May 9, 2018

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act FLR/46/2018

On March 29, 2018, the Department of Fisheries and Land Resources (FLR) received your request for access to the following records:

"The complete file for Crown Lands Application No. 151879, File No.4005290 where in Whebhaynes Inc. sought a commercial grant of land located at Hamilton River Road in the Town of Happy Valley-Goose Bay."

Please be advised a decision has been made by the Deputy Minister of FLR to provide access to the requested information. Redactions have been made under section 40 – Personal Privacy and Section 29 – Policy advice or recommendations. All responsive records are attached.

Please be advised that you may appeal this decision and ask the Information and Privacy Commissioner to review the decision to provide partial access to the requested information, as set out in section 42 of the Act (a copy of this section of the Act has been enclosed for your reference). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P.O. Box 13004, Stn. A
St. John’s, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

Please be advised that this letter will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Office of Public Engagement's website.
within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact me by telephone at 709-729-3730 or by email at hollyphilpott@gov.nl.ca

Sincerely,

[Signature]

Holly Philpott
ATIPP Coordinator

Right of access

8. (1) A person who makes a request under section 11 has a right of access to a record in the custody or under the control of a public body, including a record containing personal information about the applicant.

(2) The right of access to a record does not extend to information excepted from disclosure under this Act, but if it is reasonable to sever that information from the record, an applicant has a right of access to the remainder of the record.

(3) The right of access to a record may be subject to the payment, under section 25, of the costs of reproduction, shipping and locating a record.

Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.
(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).
Lands Branch
Labrador Regional Lands Office

FEB 14, 2018

WEBHAYES INC.
P.O. Box 1600, Station B
Happy Valley-Goose Bay NL
A0P 1E0

Dear Sir/Madam:

RE: APPLICATION NO.: 151879
TYPE: Grant
PURPOSE: Section 4 (Extension to Private Property)
LOCATION: Happy Valley-Goose Bay

Based on the recommendations received, your application cannot be approved for the following reason(s):

- The Town of Happy Valley-Goose Bay indicates the application is denied for the following reasons:

  1. There are multiple competing interests in that property and the town is currently attempting to figure out the best, suitable, and appropriate plan for that area of town.
  2. The applicant already has an easement to the house and plenty of existing car parking behind their building.

As a result, your application is cancelled and your file closed. Should you become aware that the circumstances pertaining to this refusal have changed and you wish to re-apply for this land, you will be required to submit a new application form, together with the applicable application fee.

If you require any additional information concerning this application we suggest you contact the Town of Happy Valley-Goose Bay.

Yours truly,

JEFFREY BANNISTER
REGIONAL LANDS MANAGER

JB/Id

cc Town of Happy Valley-Goose Bay

P.O. Box 3014, Sta. B, Happy Valley-Goose Bay, NL, A0P 1E0, Telephone (709) 896-2488, Facsimile (709) 896-9566
Lands Branch
Labrador Regional Lands Office

DEC 14, 2017

WEBHAYES INC.
P.O. Box 1600, Station B
Happy Valley-Goose Bay NL
A0P 1E0

Dear Sir/Madam:

RE: APPLICATION NO.: 151879
TYPE: Grant
PURPOSE: Section 4 (Extension to Private Property)
LOCATION: Happy Valley-Goose Bay

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If you require any additional information concerning this application we suggest you contact the Town of Happy Valley-Goose Bay.

Yours truly,

JEFFREY BANNISTER
REGIONAL LANDS MANAGER

JB/Ld

cc Town of Happy Valley-Goose Bay

P.O. Box 3014, Stn. B, Happy Valley-Goose Bay, NL, A0P 1E0, Telephone (709) 896-2488, Facsimile (709) 896-9566
Newfoundland
Labrador
Fisheries and Land Resources
APPLICATION FOR
CROWN LANDS

FOR DEPARTMENT USE ONLY
APPLICATION NO. 151379 RECEIPT NO. 89404
FILE NO. 4005290 AMOUNT $172.50 DATE June 21/17
DATE REGISTERED July 31/17 INDICATED ON PLAN NO.
INITIAL A TOPO NO. 1388-117 INITIAL

APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>SURNAME</th>
<th>GIVEN NAME</th>
<th>MIDDLE NAME</th>
<th>AGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Webhagen Inc</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

Mailing Address
P.O. Box 1600 St. T

CITY/TOWN
Goose Bay

PROVINCE

POSTAL CODE

BUSINESS TELEPHONE
(709) 896-1586

HOME TELEPHONE

ARE YOU A RESIDENT OF THE PROVINCE OF NEWFOUNDLAND AND LABRADOR? [X] YES [ ] NO

ARE YOU AN EMPLOYEE OF THE DEPARTMENT OF FISHERIES AND LAND RESOURCES? [ ] YES [X] NO

HAVE YOU, YOUR SPOUSE, OR ANY DEPENDENT CHILDREN EVER APPLIED FOR, OR RECEIVED LAND FROM THE CROWN? [ ] YES [X] NO

IF YES, SPECIFY TITLE NO(S).

PROPOSED TENURE AND USE

TYPE OF APPLICATION
[ ] LEASE [X] GRANT [ ] LICENCE TO OCCUPY

LAND USE
[ ] RESIDENCE [ ] COTTAGE [ ] AQUACULTURE [ ] AGRICULTURE (provid details below)
[X] COMMERCIAL (provide detailed description below) [ ] OTHER (provide details below)

Extension to existing land for composting and recycling of waste

DESCRIBE BUILDINGS TO BE ERECTED (if applicable)

DIMENSIONS LENGTH WIDTH 10

PROPOSED WATER AND SEWAGE FACILITIES (if applicable)
[ ] WELL [ ] SEPTIC [ ] MUNICIPAL WATER [ ] MUNICIPAL SEWER [ ] OTHER (provide details below)

10
LAND DESCRIPTION

1. THE LAND IS SITUATED AT 83 B Hamilton River Road
IN THE ELECTORAL DISTRICT OF Loe Kellah

2. IS THE LAND APPLIED FOR LOCATED WITHIN MUNICIPAL BOUNDARIES? ☒ YES ☐ NO

3. APPROXIMATE DIMENSIONS OF THE LAND
   FRONTAGE 10 metres DEPTH 33 metres

4. DISTANCE TO CLOSEST WATERBODY 60 metres NAME OF WATERBODY (if applicable)
   Churchill River

5. IS THE SITE ACCESSIBLE BY ROAD? ☒ YES ☐ NO
   IF NO, WILL THE SITE REQUIRE NEW ROAD CONSTRUCTION FOR ACCESS? ☒ YES ☐ NO
   IF YES, WHAT WILL BE THE APPROXIMATE LENGTH OF THE ROAD? __________ metres
   FOR SITES WITHOUT ROAD ACCESS, PLEASE INDICATE METHOD OF TRANSPORTATION
   ☒ WALKING ☐ A.T.V. ☐ BOAT ☐ SNOWMOBILE ☐ AIRCRAFT
   FOR SITES WITHOUT ROAD ACCESS, LOCATION OF ACCESS ROUTE MUST BE INDICATED ON THE MAP ATTACHED TO THE APPLICATION AND ACCESS BY A.T.V. MUST BE IN ACCORDANCE WITH A.T.V. REGULATIONS.

6. IS THE SITE PRESENTLY OCCUPIED: FENCES, BUILDINGS, SIGNS, CLEARING, LOCAL UNDERSTANDING? ☒ YES ☐ NO
   IF YES, STATE YEAR OCCUPATION COMMENCED, AREA OCCUPIED AND NAME OF PERSON WHO DEVELOPED OR OCCUPIED THE LAND
   ________________________________________________________________________________________________________________________________________________________________
   ________________________________________________________________________________________________________________________________________________________________

7. ARE YOU AWARE OF ANY EVIDENCE OF PREVIOUS LAND USE, SUCH AS FENCES, BUILDINGS, SIGNS, CLEARING, LOCAL UNDERSTANDING, ETC.? ☒ YES ☐ NO
   IF YES, STATE YEAR OCCUPATION COMMENCED, AREA OCCUPIED AND NAME OF PERSON WHO DEVELOPED OR OCCUPIED THE LAND
   ________________________________________________________________________________________________________________________________________________________________
   ________________________________________________________________________________________________________________________________________________________________

DESCRIPTION OF LAND

Please Note: When your application is accepted by this Department you are required to identify the site in the field by clearly marking your corner posts. If there is a discrepancy between the area marked in the field and the area indicated on the map, the latter shall prevail.

Sketch the land applied for showing distance to prominent nearby features such as buildings, fences, road intersections. Map must also be attached.

BOUNDED ON NORTH BY ________________________________________________________________________________
BOUNDED ON SOUTH BY ______________________________________________________________________________
BOUNDED ON EAST BY ______________________________________________________________________________
BOUNDED ON WEST BY ______________________________________________________________________________

PLEASE NOTE IT IS THE POLICY OF THE CROWN LANDS DIVISION TO ACCEPT APPLICATIONS ON A FIRST COME - FIRST SERVED BASIS. APPLICATIONS MUST BE FULLY COMPLETED, WITH A MAP SHOWING THE EXACT LOCATIONS OF THE LAND APPLIED FOR TOGETHER WITH THE APPLICATION FEE. ONLY THEN WILL THE APPLICATION BE ACCEPTED AND DEEMED REGISTERABLE BY THIS DEPARTMENT.
AFFIDAVIT OF APPLICANT (to be read carefully)

I, Michael Emmons (for William Emmons), do hereby make oath and declare as follows:

(a) The information contained in this application is true and correct to the best of my knowledge and belief.
(b) I have inspected the land applied for and have found no evidence of occupation (with the exception of No. 6 and/or No. 7 on page 2, where applicable).
(c) I am not aware of any adverse claim to the land applied for by any person(s).
(d) I recognize and accept that I am solely responsible for correctly identifying the parcel of land that is the subject of this application.
(e) I fully understand that acceptance of this application by the Department does not give me any rights or privileges in relation to the land under application.
(f) I FULLY UNDERSTAND THAT THE LAND IS NOT TO BE OCCUPIED UNTIL I RECEIVE A FULLY EXECUTED TITLE DOCUMENT.
(g) I FULLY UNDERSTAND THAT UNDER SECTION 14 OF THE LANDS ACT, THE MINISTER OF FISHERIES AND LAND RESOURCES OR THE LIEUTENANT-GOVERNOR IN COUNCIL MAY CANCEL, AMEND OR OTHERWISE DEAL WITH THE GRANT, LEASE, LICENCE OR EASEMENT AT ANY TIME PRIOR TO THE DELIVERY OF A FULLY EXECUTED TITLE DOCUMENT.

Sworn before me
At Happy Valley - Goose Bay, NL
this 21st day of June 2011

Section 40(1)

CAROL MADDOX
A Commissioner for Oaths
in and for the Province of Newfoundland and Labrador

NOTE: A non-refundable fee of ONE HUNDRED AND FIFTY DOLLARS ($150.00 plus H.S.T.) must accompany this application.

Cheques or money orders are to be made payable to the NEWFOUNDLAND EXCHEQUER ACCOUNT.
SUMMARY OF AGENCY REFERRALS

Section 29(1)(a)

- Government Service Centre
- Mines Branch
- Transportation Branch
- Urban and Rural Planning Division
- Municipal Assessment Agency
- Environmental Assessment Division
- Water Resources Division
- Dept. of Fisheries and Aquaculture
- Agriculture Branch
- Forestry Branch
- Wildlife Division
- Parks Division
- Municipal Authority
- Fisheries and Oceans (Federal)
- Tourism Development Division
- Other

Officers Comments: Comm. Grant. LUA checklist included.
Fr: 10m, Area: 0.03 ha

July 28/17

Recommendation of Regional Office:
- Refused by municipality.

Date

Lands Management/Lands Officer

Regional Lands Manager

This section to be completed by Regional Office when approval is recommended.

Area approved: 
Frontage: 
Consideration/Rental: 
Back/Rental: 

- Lease
- Grant
- Licence
- Other
- Type

Cabinet approval required: 
- Yes
- No

Special instructions to surveyor (if any):

Departmental decision:
- Refused
- Deferred
- To Cabinet

Special instructions:

Nov. 29/17

Authorized Signing Official
SCHEDULE OF REFERRAL AGENCIES

Service NL
709-896-5471

Land Use Planning Section
709-729-3090

Labrador and Aboriginal Affairs Office
709-729-4496

Prov Archaeology Office-Martha Drake
709-729-2462

Dept of Natural Resources - Agrifoods
709-637-2002

Town of Happy Valley-Goose Bay
709-896-3321

Wildlife Division
709-637-2062
Crown Lands application No. 151879 and associated documents are attached for your division's review.

Please complete the attached Recommendation form and return a scanned copy to LabradorLandsOffice@gov.nl.ca within 21 days of this notice.

If you require additional time or information this office must be notified.
Government of Newfoundland & Labrador
Department of Fisheries and Land Resources

Crown Lands Division

Scale 1:2,500
Compiled August 1, 2017

NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry.

Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

The boundary lines shown are intended to be used as an index to land titles issued by the Crown. The accuracy of the plot is not sufficient for measurement purposes and does not guarantee title.

Users finding any errors or omissions on this map sheet are advised to contact the Crown Titles Mapping Section, Howley Building, Higgins Line, St. John's, Newfoundland.

Users finding errors or omissions can contact the Crown Titles Mapping Section by telephone at 729-0061. Some titles may not be plotted due to Crown Lands volumes missing from the Crown Lands registry or not plotted due to insufficient survey information.

The User hereby indemnifies and saves harmless the Minister, his officers, employees and agents from and against all claims, demands, liabilities, actions or causes of action allegations arising out of any errors or omissions contained in Crown Land titles, and the Minister, his officers, employees and agents shall not be liable for any loss of profits or contracts or any other loss of any kind as a result.

For inquiries please contact a Regional Land Office:
Goose Bay - 896-2466
Corner Brook - 637-2387
Gander - 256-1400
St. John's - 729-2864
Clarenville - 466-4074

Webhayes Inc.
Application#151879
Commercial Grant
Happy Valley-Goose Bay
Mapsheet 13F/08
Lands Branch  
Labrador Regional Lands Office

AUG 2, 2017

WEBHAYES INC.  
P.O. Box 1600, Station B  
Happy Valley-Goose Bay, NL  
A0P 1E0

Dear Sir/Madam:

RE: APPLICATION NO.: 151879  
TYPE: Grant  
PURPOSE: Section 4 (Extension to Private Property)  
LOCATION: Happy Valley-Goose Bay

This will acknowledge receipt of the above referenced application for a Crown title. The application has now been registered and via a copy of this letter, the Department and/or agencies on the attached schedule have been asked to forward their comments and recommendations on your application to the Regional Lands Office.

Your application will be reviewed and a final decision will be made when the recommendations have been received from these Departments and/or agencies.

To assist inspectors in locating the area applied for and to avoid delays in processing your application it is advisable to place your name and application number on the site. Your application is being processed for the site indicated on the attached map.

Please note that the land is not to be occupied until you receive a fully executed title document.

If you require any additional information concerning the processing of this application please contact the Regional Lands Office at the address below.

Yours truly,

LYNN DURNO
LANDS OFFICER

Attachments

P.O. Box 3014, Station B, Happy Valley-Goose Bay, NL, A0P 1E0, Telephone (709) 896 - 2488, Facsimile (709) 896 - 9566
SCHEDULE OF REFERRAL AGENCIES

Service NL
709-896-5471

Land Use Planning Section
709-729-3090

Labrador and Aboriginal Affairs Office
709-729-4496

Prov Archaeology Office-Martha Drake
709-729-2462

Dept of Natural Resources - Agrifoods
709-637-2002

Town of Happy Valley-Goose Bay
709-896-3321

Wildlife Division
709-637-2062
## APPLICATION CHECKLIST

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<tr>
<th>Checklist items</th>
<th>y/n</th>
<th>Comments</th>
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<tr>
<td><strong>FOR LANDS OFFICER</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application fee paid</td>
<td>y</td>
<td></td>
</tr>
<tr>
<td>Application signed &amp; witnessed</td>
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<td></td>
</tr>
<tr>
<td>Application form complete</td>
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<td></td>
</tr>
<tr>
<td>Municipal Rec. Form supplied (if required)</td>
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<tr>
<td>Map of area enclosed</td>
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<td></td>
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<tr>
<td>Sketch completed</td>
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<tr>
<td>Certificate of Incorporation enclosed</td>
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<tr>
<td>Does our policy permit this use in this location</td>
<td>y</td>
<td>Cerino</td>
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<td>Applicant fees paid to date</td>
<td>y</td>
<td>104559</td>
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<td><strong>FOR LMO</strong></td>
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<tr>
<td>Area applied for available</td>
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<td>Sufficient information regarding area applied for</td>
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<tr>
<td>supplied (ie. measurements, coordinates)</td>
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</tr>
<tr>
<td>Was site previously applied for</td>
<td>y</td>
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</tr>
</tbody>
</table>
GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
DEPT. OF MUNICIPAL AND INTERGOVERNMENTAL AFFAIRS
CROWN LANDS DIVISION

DIVISION: Lands  Jun 21 2017
RECEIVED FROM: Webhays Inc.
THE SUM OF: One hundred seventy-five 100 DOLLARS
IN PAYMENT OF: Crown Lands Appr. Fsc
INVOICE NO. ________________ CUSTOMER NO. ________________
H.S.T. $ 22.50 TOTAL $ 172.50
CHEQUE ______ CASH ______ MO ______ CC__ VISA_ Signature ______
**Detailed Company Information**

<table>
<thead>
<tr>
<th>Company Name</th>
<th>WEBHAYES INC.</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Good Standing</td>
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<tr>
<td>Company Number</td>
<td>25857</td>
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<td>Status</td>
<td>Active</td>
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<td>Last Annual Return</td>
<td>2016-11-30</td>
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<td>Incorporation Jurisdiction</td>
<td>NL</td>
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<tr>
<td>Incorporation Date</td>
<td>1989-12-27</td>
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<td>Corporation Type</td>
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<td>Category</td>
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<tr>
<td>Business Type</td>
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<tr>
<td>Filing Type</td>
<td></td>
</tr>
<tr>
<td>Min/Max Directors</td>
<td></td>
</tr>
</tbody>
</table>

**Additional Information:**

(Latest addresses on file)

Registered Office:
- 42 Valleyview Drive
- Happy Valley-Goose Bay
- NL Canada

Mailing Address:
- P.O. Box 1600
- Station "B"
- Happy Valley-Goose Bay
- NL Canada
- A0P 1E0

**Obtain a Certificate of Good Standing (Fee $10.00)**

[Current Directors]

**Current Directors**

Records Found: 2

Director Name:
- Michael Emmens
- Patricia Scrivens

Viewing Records: 1-2

[Disclaimer/Privacy]
[Home]
[Contact]
This e-referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies as per the List of Referrals document included in the e-referral. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION. IF NO RESPONSE IS RECEIVED BY THE END OF 21 DAYS, IT SHALL BE ASSUMED THAT THERE ARE NO OBJECTIONS/RESTRICTIONS TO THIS APPLICATION.

Please be advised that the site on the map, also included in the e-referral, cannot be altered or relocated in any way without the prior approval of the Regional Lands Office.

APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: WEBHAYES INC.
P.O. Box 1600, Station B
Happy Valley-Goose Bay NL
A0P 1E0
Telephone: (H): 709-896-1580 (O):
Application Number: 151879
Application Type: Grant
Purpose: Section 4 Use: Extension to Private Property
Location: Happy Valley-Goose Bay
Area (hectares): 0.03
Frontage (metres): 10
Map Number: 1378-137
Comments:

REFERRAL AGENCY ONLY

Date: 8/28/2017
Department/Agency: HVGB
Address: 212 HRR

RECOMMENDATION: Refusal (add comments)

COMMENTS: Denied for the following reasons:

- There are multiple competing interests in that property and the town is currently attempting to figure out the best, suitable, and appropriate plan for that area of town.
- The applicant already has an easement to the house and plenty of existing car parking behind their building.

Name of Respondent: Brian Johnson

Phone No.: 709 896 3593

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
This e-referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies as per the List of Referrals document included in the e-referral. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION. IF NO RESPONSE IS RECEIVED BY THE END OF 21 DAYS, IT SHALL BE ASSUMED THAT THERE ARE NO OBJECTIONS/RESTRICTIONS TO THIS APPLICATION.

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APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: WEBHAYES INC.
P.O. Box 1000, Station B
Happy Valley-Goose Bay NL
A0P 1E0
Telephone: (H): 7098961580 (O):
Application Number: 151879
Application Type: Grant
Purpose: Section 4
Use: Extension to Private Property
Location: Happy Valley-Goose Bay
Area (hectares): 0.03
Frontage (metres): 10
Map Number: 13F8-137
Comments:

REFERRAL AGENCY ONLY

Date: 9/5/2017
Department/Agency: Local Governance and Planning
Address: Click here to enter text.

RECOMMENDATION: [Redacted]

COMMENTS: Click here to enter text.

Name of Respondent: Lindsay Church
Phone No.: Click here to enter text.

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
This e-referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies as per the List of Referrals document included in the e-referral. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION. IF NO RESPONSE IS RECEIVED BY THE END OF 21 DAYS, IT SHALL BE ASSUMED THAT THERE ARE NO OBJECTIONS/RESTRICTIONS TO THIS APPLICATION.

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APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: WEBHAYES INC.
P.O. Box 1600, Station B
Happy Valley-Goose Bay NL
A0P 1E0

Telephone: (H):7098961580 (O):
Application Number: 151879
Application Type: Grant
Purpose: Section 4
Use: Extension to Private Property
Location: Happy Valley-Goose Bay
Area (hectares): 0.03
Frontage (metres): 10
Map Number: 13F8-137
Comments:

REFERRAL AGENCY ONLY

Date: 8/22/2017
Department/Agency: Service NL
Address: HV-GB

RECOMMENDATION: [Redacted]

COMMENTS: See attached

Name of Respondent: Ken Russell
Phone No.: 896-5471

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
WEBHAYES INC.
Grant – Extension to Private Property
Happy Valley-Goose Bay
Application No. 151879

1. All waste materials garbage must be disposed of in an environmentally approved manner or removed for disposal in an approved waste disposal site.

2. The Government Service Centre in Happy Valley-Goose Bay must be contacted if the applicant decides to install petroleum storage tanks on the property.

3. If required in the future, water and sewer must connect to the municipal systems.

4. An electrical permit is required from the Government Service Centre prior to completing any electrical work on this property.
See attached for Wildlife Division's comments regarding 151879.

Alex

Crown Lands application No. 151879 and associated documents are attached for your division's review. Please complete the attached Recommendation form and return a scanned copy to LabradorLandsOffice@gov.nl.ca within 21 days of this notice. If you require additional time or information this office must be notified.
WILDLIFE DIVISION COMMENTS:

The WILDLIFE DIVISION advises applicant to operate under established regulations (Section 106 of the Wild Life Regulations under the Wild Life Act (O.C. 96-809): www.env.gov.nl.ca/env/wildlife/index.html) and guidelines with respect to wildlife and its habitat (e.g. nesting birds, caribou, waterfowl, wetlands, inland fish, rare plants, riparian species) to minimize additional impacts.

The WILDLIFE DIVISION requests a minimum 30 m naturally vegetated buffer to be maintained along all waterbodies and wetlands to protect sensitive riparian and aquatic species, and their habitat.

Habitat disturbance impacts wildlife negatively (birds, small mammals etc.) and should be kept to a minimum. To help reduce any negative impacts on any species, the WILDLIFE DIVISION recommends that any necessary vegetation clearing or excessive noise be undertaken outside of the nesting, breeding and brood rearing period (May to mid-July), when disturbance would be most critical.

Where vegetation clearing is not avoidable and a nest is found:

- The nest and neighbouring vegetation should be left undisturbed until nesting is completed; and
- Construction activities be minimized in the immediate area until nesting is complete.
This e-referral has been sent to you for your recommendation. Other referrals have been sent to the Department(s) and/or agencies as per the List of Referrals document included in the e-referral. YOU HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF THIS REFERRAL TO PROVIDE YOUR RECOMMENDATION ON THIS APPLICATION. IF NO RESPONSE IS RECEIVED BY THE END OF 21 DAYS, IT SHALL BE ASSUMED THAT THERE ARE NO OBJECTIONS/RESTRICTIONS TO THIS APPLICATION.

Please be advised that the site on the map, also included in the e-referral, cannot be altered or relocated in any way without the prior approval of the Regional Lands Office.

APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: WEBHAYES INC.
P.O. Box 1600, Station B
Happy Valley-Goose Bay NL
A0P 1E0
Telephone: (H):7098961580 (O):
Application Number: 151879
Application Type: Grant
Purpose: Section 4 Use: Extension to Private Property
Location: Happy Valley-Goose Bay
Area (hectares): 6.03
Frontage (metres): 10
Map Number: 13E8-137
Comments:

REFERRAL AGENCY ONLY

Date: 8/15/2017
Department/Agency: Dept. Of Fisheries and Land Resources – Land Management Division
Address: Fortis Building – Corner Brook

RECOMMENDATION: [Redacted]

COMMENTS: [Redacted]

Name of Respondent: Jennifer Busujoe
Phone No.: 637-2002

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P.O. Box 1600, Station B
Happy Valley-Goose Bay NL
A0P 1E0
Telephone: (H):7098961580 (O):
Application Number: 151879
Application Type: Grant
Purpose: Section 4
Use: Extension to Private Property
Location: Happy Valley-Goose Bay
Area (hectares): 0.03
Frontage (metres): 10
Map Number: 13F8-137
Comments:

REFERRAL AGENCY ONLY

Date: 8/4/2017

Department/Agency: Indigenous Affairs

Address: 6th Floor East Block Confederation Building

RECOMMENDATION:

COMMENTS:

Name of Respondent: Clare Bustin

Phone No.: 729-4950

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
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**APPLICATION FOR CROWN LANDS – REFERRAL**

Applicant: WEBHAYES INC.  
P.O. Box 1600, Station B  
Happy Valley-Goose Bay NL  
A0P 1E0

Telephone: (H):7098961580 (O):  
Application Number: 151879  
Application Type: Grant  
Purpose: Section 4  
Use: Extension to Private Property  
Location: Happy Valley-Goose Bay  
Area (hectares): 0.03  
Frontage (metres): 10  
Map Number: 13F8-137  
Comments:

**REFERRAL AGENCY ONLY**

Date: 8/3/2017  
Department/Agency: TCII/Archaeology  
Address: Confed Bldg, West Block  

RECOMMENDATION: [Redacted]

COMMENTS: Click here to enter text.

Name of Respondent: Martha Drake  
Phone No.: 729-2462

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
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APPLICATION FOR CROWN LANDS – REFERRAL

Applicant: WEBHAYES INC.
P.O. Box 1600, Station B
Happy Valley-Goose Bay NL
A0P 1E0
Telephone: (709) 7098961580 (O):
Application Number: 151879
Application Type: Grant
Purpose: Section 4
Use: Extension to Private Property
Location: Happy Valley-Goose Bay
Area (hectares): 0.03
Frontage (metres): 10
Map Number: 13F8-137
Comments:

REFERRAL AGENCY ONLY

Date: 8/2/2017
Department/Agency: HVGB
Address: 212 HRR

RECOMMENDATION: Other: note in comments

COMMENTS: held for committee review

Name of Respondent: Brain Johnson
Phone No.: 8963321

PLEASE RETURN, ELECTRONICALLY, THIS FORM AS A PDF WITH RECOMMENDATIONS AND ANY ATTACHMENTS YOU MAY HAVE.
The following referrals have been forwarded to your division and the responses have not been received within the allotted twenty-one (21) day timeframe. Please provide your responses to this office immediately:

- Application #151872,
- Application #115873,
- Application #151913,
- Application #151916,
- Application #151917,
- Application #151920,
- Application #151921,
- Application #151874,
- Application #151879, Webhayes Inc.
- Application #46366,

Lynn Durno
Lands Officer
Crown Lands Administration Division
Labrador Regional Lands Office
Dept. of Fisheries and Land Resources
2 Tenth Street
P.O. Box 3014, Station B
Happy Valley-Goose Bay, NL
A0P 1E0
Phone 709 896 7948
Fax 709 896 9566
Email ldurno@gov.nl.ca
From: Purchase, Darren (St. John's) <dpurchase@coxandpalmer.com>
Sent: Wednesday, November 29, 2017 9:44 AM
To: Durno, Lynn
Subject: FW: Land 85 Hamilton River road

Lynn,

Further to our call of today's date please see the below correspondence from Michael (Mick) Emmens confirming our retention as counsel and advising that your office is authorized to speak to ours with regards to the above matter.

I will be in touch via telephone shortly to discuss.

Regards,

Darren

Darren Purchase  |  Cox & Palmer  |  Associate
Direct 709 570 5579  Fax 709 738 7999  Web coxandpalmerlaw.com
Address Suite 1100 Scotia Centre 235 Water Street St. John's NL A1C 1B6

From: Mick Emmens [REDACTED]@nf.sympatico.ca]
Sent: Wednesday, November 29, 2017 7:06 AM
To: Purchase, Darren (St. John's)
Subject: Land 85 Hamilton River road


CONSENT

I, Michael Emmens, director for WEBHAYES INC., the Applicant in the Crown Lands Application cited as Application Numbered 151879, hereby authorize the Department of Crown Lands, NL. to release all information, in relation to the above cited Crown Lands Application, to Darren R. Purchase of the law firm of Cox and Palmer.

Michele Emmens
WEBHAYES INC

Sent from my iPhone
Lynn,

Further to our call of today’s date please see the below correspondence from Michael (Mick) Emmens confirming our retention as counsel and advising that your office is authorized to speak to ours with regards to the above matter.

I will be in touch via telephone shortly to discuss.

Regards,

Darren

---

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Michele Emmens
WEBHAYES INC

Sent from my iPhone
Webhayes Inc
Michael Emmens
Po Box 1600 St B
Happy Valley - Goose Bay
NL
A0P1E0

By Hand:

RE: Crown lands at 83B Hamilton River road

Dear Sir

Please find attached my application for a parcel of land in the vicinity of 83 B Hamilton River Road I bring to your attention the letter from the town of Happy Valley Goose Bay dated 30 May 2017 in this letter it outlines the concerns and history of this parcel of land

My application in part addresses my concerns regarding the access, easement and car parking to my property at 85 and 85 A Hamilton River Road

You'll see from my application that I'm applying for 10 m by approximately 30.5 m this will allow me to meet town regulations in terms of car parking easement and access.

You will also see that, by only applying for part of the available land there is still room for a driveway to be applied for by [redacted] in order for him to have access to his property at 83 A Hamilton River Road. There is still approximately 8 m between my proposed extension and the building at 83 B Hamilton River Road given that the building requires, to my understanding 2m around the property that still gives approximately 6 m for a driveway for [redacted] should he choose to apply for the remaining parcel of the land. The building itself and remaining land could be applied for by [redacted] who I believe is now the owner of the building (but not the land).

I ask you to consider this application in conjunction with any applications for Crown Land by either Green Leaf or [redacted] as I understand they are asking for Crown Land to allow an easement to allow access the back of Green Leaf property. Therefore, I ask that if you grant any easement to either of these two parties I be given the same in the form of approval of my land application

Your sincerely,

Mick Emmens
Webhayes Inc
May 30, 2017

To the Department of Municipal Affairs and the Department of Fisheries and Land Resources,

Re: Crown Lands at 83B Hamilton River Road, Happy Valley-Goose Bay

As you are aware, for the last six months, the Town of Happy Valley-Goose Bay has been dealing with the Crown Lands property and the Rupert's Land Trading Company warehouse located at 83B Hamilton River Road.

Without doing a full and independent title search, the Town's understanding of the historical use and rights associated with the Crown property is as follows:

1. By Crown Lease No. 15224 dated May 7, 1965, the property in question was leased to Rupert's Land Trading Company for a period of 50 years (the "Crown Lease"). The Crown Lease expired on May 7, 2015 and to the best of the Town's knowledge has not been renewed. The Crown Lease lands have historically been identified as civic 83B Hamilton River Road;

2. By Crown Grant No. 30966, the land current identified as 83 Hamilton River Road and 83A Hamilton River Road was granted to [REDACTED] (the "Crown Grant"). The Town understands that 83 Hamilton River Road is now owned by Green Leaf Limited (the "Green Leaf Property"), and that 83A Hamilton River Road is now owned by [REDACTED] Property;

3. The only historical access to the [REDACTED] property is understood to have been via two separate written easements. The first easement is over a small piece of the Crown Grant lands. The second easement covered a portion of the Crown Lease, which has since expired. Both easements were necessary to ensure access to the [REDACTED] Property;

4. Green Leaf has a building on the Green Leaf property which appears to be partially upon the Crown Lease lands, which Crown Lease has since expired (the "Green Leaf Building");

5. There is also a building that is entirely upon the lands formerly subject to the Crown Lease. The Town understands that this building was sold to [REDACTED] for $1 on February 6, 2017 (the [REDACTED] Building). The Bill of Sale provided to the Town does not purport to transfer the land, and is expressly in reference to the [REDACTED] Building;
6. The western portion of the former Crown Lease Lands has, to the best of the Town's knowledge, been historically cleared and maintained by the owner of 85 Hamilton River Road for parking purposes; and

7. The owners/occupants of 85A Hamilton River Road, which is located directly behind 85 Hamilton River Road, appear to have historically used the western portion of the property for road access to the house.

The Town was not previously aware of the whole situation regarding 83B Hamilton River Road.

The Town only became aware of the expiration of the Crown Lease in November, 2016, when Mom's Place Limited applied to Crown Lands for all, or a portion of the former Crown Lease Lands, after which the Town was provided with a Municipal Recommendation Form. In December 2016, the Town chose to defer its response to the Municipal Recommendation Form regarding the Crown Lands Application of Mom's Place Limited, citing limited information about the Crown land in question. In January, 2016, the Town indicated its denial upon the Municipal Recommendation Form in light of evidence given at the public meeting of Council on December 15, 2016 and concerns over road access to the Property. The Town's response to the Municipal Recommendation Form regarding the Crown Lands Application of Mom's Place Limited was issued on January 23, 2017.

At the Council meeting of December 15, 2016, spoke to the limited accessibility to his house on Property.

thereafter applied to Crown Lands for the western, unoccupied, half of the former Crown Lease Lands. The Town received the application twice, once through the Municipal Recommendation Form in December and the second time via the new Crown Lands Referral Form. Much like with Mom's Place Limited, the Town deferred the application and then denied it since it became apparent that both 83 Hamilton River Road (the Green Leaf Property) and 85 Hamilton River Road (Dr. Scriven's office) appear to have insufficient parking under the Town's Development Regulations and road access had to be provided for 85A Hamilton River Road as well. The rejection letter to was sent on March 1, 2017.

Additionally, it is the Town's understanding that one of the conditions of the Crown Lease was that the Crown Lease Lands had to be reverted to their original state by the lessor before the expiration of the Crown Lease, which means that the Building located at 83B Hamilton River Road was supposed to have been removed. The Building is, in the opinion of the Town, in a dilapidated condition. The Town consulted the Crown Lands Department regarding the Building, and was advised that the Department would not take any steps toward its removal or remediation. As a result, the Town issued a demolition order on February 28, 2017 requiring the removal of the Building. The Demolition Order was issued to the Northwest Company, as the Town understood that they owned the Building. It was after this time that the Town was provided with a bill of sale which purported to sell the Building to

As of the date of this letter, the Town has not vacated its Demolition Order and maintains that the removal of the Building should have been enforced by Crown Lands further to the Crown Lease.

Finally, the Town received a Crown Lands Referral Form in March 2017 from regarding the eastern half of the former Crown Lease Lands which contains the Building. The Town deferred its consideration of the Crown Lands Referral in April, 2017 and denied it in May, 2017, for the same general reasons as provided in its response to the other
Municipal Recommendation Forms and because the issuance of title to [REDACTED] might have detrimentally affected [REDACTED], the Town is not making any claim to any rights in respect to the former Crown Lease Lands or any of the neighbouring properties, and the Town understands that the former Crown Lease Lands reverted back to the Crown following the expiration of the Crown Lease.

The Town understands that the issuance of any title or rights by the Crown is in the sole discretion of the Crown. The Town will, upon request, fully cooperate with any inquiries the Department of Crown Lands may have regarding the former Crown Lease Lands. Previous decisions by the Town have come from the complicated history of use of the former Crown Lease Lands and the interests of various individuals/companies in acquiring certain rights thereto in order to protect the value of their other property interests.

Ultimately, it is the decision of the Department of Crown Lands as to what rights, if any, they will issue in respect of the former Crown Lease Lands.

The Town therefore defers to the Department of Crown Lands as to how the matter is to be resolved. However, a few things need to be held in mind regarding the former Crown Lease Lands at 83B Hamilton River Road:

1. The [REDACTED] Property and 85A Hamilton River Road (residential building behind Dr. Scriven’s office) both require at least a 3 metre easement for road access under the Town’s Development and Planning Regulations;

2. Part of the Green Leaf Building appears to be situated on the former Crown Lease Lands. The Town understands that the owners of 83 Hamilton River Road (and the Green Leaf Building) are seeking to sell their property, but the Town cannot provide the requested compliance letter until the matter is resolved. The Town understands that the vendor would require the land on which the Green Leaf Building sits and a 1.5 metre side yard to comply with the Town’s Development and Planning Regulations;

3. 83 Hamilton River Road (the Green Leaf building) and 85 Hamilton River Road (Dr. Scriven’s Office) require at least 9 and 12 parking spaces (respectively) to comply with the Town’s Development and Planning Regulations;

4. The [REDACTED] Building on the former Crown Lease Lands would also require appropriate parking if it is not demolished, anywhere from 5 parking spaces if it remains a warehouse to 11 if it becomes a store or an office; and,

5. All properties in question are in an area zoned Mixed Development under the Town’s Development and Planning and Regulations and all development decisions regarding these properties have to abide the regulations associated with this zone.
We hope you make a satisfactory and expedient decision regarding the former Crown Lease Lands and would be pleased to address any questions or concerns you may have in the process.

 Regards,

[Name Redacted]

Wyman Jacque
Town Manager
Town of Happy Valley-Goose Bay

cc Labrador Lands Office
Jonathan Grandy
Mom's Place Limited
Mick Emmens
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
THIS INDENTURE made at the Town of Happy Valley–Goose Bay, in the Province of Newfoundland, this day of Anno Domini, One thousand nine hundred and ninety.

BETWEEN: AND MICHAEL EMMENS, of the Town of Happy Valley–Goose Bay, in the Province of Newfoundland, as joint tenants, and not tenants in common, hereinafter called the "Vendors"

OF THE ONE PART

AND: WEBHAYES INC., a company duly incorporated under the laws of the Province of Newfoundland and having its head office and place of business in the Town of Happy Valley–Goose Bay, in the Province of Newfoundland and Labrador, hereinafter called the "Purchaser"

OF THE OTHER PART

WHEREAS the Vendors are seized in fee simple in possession of the lands and premises hereinafter more particularly described.

AND WHEREAS the Vendors have agreed to sell and the Purchaser has agreed to purchase the hereinafter described piece or parcel of land for the consideration hereinafter appearing.

NOW THIS INDENTURE WITNESSETH that for and in consideration of the sum of One dollar ($1.00) of lawful money of Canada in hand well and truly paid by the Purchaser to the Vendors on or before the execution of these presents and other good and valuable consideration, (the receipt whereof is hereby acknowledged) the Vendors as beneficial owners HEREBY SELL, ASSIGN, TRANSFER AND CONVEY unto the Purchaser ALL THAT piece or parcel of land more particularly described in Schedule "A" hereto annexed.

TOGETHER WITH all buildings and erections thereon and appurtenances thereto.

TO HAVE AND TO HOLD the same unto the Purchaser absolutely and forever.

IN WITNESS WHEREOF the Vendors have hereunto their hands and seals subscribed and set the day and year first written.

SIGNED, SEALED AND DELIVERED by the Vendors in the presence of:

[Signatures]

MICHAEL EMMENS
Re: Civic Address: 85 Hamilton River Road

Lot. F-39

Beginning at a point in the southerly limit of Hamilton River Road, sixty-six feet wide, at the north east angle of Lot. 38,

Thence running by the said lot south ten degrees east two hundred feet and three tenths of a foot,

Thence running by Crown Land north seventy-three degrees and forty-two minutes east one hundred feet,

Thence running by Lot. 41 and by Lot. F40 north eight degrees ten minutes west two hundred feet,

Thence running along the aforesaid southerly limit of Hamilton River Road in a westerly direction one hundred and seven feet more or less to the point of beginning,

All bearings being referred to the true meridian.
IN THE MATTER of the Family Law Act, Statutes of Newfoundland, 1988, Chapter 60, and the Minors (Attainment of Majority Act) Statutes of Newfoundland, 1971, Chapter 71, as amended

and

IN THE MATTER of the Income Tax Act of Canada, 1972, as amended

and

IN THE MATTER of a Deed of Conveyance between MICHAEL EMMENS and [REDACTED] as the Vendors and WEBHAYES INC. as the Purchaser of property situate in the Town of Happy Valley – Goose Bay, in the Province of Newfoundland and Labrador.

AFFIDAVIT OF STATUS

We, MICHAEL EMMENS and [REDACTED] of the Town of Happy Valley–Goose Bay, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. THAT we are the Vendors above named and are of the full age of nineteen (19) years.
2. THAT we are spouses of each other.
3. THAT the property described in the attached Deed of Conveyance is not a matrimonial home under the provisions of the Family Law Act, S.N. 1988, Chapter 60, hereinafter called the "Act".
4. THAT when we executed the attached instrument we were residents of Canada and will remain residents of Canada immediately following the sale of the subject property within the intent and meaning of the Income Tax Act of Canada, R.S.C. 1985, and amendments thereto.
5. THAT to the best of our knowledge, information and belief, there are no other persons who have vested rights in the property being conveyed under the attached Deed of Conveyance pursuant to the Family Law Act.
6. THAT we are not indebted to the Workers Compensation Commission of Newfoundland for any outstanding or current assessments under the Workers Compensation Act, S.N. 1983, Chapter 84, as amended.

SWORN TO at the Town of Happy Valley)
Goose Bay in the Province of
Newfoundland this day of
1990, before me:

[Signature]

MICHAEL EMMENS