendent, that the person is experienced in rehabilitation and disability management; and
- (c) the superintendent confirms with the following bodies that the person is an active practising member of that person's profession in good standing:
  - (i) for a medical practitioner, the College of Physicians and Surgeons of Newfoundland and Labrador,
  - (ii) for a chiropractor, the Newfoundland and Labrador Chiropractic Board,
  - (iii) for a physiotherapist, the Newfoundland and Labrador College of Physiotherapists,
  - (iv) for a dentist, the Newfoundland and Labrador Dental Board, and
  - (v) for a nurse practitioner, the College of Registered Nurses of Newfoundland and Labrador.

Ceasing to be an  
injury management  
consultant

**27.** (1) A person entered on the IMC register shall notify the superintendent where the person no longer meets the requirements prescribed in section 26.

(2) A person ceases to be an injury management consultant where

- (a) the person no longer meets the requirements prescribed in section 26; and
- (b) the superintendent removes the person's name from the IMC register.

**PART IV**  
**CLAIMS AND PAYMENT OF CLAIMS**

Priority of sections  
29 to 35

**28.** Sections 29 to 35 prevail in respect of any inconsistency or conflict between these sections and a contract that provides accident benefits.

Claims

**29.** (1) A patient or a health care practitioner may not make a claim under these regulations unless

- (a) the patient has completed a claim form that includes the following information:
  - (i) details of the injury, and
  - (ii) details of the accident that are within the personal knowledge of the patient; and
- (b) the insurer has received the completed claim form.

(2) The completed claim form required under subsection (1) shall be sent to the insurer no later than

- (a) 10 business days after the date of the accident; or
- (b) where the insurer has determined that the deadline in paragraph (a) is not reasonable, within the timeframe set by the insurer.

(3) A patient may appeal a determination of an insurer under paragraph (2)(b) to the superintendent where the patient believes the insurer has not adequately considered the patient's circumstances.

Decision by insurer

**30.** (1) No later than 5 business days after receiving a completed claim form, an insurer shall notify the applicant in writing that the insurer

- (a) approves the claim; or
- (b) refuses the claim, including the insurer's reason for refusing the claim.

(2) An insurer may only refuse a claim for the following reasons:

- (a) the person who suffered the injury is not an insured person under a contract that provides accident benefits;
- (b) the insurer is not liable to pay as a result of an exclusion contained in the Special Provisions, Definitions and Exclusions of a contract that provides accident benefits;
- (c) there is no contract of insurance in existence that applies with respect to the person who suffered the injury; or
- (d) the injury was not caused by an accident arising out of the use or operation of an automobile.

Failure of insurer to respond

**31.** Where an insurer does not notify the applicant in accordance with section 30, the insurer

- (a) is deemed to have approved the claim; and
- (b) is liable to pay the claim under section 33.

Subsequent denial of liability

**32.** (1) An insurer that approves a claim, or is deemed to have approved a claim, may subsequently deny liability in accordance with subsections (2) and (3).

(2) An insurer may only refuse a claim under subsection (1) for the reasons prescribed in subsection 30(2).

(3) An insurer may deny liability by sending a notice, in writing, including the reasons why the claim is denied to the following persons:

- (a) the patient; and

- (b) every person authorized under the claim form that
  - (i) the patient is authorized to visit, or
  - (ii) is authorized to provide services or supplies to the patient.
- (4) A notice of denial under this section takes effect on the date it is received by the patient and, on and after the date the patient receives the notice of denial, the insurer is not liable to pay any future claim under these regulations relating to the patient's injuries.

Making and paying  
claims

**33.** (1) A service, supply, treatment, testing, medication, or other activity or function authorized under these regulations may be the subject of a claim under subsection (2).

(2) An insurer shall pay a claim that is authorized by these regulations or authorized by a health care practitioner or injury management consultant under these regulations no later than 30 days after receiving a claim, provided that

- (a) where the claim is submitted by a health care practitioner, injury management consultant or an adjunct therapist, the claim is also verified by the patient; or
- (b) where the claim is submitted by the patient, the claim includes
  - (i) a receipt for the benefit provided, and
  - (ii) satisfactory evidence that the claim is authorized by these regulations or a health care practitioner under these regulations.

Sending notices

**34.** A notice required or permitted under this Part may be

- (a) delivered personally;
- (b) mailed;
- (c) faxed; or

(d) transmitted by e-mail if both parties have agreed to this method of sending and receiving notices.

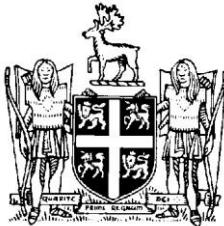
Multiple claims

**35.** Where a person has a claim under the protocols and a claim under a contract that provides accident benefits, the claimant shall comply with these regulations and the provisions of the accident benefits, according to the claim or claims made.

Commencement

**36.** These regulations shall come into force on the date section 6 and subsection 10(5) of the *Automobile Insurance (Amendment) Act*, SNL 2019, c.14 come into force.

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**NEWFOUNDLAND AND LABRADOR  
REGULATION 37/24**

*Fire Ban Proclamation  
under the  
Forestry Act*

*(Filed June 21, 2024)*

Under the authority of section 99 of the *Forestry Act*, I proclaim a fire ban for all areas of the province.

Dated at St. John's, June 21, 2024

Elvis Loveless  
Minister of Fisheries, Forestry and Agriculture

**PROCLAMATION**

The setting of fires on forest land or within 300 metres of forest land is prohibited in all areas of the province except under the following conditions when the fire weather index is not very high or extreme:

1. The fire is set in an outdoor wood burning unit that
  - (a) is made entirely of non-combustible materials;

- (b) completely contains the fire;
- (c) is screened to prevent the escape of sparks or other burning material;
- (d) rests on legs or supports and is placed on mineral soil or non-combustible material having a surface area of not less than 1.5 square metres; and
- (e) is located not less than 3.5 metres from the nearest woods, brush or other flammable material.

2. The fire is set in an incinerator unit

- (a) that
  - (i) completely contains the fire,
  - (ii) is screened to prevent the escape of sparks or other burning material,
  - (iii) is located on private property and not less than 15 metres from the nearest woods, brush or other flammable material, and
  - (iv) is in good working order and an attendant is on site where the fire weather index is high; and
- (b) all incinerator ash is totally extinguished before being discarded on mineral soil not less than 15 metres from the nearest woods, brush or other flammable material.

The fire ban does not apply to the following:

1. A fire set in an indoor wood stove provided the chimney or stove pipe is screened to prevent the escape of sparks or other burning material.
2. A fire set using a gas, kerosene, alcohol, propane or charcoal burning unit provided that
  - (a) the unit is not used within 3.5 metres of any woods, brush or other flammable material; and

- (b) all coals from a charcoal burning unit are totally extinguished before being discarded and are not discarded in any manner which may start a fire.
- 3. A fire set using a match or cigarette lighter for the purpose of lighting a cigarette, cigar or pipe provided that the person lighting or smoking the cigarette, cigar or pipe is not in motion.

The ban shall continue in force until July 31, 2024.

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<b>Title of Act and Subordinate Legislation made thereunder</b>	<b>CNLR or NL Reg.</b>	<b>Amendment</b>	<b>NL Gazette Date &amp; Page No.</b>
<b>An Act to Amend the Automobile Insurance Act</b>			
Proclamation bringing section 6 and subsection 10(5) of the Act into force	NLR 35/24	New	Jun. 21/24 p. 355
[In force December 2, 2024]			
<b>Automobile Insurance Act</b>			
Automobile Accident Diagnostic and Treatment Protocols Regulations	NLR 36/24	New	Jun. 21/24 p. 357
[In force December 2, 2024]			
<b>Forestry Act</b>			
Fire Ban Proclamation	NLR 37/24	New	Jun. 21/24 p. 383

## THE NEWFOUNDLAND AND LABRADOR GAZETTE

June 21, 2024

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Copy for publication must be received by **Friday, 4:30 p.m.**, seven days before publication date to ensure inclusion in next issue.

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Trustee Act - Estate Notice - 2 weeks	\$62.37	\$9.36	\$71.73
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