



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 81

ST. JOHN'S, FRIDAY, NOVEMBER 24, 2006

No. 47

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF COLLIER'S MUNICIPAL PLAN AMENDMENT NO. 2, 2006 AND DEVELOPMENT REGULATIONS AMENDMENT NO. 2, 2006

Take notice that the Town Colliers Municipal Plan Amendment No. 2, 2006 and Development Regulations Amendment No. 2, 2006 as adopted on the 23rd day of August, 2006 and approved on the 29th day of September, 2006, have been registered by the Minister of Municipal Affairs.

In general terms the purpose of the Municipal Plan and Development Regulations amendments is enable the Town to:

- a) more effectively protect its municipal wells;
- b) allow mixed development up to the Colliers/Marysville boundary;

- c) allow additional residential development off North Side Road and Harbour Drive and accommodate existing developments in these areas;
- d) allow commercial marinas in the residential designation and zone.

The Municipal Plan Amendment No. 2, 2006 and Development Regulations Amendment No. 2, 2006 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 the Colliers Municipal Plan Amendment No. 2, 2006 and Development Regulations Amendment No. 2, 2006 may do so at the Colliers Town Office during normal working hours.

TOWN OF COLLIER'S
Town Clerk

Nov 24

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of Paul J. Byrne, of St. John's, in the Province of Newfoundland and Labrador, retired, deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of Paul J. Byrne, late, of St. John's, aforesaid, deceased, are hereby requested to send particulars therein in writing, duly attested to Maureen Quinn, Trustee for the Estate of the deceased on or before December 8, 2006, after which date the Trustee will proceed to distribute the said Estate, having regard only to the claims which she shall then have had notice.

DATED at St. John's, Newfoundland and Labrador, this 24th day of November, 2006.

MAUREEN QUINN

Trustee of the
Estate of Paul J. Byrne, deceased.

ADDRESS FOR SERVICE:

29 Keith Drive
Goulds, NL
A1S 1A9

Nov 24

ESTATE NOTICE

IN THE MATTER OF the Estate of Alfreda Wells, late of the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, Canada, Crafts Coordinator, Deceased.

All persons claiming to be creditors of or who have any claims or demands either as beneficiaries or next of kin, (by blood, legal adoption or marriage) upon or affecting the Estate of Alfreda Wells, deceased, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned solicitors for the Executrix of the estate of the said deceased on or before the 12th day of December, 2006 after which date the said Executrix will proceed to distribute the said estate having regard only to the claims to which she shall then have had notice.

DATED at the Town of Channel-Port aux Basques, Province of Newfoundland and Labrador, this 16th day of November, 2006.

MARKS & PARSONS
Solicitors for the Executrix
PER: Andrew K. Parsons

ADDRESS FOR SERVICE:
P. O. Box 640
3-9 Barhaven Drive
Port aux Basques, NL
A0M 1C0

Nov 24

QUIETING OF TITLES ACT

2006 No. 4809

**IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION**

**IN THE MATTER OF the *QUIETING OF TITLES ACT*,
RSNL 1990, cQ-3 (the "Act");**

AND IN THE MATTER of Property situate at the Conception Bay Highway, Holyrood, in the Province of Newfoundland and Labrador;

AND IN THE MATTER of the Application of Alice M. Finn and Michael T. Finn, of St. John's, in the Province of Newfoundland and Labrador, with respect to the said property;

Notice is hereby given to all parties that Alice M. Finn and Michael T. Finn (the "Finns"), of St. John's, in the Province of Newfoundland and Labrador have applied to the Supreme Court of Newfoundland and Labrador to have the title to ALL THOSE pieces or parcels of land situate and being located at Conception Bay Highway, Holyrood, and hereinafter more particularly described in the Schedules hereunto annexed and marked "A", "B" and "C", of which the Finns claim to be the owners, investigated and for a declaration that the Finns are the absolute owners thereof, and the Finns having been ordered to have Notice of the said application to be published as required by the Act. All persons having title adverse to the said title claimed by the Finns, shall file in the Registry of the Supreme Court of Newfoundland and Labrador at St. John's particulars of such adverse claim and serve the same together with an Affidavit verifying the same on the undersigned Solicitors for the Applicant on or before the 8th day of December, 2006, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just. All such adverse claims shall then be investigated in such manner as the said Supreme Court may direct.

Dated at St. John's, aforesaid this 8th day of November, 2006.

MCDONALD & HOUNSELL LAW OFFICES
Solicitors for the Applicant
PER: Tobias F. McDonald, Q.C.

ADDRESS FOR SERVICE:
74 O'Leary Avenue
St. John's, NL
A1B 2C7

Nov 17 & 24

SCHEDULE 'A'

All that piece or parcel of land situate, lying and being on the northwest side of the Conception Bay Highway, in the Town of Holyrood, in the province of Newfoundland and Labrador, Canada and being more particularly described as follows, that is to say: BEGINNING at a point, said point being a found iron pin set in the northwestern limit of the Conception Bay Highway (20.12 metres wide) and having co-ordinates of North 5 252,252.768 metres and East 296,259.279 metres of the modified three degree Transverse Mercator Projection (Zone 1, NAD 83) for the province of Newfoundland and Labrador, Canada:

THENCE running along the aforementioned northwestern limit of the Conception Bay Highway S 24° 17' 36" W a distance of 17.981 metres;

THENCE running by land of Doris Kennedy (222 Conception Bay Highway-Roll 1834 Frame 1944 Registry of Deeds for Newfoundland and Labrador) N 63° 15' 00" W a distance of 45.720 metres;

THENCE running S 26° 56' 54" W a distance of 27.432 metres;

THENCE running S 63° 15' 00" E a distance of 15.118 metres;

THENCE running by land of Kevin Tobin (224 Conception Bay Highway-Roll 8773 Frame 1279 Registry of Deeds for Newfoundland and Labrador) S 27° 01' 09" W a distance of 29.607 metres;

THENCE running S 62° 57' 37" E a distance of 30.602 metres;

THENCE running along the aforementioned northwestern limit of the Conception Bay Highway S 30° 30' 53" W a distance of 54.759 metres;

THENCE running by land of Glenn Hicks (230 Conception Bay Highway-Roll 799 Frame 1813 Registry of Deeds for Newfoundland and Labrador) S 87° 21' 03" W a distance of 30.967 metres;

THENCE running N 75° 50' 10" W a distance of 26.903 metres;

THENCE running S 56° 00' 42" W a distance of 16.288 metres;

THENCE running S 88° 07' 26" W a distance of 26.247 metres;

THENCE running S 65° 55' 34" W a distance of 38.130 metres;

THENCE running S 87° 59' 22" W a distance of 20.726 metres;

THENCE running N 87° 20' 38" W a distance of 21.946 metres;

THENCE running N 77° 30' 38" W a distance of 18.593 metres;

THENCE running S 84° 59' 22" W a distance of 17.678 metres;

THENCE running S 07° 22' 52" E a distance of 39.917 metres;

THENCE running by land of John Brophy (236 Conception Bay Highway-Roll 1178 Frame 676 Registry of Deeds for Newfoundland and Labrador) S 08° 27' 00" E a distance of 12.714 metres;

THENCE running by land of Douglas Brophy (238 Conception Bay Highway), by land of Clyde Collins (240-242 Conception Bay Highway) and by land of Holy Cross Parish Cemetery (244 Conception Bay Highway) S 08° 41' 13" E a distance of 138.083 metres;

THENCE running by land of Nicola McGie (McGraws Road-Roll 1324 Frame 2544 Registry of Deeds for Newfoundland and Labrador) N 66° 07' 30" W a distance of 18.776 metres;

THENCE running N 64° 35' 30" W a distance of 44.409 metres;

THENCE running S 27° 19' 30" W a distance of 47.701 metres;

THENCE running by land of Nicola McGie (McGraws Road-Roll 1324 Frame 2544 Registry of Deeds for Newfoundland and Labrador) and along the northwest limit of McGraws Road S 26° 56' 30" W a distance of 43.409 metres;

THENCE running along the southern limit of McGraws Road (15.0 metres wide) S 63° 58' 30" E a distance of 104.960 metres;

THENCE running by land of Alice & Michael Finn S 20° 08' 26" W a distance of 62.866 metres;

THENCE running by land of Ernest & Waldema Hettasck (252-254 Conception Bay Highway-Roll 1773 Frame 231 Registry of Deeds for Newfoundland and Labrador) S 25° 25' 55" W a distance of 33.210 metres;

THENCE running by land of Leonard & Rodney Boland (256-258 Conception Bay Highway-Roll 1771 Frame 702 Registry of Deeds for Newfoundland and Labrador) S 00° 45' 19" W a distance of 25.417 metres;

THENCE running S 83° 05' 40" E a distance of 55.320 metres;

THENCE running along the aforementioned northwestern limit of the Conception Bay Highway (20.12 metres wide) S 22° 22' 16" W a distance of 3.189 metres;

SCHEDULE 'B'

THENCE running by land of Donald Gough (258-260 Conception Bay Highway-Deed of Assent Registration No. 22077, Registry of Deeds for Newfoundland and Labrador) N 87° 05' 30" W a distance of 48.631 metres;

THENCE running S 87° 21' 30" W a distance of 57.760 metres;

THENCE running N 70° 05' 30" W a distance of 35.265 metres;

THENCE running N 82° 23' 30" W a distance of 54.468 metres;

THENCE running S 84° 00' 30" W a distance of 34.961 metres;

THENCE running by Crown Land N 00° 03' 30" W a distance of 260.040 metres;

THENCE running N 43° 34' 30" W a distance of 29.428 metres;

THENCE running N 69° 22' 30" W a distance of 53.749 metres;

THENCE running along the southeastern limit of an Abandoned Railway Track (15.24 metres wide) N 22° 20' 28" E a distance of 130.791 metres;

THENCE running following the arc of a curve, counter-clockwise, having a radius of 756.610 metres, an arc distance of 172.951 metres (chord bearing and distance being N 11° 41' 43" E and 172.574 metres);

THENCE running by land, now or formerly, of John O'Rourke S 85° 23' 37" E a distance of 350.902 metres;

THENCE running by land of John Hill S 81° 24' 18" E a distance of 45.640 metres;

THENCE running by land of Gerard Slaney (222 Conception Bay Highway-Roll 1878 Frame 1050, Registry of Deeds for Newfoundland and Labrador) S 63° 01' 42" E a distance of 55.859 metres, more or less, to the principal Point of Beginning. The above described piece or parcel of land contains an area of 15.16 hectares, the same being more particularly described & marked Parcel "A" on the drawing hereto attached.

All bearings refer to Grid North (NAD 83).

The said property is subject to a powerline easement (15.24 metres wide) as indicated on the attached plan.

All that piece or parcel of land situate, lying and being on the northwestern side of the abandoned Railway Right-of-Way and on the southeast side of a reservation (10.0 metres wide) along the waters of Conception Bay, in the Town of Holyrood, in the province of Newfoundland and Labrador, Canada and being more particularly described as follows, that is to say: BEGINNING at a point, said point being a placed iron pin set in the northwestern limit of the abandoned Railway Right-of-Way (15.24 metres wide) and having co-ordinates of North 5 251,786.224 metres and East 295,682.161 metres of the modified three degree Transverse Mercator Projection (Zone 1, NAD 83) for the province of Newfoundland and Labrador, Canada:

THENCE running by land of Donald Gough (258-260 Conception Bay Highway-Deed of Assent Registration No. 22077, Registry of Deeds for Newfoundland and Labrador) S 85° 42' 30" W a distance of 5.285 metres;

THENCE running N 65° 01' 30" W a distance of 14.051 metres;

THENCE running N 82° 56' 30" W a distance of 13.411 metres;

THENCE running S 88° 03' 30" W a distance of 66.507 metres;

THENCE running by a reservation (10.0 metres wide) along the waters of Conception Bay, a distance of 575 metres, more or less, straight line bearing and distance being N 13° 19' 32" E a distance of 557.053 metres;

THENCE running by land of John O'Rourke (Roll 565 Frame 1303, Registry of Deeds for Newfoundland and Labrador) S 77° 42' 21" E a distance of 88.676 metres;

THENCE running along the aforementioned northwestern limit of the abandoned Railway Right-of-Way following the arc of a curve, clockwise, having a radius of 741.370 metres, an arc distance of 168.781 metres (chord bearing and distance being S 11° 40' 47" W a distance of 168.417 metres;

THENCE running S 22° 20' 28" W a distance of 157.465 metres;

THENCE running following the arc of a curve, counter-clockwise, having a radius of 375.000 metres, an arc distance of 176.685 (chord bearing and distance being S 08° 50' 36" W and 175.055 metres;

THENCE running S 04° 38' 17" E a distance of 44.704 metres, more or less, to the principal Point of Beginning. The above described piece or parcel of land contains an area of 4.25 hectares, the same being more particularly described and marked Parcel "B" on the drawing hereto attached. All bearings refer to Grid North (NAD 83).

SCHEDEULE 'C'

All that piece or parcel of land situate, lying and being on the northwest side of the Conception Bay Highway and the southwest side of McGraws Road, in the Town of Holyrood, in the province of Newfoundland and Labrador, Canada and being more particularly described as follows, that is to say:

BEGINNING at a point, said point being a placed iron pin set in the northwestern limit of the Conception Bay Highway (20.12 metres wide) and having co-ordinates of North 5 251, 757.507 metres and East 296,048.923 metres of the modified three degree Transverse Mercator Projection (Zone 1, NAD 83) for the province of Newfoundland and Labrador, Canada:

THENCE running by land of Ernest and Waldema Hettasck (252-254 Conception Bay Highway-Roll 1773 Frame 231 Registry of Deeds for Newfoundland and Labrador) N 75° 46' 54" W a distance of 60.960 metres;

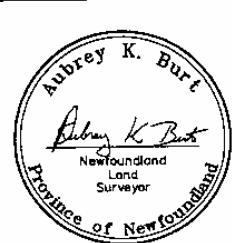
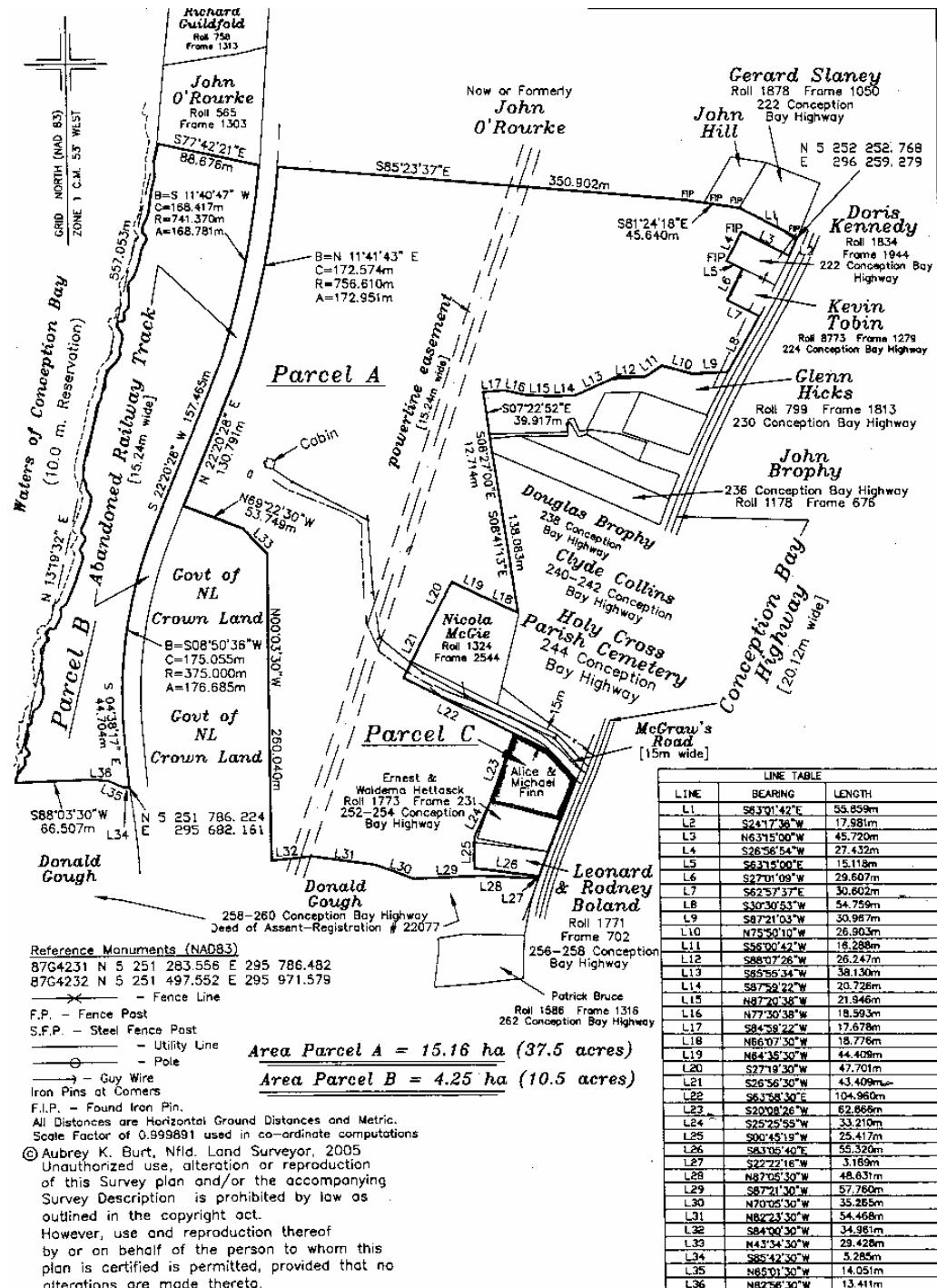
THENCE running by other land of Alice and Michael Finn N 20° 08' 26" E a distance of 62.866 metres;

THENCE running along the southwestern limit of McGraws Road (15.0 metres wide) S 63° 58' 30" E a distance of 30.513 metres;

THENCE running S 43° 53' 06" E a distance of 35.893 metres;

THENCE running along the aforementioned northwestern limit of the Conception Bay Highway S 23° 09' 09" W a distance of (37.781 metres, more or less, to the principal Point of Beginning. The above described piece or parcel of land contains an area of 0.3294 hectares, the same being more particularly described on the drawing hereto attached. All bearings refer to Grid North (NAD 83).

THE NEWFOUNDLAND AND LABRADOR
November 24, 2006



Aubrey K. Burt Surveys Ltd. Newfoundland Land Surveyor

74 O'Leary Avenue
P.O. Box 28071, St. John's, NL, A1B 4J8
Website: www.akbsurveyors.nf.net

St. John's: (709) 738-3363
Facsimile: (709) 738-3364
Email: aubrey@akbsurveyors.nf.net

Client: **Alice & Michael Finn**

Location: Conception Bay Highway, Holyrood, NL

Scale: 1 : 4000 Date: July 21, 2005

Surveyed By: A.B. B.S. M.B. & H.T. Job No.: 2005-210

2006 01T. 4918
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION

IN THE MATTER of *The Quieting of Titles Act*, cQ-3 of the RSNL 1990, (as amended)

AND IN THE MATTER of that piece or parcel of Land located at Dogberry Hill Road Extension, in the Town of Portugal Cove/St. Phillips, in the Province of Newfoundland and Labrador;

AND IN THE MATTER of the Application of Raymond Metcalfe of the Town of Portugal Cove/St. Phillips, in the Province of Newfoundland and Labrador, Contractor;

NOTICE OF APPLICATION UNDER THE
***QUIETING OF TITLES ACT*, RSNL. 1990 cQ-3**
AS AMENDED (THE "ACT").

NOTICE is hereby given of all parties that Raymond Metcalfe has applied to the Supreme Court of Newfoundland & Labrador, Trial Division to have the title to All That piece of parcel of land situate and being to wit: Dogberry Hill Road Extension, in the Town of Portugal Cove/St. Phillips, in the Province of Newfoundland and Labrador, Canada and as more particularly described in Schedule "A" hereto annexed of which the said Raymond Metcalfe claims to be the owner, investigated and for a declaration that the said Raymond Metcalfe is the absolute owner thereof;

The Honourable Justice Leo Barry having ordered Notice of the said Application to be published as required under the above-named Act.

All persons having a claim adverse to this title claimed by the said Raymond Metcalfe shall file in the Registry of the Supreme Court of Newfoundland & Labrador, Trial Division, at the Court House Duckworth Street, St. John's, Newfoundland and Labrador, A1C 5M3, particulars of such adverse claim, together with an Affidavit verifying same and serve same on the undersigned, Solicitors for the Applicant on or before the 1st day of January, 2007 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 of Newfoundland & Labrador may direct.

Dated at St. John's, in the Province of Newfoundland and Labrador, this 17th day of November, 2006.

MCGRATH, ROSE
Solicitors for the Petitioner
PER: John W. McGrath, Q.C.

ADDRESS FOR SERVICE:

18 Argyle Street
St. John's, NL
A1A 1V3

Nov 24

SCHEDULE "A"

All That piece or parcel of land situate and being on the easterly side of Dogberry Hill Road Extension in the community of Portugal Cove/St. Phillips, in the Electoral District of Mount Scio, in the Province of Newfoundland and Labrador, Canada, being abutted and bounded as follows, that is to say: Beginning at a point, the said point being an iron bar found at the southwest corner of land of William Clarke;

Thence running by said land of William Clarke North eighty five degrees thirty one minutes zero seconds East a distance of four hundred thirty two decimal five zero meters;

Thence running by land of Daniel Tucker South forty two degrees twenty one minutes thirty seconds west a distance of one hundred forty five decimal two four meters;

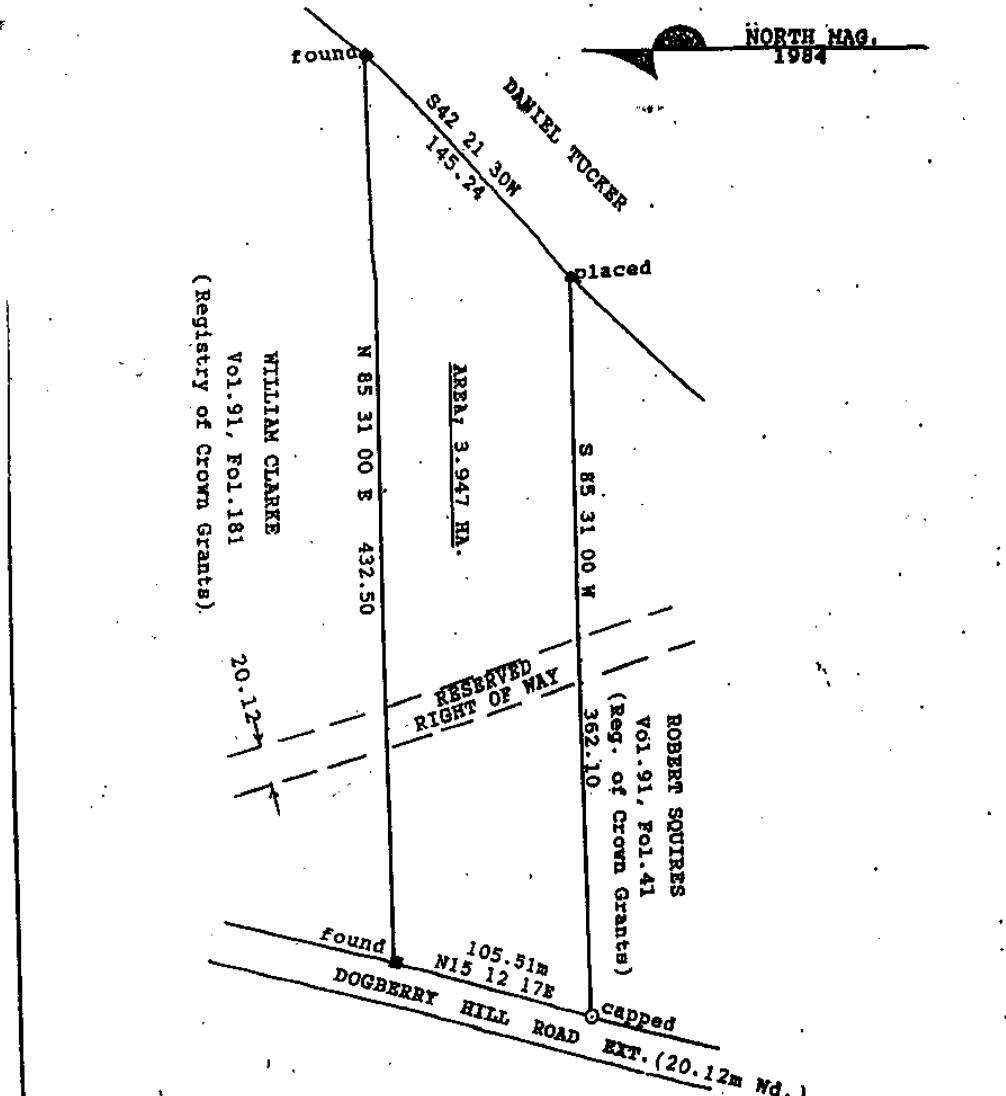
Thence running by land of Robert Squires south eighty five degrees thirty one minutes zero seconds west a distance of three hundred sixty two decimal one zero meters;

Thence running along the easterly limit of Dogberry Hill Road Extension North fifteen degrees twelve minutes seventeen seconds east a distance of one hundred five decimal five one meters, more or less to the point of beginning and containing an area of 3.947 hectares and being more particularly described on the plan hereto annexed;

All bearings being referred to Magnetic North, 1984;

Reserving Nevertheless out of the above described piece or parcel of land a Reserved Right of Way, 20.12 meters wide as shown on the attached plan.

THE NEWFOUNDLAND AND LABRADOR
November 24, 2006



NOTE: Bearings are taken from
the survey of the land
of William Clarke by
E.K. Chislett, 1984

LARRY SQUIRES Newfoundland Land Surveyor, 1994
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Book No. 20-19	<i>Larry J. Squires</i>	
Job No. 94-4013	Newfoundland Land Surveyor	
CHKD By L.S.	234 Tucker Drive, St. John's, NF Phone: 364-8916	
DRN By S.O'R.	- PLAN OF PROPERTY -	
Date DEC. 1994	DOGBERRY HILL ROAD EXT. ST. PHILLIPS	
Scale 1:2500	FOR: RAYMOND METCALFE	
Dwg No. 4013-01-02	L.S.	



THE NEWFOUNDLAND AND LABRADOR
November 24, 2006

CHANGE OF NAME ACT

C-8 RSN 1990

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

LINDA HILLIER

of 731 Main Road, Pouch Cove, A0A 3L0, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

HAILEY MORGAN LYNN STRICKLAND
to
HAILEY MORGAN LYNN STRICKLAND HILLIER

DATED this 10th day of November, 2006

LINDA HILLIER
(Signature of Applicant)

Nov 24

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

JENNIFER WHALEN

of 63 Firdale Drive, St. John's, A1A 4X5, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

ALYSSIA STACEY TULK
to
ALYSSIA STACEY TULK-WHALEN

DATED this 21st day of November, 2006

JENNIFER WHALEN
(Signature of Applicant)

Nov 24

**NOTICE OF APPLICATION
FOR CHANGE OF NAME**

NOTICE is hereby given that an application will be made to the Minister of Government Services for a change of name, pursuant to the provisions of the *Change of Name Act*, by me:-

CRYSTAL ISABELL BEATON

of P. O. Box 41, Stephenville, A2N 2Y7, in the Province of Newfoundland and Labrador, as follows:

To change my minor unmarried child's name from

XAVIER JOSEPH SIMON
to
XAVIER JOSEPH BEATON

DATED this 14th day of November, 2006

CRYSTAL BEATON
(Signature of Applicant)

Nov 24



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 81

ST. JOHN'S, FRIDAY, NOVEMBER 24, 2006

No. 47

NEWFOUNDLAND AND LABRADOR

REGULATION

NLR 90/06



NEWFOUNDLAND AND LABRADOR REGULATION 90/06

*Student Financial Assistance Regulations
(Amendment)
under the
Student Financial Assistance Act
(O.C. 2006-497)*

(Filed November 20, 2006)

Under the authority of section 16 of the *Student Financial Assistance Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, November 17, 2006.

Robert C. Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

1. S.6 Amdt. Debt reduction grant	2. Commencement
--------------------------------------	-----------------

1. Paragraph 6(1)(d) of the *Student Financial Assistance Regulations* is repealed and the following substituted:

(d) applied for and been considered eligible to receive financial assistance under the Act or the federal Act for not less than

50% of the required length of his or her program of study determined by not including time the borrower spent in a work term during which he or she did not receive financial assistance,

Commencement

2. These regulations are considered to have come into force on August 1, 2002.

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PART II

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<u>Title of Act and Subordinate Legislation made thereunder</u>	<u>CNLR or NL Reg.</u>	<u>Amendment</u>	<u>NL Gazette Date & Page No.</u>
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Student Financial Assistance Act

Student Financial Assistance Regulations (Amdt) (In force August 1, 2002)	NLR 90/06	Amends NLR 105/03 S. 6 Amdt.	Nov 24/06, p. 587
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The Newfoundland and Labrador Gazette is published from the office of Earl G. Tucker, Queen's Printer.

Copy for publication must be received before **Friday, 4:30 p.m.**, seven days before publication, to ensure inclusion in next issue. Advertisements should be typewritten or printed legibly, separate from covering letter. Number of insertions required must be stated and the names of all signing officers typewritten or printed.

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Legislative History of the Judicature Act, 1791-1988

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