COR/2018/01923

July 11, 2018

Dear [Redacted]:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act (Our File: TW/025/2018)

On March 4, 2018 the Department of Transportation and Works received your request for access to the following records:

Requesting full File of Quidi Vidi Village Slipway "Expropriation dated July 11th, 1974, Registry of Deeds Volume 1846 Folio 10-14" and Complete File of 2016 Request to Purchase the slipway / launchway Record # COR/2016/02284 . All information related to this property in Quidi Vidi Village from internal and external parties.

I am pleased to inform you that a decision has been made by the Deputy Minister of Transportation and Works to provide access to some of the requested information.

Access to the remaining records, and/or information contained within the records, has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

40. Disclosure harmful to personal privacy
   (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

As required by 8(2) of the Act, we have severed information that is unable to be disclosed and have provided you with as much information as possible. In accordance with your request for a copy of the records, the appropriate copies have been enclosed.
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 is 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 responsive records 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 Completed Access to Information Requests 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) 729-5313 or by email at ATTW@gov.nl.ca.

Sincerely,

[Signature]
Angela McIntyre
ATIPP Coordinator
Department of Transportation and Works
Enclosures
Disclosure harmful to personal privacy

40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

(2) A disclosure of personal information is not an unreasonable invasion of a third party's personal privacy where

(a) the applicant is the individual to whom the information relates;

(b) the third party to whom the information relates has, in writing, consented to or requested the disclosure;

(c) there are compelling circumstances affecting a person’s health or safety and notice of disclosure is given in the form appropriate in the circumstances to the third party to whom the information relates;

(d) an Act or regulation of the province or of Canada authorizes the disclosure;

(e) the disclosure is for a research or statistical purpose and is in accordance with section 70;

(f) the information is about a third party's position, functions or remuneration as an officer, employee or member of a public body or as a member of a minister’s staff;

(g) the disclosure reveals financial and other details of a contract to supply goods or services to a public body;

(h) the disclosure reveals the opinions or views of a third party given in the course of performing services for a public body, except where they are given in respect of another individual;

(i) public access to the information is provided under the Financial Administration Act;

(j) the information is about expenses incurred by a third party while travelling at the expense of a public body;

(k) the disclosure reveals details of a license, permit or a similar discretionary benefit granted to a third party by a public body, not including personal information supplied in support of the application for the benefit;

(l) the disclosure reveals details of a discretionary benefit of a financial nature granted to a third party by a public body, not including

   (i) personal information that is supplied in support of the application for the benefit, or

   (ii) personal information that relates to eligibility for income and employment support under the Income and Employment Support Act or to the determination of income or employment support levels; or
(m) the disclosure is not contrary to the public interest as described in subsection (3) and reveals only the following personal information about a third party:

(i) attendance at or participation in a public event or activity related to a public body, including a graduation ceremony, sporting event, cultural program or club, or field trip, or

(ii) receipt of an honour or award granted by or through a public body.

(3) The disclosure of personal information under paragraph (2)(m) is an unreasonable invasion of personal privacy where the third party whom the information is about has requested that the information not be disclosed.

(4) A disclosure of personal information is presumed to be an unreasonable invasion of a third party's personal privacy where

(a) the personal information relates to a medical, psychiatric or psychological history, diagnosis, condition, treatment or evaluation;

(b) the personal information is an identifiable part of a law enforcement record, except to the extent that the disclosure is necessary to dispose of the law enforcement matter or to continue an investigation;

(c) the personal information relates to employment or educational history;

(d) the personal information was collected on a tax return or gathered for the purpose of collecting a tax;

(e) the personal information consists of an individual's bank account information or credit card information;

(f) the personal information consists of personal recommendations or evaluations, character references or personnel evaluations;

(g) the personal information consists of the third party's name where

(i) it appears with other personal information about the third party, or

(ii) the disclosure of the name itself would reveal personal information about the third party; or

(h) the personal information indicates the third party's racial or ethnic origin or religious or political beliefs or associations.

(5) In determining under subsections (1) and (4) whether a disclosure of personal information constitutes an unreasonable invasion of a third party's personal privacy, the head of a public body shall consider all the relevant circumstances, including whether

(a) the disclosure is desirable for the purpose of subjecting the activities of the province or a public body to public scrutiny;
(b) the disclosure is likely to promote public health and safety or the protection of the environment;

(c) the personal information is relevant to a fair determination of the applicant's rights;

(d) the disclosure will assist in researching or validating the claims, disputes or grievances of aboriginal people;

(e) the third party will be exposed unfairly to financial or other harm;

(f) the personal information has been supplied in confidence;

(g) the personal information is likely to be inaccurate or unreliable;

(h) the disclosure may unfairly damage the reputation of a person referred to in the record requested by the applicant;

(i) the personal information was originally provided to the applicant; and

(j) the information is about a deceased person and, if so, whether the length of time the person has been deceased indicates the disclosure is not an unreasonable invasion of the deceased person's personal privacy.
Section 1 – Email Correspondence and Attachments
Please open and print. Thanks.

as requested
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
The attached property has been submitted by Public Works and Government Services Canada for your review. Comments, interest in the property or special procedures or policies to follow, if any, should be sent directly by e-mail, mail or fax to Peter Hearns (ILUC@gov.nl.ca).

Please note that a thirty-day (30) response time is being initiated on this ILUC project. If for some reason extra time is required to assess a project, please advise ASAP. If we do not receive a response within thirty days, it will be assumed there is no objection to the proposal.

Peter Hearns, MES
Manager of Resource Evaluation and Policy Integration
Land Management Division
Department of Environment and Conservation
Howley Building, 85 Higgins Line
P.O.Box 8700, St. John’s, NL, A1B 4J6

Tel: (709) 729-3231
Fax: (709) 729-3923
Email: peterhearns@gov.nl.ca
DATE: September 28, 2012
TO: All ILUC Members
FROM: ILUC Chair
SUBJECT: ILUC #1438 – Disposal of Federal Property – Quidi Vidi

The attached property has been submitted by Public Works and Government Services Canada for your review. Comments, interest in the property or special procedures or policies to follow, if any, should be sent directly by e-mail, mail or fax to Peter Hearns (ILUC@gov.nl.ca).

Please note that a thirty-day (30) response time is being initiated on this ILUC project. If for some reason extra time is required to assess a project, please advise ASAP. If we do not receive a response within thirty days, it will be assumed there is no objection to the proposal.

Peter Hearns

Manager, Resource Evaluation and Policy Integration
September 27, 2012

Mr. Peter Hearns  
Manager Resource Evaluation & Policy Integration  
Howley Building, Higgins Line  
P.O. Box 8700  
St. John’s, NF  
A1B 4J6

RE: Reversion of Surplus Federal Property located at Ouidi Vidi, NL

Dear Peter:

I am forwarding to you a package containing some pertinent information with respect to the above noted location. We had a brief discussion concerning this property at our recent meeting. The site is surplus to DFO/SCH program requirements and they wish to divest of the majority of their property at this location.

This property was acquired by way of Provincial Transfer #86303 dated August 30, 1991 and accepted by Federal Acceptance dated March 23, 1994 (copies attached). Reference should be made to PWC Survey Plan S-1863 and more particularly Parcel “E” containing an area of 2735 square meters which shows the property acquired.

You will note that on this plan there are seven additional parcels identified being labeled as parcels F,G,H,J,K,L and M. My understanding is that these parcels represented squatters within the boundaries of parcel “E”. The legend on S-1863 identifies the individual claimants. Prior to making application for parcel “E”, SCH acquired any interest that may have been held in parcels L, K, and J from the individual owners (see attached property record). Parcel “M” was identified as being abandoned cribbing. Any interests that may have existed in parcels F, G and H were never addressed by SCH however were included within the property transferred by Provincial Transfer #86303. I’m not sure as to how this happened as generally HMQ will deal with any adverse claims prior to making an application to your department but in this case all three were included in the transfer.

SCH currently have a slipway occupying a small portion of Parcel “E” which may be the subject of a partial divestiture to the City of St. John’s. Upon reversion of this property we would like to reacquire, in “Fee Simple”, sufficient property to encompass the footprint of the slipway within the waterlot and will provide a survey of same if your department is in agreement with this request.

Canada
Please proceed to circulate this project through ILUC and advise at your earliest convenience as to the province's position on this request.

If you have any questions concerning this matter, please do not hesitate to contact me.

Thank you,

[Signature]
Barry Hoyles, CRA
Senior Real Estate Advisor
PWGSC, NF District
(709) 772-5924

Attachments
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
TRANSFER
ADMINISTRATION & CONTROL OF CROWN LAND TO HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Under the Authority of the Administration and Control of Lands of the Crown (Transfer) Act, Chapter 3 of The Revised Statutes of Newfoundland, 1970 as amended, by Chapter 44 of The Statutes of Newfoundland, 1979, Her Majesty the Queen in right of Newfoundland represented herein by the Honourable the Minister of Environment and Lands for the Province of Newfoundland (hereinafter called the "Minister") doth hereby ORDER THAT the administration and control of land situate at Quidi Vidi, in the Electoral District of St. John's East Extern, as more particularly described in the Schedule(s) hereto, be and they are hereby transferred to Her Majesty the Queen in Right of Canada for port development, boat haulout and marginal wharf subject to the following conditions;

1. the land shall at all times be used for port development, boat haulout and marginal wharf;
2. all minerals, quarry materials, both metallic and non-metallic, limestone, granite, slate, marble, gypsum, marl, clay, sand, gravel, building stone, volcanic ash, peat, coal, salt, natural gas, oil, and related hydrocarbons in and under the said land shall be reserved to Her Majesty the Queen in Right of Newfoundland; and
3. if and as soon as the said land ceases to be used for the purpose mentioned in (1) above, the administration and control thereof shall thereupon be assumed by Her Majesty the Queen in Right of Newfoundland.

IN WITNESS WHEREOF The Minister of Environment and Lands for the Province of Newfoundland has hereunto subscribed his hand and the Seal of the Department of Environment and Lands has been hereunto affixed on the 30th day of August, A.D., 1991.

SIGNED AND SWORN
by the Minister of Environment and Lands and the Seal of the Department of Environment and Lands hereunto affixed in the presence of:

[Signature]

Official Administering Oath

ANN MARIE BASTOW

[Signature]

Minister of Environment and Lands

[Signature]

Registrar of Deeds (Nfld.)
SCHEDULE

Parcel "E"
Plan S-1863
Public Works Canada

ALL that certain parcel of land and land covered by water, situated at Quidi Vidi, in the Electoral District of St. John's East Extern, Province of Newfoundland, shown as Parcel "E" on Public Works Canada Plan S-1863 dated November 5, 1986, revised 23 October 1990, signed by Arnold King, N.L.S., and being more particularly described as follows:

BEGINNING at a survey marker, said survey marker being the Southwesterly corner of Parcel "C" as shown on the above-mentioned plan and a Northwesterly corner of the herein-described Parcel "E";

THENCE following along the ordinary high water mark of Quidi Vidi Harbour in a general Southeasterly and Northeasterly direction, 59 metres more or less to a point, said point being S 84°-13'-59" E, 51.789 metres from the last mentioned survey marker;

THENCE following along the ordinary high water mark of Quidi Vidi Harbour in a general Southeasterly direction, 29 metres more or less to an iron pin, said iron pin being S 55°-15'-00" E a distance of 27.008 metres from the last mentioned point;

THENCE following the ordinary high water mark of Quidi Vidi Harbour in a general Southeasterly direction, 54 metres more or less to a point on the ordinary high water mark of Quidi Vidi Harbour, said point being S 49°-01'-16" E, 52.213 metres from the last-mentioned point;

THENCE S 34°-12'-18" W, 24.000 metres to a point;

THENCE N 56°-32'-44" W, 121.229 metres to a point;

THENCE N 10°-45'-20" E, 8.00 metres to the Point of Beginning.

Containing an area of 2735 square metres more or less.

All bearings are based on Grid North referenced to the 3° H.T.M. System for the Province of Newfoundland.
CANADA

ACCEPTANCE OF A TRANSFER OF ADMINISTRATION AND CONTROL OF REAL PROPERTY FROM THE PROVINCE OF NEWFOUNDLAND (PARCEL - IN PERPETUITY)

WHEREAS:

A. The real property hereinafter described is the property of Her Majesty in right of the Province of Newfoundland required by the undersigned Minister for the purposes of the Department of Fisheries and Oceans.

B. By transfer of administration and control in the form annexed, the entire interest of Her said Majesty in the said real property has been transferred to Her Majesty in right of Canada in perpetuity.

C. As evidenced by endorsement on the form annexed, the said transfer of administration and control is satisfactory to the Minister of Justice.

THE MINISTER OF FISHERIES AND OCEANS, pursuant to subsection 6(2) of the Financial Property Regulations, hereby accepts, on behalf of Her Majesty in right of Canada, the transfer of administration and control from Her Majesty in right of the Province of Newfoundland in the form annexed dated the 30th day of August, 1991, of the entire interest in the real property described in Schedule "A" attached, in perpetuity.

IN WITNESS WHEREOF the said Minister has signed this acceptance of a transfer of administration and control.

DATED as at the 23rd day of March, 1994.

SIGNED by:

Name: Colin Boutilier
Title: Assistant Acquisition Officer
PUBLIC WORKS AND GOVERNMENT SERVICES CANADA
ON BEHALF OF THE MINISTER OF FISHERIES AND OCEANS
ALL that certain parcel of land and land covered by water, situated at Quidi Vidi, in the Electoral District of St. John's East Eastern, Province of Newfoundland, shown as Parcel "E" on Public Works Canada Plan S-1863 dated November 5, 1986, revised 23 October 1990, signed by Arnold King, N.L.S., and being more particularly described as follows:

BEGINNING at a survey marker, said survey marker being the Southwesterly corner of Parcel "C" as shown on the above-mentioned plan and a Northwesterly corner of the herein-described Parcel "E";

THENCE following along the ordinary high water mark of Quidi Vidi Harbour in a general Southeasterly and Northeasterly direction, 59 metres more or less to a point, said point being S 84°-13'-39" E, 51.789 metres from the last mentioned survey marker;

THENCE following along the ordinary high water mark of Quidi Vidi Harbour in a general Southeasterly direction, 29 metres more or less to an iron pin, said iron pin being S 55°-15'-00" E a distance of 27.008 metres from the last mentioned point;

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THENCE N 10°-45'-20" E, 8.00 metres to the Point of Beginning.

Containing an area of 2735 square metres more or less.

All bearings are based on Grid North referenced to the 3° M.T.M. System for the Province of Newfoundland.
PROVINCE OF NEWFOUNDLAND

NO. 86303

TRANSFER
ADMINISTRATION & CONTROL OF CROWN LAND TO HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Under the Authority of the Administration and Control of Lands of the Crown (Transfer) Act, Chapter 3 of The Revised Statutes of Newfoundland, 1970 as amended, by Chapter 44 of The Statutes of Newfoundland, 1979, Her Majesty the Queen in right of Newfoundland represented herein by the Honourable the Minister of Environment and Lands for the Province of Newfoundland (hereinafter called the "Minister") doth hereby ORDER THAT the administration and control of land situate at Quidi Vidi, in the Electoral District of St. John's East Extern, as more particularly described in the Schedule(s) hereto, be and they are hereby transferred to Her Majesty the Queen in Right of Canada for port development, boat haulout and marginal wharf subject to the following conditions;

(1) the land shall at all times be used for port development, boat haulout and marginal wharf;

(2) all minerals, quarry materials, both metallic and non-metallic, limestone, granite, slate, marble, gypsum, marl, clay, sand, gravel, building stone, volcanic ash, peat, coal, salt, natural gas, oil, and related hydrocarbons in and under the said land shall be reserved to Her Majesty the Queen in Right of Newfoundland; and

(3) if and as soon as the said land ceases to be used for the purpose mentioned in (1) above, the administration and control thereof shall thereupon be assumed by Her Majesty the Queen in Right of Newfoundland.

IN WITNESS WHEREOF The Minister of Environment and Lands for the Province of Newfoundland has hereunto subscribed his hand and the Seal of the Department of Environment and Lands has been hereunto affixed on the 30th day of August A.D., 1971.

signed and sworn
by the Minister of Environment and Lands and the Seal of the Department of Environment and Lands hereunto affixed in the presence of:

[Signature]
Official Administering Oath

[Signature]
Minister of Environment and Lands

ANN MARIE BASTOW

This transfer of Administration and Control of real property is satisfactory to the Minister of Justice.

FOR THE MINISTER OF JUSTICE
Parcel "E"
Plan S-1863
Public Works Canada

ALL that certain parcel of land and land covered by water, situated at Quidi Vidi, in the Electoral District of St. John's East Extern, Province of Newfoundland, shown as Parcel "E" on Public Works Canada Plan S-1863 dated November 5, 1986, revised 23 October 1990, signed by Arnold King, N.L.S., and being more particularly described as follows:

BEGINNING at a survey marker, said survey marker being the Southwesterly corner of Parcel "C" as shown on the above-mentioned plan and a Northwesterly corner of the herein-described Parcel "E";

THENCE following along the ordinary high water mark of Quidi Vidi Harbour in a general Southeasterly and Northeasterly direction, 59 metres more or less to a point, said point being S 84°-13'-59" E, 51.789 metres from the last mentioned survey marker;

THENCE following along the ordinary high water mark of Quidi Vidi Harbour in a general Southeasterly direction, 29 metres more or less to an iron pin, said iron pin being S 55°-15'-00" E a distance of 27.008 metres from the last mentioned point;

THENCE following the ordinary high water mark of Quidi Vidi Harbour in a general Southeasterly direction, 54 metres more or less to a point on the ordinary high water mark of Quidi Vidi Harbour, said point being S 49°-01'-16" E, 52.213 metres from the last-mentioned point;

THENCE S 34°-12'-18" W, 24.000 metres to a point;

THENCE N 56°-32'-44" W, 121.229 metres to a point;

THENCE N 10°-45'-20" W, 8.00 metres to the Point of Beginning.

Containing an area of 2735 square metres more or less.

All bearings are based on Grid North referenced to the 3° M.T.M. System for the Province of Newfoundland.
DATED: March 23, 1994

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

- from -

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF NEWFOUNDLAND

---------------------------------------------

ACCEPTANCE OF A TRANSFER OF ADMINISTRATION AND CONTROL OF REAL PROPERTY FROM THE PROVINCE OF NEWFOUNDLAND (PARCEL - IN PERPETUITY)

K. Wayne MacLean
Legal Counsel
Public Works Canada
1713 Bedford Row
P. O. Box 2247
Halifax, Nova Scotia
B3J 3C9

File No. H-5615-02

Return to:
Pamela Dunn
RC. 67. 3584
AFFIDAVIT OF CONFIRMATION

CANADA
NOVA SCOTIA
HALIFAX

I, JANICE M. ROBAR, of the City of Halifax, in the Province of Nova Scotia, hereby make oath and say:

1. THAT I am a Legal Administrative Assistant with Public Works and Government Services Canada;

2. THAT the document attached hereto is a true copy of the Acceptance of Transfer of Administration and Control executed on behalf of the Minister of Fisheries and Oceans;

3. THAT this Acceptance has been properly executed by the duly authorized officer of the Crown.

SWORN TO before me at Halifax, aforesaid, this 21st day of

A Notary Public in and for the Province of Nova Scotia

Registered ......... day May .......
A.D. 1994 at 10:15 o'clock ....... m
Roll ....... Frame .......
Fee Paid ....... Reg. No. .......
To see. Note adjacent area of land, Parcel "B" which ownership is claimed by MUN. We will get the deed from the Registry of Deeds and research further. Federal protocol offers the land to the Province first. Who should contact MUN at this time and should we consider also contacting officials of the City of St. John's who have a Master Plan or vision for the redevelopment of the Quidi Vidi Gut area? Or if the Province declines the offer will the land be offered to the City? The matter should be put on the agenda for next week's meeting requested by federal officials. Gary, are you available as currently proposed?

Sent Via BlackBerry
From: Harding, Robert
Sent: Thursday, November 29, 2012 8:39 AM
To: Balodis, Martin P.
Subject: TRIM CORRESPONDENCE : COR/2011/02373 : Slipway Lands - Maple View Place, Quidi Vidi Village
Attachments: Slipway Lands - Maple View Place, Quidi Vidi Village.PDF; Slipway Lands - Maple View Place, Quidi Vidi Village.tr5

FYI

------<TRIM Record Information >------

Record Number : COR/2011/02373
Title : Slipway Lands - Maple View Place, Quidi Vidi Village
March 28, 2011

Government of Newfoundland and Labrador
Department of Municipal Affairs
Office of Fire Commissioner
P.O. Box 8700
St. John's, NL A1B 4J6

Attention: Martin Balodis, Director of Realty Services

Dear Sir:

Re: Slipway Lands – Maple View Place, Quidi Vidi Village

I refer to your letter dated January 28, 2011.

Although the land in question is not required for the City’s adjacent project, it would be beneficial to own it.

Whether the City would like to acquire it would be dependent on the cost of doing so. Could you advise in this regard?

On a side note, is it possible that you do not have the option of Abandoning the Expropriation, as the land was used for the purposes it was expropriated for, even though the expropriation has not been paid? My understanding of the Legislation is that it can only be abandoned if (1) no compensation has been paid; and (2) the land was found to be unnecessary for the purpose expropriated. Although it is now unnecessary it was necessary for many years. I thought I would give you something to ponder.

Yours truly,

Gareth Griffiths
Manager, Real Estate Services

GG/bp
The attached property has been submitted by Public Works and Government Services Canada for your review. Comments, interest in the property or special procedures or policies to follow, if any, should be sent directly by e-mail, mail or fax to Peter Hearns (ILUC@gov.nl.ca).

Please note that a thirty-day (30) response time is being initiated on this ILUC project. If for some reason extra time is required to assess a project, please advise ASAP. If we do not receive a response within thirty days, it will be assumed there is no objection to the proposal.

Peter Hearns, MES
Manager of Resource Evaluation and Policy Integration
Land Management Division
Department of Environment and Conservation
Howley Building, 85 Higgins Line
P.O.Box 8700, St. John’s, NL, A1B 4J6

Tel: (709) 729-3231
Fax: (709) 729-3923
Email: peterhearns@gov.nl.ca
DATE: February 7, 2013

TO: All ILUC Members

FROM: ILUC Chair

SUBJECT: ILUC #1455 – Disposal of Federal Property – Quidi Vidi

The attached property has been submitted by Public Works and Government Services Canada for your review. Comments, interest in the property or special procedures or policies to follow, if any, should be sent directly by e-mail, mail or fax to Peter Hearns (ILUC@gov.nl.ca).

Please note that a thirty-day (30) response time is being initiated on this ILUC project. If for some reason extra time is required to assess a project, please advise ASAP. If we do not receive a response within thirty days, it will be assumed there is no objection to the proposal.

Peter Hearns

Manager, Resource Evaluation and Policy Integration
February 7, 2013

Mr. Peter Hearn
Manager Resource Evaluation & Policy Integration
Howley Building, Higgins Line
P.O. Box 8700
St. John’s, NF
A1B 4J6

RE: Surplus Federal Property, Slipway Site located at Quidi Vidi, NL.

Dear Peter:

I am forwarding to you a package containing some pertinent information with respect to the above noted location. Department of Fisheries & Oceans has declared this property surplus and will be disposing of it in the near future.

Reference should be made to PWC Survey Plan S-4003 and more particularly Parcel B containing an area of 2112m2 and Parcel C containing an area of 2149m2. This would represent the property owned by her Majesty The Queen in Right of Canada at this location. The property is improved with a slipway.

We are offering this property to the province of Newfoundland & Labrador as a priority interest. It should be noted that this offer is being made at the property’s “Fair Market Value” and is conditional on the property being used for a public purpose.

Please reply in writing within 30 days indicating the province’s interest, if any, in the above location. You should be aware that we are currently in negotiations with the City of St. John’s on this property. Should there be no Provincial interest the property will be transferred to them.

Should there be anything else you require or wish to discuss pertaining to this site do not hesitate to contact me.

Thank you,

Barry Hoyle, CRA
Senior Real Estate Advisor
PWGSC, NF District
(709) 772-5924

Attachments

Canada
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Attached is the completed summary for ILUC 1455. The Province has no interest in acquiring this property.

Peter Hearns, MES | Manager, Resource Evaluation and Policy Integration

Land Management Division
Environment and Conservation
Government of Newfoundland & Labrador
P.O. Box 8700, Howley Building, St. John’s NL, A1B 4J6

709 729-3231 (t) | 709 729-3923 (f) | PeterHearns@gov.nl.ca

From: ILUC
Sent: Thursday, February 07, 2013 1:01 PM
To: Angelopoulos, John; Balodis, Martin P.; Barnable, Steve; Blake, John; Carey, Richard; Cleary, Bas; Cooper, John; Curran, Rick J.; Davis, Corrie; DFO; Dicks, Robert (ENVC); Downton, Ivan N.; Drake, Martha; Fisher, Shannon; French, Sian; Graham, Jeri; Hinchey, Jim; Johnson, Darryl; Keel-Ryan, Juanita; Khan, Haseen; Locke, Robert C; Maddocks, Derrick; McGrath, Jeana; Mercer, Delphina; Miller, Kirsten; Oke, Bryan; Rafuse, Heather; Rideout, Paul; Scarth, Hazen; Wiseman, Wandalee
Cc: Moore, Darren E.; Hearns, Peter; Crocker, Lisa; Barry Hoyles (Barry.Hoyles@pwgsc-tpsgc.gc.ca)
Subject: ILUC #1455 – Disposal of Federal Property – Quidi Vidi

The attached property has been submitted by Public Works and Government Services Canada for your review. Comments, interest in the property or special procedures or policies to follow, if any, should be sent directly by e-mail, mail or fax to Peter Hearns (ILUC@gov.nl.ca).

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Peter Hearns, MES
Manager of Resource Evaluation and Policy Integration
Land Management Division
Department of Environment and Conservation
Howley Building, 85 Higgins Line
P.O.Box 8700, St. John’s, NL, A1B 4J6

Tel: (709) 729-3231
Fax: (709) 729-3923
Email: peterhearns@gov.nl.ca
INTERDEPARTMENTAL LAND USE COMMITTEE

PROJECT EVALUATION FORM

PROPOSED PROJECT: 1454
ILUC PROJECT: Disposal of Federal Property – Quidi Vidi
PROPONENT: Public Works and Government Services Canada
DATE OF SUBMISSION: February 7, 2013
DATE OF ANALYSIS: March 8, 2013
ILUC DECISION: Approved – No Interest

NO REPLY: Transportation and Works, Health and Community Services, Tourism, Environmental Assessment,

NO CONCERNS: NL Hydro, Nalcor, Provincial Archaeology Office, Wildlife Division, PNAD, Lands, Mines and Energy, Forestry, Fisheries and Aquaculture, Agrifoods, Municipal Affairs

PROVINCIAL/FEDERAL GOVERNMENT AND AGENCY CONCERNS AND RECOMMENDATIONS

SERVICE NL

- We would like to advise that any development on the referenced property may require permits and/or approvals from the Government Service Centre. It is advised that prior to the start of any development, the proponent contact the Regional Office of the Government Service Centre, 5 Mews Place, P.O. Box 8700, St. John’s, NL, A1B 4J6, Telephone (709) 729-3699, Fax (709) 729-7253 to discuss any relevant permits and or approvals that may be required.

WATER RESOURCES

- An environmental buffer with a minimum width of 15 meters should be established and/or maintained along the high water mark of all bodies of water showing on 1:50,000 mapping; including streams, ponds, wetlands, and the ocean. Any development activities, including fording, within this buffer area must be approved under Section 48 of the Water Resources Act. Contact: Clyde McLean, Manager Water Investigations Section, (709) 729-5713
ILUC RECOMMENDATION:

The Province has no interest in acquiring the Federal Property at Quidi Vidi.

Darren Moore, Chair
Interdepartmental Land Use Committee.

Date: March 8, 2013
Mike,

I have been advised to ask you and your Department if you would take responsibility for putting a new sign on the slipway access. The City cannot take responsibility for the sign as it is provincial property.

If you can advise whether or not you are able to do that, I can advise our Staff.

Thanks so much and take care. Feel free to keep in touch.

Margaret

******************************************************************************
Margaret Donovan
Supervisor, Tourism & Culture (Acting)
Community Services Department
Tourism & Culture Division
City of St. John's
Courier Address: 348 Water Street, A1C 1J1
Mailing Address: P.O.Box 908
St. John's, NL
A1C 5M2
Tel: 709-576-8538 Fax: 709-576-8300
Email: mdonovan@stjohns.ca
http://www.stjohns.ca
http://www.stjohnstime.ca
******************************************************************************
This e-mail communication and accompanying documents is intended only for the individuals or entity to which it is addressed and may contain information that is confidential, privileged or exempt from disclosure under applicable law. Any use of this information by individuals, or entities other than the intended recipient is strictly prohibited. If you have received this in error, please notify the sender and delete all the copies (electronic or otherwise) immediately.

From: "Nolan, Mike" <MNolan@gov.nl.ca>
To: "mdonovan@stjohns.ca" <mdonovan@stjohns.ca>
Date: 2015/07/15 03:03 PM
Subject: FW: Quidi Vidi

Here you go!
“This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender.” [attachment "Quidi Vidi expropriation.PDF" deleted by Margaret Donovan/CSJ] [attachment "image.png" deleted by Margaret Donovan/CSJ]
From: Margaret Donovan <MDonovan@stjohns.ca>
Sent: Wednesday, July 15, 2015 3:10 PM
To: Nolan, Mike
Subject: Re: FW: Quidi Vidi

thanks Mike. I'll raise the issue and get back to you.

Margaret Donovan
Supervisor, Tourism & Culture (Acting)
Community Services Department
Tourism & Culture Division
City of St. John's
Courier Address: 348 Water Street, A1C 1J1
Mailing Address: P.O.Box 908
St. John's, NL
A1C 5M2
Tel: 709-576-8538 Fax: 709-576-8300
Email: mdonovan@stjohns.ca
http://www.stjohns.ca
http://www.stjohnstime.ca

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From: "Nolan, Mike" <MNolan@gov.nl.ca>
To: "mdonovan@stjohns.ca" <mdonovan@stjohns.ca>
Date: 2015/07/15 03:03 PM
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From: McGrath, Joe <Joe.McGrath@dfo-mpo.gc.ca>
Sent: Wednesday, July 15, 2015 1:25 PM
To: Nolan, Mike
Subject: RE: Quidi Vidi

Ken O’Brien from the planning department should also be aware of the transfer. That may help, not sure.

Joe

From: Nolan, Mike [mailto:MNolan@gov.nl.ca]
Sent: 2015-July-15 1:03PM
To: McGrath, Joe
Subject: RE: Quidi Vidi

righto, a staffer at the property office with the City (Margaret Donovan) is the one calling me on it actually. Maybe its their sign afterall.

Thanks
Mike

From: McGrath, Joe [mailto:Joe.McGrath@dfo-mpo.gc.ca]
Sent: Wednesday, July 15, 2015 12:16 PM
To: Nolan, Mike
Subject: RE: Quidi Vidi

Mike,

That photo you sent is somewhat dated and that area looks somewhat different today. We used to own the property in and around the slipway shown on the far left of your photo but transferred it to the City of St. John’s a few years back. Assuming that’s the boat launch being referenced, I’d suggest you direct the individual(s) to City staff. Gareth Griffiths in their property division was the fellow involved with the transfer, he may be able to assist.

Anything else, let me know.

Joe McGrath
Regional Manager, Client Services/Gestionnaire régional, Services à la clientèle
Small Craft Harbours/Ports pour petits bateaux
Fisheries and Oceans Canada/Pêcheries et Oceans Canada
4th Floor, 10 Barter’s Hill, 4em étage
PO Box 5567, St. John’s, NL/St. Jean, Terre-Neuve
A1C 5X1
Ph: (709) 772-4389
Fax: (709) 772-4610
Email: joe.mcgrath@dfo-mpo.gc.ca

From: Nolan, Mike [mailto:MNolan@gov.nl.ca]
Sent: 2015-July-15 11:53 AM
To: McGrath, Joe
Subject: Quidi Vidi

Hello Joe, I have been getting calls from the City about the boat launch at Quidi Vidi being blocked and a sign being removed that says “do not block slipway”, found a notice of expropriation wherein the province expropriated it, but we are unable to find anything else on it, like why we acquired it or if it was transferred to a local committee or to you guys (HA). Trying to figure out who put the sign there, as per the image, was it you guys?
Mike Nolan NLS
Transportation Planning Supervisor
Realty Services Division, Transportation & Works
6th Floor West Block, P. O. Box 8700
St. John's, NL A1B 4J6
t 709.729.3697
f 709.729.0984
e mnolan@gov.nl.ca

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Morning Mike:

I was wondering if you could look into something for me when you get a chance. A resident of Quidi Vidi dropped off some documents to me concerning the slipway located there adjacent to the Flake House restaurant. He felt that the NL government owned it and naturally assumed that Fisheries were the owners. I checked our files and we have no record of ownership of this slipway. Here is some background on it:

- The site was expropriated by T&W in 1974 (expropriation and photo attached) but I'm not sure as to who it was expropriated for or whether it is still in T&W's inventory. I know that you guys expropriated sites for Fisheries back in the day similar to this site but again, I have no record that this was completed for us.
- I checked with Crown Lands and they have it noted as being provincially owned but they do not specify what department.
- The Flake House is in the process of being sold and the residents want to ensure that this slipway site is not approached on. They have formed a slipway committee and their goal is to secure ownership of the site as it is one of the only sites down there to launch their boats especially during the food fishery.

Basically, the info I'm looking for is that this slipway site still the responsibility of T&W. And if not, do you know who was this site expropriated for back then.

Appreciate your help on this and if you need anything else from me let me know.

Rick

Rick Moores
Analyst - Property Services
Department of Fisheries and Aquaculture
30 Strawberry Marsh Road
St. John's, NL
A1B 4J6

t. 709 - 729 - 2534
f. 709 - 729 - 1884
c. rickmoores@gov.nl.ca

Whereas it is deemed necessary for the purposes set forth in Section 3 (a) of the Expropriation Act to take possession of ALL THAT piece or parcel of land more particularly described in the Schedules hereto attached marked "A" and "B".

NOW I DO HEREBY GIVE NOTICE under the provisions of the Expropriation Act, Chapter 121 of the Revised Statutes of Nfld., 1970, that the said piece or parcel of land is required and will be taken for the purpose set forth in the section referred to above and ten days after the service of this Notice title to the said piece or parcel of land will then vest in Her Majesty in right of Newfoundland. Any person claiming to have any interest in or to the said piece or parcel of land described in this Notice or who has been injuriously affected by the said Expropriation is required to submit by a date not later than the 11th day of OCTOBER A.D. 1974, to the Minister of Public Works and Services, Department of Public Works and Services, Confederation Building, St. John's:

(a) a claim for compensation,
(b) particulars of his estate and interest in the land expropriated or injuriously affected and of every charge, lien or other encumbrance to which the land is subject, and
(c) title deeds, plans and any other documents in his possession or available to him relating to the title to the land.

Dated at St. John's this 11th day of JULY, A.D., 1974.

JOSEPH G. ROUSSEAU, MINISTER OF PUBLIC WORKS & SERVICES.
January 7, 1970

Fort Amherst Sea Foods Limited

Description of a parcel of land adjacent to the northern boundary of land of Fort Amherst Sea Foods Limited, Quidi Vidi, St. John's

ALL THAT piece or parcel of land situate and being on the southeastern side of a Public Lane running through Quidi Vidi Village, in the City of St. John's, in the Province of Newfoundland, Canada and abutted and bounded as follows, that is to say:

COMMENCING at a point on the said southeastern side of the Public Lane said point being the northernmost corner of land of the Fort Amherst Sea Foods Limited and running

THENCE by the said Public Lane in a general easterly direction seventy feet (70') more or less to a point which is sixty eight feet (68') on a bearing of north sixty-three degrees seventeen minutes east (N 63° 17' E) from the said point of commencement

THENCE by land claimed by [redacted] south thirty nine degrees fifty-four minutes east (S 39° 54' E) forty-three feet (43') more or less to the shore of Quidi Vidi Harbour

THENCE following the sinuosities of the said shore of Quidi Vidi Harbour southwesterly forty-nine feet (49') more or...
less to the said land of Fort Amherst Sea Foods Limited

THENCE by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
NEWFOUNDLAND

TO WIT:

I, [Name], of St. John's

hereby make oath and say that on the 11th day of July 1974, A.D., I did serve a copy of the foregoing Notice of Expropriation upon

Mr. Ray Bursey (Manager of Fort Amherst Sea Foods)

[Name] (Daughter of [Name])

and that I posted a copy of the foregoing Notice of Expropriation in a conspicuous place on the land described in the foregoing Notice of Expropriation.

SWORN at St. John's this 11th day of July A.D., 1974 before me:

[Signature]

[Registrar's Name]

[Registrar's Title]
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Thanks Mike:

Appreciate the info. I think there will be continued interest in this site in the months ahead.

Rick

---

Hello Rick,

This site has generated a lot of interest over the last few years. The family has been requesting the land be returned to them since 2010, and they have written the Premier. Last fall the City requested we maintain access to the site, as someone was blocking it during the food fishery. I have no idea why this area was expropriated by TW in 1974. Expropriated for 3(o) which is for “arrival, departure, transportation or carrying of passengers or goods”. Doubt this land was used for that as we have no ferry operation out of Quidi Vidi. We have no information here on this property. All we have is the RoD copy of the expropriation as attached. Our regional staff have not undertaken maintenance activities on the site.

Best regards,

Mike

---

Morning Mike:

I was wondering if you could look into something for me when you get a chance. A resident of Quidi Vidi dropped off some documents to me concerning the slipway located there adjacent to the Flake House restaurant. He felt that the NL government owned it and naturally assumed that Fisheries were the owners. I checked our files and we have no record of ownership of this slipway. Here is some background on it:

- The site was expropriated by T&W in 1974 (expropriation and photo attached) but I'm not sure as to who it was expropriated for or whether it is still in T&W's inventory. I know that you guys expropriated sites for Fisheries back in the day similar to this site but again, I have no record that this was completed for us.
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- The Flake House is in the process of being sold and the residents want to ensure that this slipway site is not approached on. They have formed a slipway committee and their goal is to secure ownership of the site as it is one of the only sites down there to launch their boats especially during the food fishery.

Basically, the info I'm looking for is that this slipway site still the responsibility of T&W. And if not, do you know who was this site expropriated for back then.

Appreciate your help on this and if you need anything else from me let me know.
Rick Moores
Analyst - Property Services
Department of Fisheries and Aquaculture
30 Strawberry Marsh Road
St. John's, NL
A1B 4J6

t. 709 - 729 - 2534
f. 709 - 729 - 1884
e. rickmoores@gov.nl.ca
From: [Redacted]
Sent: Wednesday, April 13, 2016 12:25 PM
To: Murphy, Perry J.
Cc: McKenna, Andrea; Nolan, Mike
Subject: Re: Slipway in Qudi Vidi

Thanks Perry I'll get committee together and make a formal application. We will be meeting with Lorraine Michael our M.H.A. on Friday @1:30 to update her on our progress on the Slipway. All the best.

Sent from my Samsung Galaxy smartphone.

-------- Original message --------
From: "Murphy, Perry J."
Date: 04-12-2016 11:43 AM (GMT-03:30)
To: [Redacted]
Cc: "Mckenna, Andrea", "Nolan, Mike"
Subject: Slipway in Qudi Vidi

Further to our conversation on Monday, April 11, I have consulted with Mike Nolan and our supervisor. As was suggested to you by Mike please put forward your request regarding the Qudi Vidi slipway in writing to the person below. Planning and Accommodations Division will investigate and respond to your request.

Should you have any further questions please contact Planning and Accommodations.

Perry Murphy

Address your request to: Ms. Andrea McKenna
Director of Planning and Accommodations
Transportation and Works
P.O. Box 8700
St. John's, NL
A1B 4J6

e-mail AndreaMcKenna@gov.nl.ca
Copy pmurphy@gov.nl.ca
MNolan@gov.nl.ca

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you
No known release obtained for the property expropriated at Quidi Vidi in 1974 and registered in V. 1646 F. 10. There was a request from the family to have the land returned.

Considering we didn’t pay anyone nor obtain a release, nor use it for any purpose, then we could abandon it as per the Expropriation Act however that would likely cause problems as per the pic there is a slipway of sorts on it and the land has definitely been encroached on; should be 49’ at the waters edge, no more than 15’ there now between cribbing.

I’ll contact Executive Council for the background info as there would have been a CP required to expropriate for such a purpose. Maybe that will shed some insight on the matter. The City has acquired the lands next door for the Qudi Vidi Village Plantation, if we dispose of it then we should be talking to them.

Mike
January 27, 2010

Mr. Martin Balodis,
Department of Public Works,
Confederation Building,
St. John’s, NL

Re: Property of [redacted] in Quidi Vidi Village, Expropriated July 1974

Dear Mr. Balodis:

[redacted] wrote you the attached letter on February 6, 2008. (Upon receiving a copy of the Notice of Expropriation, I discovered the date of expropriation to be July 11, 1974, not 1966.) However to date I have received no reply, despite several oral requests by me to you at your office.

Since our family was never compensated for the expropriated land, and since the Government has never used it, our family requests that the land be reconveyed to a family member. The family supports me in my request to acquire the land.

I am copying this letter to Premier Williams to request his assistance in resolving this issue.

Yours truly,

cc. Premier Danny Williams, Confederation Building
6 February 2008

Mr. Martin Balodis
Department of Public Works
Confederation Building,
St. John’s, NL

Re: Property of [redacted] in Quidi Vidi, Expropriated 1966?

Dear Mr. Balodis:

I am writing to inquire whether it might be possible to reacquire the waterfront property of [redacted] which was expropriated by the Provincial Government in 1966? and for which our family was never compensated.

To assist you in considering my request, I enclose the following:

(1) A sketch of Quidi Vidi showing the approximate location of the land.
(2) An aerial photograph with a red outline of the property.
(3) A family photo showing our use of the property.
(4) A recent photo showing the land as it is today.

We were told at the time of expropriation that Government wanted to use the property to build a slipway. In fact the slipway was built on the other side of the harbour.

Our property was never used by Government and is not used to this day. I ask Government to consider reconveying the property to me.

The property lies immediately to the North of the Stage House Restaurant (formerly the Flake House Restaurant), between the land of Ray Bursey and [redacted]

Your assistance would be greatly appreciated.

Sincerely,

Whereas it is deemed necessary for the purposes set forth in Section 3 (a) of the Expropriation Act to take possession of ALL THAT piece or parcel of land more particularly described in the Schedules hereto attached marked "A" and "B".

NOW I DO HEREBY GIVE NOTICE under the provisions of the Expropriation Act, Chapter 121 of the Revised Statutes of Nfld, 1970, that the said piece or parcel of land is required and will be taken for the purpose set forth in the section referred to above and ten days after the service of this Notice title to the said piece or parcel of land will then vest in Her Majesty in right of Newfoundland. Any person claiming to have any interest in or to the said piece or parcel of land described in this Notice or who has been injuriously affected by the said Expropriation is required to submit by a date not later than the 11th day of OCTOBER A.D. 1974, to the Minister of Public Works and Services, Department of Public Works and Services, Confederation Building, St. John's:

(a) a claim for compensation,

(b) particulars of his estate and interest in the land expropriated or injuriously affected and of every charge, lien or other encumbrance to which the land is subject, and

(c) title deeds, plans and any other documents in his possession or available to him relating to the title to the land.

Dated at St. John's this 11th day of JULY A.D., 1974.

JOSEPH G. ROUSSEAU, M.T.
MINISTER OF PUBLIC WORKS & SERVICES.
Fort Amherst Sea Foods Limited

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THENCE by the said Public Lane in a general easterly direction seventy feet (70') more or less to a point which is sixty eight feet (68') on a bearing of north sixty-three degrees seventeen minutes east (N 63° 17' E) from the said point of commencement

THENCE by land claimed by south thirty nine degrees fifty-four minutes east (S 39° 54' E) forty-three feet (43') more or less to the shore of Quidi Vidi Harbour

THENCE following the sinuosities of the said shore of Quidi Vidi Harbour southwesterly forty-nine feet (49') more or
less to the said land of Fort Amherst Sea Foods Limited

THENCE by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
I, [ REDACTED ], of, St. John's, hereby make oath and say that on the 11th day of July 19 [ REDACTED ], A.D., I did serve a copy of the foregoing Notice of Expropriation upon Mr. Ray Bursey (Manager of Fort Amherst Sea Foods) [ REDACTED ] (Daughter of [ REDACTED ])

and that I posted a copy of the foregoing Notice of Expropriation in a conspicuous place on the land described in the foregoing Notice of Expropriation.

SWORN at St. John's this 11th day of July, A.D., 19 [ REDACTED ]

[ REDACTED ]

Registrar, Province, Communities & Securities
From: Mckenna, Andrea
Sent: Monday, July 25, 2016 9:11 AM
To: Nolan, Mike
Subject: FW: Please call [REDACTED] re: Quidi Vidi Slipway [REDACTED]
Importance: High

Can you come see me when you have a second to discuss?

Thanks,
Andrea

From: Burden, Nancy
Sent: Monday, July 25, 2016 9:10 AM
To: Grandy, Cory
Cc: Companion, Lori Anne; Mckenna, Andrea; Howard, Jacquelyn; Fancey, Jody
Subject: Please call [REDACTED] re: Quidi Vidi Slipway [REDACTED]
Importance: High

Says he is doing a press release on the slipway today.

RE: COR/2016/02284

Nancy Burden
Departmental Secretary to the Minister
Hon. Al Hawkins
Transportation and Works
tel: 709-729-3678
e-mail: burde.nn@gov.nl.ca
Cory, can you update us when you have spoken to him today?

Says he is doing a press release on the slipway today.

RE: COR/2016/02284
From: Burden, Nancy  
Sent: Monday, July 25, 2016 10:13 AM  
To: Companion, Lori Anne; McKenna, Andrea  
Cc: Nolan, Mike  
Subject: RE: Quidi Vidi Slipway

Thanks

From: Companion, Lori Anne  
Sent: Monday, July 25, 2016 10:13 AM  
To: Burden, Nancy; McKenna, Andrea  
Cc: Nolan, Mike  
Subject: RE: Quidi Vidi Slipway

Yes, please do so.

Thanks.

From: Burden, Nancy  
Sent: Monday, July 25, 2016 10:02 AM  
To: McKenna, Andrea  
Cc: Companion, Lori Anne; Nolan, Mike  
Subject: RE: Quidi Vidi Slipway

They will give it to me, as long as Lori Anne is ok with it.

Just need to know why you are requesting it.

Thanks,
Nancy

From: McKenna, Andrea  
Sent: Monday, July 25, 2016 9:56 AM  
To: Burden, Nancy  
Cc: Nolan, Mike  
Subject: FW: Quidi Vidi Slipway

Hi Nancy,

To see the chain of correspondence below. We are looking for a CP on land that was expropriated by TW in 1974. Is the process that is typically followed? Should we be asking the DM to request or would they give it to you if you requested?

Thanks,
Andrea

From: Oliver, Patricia <poliver@gov.nl.ca>  
Sent: Thursday, July 14, 2016 9:54 AM  
To: Nolan, Mike  
Cc: Companion, Lori Anne; Dooling, Genevieve (AES)  
Subject: RE: Quidi Vidi Slipway

Hi Mike,

You will have to get your Deputy Minister to request the information from our Deputy Clerk before it can be released. If you have any questions or concerns, I can be reached at 6598. Thanks!
Hi Patricia, can you search for a CP for land to be expropriated at Quidi Vidi in 1974 by this Dept.
Thanks!
Mike

No known release obtained for the property expropriated at Quidi Vidi in 1974 and registered in V. 1646 F. 10. There was a request from the family to have the land returned.

Considering we didn’t pay anyone nor obtain a release, nor use it for any purpose, then we could abandon it as per the Expropriation Act however that would likely cause problems as per the pic there is a slipway of sorts on it and the land has definitely been encroached on; should be 49’ at the waters edge, no more than 15’ there now between cribbing.

I’ll contact Executive Council for the background info as there would have been a CP required to expropriate for such a purpose. Maybe that will shed some insight on the matter. The City has acquired the lands next door for the Quidi Vidi Village Plantation, if we dispose of it then we should be talking to them.

Mike
I placed a copy on your chair, did you get it?

Nancy

Approval of request by DM provided.
LA

Hello Patricia. As discussed, we are looking for a Cabinet Paper re: land that was expropriated by TW in 1974, Quidi Vidi Slipway.

We need it for background information as we need to know the reason the land was expropriated, and would it prevent us from being able to sell the land.

Can you provide please?

Thank you,
Nancy
From: McKenna, Andrea  
Sent: Thursday, July 28, 2016 11:12 AM  
To: Grandy, Cory  
Subject: Fw: Quidi Vidi Village Slipway - Request to Purchase

Cory, do you want me to let Jody know that you spoke to [redacted] on Monday? I am thinking that would mean that the Minister doesn't have to speak with him.

Sent from my BlackBerry 10 smartphone on the Bell network.

From: Fancey, Jody <JodyFancey@gov.nl.ca>  
Sent: Thursday, July 28, 2016 9:54 AM  
To: McKenna, Andrea  
Subject: FW: Quidi Vidi Village Slipway - Request to Purchase

Hi Andrea,

I am not sure if I should be going to Mike directly or you now to get status updates on inquiries? I have to call back on behalf of Minister so I am looking for any information you can provide me on the below request.

Thanks so much,

Jody

From: Burden, Nancy  
Sent: Thursday, July 28, 2016 9:09 AM  
To: Fancey, Jody <JodyFancey@gov.nl.ca>  
Subject: FW: Quidi Vidi Village Slipway - Request to Purchase

From: Hawkins, Allan  
Sent: Tuesday, June 21, 2016 3:57 PM  
To: Burden, Nancy  
Subject: FW: Quidi Vidi Village Slipway - Request to Purchase

Dear Sir:

In my capacity as Chairman of the Quidi Vidi Slipway Committee, I am following up on my previous conversations with Perry Murphy and Mike Nolan regarding the purchase of the Quidi Vidi Village Slipway, from the Provincial Government. As per my conversation today with Perry Murphy, he said I should put my request in writing, to you and cc the other staff members.

In January of this year, we contacted Mr. Rick Moores, Fisheries and Agriculture, to find out the process of enhancing and protecting our public slipway in Quidi Vidi Village. We have been made aware that there is Provincial money available in this year’s budget which can be used to upgrade the slipway. For the last few years, the slipway has
been deteriorating and we are becoming concerned for people’s safety as they attempt to launch their boats; this is becoming a liability for the Province.

Mr. Moores was unaware that the Provincial Government actually own the slipway; so I explained that I had researched it in the Registry of Deeds and from common knowledge in the Village from the older residents, and found that the Province had expropriated it many years before, to accomodate our community. I pointed out that the Registry of Deeds reflects Vol. 1646 Folio 10 and provided him with a copy. Mr. Moores suggested that we form a Committee so that we could purchase or lease the property, and so that we could officially request funds to repair and upgrade the slipway, as is common throughout other areas of Newfoundland. This slipway promotes our tourism in the Village and also allows fishers the ability to engage in the Food Fishery.

Through our investigations, we discovered that the Department of Transportation and Works was the appropriate department to speak to regarding the ownership. We made contact with Mr. Nolan on April 4th and he basically informed us that the Transportation Department had no interest in the slipway, and that we could submit our application to purchase it or lease it.

So, we would like to know what the next step is. We realize the government is very busy and is in the process of disposing of Crown assets such as vacant schools and other liabilities. We will assume all liability for this slipway and deal with any new survey required. We would appreciate meeting with you or your staff members at the earliest opportunity in order to move this process along as quickly as possible.

Thanks for your time and consideration.

All the best,

Chairman
Quidi Vidi Village Slipway Committee Inc.
Corporation No. 76472
Phone: 540(1)
From: McKenna, Andrea  
Sent: Thursday, July 28, 2016 1:42 PM  
To: Fancey, Jody  
Cc: Grandy, Cory  
Subject: RE: Quidi Vidi Village Slipway - Request to Purchase

Hi Jody,

Cory spoke with you on Monday and he is aware that we need some time to work through this issue, it is a complicated file. I don’t think it is necessary for the Minister to call him given that Cory spoke with him recently.

Thanks,
Andrea

From: Fancey, Jody  
Sent: Thursday, July 28, 2016 9:54 AM  
To: McKenna, Andrea  
Subject: FW: Quidi Vidi Village Slipway - Request to Purchase

Hi Andrea,

I am not sure if I should be going to Mike directly or you now to get status updates on inquiries? I have to call back on behalf of Minister so I am looking for any information you can provide me on the below request.

Thanks so much,
Jody

From: Burden, Nancy  
Sent: Thursday, July 28, 2016 9:09 AM  
To: Fancey, Jody <JodyFancey@gov.nl.ca>  
Subject: FW: Quidi Vidi Village Slipway - Request to Purchase

From: Hawkins, Allan  
Sent: Tuesday, June 21, 2016 3:57 PM  
To: Burden, Nancy  
Subject: FW: Quidi Vidi Village Slipway - Request to Purchase

From: [redacted]  
Sent: Tuesday, June 21, 2016 3:54 PM  
To: Hawkins, Allan  
Cc: Michael, Lorraine; McKenna, Andrea; Murphy, Perry J.; Nolan, Mike; Moores, Rick  
Subject: Quidi Vidi Village Slipway - Request to Purchase

Dear Sir:

In my capacity as Chairman of the Quidi Vidi Slipway Committee, I am following up on my previous conversations with Perry Murphy and Mike Nolan regarding the purchase of the Quidi Vidi Village Slipway, from the Provincial Government. As per my conversation today with Perry Murphy, he said I should put my request in writing to you and cc the other staff members.
In January of this year, we contacted Mr. Rick Moores, Fisheries and Agriculture, to find out the process of enhancing and protecting our public slipway in Quidi Vidi Village. We have been made aware that there is Provincial money available in this year's budget which can be used to upgrade the slipway. For the last few years, the slipway has been deteriorating and we are becoming concerned for people's safety as they attempt to launch their boats; this is becoming a liability for the Province.

Mr. Moores was unaware that the Provincial Government actually own the slipway; so I explained that I had researched it in the Registry of Deeds and from common knowledge in the Village from the older residents, and found that the Province had expropriated it many years before, to accommodate our community. I pointed out that the Registry of Deeds reflects Vol. 1646 Folio 10 and provided him with a copy. Mr. Moores suggested that we form a Committee so that we could purchase or lease the property, and so that we could officially request funds to repair and upgrade the slipway, as is common throughout other areas of Newfoundland. This slipway promotes our tourism in the Village and also allows fishers the ability to engage in the Food Fishery.

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So, we would like to know what the next step is. We realize the government is very busy and is in the process of disposing of Crown assets such as vacant schools and other liabilities. We will assume all liability for this slipway and deal with any new survey required. We would appreciate meeting with you or your staff members at the earliest opportunity in order to move this process along as quickly as possible.

Thanks for your time and consideration.

All the best,

[Redacted]

Chairman
Quidi Vidi Village Slipway Committee Inc.
Corporation No. 76472
Phone: 709-\[Redacted\]
From: McKenna, Andrea
Sent: Tuesday, June 6, 2017 4:08 PM
To: English, Tracy
Cc: Nolan, Mike
Subject: FW: Inquiry from Ms. Michael's Office

Tracy, I have a conflict on this file. Suggest that you and Mike discuss without me.

Thanks,
Andrea

From: Howard, Jacquelyn
Sent: Tuesday, June 6, 2017 3:57 PM
To: Nolan, Mike <MNolan@gov.nl.ca>; McKenna, Andrea <AndreaMcKenna@gov.nl.ca>
Cc: Scott, Brian <BrianScott@gov.nl.ca>
Subject: Inquiry from Ms. Michael's Office

Hi Mike and Andrea,

Ivan Morgan from the NDP office called to inquiry about the launch at Quidi Vidi. He noted that there is a slipway and a launch and the launch is owned by the province. He is asking for confirmation that the launch is owned by government and is also wondering who administers it. Can you help? Thanks, Jacq.
Thanks. Mike, give me a holler in the morning.

---

Hi Jacque

Hi Mike and Andrea,

Ivan Morgan from the NDP office called to inquiry about the launch at Quidi Vidi. He noted that there is a slipway and a launch and the launch is owned by the province. He is asking for confirmation that the launch is owned by government and is also wondering who administers it. Can you help? Thanks, Jacq.
From: Williams, Ann Marie <WilliamsA@gov.nl.ca>
Sent: June 28, 2016 3:07 PM
To: Grandy, Cory  
Cc: Earle, Beverly;  
Subject: HP TRIM CORRESPONDENCE : COR/2016/02284 : Quidi Vidi Village Slipway - Request to Purchase

Cory:

Can you please contact [REDACTED] with an update on what is happening with his request which was sent to the Minister? His email is above and his phone number is [REDACTED]

Thank you,

Ann Marie

------< HP TRIM Record Information >------

Record Number : COR/2016/02284
Title : Quidi Vidi Village Slipway - Request to Purchase

"This email and any attached files are intended for the sole use of the primary and copied addressee(s) and may contain privileged and/or confidential information. Any distribution, use or copying by any means of this information is strictly prohibited. If you received this email in error, please delete it immediately and notify the sender."
E-mail Message

From: Hawkins, Allan [EX/O=PSNL/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIOHF23SPDLT)/CN=RECIPIENTS/CN=HAWKINS, ALAN D6]
To: Burden, Nancy [SMTP: burdenn@gov.nl.ca]
Cc: Hawkins, Allan
Sent: 6/21/2016 at 3:56 PM
Received: 6/21/2016 at 3:56 PM
Subject: FW: Quidi Vidi Village Slipway - Request to Purchase

Dear Sir:

In my capacity as Chairman of the Quidi Vidi Slipway Committee, I am following up on my previous conversations with Perry Murphy and Mike Nolan regarding the purchase of the Quidi Vidi Village Slipway from the Provincial Government. As per my conversation today with Perry Murphy, he said I should put my request in writing, to you and cc the other staff members.

In January of this year, we contacted Mr. Rick Moores, Fisheries and Agriculture, to find out the process of enhancing and protecting our public slipway in Quidi Vidi Village. We have been made aware that there is Provincial money available in this year's budget which can be used to upgrade the slipway. For the last few years, the slipway has been deteriorating and we are becoming concerned for people's safety as they attempt to launch their boats; this is becoming a liability for the Province.

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Thanks for your time and consideration.

All the best,

Chairman
Quidi Vidi Village Slipway Committee Inc.
Corporation No. 76472
Phone: 709: ****

S. 40(1)
From: Hawkins, Allan [AllanHawkins@gov.nl.ca]
To: Burden, Nancy
Sent: Tuesday, June 21, 2016 3:56:47 PM
Subject: FW: Quidi Vidi Village Slipway - Request to Purchase

Dear Sir:

In my capacity as Chairman of the Quidi Vidi Slipway Committee, I am following up on my previous conversations with Perry Murphy and Mike Nolan regarding the purchase of the Quidi Vidi Village Slipway, from the Provincial Government. As per my conversation today with Perry Murphy, he said I should put my request in writing, to you and cc the other staff members.

In January of this year, we contacted Mr. Rick Moores, Fisheries and Agriculture, to find out the process of enhancing and protecting our public slipway in Quidi Vidi Village. We have been made aware that there is Provincial money available in this year's budget which can be used to upgrade the slipway. For the last few years, the slipway has been deteriorating and we are becoming concerned for people's safety as they attempt to launch their boats; this is becoming a liability for the Province.

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Thanks for your time and consideration.

All the best,

Chairman
Quidi Vidi Village Slipway Committee Inc.
Corporation No. 76472
Phone: 709-xxxxxxx
Hello to you both,

As per the Record # stated above, we had begun the process of applying to purchase or lease our Slipway, back in early 2016. I will be forwarding copies of my previous correspondence, in a separate email, so your files can be complete.

As I said before, the Slipway in Quidi Vidi Village belongs to our community and the Department of Transportation, as reflected in the Registry of Deeds, in Volume 1646 Folio 10.

We formed our Quidi Vidi Village Slipway Committee Inc., Corporation No. 76472, on February 4, 2016, to protect our community infrastructure. We understood we could work with your department to enhance our launchway, after speaking to Rick Moores, Fisheries and Agriculture, as well as Mike Nolan and Perry Murphy. Mr. Moores said we could be eligible for Provincial and Federal financial help once we incorporated.

Unfortunately, your previous Director of Planning and Accomodations appears to have ignored our request, and to date, we have heard nothing back, until I generated more communications myself recently. We had been at a loss as to why we never heard back from any of the people from your department on our application. The new Director of Planning and Accomodations, Robyn Bursey, has been very accessible and we appreciate her positive communication.

We were aware that in June 2016, Long Harbour Holdings Inc., had purchased the land next to the slipway, and is now in the process of acquiring the Water Lot, to try to expand their business, which could unfortunately impair our use of the slipway. See Crown Lands Water Lot Application # 152820, 2017, from the "old Flakehouse" (Long Harbour Holdings Inc.); they have projected their new wharf out approximately 30 feet, which, when it intersects with the Plantation wharf, shrinks the entrance to our launchway down to 4 meters, about 13 feet at that point. The existing mouth of the slipway is about 25 feet wide, but the "Flakehouse" wharf extension will prevent access to that 25 foot existing entrance. This would cause major problems to our Fishing and Tourism industry in our community.

Long Harbour Holdings Inc., is owned by Mark Dobbin, and his CFO is Joe McKenna. This past week, we discovered that Andrea McKenna was the Director of Planning and Accomodations when we made our request. It doesn't seem much of a stretch to realize she was in a conflict of interest position, at the time.

On February 12 and 13, 2018, we publicly voiced our opinion with the media, about the Dobbin Water Lot Application to the City of St. John's and how it negatively affects the public use of the Quidi Vidi water access and ability to navigate at this end of the harbour. Someone needs to physically go down and look at what this will do to the slipway, instead of looking at photos and surveys.

On Monday, February 6, 2018, City Council moved, "That the Crown Land Grant Referral be approved, subject to adequate assurance that the width of the slipway not be obstructed by the construction of any wharf". Our community has boats which are more than 15 feet wide which use the slipway. These larger boats have no problem accessing the slipway right now, but if the neighbour extends out directly 30+ feet, it will restrict usage to 13 feet wide, and this width doesn't take into account wave action.

We wonder if the Department of Transportation was contacted on Long Harbour Holdings Inc. Application by Crown Lands, or is your department aware that a Provincial asset, the Quidi Vidi Village Slipway, could be negatively affected by this "Flakehouse" wharf extension?

We want the Department of Transportation to step up and investigate with Crown Lands, the ramifications of approving
this Water Lot. If the width of the Water Lot Grant was reduced prior to approval by Crown Lands, it would be a positive step for our community.

At this time, we also reiterate that our Committee wants to buy or lease the slipway, in order to protect it for future use by our community and the general public who have used it for years, as it is obvious that business interests are chewing away at our infrastructure.

Yours truly,

[Signature]

Quidi Vidi Village Slipway Committee Inc.
709 [Redacted]
---Original Message---
From: Gosse, Gary R.
Sent: Tuesday, November 23, 2010 12:58 PM
To: Balodis, Martin P.; Nolan, Mike
Cc: Jones, David

We need to discuss

Gary Gosse P.Eng.
Assistant Deputy Minister-Transportation Department of Transportation and Works PO Box 8700 St. John’s NL, A1B 4J6
Ph 709 729-3796
Fax 709 729-0283

---Original Message---
From: Nolan, Mike
Sent: Wednesday, July 15, 2015 10:21 AM
To: Spencer, Garry L.
Cc: Gosse, Gary R.

Garry the City is calling about a parcel TW expropriated at Quidi Vidi a number of years ago. I have attached some information from a [redacted] who was after the parcel to be returned to his family. This parcel has been used as a boat launch by locals, but recently it is being blocked by a vehicle, and the City is receiving complaints, and with the food fishery starting they want it cleared. Margaret Donovan of the City advises there was a "no parking sign", which has been removed by someone. Was this a sign we installed?

---Original Message---
From: Gosse, Gary R.
Sent: Wednesday, July 15, 2015 10:20 AM
To: Nolan, Mike; Spencer, Garry L.

I doubt TW installed this sign.

Gary Gosse P.Eng.
Assistant Deputy Minister-Transportation
Hi Gary. Premier's office has been asking about this one since May. Correspondence is 10 months old. Please advise if we are responding or what action taken so they can close their file. May need to check with Gerry. Thanks.
Hi Folks:

FYI — I just got a call from a [REDACTED] concerning the Quidi Vidi Slipway. I know there are some issues involving that file so I wanted to give you a heads up.

Todd

Todd Smith | Senior Accommodations Officer
Planning and Accommodations Division
Department of Transportation and Works
Government of Newfoundland and Labrador
(709) 729-0151
tsmith@gov.nl.ca
Hi Mike,

I believe Steve Barnable discussed this with you recently and you were going to provide comments. The application has been changed in the northern section by the narrow slipway. It has be angled south a bit to provide better access. See attached diagrams and let me know what you think.

Hi Jeff,

As per our discussion, attached is the revised wharf footprint as well as some additional detail for the Long Harbour Holdings Application #152820.

Hopefully we have provided what you were looking for; if not, just let me know.

Have a great weekend,

Geoff from Crown lands will be calling you on the applications around the slipway access piece

Please provide him everything we needs

Cheers
Partner and Chief Financial Officer
Killick Capital Inc.
95 Water Street, Second Floor
P.O. Box 5383, Str. C
St. John's, NL, A1C 5W2
Phone: 709-
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
It appears that the slipway area has been gradually filled in over the years, evidenced by the attached 1948 photo. It is likely Crown lands, but we have no information on potential claimants or past use. Adjacent surveys reference the area as Infill.

Hello Jeff, looks good to me, width is maintained. We are looking at the “slipway” site as we have pressure from a local group to acquire ownership. The site was expropriated by this Department and leased to the adjoining fish plant for a number of years.

Regards to who built the slipway, we are uncertain, the City nor Small Crafts and Harbours were not involved. The Slipway consist of a concrete pad, rough construction.

We have a request from the [redacted] family asking for return of the property, they claim ownership. Can you advise if Lands Branch has reviewed this site, in particular have you guys had a look to see if the slipway site is in fact crown land?

Hi Mike,

I believe Steve Barnable discussed this with you recently and you were going to provide comments. The application has been changed in the northern section by the narrow slipway. It has be angled south a bit to provide better access. See attached diagrams and let me know what you think.

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Director, Project Management
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Cheers

Partner and Chief Financial Officer
Killick Capital Inc.
95 Water Street, Second Floor
P.O. Box 5383, Stn. C
St. John's, NL, A1C 5W2
Phone: 709

Whereas it is deemed necessary for the purposes set forth in Section 3 (a) of the Expropriation Act to take possession of ALL THAT piece or parcel of land more particular described in the Schedules hereto attached marked "A" and "B".

NOW I DO HEREBY GIVE NOTICE under the provisions of the Expropriation Act, Chapter 121 of the Revised Statutes of Nfld, 1970, that the said piece or parcel of land is required and will be taken for the purpose set forth in the section referred to above and ten days after the service of this Notice title to the said piece or parcel of land will then vest in Her Majesty in right of Newfoundland. Any person claiming to have any interest in or to the said piece or parcel of land described in this Notice or who has been injuriously affected by the said Expropriation is required to submit by a date not later than the 11th day of October, A.D. 1974, to the Minister of Public Works and Services, Department of Public Works and Services, Confederation Building, St. John's:

(a) a claim for compensation,

(b) particulars of his estate and interest in the land expropriated or injuriously affected and of every charge, lien or other encumbrance to which the land is subject, and

(c) title deeds, plans and any other documents in his possession or available to him relating to the title to the land.

Dated at St. John's this 11th day of July, A.D., 1974.

[Signature]

JOSEPH C. ROUSSEAU, O.M.
MINISTER OF PUBLIC WORKS & SERVICES
January 7, 1970

Fort Amherst Sea Foods Limited

Description of a parcel of land adjacent to the northern boundary of land of Fort Amherst Sea Foods Limited, Quidi Vidi, St. John's

ALL THAT piece or parcel of land situate and being on the southeastern side of a Public Lane running through Quidi Vidi Village, in the City of St. John's, in the Province of Newfoundland, Canada and abutted and bounded as follows, that is to say:

COMMENCING at a point on the said southeastern side of the Public Lane said point being the northernmost corner of land of the Fort Amherst Sea Foods Limited and running

THENCE by the said Public Lane in a general easterly direction seventy feet (70') more or less to a point which is sixty eight feet (68') on a bearing of north sixty-three degrees seventeen minutes east (N 63° 17' E) from the said point of commencement

THENCE by land claimed by...south thirty nine degrees fifty-four minutes east (S 39° 54' E) forty-three feet (43') more or less to the shore of Quidi Vidi Harbour

THENCE following the sinuosities of the said shore of Quidi Vidi Harbour southwesterly forty-nine feet (49') more or
less to the said land of Fort Amherst Sea Foods Limited

THENCE by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
NEWFOUNDLAND

TO WIT:

I, [Redacted] of St. John's hereby make oath and say that on the 11th day of July 1974, A.D., I did serve a copy of the foregoing Notice of Expropriation upon

Mr. Ray Bursey (Manager of Fort Amherst Sea Foods) (Daughter of [Redacted])

and that I posted a copy of the foregoing Notice of Expropriation in a conspicuous place on the land described in the foregoing Notice of Expropriation.

SKORN at St. John's this 11th day of July A.D. 1974 before me:

[Signature]

Registrar, [Redacted, Commission & Securities]
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Dear Sir:

In my capacity as Chairman of the Quidi Vidi Slipway Committee, I am following up on my previous conversations with Perry Murphy and Mike Nolan regarding the purchase of the Quidi Vidi Village Slipway, from the Provincial Government. As per my conversation today with Perry Murphy, he said I should put my request in writing, to you and cc the other staff members.

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Mr. Moores was unaware that the Provincial Government actually owns the slipway; so I explained that I had researched it in the Registry of Deeds and from common knowledge in the Village from the older residents, and found that the Province had expropriated it many years before, to accommodate our community. I pointed out that the Registry of Deeds reflects Vol. 1646 Folio 10 and provided him with a copy. Mr. Moores suggested that we form a Committee so that we could purchase or lease the property, and so that we could officially request funds to repair and upgrade the slipway, as is common throughout other areas of Newfoundland. This slipway promotes our tourism in the Village and also allows fishers the ability to engage in the Food Fishery.

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Thanks for your time and consideration.

All the best,

Chairman
Quidi Vidi Village Slipway Committee Inc.
Corporation No. 76472
Phone: 709-
Re: Quidi Vidi Village Slipway

Dear [Name],

Thank you for your correspondence regarding land currently belonging to the Department of Transportation and Works in Quidi Vidi.

This land was previously expropriated by the Provincial Government many years ago. When the Department of Transportation and Works disposes of land that has been expropriated we normally return the land to those that it was originally expropriated from. This is the case with this property and we are working towards that end.

Please note that upon receiving this file Ms. McKenna immediately removed herself from the file as to avoid any chance of conflict arising.

Should you have any additional questions please contact Mr. Mike Nolan, Transportation Planning Supervisor at 729-3697 or MNolan@gov.nl.ca.

Sincerely,

STEVE CROCKER, MHA
Carbonear-Trinity-Bay de Verde
Minister

“My job provides my paycheck, but safety takes me home”

cc. Robyn Bursey, Director Planning and Accommodations
    Mike Nolan, Transportation Planning Supervisor
    Lorraine Michael, MHA St. John’s East-Quidi Vidi
Section 2 – Other Documentation
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 AGREEMENT made at the City of St. John's, in the Province of Newfoundland, this 31st day of September, Anno Domini Two Thousand.

BETWEEN:

[Name], of the City of St. John's, in the Province of Newfoundland, as Executor of the Estate and Effects of the late [Name], (hereinafter called [Name]), of the one part

AND:

[Name], of the City of St. John's, in the Province of Newfoundland, (hereinafter called [Name]), of the other part

WHEREAS [Name] is the owner of ALL THAT piece or parcel of land more particularly delineated on the plan hereto annexed marked Schedule "A" and being known as Civic No. 83 Quidi Vidi Village Road, in the City of St. John's, in the Province of Newfoundland;

AND WHEREAS [Name] and her late husband [Name] owned the lands and premises immediately adjacent to the property hereinbefore described, on the northern side thereof (as indicated on the plan hereinbefore referred to and marked Schedule "A"), and being known as Civic No. 79 Quidi Vidi Village Road, in the City of St. John's, aforesaid, having purchased such lands and premises by Indenture of Conveyance dated the 14th day of July, 1936 and registered on the 14th day of May, 1937 in Volume 140, Folios 347-348 of the Registry of Deeds, in the Province of Newfoundland, and [Name] and [Name] occupied the said lands and premises as their matrimonial home until the death of [Name] on or about the 29th day of December, 1987;

AND WHEREAS [Name] is the owner of lands and premises situate immediately adjacent to the property hereinbefore described and being known as Civic No. 79 Quidi Vidi Village Road, aforesaid;
AND WHEREAS the two properties adjoin each other and the parties hereto have agreed to enter into this Agreement to confirm the actual boundary line between their respective properties;

NOW THEREFORE THIS INDENTURE WITNESSETH THAT for and in consideration of the sum of One Dollar ($1.00) paid by each of the parties thereto to the others on or before the execution of these presents, (the receipt whereof is hereby acknowledged) and of the mutual covenants and agreements herein contained, the parties hereto agree as follows:

1. The boundary line between the properties of and are agreed to be the northern boundary of the property of and the southern boundary of the property of the (as hereinbefore described) which boundary line is shown on the plan hereto annexed as "N 77° 25' 50" W 22.827" meters, and as more particularly described and indicated on the plan hereto annexed and marked Schedule "A".

IN WITNESS WHEREOF the parties hereto have hereunto subscribed and set their seals on the day and year first before written.

SIGNED, SEALED AND DELIVERED
by in the presence of:

[Signature]

Executors of the Estate of the late

SIGNED, SEALED AND DELIVERED
by in the presence of:

[Signature]

Registrar of Deeds (Nfld.)
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
May 31, 2010

Ms. Patricia Oliver
Executive Council – Cabinet Secretariat

Re: Order-in-Council issued in 1974 to facilitate expropriation of land in the village of Quidi Vidi

Further to our telephone conversation of today’s date this is to confirm the department’s need to review any Order-in-Council issued in 1974 for the expropriation of a vacant parcel of land in Quidi Vidi which provided access to the gut. A copy of the Notice of Expropriation, registered at Volume 1646 and Folio 10-14, is attached for your information.

You will note that the Notice was approved under Section 3(o) of the Expropriation Act, Chapter 121 of the Revised Statutes of Nfld, 1970. I am attaching for your information copies of the relevant sections of the statute and I draw your attention to the requirement that a Section 3(o) expropriation be approved by the Lieutenant-Governor in Council. Therefore a Cabinet submission was required to approve the expropriation.

Another important consideration in this matter is that, subsequent to the expropriation, the Minister of Public Works and Services leased the area of land to Fort Amherst Sea Foods Limited. Under the Expropriation Act, the sale or leasing of expropriated land requires the approval of the Lieutenant-Governor in Council.

In 1974, a copy of the Notice was served onto [Redacted], daughter of [Redacted]. No settlement of any expropriation claim was made with the [Redacted] family, according to our records. Now, [Redacted], son of [Redacted], has written the department and asked that the land be reconvened to a family member.

Before a recommendation in this matter can be made to the Deputy Minister, for the consideration of the Minister, a copy of the Order-in-Council authorizing the expropriation, along with a copy of the relevant Cabinet submission is requested in order to understand the reasoning for the expropriation.

There are issues at the site, which after closure of the fish plant operated as the Flake House restaurant, related to a sewage lift station constructed on the company land by the City of St. John's. An assessment will have to be made as to whether any of the land expropriated by the Province in 1974 is now being used by the City for the newly installed sewage lift station or other municipal purpose.
Thank you for your attention to this matter. Please forward your findings to Deputy Minister Robert Smart.

Sincerely,

[Martin Balodis signature]

MARTIN BALODIS, P. ENG.
Director of Realty Services

jm

c. Robert Smart
   Gerry Antle
   David Jones, Q.C.
NEWFOUNDLAND


CHAPTER 121

An Act to Consolidate the Law Relating to Expropriation

1. This Act may be cited as The Expropriation Act.

2. In this Act
   (a) "arbitrator" means a member of a board;
   (b) "authority" means
      (i) an Authority constituted under The Housing Act,
      (ii) a partnership entered into by Her Majesty in right of the province and the Central Mortgage and Housing Corporation for the purposes of The Housing Act,
      (iii) the Newfoundland Fisheries Development Authority established by the Newfoundland Fisheries Development Authority Act,
      (iv) the Minister appointed by the Lieutenant-Governor in Council under The Housing Act, to administer that Act,
      (v) a hospital, school or the body which owns, operates or is empowered to hold property for the hospital or school, if the Lieutenant-Governor in Council declares the hospital, school or body to be an authority for the purposes of this Act, on whose behalf land is expropriated;
   (c) "board" means a board of arbitrators appointed under this Act;
(d) “claimant” means a person who claims for payment of compensation on account of the expropriation of land or injurious affection resulting from expropriation;

(e) “constable” means a member of The Constabulary Force of Newfoundland or a member of the Royal Canadian Mounted Police stationed in the province;

(f) “expropriated” means expropriated in accordance with this Act;

(g) “land” includes

(i) chattels real as defined in The Chattels Real Act, and highways, roads, streets or other ways,

(ii) buildings and any part of a building, and all machinery and fixtures erected or placed therein or thereon, in, over, or affixed to land,

(iii) all structures and fixtures erected or placed upon, in, over, under or which are affixed to any highway or other public communication, land or water, and

(iv) the leasehold and any other interest in land;

(h) “Minister” means the Minister of Public Works;

(i) “notice of expropriation” means a notice of expropriation served or posted under this Act;

(j) “owner” includes purported owner;

(k) “Registrar” means the Registrar of the Supreme Court;

(l) “sheriff” means the Sheriff of Newfoundland and includes sub-sheriffs and deputy sheriffs.

Purposes of Expropriation.

3. Land may be expropriated for

(a) the construction, repair and maintenance of public buildings and other public works;
(b) the construction, repair and maintenance of roads, air-strips, ferry landings and bridges;

(c) the establishment or development of any industrial enterprise by the Lieutenant-Governor in Council under The Industries Act or for any purpose incidental or related thereto or for the purpose of assisting in or encouraging the establishment or development of any industrial enterprise by any other person or for any purpose incidental or related thereto;

(d) the carrying on of any undertaking under The Newfoundland Fisheries Development Authority Act or for any purpose incidental or related thereto or for the purpose of assisting or encouraging the establishment or development of any fishing enterprise by any person or for any purpose incidental or related thereto;

(e) the establishment or development of a land development area under The Land Development Act;

(f) any of the purposes of
   (i) The Housing Act, or
   (ii) The Newfoundland and Labrador Housing Corporation Act;

(g) use as a townsite or the site of a housing development by any body authorized on that behalf by Her Majesty in right of Canada or Her Majesty in right of Newfoundland;

(h) transfer to Her Majesty in right of Canada for the purpose of a National Park;

(i) transfer to the Canadian Saltfish Corporation referred to in the Saltfish Act (Canada) for any of the purposes of that Act;

(j) constituting any area within the province as a provincial park under The Provincial Parks Act;
Chapter 121  Expropriation Act

(k) the construction, reconstruction or extension of a hospital or school by an authority referred to in subparagraph (v) of paragraph (b) of Section 2 or for any other purpose or use of or connected with the hospital or school, or for providing the land necessary for the reasonable enjoyment or protection of the hospital or school;

(l) the purpose of assisting in or encouraging the institution, promotion, development or improvement by any person of accommodation for the travelling or vacationing public or for any purpose incidental or related thereto;

(m) the establishment, construction, extension or improvement by the province or any person of facilities for recreation or sport of any kind or for any purpose incidental or related thereto;

(n) the establishment, construction, extension or improvement by the province or any person of facilities for the arrival, departure, maintenance and servicing of any means of transportation or carriage of passengers or goods or both and for the accommodation, comfort and convenience of passengers and the loading, unloading, storage or handling of goods arriving or departing or for any purpose incidental or related to any of those matters; or,

(o) the use of Her Majesty in right of Newfoundland or of the public for any other purpose whether of any of the foregoing kinds or not.

Power to Expropriate.

4.—(1) Whenever in the opinion of the Minister it is necessary to acquire land for any of the purposes described in Section 3 and

(a) the owner of the land or any person having an interest in it refuses to accept such sum of money as the Minister
Expropriation Act

or the authority on whose behalf the land is to be acquired offered for the purchase of the land;

(b) no agreement can be reached on the amount to be paid for the land or on any other terms of the purchase of the land;

(c) the owner of the land is not known to the Minister or cannot be found by the Minister after reasonable enquiry;

(d) the owner of the land is incapable of conveying the land or his interest in it; or

(e) for any other reason the Minister deems it advisable to expropriate the land;

(f) for any of the purposes described in paragraphs (a) and (b) of Section 3; or

(g) with the approval of the Lieutenant-Governor in Council for any of the purposes described in paragraphs (c) to (m) of Section 3,

and in accordance with this Act expropriate the land on behalf of Her Majesty in right of Newfoundland or on behalf of the authority named in the notice of expropriation.

(2) Whenever the Minister expropriates land on behalf of an authority, the authority may exercise all the powers conferred and shall carry out all the duties and obligations imposed upon the Minister by this Act, save those set out in Sections 3, 7 and 15.

Expropriation on Behalf of an Authority.

5. Whenever an authority requires land and wishes to have it expropriated the authority or its duly authorized representative shall apply to the Minister in writing for the expropriation of the land and together with the application shall submit
Costs in respect of subsection (3).

Powers of guardian and guardian ad litem

Disposal of land.

Entry upon land to do certain things.

Compensation for injurious affection.

Chapter 121  EXPROPRIATION ACT

(4) The judge may order that the costs of the guardian ad litem appointed under subsection (3) be paid by the petitioner.

(5) A guardian or guardian ad litem referred to in this section may receive notices, make nominations, receive payment of compensation, give effectual receipts and discharges and otherwise for the purposes of this Act act on behalf of the person of whom he has been appointed guardian.

56. The Minister may, subject to the approval of the Lieutenant-Governor in Council, sell, lease or otherwise dispose of any land or any interest therein expropriated and not abandoned upon such terms and conditions and for such consideration, if any, as the Minister deems fit.

57. The Minister of Highways may, subject to the approval of the Lieutenant-Governor in Council and to Section 17 of The Department of Highways Act, sell, lease or otherwise dispose of any land or any interest therein vested in him for and on behalf of Her Majesty in right of Newfoundland under this Act, upon such terms and conditions and for such consideration, if any, as the Minister of Highways deems fit.

58.—(1) Whenever the Minister thinks it necessary or desirable for the performance of anything authorized to be done by or under any of the Acts in the First Schedule to this Act he may by his employees, engineers, contractors and other servants or any person duly authorized enter upon any Crown land or upon the land of any person whatsoever and may at all reasonable times enter all houses, buildings, tenements or erections upon the land and may do and execute thereon or therein all such works and things as may be required for the purpose of that performance.

(2) The Minister shall compensate the owner of any land injuriously affected by any act done under this section and in default of agreement between the Minister and the owner the amount of compensation shall be determined and paid in the same manner as nearly as may be and with the same effect as compensation is determined and paid under this Act.
AN ACT TO CONSOLIDATE THE LAW RELATING TO EXPROPRIATION.

(June 10, 1964)

Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

1. This Act may be cited as The Expropriation Act, 1964. Short title.

2. In this Act

   (a) "arbitrator" means a member of a board; (1957, No. 42, S. 2).

   (b) "authority" means

   (i) an Authority constituted under The Housing Act, 1959,

   (ii) a partnership entered into by Her Majesty in right of the province and the Central Mortgage and Housing Corporation for the purposes of The Housing Act, 1959,

   (iii) the Newfoundland Fisheries Development Authority established by the Newfoundland Fisheries Development Authority Act, 1954,

   (iv) the Minister appointed by the Lieutenant-Governor in Council under The Housing Act, 1959, to administer that Act,

   (v) a hospital, school or the body which owns, operates or is empowered to hold property for the hospital or school, if the Lieutenant-Governor in Council declares the hospital, school or body to
be an authority for the purposes of this Act.
(1960, No. 13, S. 2).

on whose behalf land is expropriated. (1959, No. 63, S. 2).

(e) "board" means a board of arbitrators appointed under this Act;

(d) "claimant" means a person who claims for payment of compensation on account of the expropriation of land or injurious affection resulting from expropriation;

(e) "constable" means a member of The Constabulary Force of Newfoundland or a member of the Royal Canadian Mounted Police stationed in the province.
(1957, No. 42, S. 2; amended).

(f) "expropriated" means expropriated in accordance with this Act;

(g) "land" includes

(i) chattels real as defined in The Chattels Real Act, and highways, roads, streets or other ways,

(ii) buildings and any part of a building, and all machinery and fixtures erected or placed therein or thereon, in, over, or affixed to land,

(iii) all structures and fixtures erected or placed upon, in, over, under or which are affixed to any highway or other public communication, land or water, and

(iv) the leasehold and any other interest in land;

(h) "Minister" means the Minister of Public Works;

(i) "notice of expropriation" means a notice of expropriation served or posted under this Act;

(j) "owner" includes purported owner;

(k) "Registrar" means the Registrar of the Supreme Court.
The Expropriation Act

(1) "sheriff" means the Sheriff of Newfoundland and includes sub-sheriffs and deputy sheriffs.

3. Land may be expropriated for

(a) the construction, repair and maintenance of public buildings and other public works;

(b) the construction, repair and maintenance of roads, airstrips, ferry landings and bridges;

(c) the establishment or development of any industrial enterprise by the Lieutenant-Governor in Council under The Industries Act or for any purpose incidental or related thereto or for the purpose of assisting in or encouraging the establishment or development of any industrial enterprise by any other person or for any purpose incidental or related thereto;

(d) the carrying on of any undertaking under The Newfoundland Fisheries Development Authority Act, 1954, or for any purpose incidental or related thereto or for the purpose of assisting or encouraging the establishment or development of any fishing enterprise by any person or for any purpose incidental or related thereto;

(e) the establishment or development of a land development area under The Land Development Act; (1957, No. 42, S. 4).

(f) the execution of a joint project which is the subject of an agreement made under The Housing Act, 1959, or the carrying out of any project designated under that Act as one for the re-location of any part of the population of the province; (1959, No. 63, S. 3).

(g) use as a townsite or the site of a housing development by any body authorized on that behalf by Her Majesty in right of Canada or Her Majesty in right of Newfoundland;
3. Land may be expropriated for

(a) the construction, repair and maintenance of public buildings and other public works;

(b) the construction, repair and maintenance of roads, airstrips, ferry landings and bridges;

(c) the establishment or development of any industrial enterprise by the Lieutenant-Governor in Council under The Industries Act or for any purpose incidental or related thereto or for the purpose of assisting in or encouraging the establishment or development of any industrial enterprise by any other person or for any purpose incidental or related thereto;

(d) the carrying on of any undertaking under The Newfoundland Fisheries Development Authority Act, 1954, or for any purpose incidental or related thereto or for the purpose of assisting or encouraging the establishment or development of any fishing enterprise by any person or for any purpose incidental or related thereto;

(e) the establishment or development of a land development area under The Land Development Act; (1957, No. 42, S. 4).

(f) the execution of a joint project which is the subject of an agreement made under The Housing Act, 1959, or the carrying out of any project designated under that Act as one for the re-location of any part of the population of the province; (1959, No. 63, S. 3).

(g) use as a townsite or the site of a housing development by any body authorized on that behalf by Her Majesty in right of Canada or Her Majesty in right of Newfoundland;
(h) transfer to Her Majesty in right of Canada for the purpose of a National Park;

(i) constituting any area within the province as a provincial park under The Provincial Parks Act; (1967, No. 42, S. 4).

(j) the construction, reconstruction or extension of a hospital or school by an authority referred to in subparagraph (v) of paragraph (b) of Section 2 or for any other purpose or use of or connected with the hospital or school, or for providing the land necessary for the reasonable enjoyment or protection of the hospital or school; (1961 (2nd Session) No. 3, S. 3).

(k) the purpose of assisting in or encouraging the institution, promotion, development or improvement by any person of accommodation for the travelling or vacationing public or for any purpose incidental or related thereto; (1961 (2nd Session) No. 3, S. 3).

(l) the establishment, construction, extension or improvement by the province or any person of facilities for the arrival, departure, maintenance and servicing of any means of transportation or carriage of passengers, goods or both and for the accommodation, comfort and convenience of passengers and the loading, unloading, storage or handling of goods arriving or departing or for any purpose incidental or related to any of those matters; or, (1961 (2nd Session) No. 3, S. 3).

(m) the use of Her Majesty in right of Newfoundland or of the public for any other purpose whether of any of the foregoing kinds or not. (1957, No. 42; formerly (j) S. 4).

Power to Expropriate

(1) Whenever in the opinion of the Minister it is necessary to acquire land for any of the purposes described in Section 3 and
less to the said land of Port Amherst Sea Foods Limited

THENCE by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
NEWFOUNDLAND

TO WIT:

I, [name], of St. John's
hereby make oath and say that on the 11th day of July
1974, A.D., I did serve a

copy of the foregoing Notice of Expropriation upon

Mr. Ray Bursey (Manager of Fort Amherst Sea Foods)

[redacted] (Daughter of)

and that I posted a copy of the foregoing Notice of Expropriation in a conspicuous place on the land
described in the foregoing Notice of Expropriation.

SWORN at St. John's
this 11th day of July, 1974

A.D., 1974

before me:

[Signature]

Registrar, Companies & Corporations
natural gas, and salt in and under said piece or parcel of land
PROVIDED ALWAYS that this lease is subject to the following
terms and conditions:

(1) The said Lessee will during the said term pay unto the
said Minister the rent hereby reserved in the manner
hereinbefore mentioned without any deduction whatsoever
AND ALSO will during the said term well and sufficiently
repair, maintain, amend and keep the said demised premises
with the appurtenances in good and substantial repair and
all fixtures and things thereto belonging or which at any
time during the said term shall be erected and made by the
Lessee when, where and so often as need shall be, reasonable,
wear and tear and damage by fire, lightning and tempest only
excepted.

(2) The said Lessee shall within six (6) months of the execution
of this lease erect at the expense of the Lessee and is hereby
required to erect on the said land along the boundary with
the public road a fence AND ALSO that such fence shall be
maintained in good condition during the said term of the
lease and shall not contravene The Building Near Highways
Regulations.

(3) The Lessee will at the expiration of the term or sooner
determination of the said term peaceably surrender and yield
up to the Minister the said premises hereby demised with the
buildings, erections and fixtures erected or made by the
Lessee thereon in good and substantial repair and condition,
reasonable wear and tear and damage by fire, lightning and
tempest only excepted.
(4) The Lessee will not, during the said term sell, assign or sublet said premises or any part thereof without the written consent of the said Minister first had and obtained.

(5) The Lessee will use the demised premises only for the purpose of assisting the fishing operations connected with the use and enjoyment of the property of the Lessee which is located adjacent and immediately to the south of the property herein described but not for any other purpose whatsoever.

(6) The Lessee shall, during the term of this lease or any extension thereof, provide for the public at its Qidi Vidi property free access to Qidi Vidi Harbour via the boat launch situate on the south east side of the Lessee's property and more particularly delineated in green on the plan attached hereto and marked B.

(7) The Minister upon the expiration or sooner determination of the term shall have the option of
   (a) retaining the fence required to be constructed by Condition (2) whereupon he becomes the absolute owner thereof; or
   (b) requiring the Lessee within thirty (30) days of the termination of the lease to remove the said fence at the expense of the Lessee.

(8) Subject to Condition (7) the Lessee shall at or prior to the expiration of the term hereby granted take, remove and carry away from the premises hereby demised all fixtures, plant, machinery, or other articles upon the said premises in the nature of trade or tenant's fixtures or other articles belonging to or brought upon the said premises by the said Lessee, but the said Lessee shall in such removal do no damage to the said premises or shall make good any damage which it may occasion thereto.
(9) Notwithstanding any other clause of this lease, it is hereby expressly agreed that either party may terminate this lease upon sixty (60) days notice, in writing, to the other party.

(10) The Lessee shall not do or permit to be done or suffer to be done anything in or upon the said premises or any part thereof which may be or may become a nuisance or annoyance or cause damage or inconvenience to any neighbour or neighbourhood.

IN WITNESS WHEREOF the Minister of Public Works and Services has hereunto subscribed his hand and the Seal of the Department of Public Works and Services has been hereunto affixed AND the Corporate Seal of the Lessee, Fort Amherst Sea Foods Limited, has been hereunto affixed and attested to by its duly authorized officers and in accordance with its rules and regulations on the day and year first above written.

SIGNED by the Honourable the Minister of Public Works and Services and the Seal of the Department of Public Works and Services was hereunto affixed in the presence of:

Witness NOTARY PUBLIC

THE CORPORATE SEAL of the Lessee, Fort Amherst Sea Foods Limited, was hereunto affixed in the presence of:

[Signature]

President
SCHEDULE "A"

ALL THAT piece or parcel of land situate and being on the southeastern side of a Public Lane running through Quidi Vidi Village, in the City of St. John's, in the Province of Newfoundland, Canada and abutted and bounded as follows, that is to say:

COMMENCING at a point on the said southeastern side of the Public Lane said point being the northernmost corner of land of the Fort Amherst Sea Foods Limited and running:

THENCE by the said Public Lane in a general easterly direction seventy feet (70') more or less to a point which is sixty eight feet (68') on a bearing of north sixty-three degrees seventeen minutes east (N 63° 17' E) from the said point of commencement

THENCE by land claimed by south thirty nine degrees fifty-four minutes east (S 39° 54' E) forty-three feet (43') more or less to the shore of Quidi Vidi Harbour

THENCE following the sinuosities of the said shore of Quidi Vidi Harbour southwesterly forty-nine feet (49') more or less to the said land of Fort Amherst Sea Foods Limited

THENCE by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Fax

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

CROWN LANDS DIVISION
Howley Building, Higgins Line
St. John's, NL A1B 4J6
Facsimile Phone No. (709) 729-6136

TO: Marive
FROM: Robert Dick
DATE: Aug 7/06 No. of Pages (including cover sheet) 8

Comments:
Copy of requested deed
at Q. J. J. J.
THIS INDENTURE made in duplicate this 10th day of May
One thousand nine hundred and seventy-nine

BETWEEN: THE HONOURABLE THE MINISTER OF PUBLIC WORKS AND SERVICES for and on behalf of Her Majesty in right of Newfoundland (hereinafter called the "Minister")
of the one part;

AND: FORT AMHERST SEA FOODS LIMITED a body corporate
carrying on business in Quidi Vidi Village in
the District of St. John's East Extern (hereinafter called the "Lessee")
of the other part

WITNESSETH that for and in consideration of the rents, covenants
and agreements hereinafter reserved, mentioned and contained in
the part of the Lessee to be paid, observed and performed, the
Minister DOETH LEASE AND DEMISE unto the Lessee ALL THAT piece of
parcel of land situate and being on the southeastern side of a
public road running through Quidi Vidi Village, in the City of
St. John's, in the Province of Newfoundland, Canada, more particularly described in Schedule "A" annexed hereto and delineated on
the plan annexed and thereon coloured red; TO HAVE AND TO HOLD
the said piece or parcel of land TOGETHER WITH all privileges and
appurtenances thereto belonging or in any way appertaining thereto
unto the Lessee for a term of twenty-five (25) years from the 10th
day of May, 1979 SUBJECT TO the reservations, terms and
conditions in these Presents contained YIELDING AND PAYING unto the
Minister as the price and consideration of the said lease the sum
of one dollar ($1.00) per annum;

There are EXCEPTED AND RESERVED out of this present lease to the
Minister, all minerals, both metallic and non-metallic limestone,
granite, slate, marble, gypsum, marl, clay, sand, gravel, all
building stone, volcanic ash, coal, oil and related hydrocarbons,
natural gas, and salt in and under said piece or parcel of land

**PROVIDED ALWAYS** that this lease is subject to the following
terms and conditions:

(1) The said Lessee will during the said term pay unto the
said Minister the rent hereby reserved in the manner
hereinbefore mentioned without any deduction whatsoever
AND **ALSO** will during the said term well and sufficiently
repair, maintain, amend and keep the said demised premises
with the appurtenances in good and substantial repair and
all fixtures and things thereto belonging or which at any
time during the said term shall be erected and made by the
Lessee when, where and so often as need shall be, reasonable,
wear and tear and damage by fire, lightning and tempest only
excepted.

(2) The said Lessee shall within six (6) months of the execution
of this lease erect at the expense of the Lessee and is hereby
required to erect on the said land along the boundary with
the public road a fence **AND ALSO** that such fence shall be
maintained in good condition during the said term of the
lease and shall not contravene **The Building Near Highways
Regulations.**

(3) The Lessee will at the expiration of the term or sooner
determination of the said term peaceably surrender and yield
up to the Minister the said premises hereby demised with the
buildings, erections and fixtures erected or made by the
Lessee thereon in good and substantial repair and condition,
reasonable wear and tear and damage by fire, lightning and
tempest only excepted.
4. The Lessee will not, during the said term sell, assign or sublet said premises or any part thereof without the written consent of the said Minister first had and obtained.

5. The Lessee will use the demised premises only for the purpose of assisting the fishing operations connected with the use and enjoyment of the property of the Lessee which is located adjacent and immediately to the south of the property herein described but not for any other purpose whatsoever.

6. The Lessee shall, during the term of this lease or any extension thereof, provide for the public at its Quidi Vidi property free access to Quidi Vidi Harbour via the boat launch situate on the south east side of the Lessee's property and more particularly delineated in green on the plan attached hereto and marked B.

7. The Minister upon the expiration or sooner determination of the term shall have the option of
   (a) retaining the fence required to be constructed by Condition (2) whereupon he becomes the absolute owner thereof; or
   (b) requiring the Lessee within thirty (30) days of the termination of the lease to remove the said fence at the expense of the Lessee.

8. Subject to Condition (7) the Lessee shall at or prior to the expiration of the term hereby granted take, remove and carry away from the premises hereby demised all fixtures, plant, machinery or other articles upon the said premises in the nature of trade or tenant's fixtures or other articles belonging to or brought upon the said premises by the said Lessee, but the said Lessee shall in such removal do no damage to the said premises or shall make good any damage which it may occasion thereto.
(9) Notwithstanding any other clause of this lease, it is hereby expressly agreed that either party may terminate this lease upon sixty (60) days notice, in writing, to the other party.

(10) The Lessee shall not do or permit to be done or suffer to be done anything in or upon the said premises or any part thereof which may be or may become a nuisance or annoyance or cause damage or inconvenience to any neighbour or neighbourhood.

IN WITNESS WHEREOF the Minister of Public Works and Services has hereunto subscribed his hand and the Seal of the Department of Public Works and Services has been hereunto affixed AND the Corporate Seal of the Lessee, Fort Amherst Sea Foods Limited, has been hereunto affixed and attested to by its duly authorized officers and in accordance with its rules and regulations on the day and year first above written.

SIGNED by the Honourable the Minister of Public Works and Services and the Seal of the Department of Public Works and Services was hereunto affixed in the presence of:

Witness Notary Public

THE CORPORATE SEAL of the Lessee, Fort Amherst Sea Foods Limited, was hereunto affixed in the presence of:

Witness

President
SCHEDULE "A"

ALL THAT piece or parcel of land situate and being on the southeastern side of a Public Lane running through Quidi Vidi Village, in the City of St. John's, in the Province of Newfoundland, Canada and abutted and bounded as follows, that is to say:

COMMENCING at a point on the said southeastern side of the Public Lane said point being the northernmost corner of land of the Fort Amherst Sea Foods Limited and running

THENCE by the said Public Lane in a general easterly direction seventy feet (70') more or less to a point which is sixty eight feet (68') on a bearing of north sixty-three degrees seventeen minutes east (N 63° 17' E) from the said point of commencement

THENCE by land claimed by south thirty nine degrees fifty-four minutes east (S 39° 54' E) forty-three feet (43') more or less to the shore of Quidi Vidi Harbour

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THENCE by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
Mr. Gareth Griffiths  
Manager – Real Estate  
City of St. John’s  
P.O. Box 908  
St. John’s, NL  
A1C 5M2

Dear Mr. Griffiths:

Re: Waterfront Property in Quidi Vidi Claimed by the Estate of

Officials of this department have been contacted by [redacted] who has made an inquiry regarding a parcel of waterfront property expropriated by the department in 1974. I am attaching a copy of the Notice of Expropriation dated July 11, 1974 and which Notice is registered at Volume 1646 and Folios 10 – 14 of the Registry of Deeds. Also attached is an aerial image of the area with cadastral information and a copy of pictures of the subject property. [redacted] is expressing the position that his family owned the expropriated parcel of land, has never been compensated for the land, that it was not used for the intended purpose and, therefore, would like the taken land returned to the family. As part of the process of considering [redacted] request, I am consulting with your office and with Mr. Robert Dicks, Director of Crown Land Administration with the Department of Environment & Conservation.

The department is aware that the City of St. John’s, in 2005, acquired the property referenced as [redacted] on the expropriation survey, from [redacted] Further, it is understood that the property is being redeveloped as a Quidi Vidi Arts-Visitor Centre, a multi-million dollar facility. As the subject parcel of land is along the southern boundary of the City’s property, does the City have any comments or concerns with the request by [redacted]?

With respect to my consultation with [redacted] by means of the copy of the letter being sent to Mr. Dicks, I inquire as to whether his department takes the position that the waterfront property was Crown land as it provided access to the harbour, with the [redacted] family having riparian rights to same, or did the [redacted] family have “squatter’s rights” to the area of land?

I make this inquiry as the department has the option, since no compensation has been paid for the land, to issue a Notice of Abandonment. Upon the execution of such a Notice, under the legislation ownership of the land would revert to the original owner (Crown land or [redacted] family?).
I thank you both for your attention to this matter and look forward to your responses.

Yours truly,

[Signature]

MARTIN BALODIS, P. ENG.
Director of Realty Services

/mcp
Encl.
cc: David Jones, Q.C.
    Robert Dicks
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
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<td>Quidi Vidi Road</td>
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THIS INDENTURE made this 10th day of December, Anno Domini, One thousand, Nine hundred and eighty-five.

BETWEEN:

[Name], of Quidi Vidi, in St. John's East, in the Province of Newfoundland, Widow, of the same place, Married [Name], of St. John's aforesaid, Shipping Receiver, of the same place, wife of the said [Name] and [Name], of the same place, hereinafter called "the Confirmor"
of the One part

AND:

[Name], of Quidi Vidi, in St. John's East, in the Province of Newfoundland, Widow, hereinafter called "the Confirmee"
of the Other part

WHEREAS by an Indenture dated the 17th day of July, A.D., 1984, Roll
and registered in Volume 34 of the Registry of Deeds for Newfoundland at Petits 2754, conveyed unto
[Name] all that piece or parcel of land therein described.

AND WHEREAS attached to the aforesaid deed was a affidavit of
the Confirmee herein, attesting to the land held
by the said [Name] to the West of the property of
the Confirmee.

AND WHEREAS some discrepancy has arisen as to the boundaries
of the said land of [Name].

AND WHEREAS the said [Name] and [Name] have
consented to establishing the boundary of the said [Name]
and wish to confirm her boundaries as described herein.

AND WHEREAS the said [Name] is in possession of the
property to the South of the said [Name] and also wishes
to confirm the boundary of [Name] as hereinafter described.

AND WHEREAS the said [Name] and [Name] have property
to the West of the said [Name] and also wish to joint
in these presents and confirm the boundary of Violet Conway as
hereinafter described.
NOW THEREFORE THIS INDENTURE WITNESSETH that for and in consideration of the sum of One dollar ($1.00) so paid by the Confirmee to the Confirmors on or before the execution of these presents (the receipt of which sum the Confirmors hereby acknowledge) the Confirmors hereby assign and convey and confirm unto the Confirmee ALL THAT piece or parcel of land more particularly described in Schedule "A" and "B" attached hereto, and designated as parcel "A" and parcel "B" on the attached diagram TOGETHER WITH all buildings and erections thereon TO HAVE AND TO HOLD the same unto the Confirmee in fee simple absolutely and forever.

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

SIGNED, SEALED AND DELIVERED

By the Confirmor, [redacted], in the presence of: [redacted]

By the said Confirmor, [redacted], in the presence of: [redacted]

By the said Confirmors, [redacted] and [redacted] in the presence of: [redacted]

By the said Confirmor, [redacted], in the presence of: [redacted]

MADELINE M. GUSE
A Commissioner for Ottawa and for Northumberland County Commission expires December 31, 1986.
T. G. SCAMMELL  
Newfoundland Land Surveyor  
Canada Lands Surveyor  

December 1985  

PARCEL "A"

ALL THAT piece or parcel of land situate, lying and being on the western side of Quidi Vidi Village Road at Quidi Vidi Village in the City of St. John's in the Province of Newfoundland, Canada, being abutted and bounded as follows, that is to say: Commencing at a Point in the western limit of the said Quidi Vidi Village Road being on the north boundary of the Estate and having co-ordinates of N 5,272,397.73 metres and E 328,382.76 metres with reference to the Modified Three Degree Transverse Mercator Grid for Newfoundland, Canada, Thence, by the said western limit of Quidi Vidi Village Road, N 14°45' W sixteen decimal three nine (16.39) metres thence N 22°44' W eleven decimal nine three (11.93) metres thence N 36°00' W fourteen decimal eight eight (14.88) metres thence N 46°44' W eleven decimal six eight (11.68) metres, thence, by a Right- of-Way (7.62 metres wide) and by land formerly of S 23°59' W ten decimal nine eight (10.98) metres thence, by the said land formerly of S 18°07' E thirty-five decimal two one (35.21) metres thence, by land of the Estate, S 80°10' E nineteen decimal eight seven (19.87) metres more or less to the aforementioned Point of Commencement, the said parcel of land containing an area of seven hundred and ten square metres (710 Sq.M.) and being more particularly described and delineated in red on the accompanying plan. All bearings are referred to Grid North.
PARCEL "E"

ALL THAT piece or parcel of land situate, lying and being on the eastern side of Quidi Vidi Village Road at Quidi Vidi Village in the City of St. John's in the Province of Newfoundland, Canada, being abutted and bounded as follows, that is to say: Commencing at a Point in the eastern limit of the said Quidi Vidi Village Road being on the north boundary of land of the Estate and having co-ordinates of N 5,271,396.30 metres and E 328,890.19 metres with reference to the Modified Three Degree Transverse Mercator Grid for Newfoundland, Canada. Thence, by the said land of the Estate, S 80°10'1 E twenty-five decimal eight eight {25.88} metres thence, by the reservation (7.62 metres wide) along the western shore of Quidi Vidi River, N 22°18'1 W forty-four decimal three one {44.31} metres thence N 47°30'1 W twenty-one decimal five one {21.51} metres thence, by land formerly of Estate N 78°15'1 W twenty-four decimal two zero {24.20} metres thence, by the aforesaid eastern limit of Quidi Vidi Village Road, S 45°05'1 E twenty-four decimal seven six {24.76} metres thence S 25°56'1 E nineteen decimal one six {19.16} metres thence S 13°04'1 E twenty-one decimal eight nine {21.89} metres more or less to the aforementioned Point of Commencement, the said parcel of land containing an area of one thousand one hundred and sixty (1160) square metres and being more particularly described and delineated in red on the accompanying plan. All bearings are referred to Grid North.
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 this 5th day of May
Anno Domini, One thousand, Nine hundred and eighty-eight.

BETWEEN

In the Province of Newfoundland, as Administrator of the Estate
OF St. John's, in the Province of Newfoundland, hereinafter called "the Vendor"
of the One part

AND:

OF Montreal, in the Province of Quebec, OF St. John's, in the Province of
Ottawa, in the Province of Ontario, OF Scarborough, in the Province
of Ontario, OF St. John's, in the Province of Newfoundland, OF
Scarborough, in the Province of Ontario, and OF St. John's, in the Province
of Newfoundland, in his own right, hereinafter called "the Confirmors"
of the Second Part

AND:

OF St. John's, in the Province of Newfoundland, Labourer, hereinafter
called "the Purchaser"
of the Third Part

WHEREAS during his lifetime, late
of St. John's, Newfoundland, Retired Fisherman, was the
owner in possession of ALL THAT piece or parcel of land
situate in Quidi Vidi Village and hereinafter more particularly
described.

AND WHEREAS the said died at
St. John's, Newfoundland on or about the 15th day of April,
A.D., 1979, intestate.

AND WHEREAS Letters of Administration of the estate of
the said ... were granted out of the Supreme Court of Newfoundland on 7th day of April, A.D., 1986 to ... the Vendor herein.

AND WHEREAS The Vendor hereby assigns and conveys unto the Purchaser and the Confirmors for greater certainty and in order to avoid doubts which may arise as to the Title of the Vendor hereby confirm to the Purchaser ALL THAT piece or parcel of land hereinafter described for the consideration hereinbefore appearing.

NOW THEREFORE THIS INDEPTURE WITNESSETH that for and in consideration of the sum of One dollar ($1.00) paid by the Purchaser to the Vendor on or before the execution of these presents the Vendor as Beneficial Owner hereby assigns and conveys unto the Purchaser and the Confirmors hereby confirm unto the Purchaser ALL THAT piece or parcel of land situate at Quidi Vidi Village and more particularly described in Schedule "A" and "B" attached hereto, which said Schedule "A" and "B" are hereby incorporated as part and parcel of this Indenture TOGETHER WITH all buildings and erections thereon TO HAVE AND TO HOLD the same unto the Purchaser in fee simple absolutely and forever.

IN WITNESS WHEREOF the parties hereby have heretounto their hands and seals subscribed and set the day and year first before written.

SIGNED, SEALED AND DELIVERED )
By the Vendor, ... as Administrator of the estate of ... in the presence: ...
SIGNED, SEALED AND DELIVERED

By the Confirmor, ____________________________
in the presence of:

[Redacted]

SIGNED, SEALED AND DELIVERED

By the Confirmor, ____________________________
in the presence of:

[Redacted]

SIGNED, SEALED AND DELIVERED

By the Confirmor, ____________________________
in the presence of:

[Redacted]

SIGNED, SEALED AND DELIVERED

By the Confirmor, ____________________________
in the presence of:

[Redacted]
the said [REDACTED] were granted out of
the Supreme Court of Newfoundland on 7th day of April,
A.D., 1986 to [REDACTED] the Vendor herein.

AND WHEREAS The Vendor hereby assigns and conveys unto
the Purchaser and the Confirmors for greater certainty
and in order to avoid doubts which may arise as to the
Title of the Vendor hereby confirm to the Purchaser ALL
THAT piece or parcel of land hereinafter described for
the consideration hereinafter appearing.

NOW THEREFORE THIS INDENTURE WITNESSETH that for and in
consideration of the sum of One dollar ($1.00) paid by
the Purchaser to the Vendor on or before the execution
of these presents the Vendor as Beneficial Owner hereby
assigns and conveys unto the Purchaser and the Confirmors
hereby confirm unto the Purchaser ALL THAT piece or parcel
of land situate at Quidi Vidi Village and more particularly
described in Schedule "A" and "B" attached hereto, which
said Schedule "A" and "B" are hereby incorporated as part
and parcel of this Indenture TOGETHER WITH all buildings
and erections thereon TO HAVE AND TO HOLD the same unto
the Purchaser in fee simple absolutely and forever.

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

SIGNED, SEALED AND DELIVERED )
By the Vendor, [REDACTED] )
as Administrator of the estate )
of [REDACTED] )
in the presence: [REDACTED] )

[REDACTED]
DESCRIPTION OF
PARCEL "A"

SCHEDULE "A"

ALL THAT piece or parcel of land situate and being on the western side of Quidi Vidi Village Road, St. John's, in the Electoral District of St. John's East, in the Province of Newfoundland, abutted and bounded as follows, that is to say: Beginning at a point on the western limit of Quidi Vidi Village Road, the said point being the southeast corner of land of and having 3" T.M. Co-ordinates of N 5 271 397.73 and E 526 882.76;

THENCE running along the western limit of the said Quidi Vidi Village Road South eleven degrees thirteen minutes East a distance of thirty-seven decimal nine two meters; and

THENCE South six degrees zero minutes West a distance of eighteen decimal two zero meters;

THENCE running by land surveyed for North fifty-two degrees thirty-one minutes West a distance of fifty-seven decimal three nine meters; and

THENCE North forty degrees thirty-three minutes West a distance of eleven decimal two eight meters;

THENCE running by land of North sixty-two degrees thirteen minutes East a distance of nineteen decimal eight two meters; and

THENCE North fifty-nine degrees fifty-five minutes East a distance of eleven decimal eight nine meters;

THENCE running by land surveyed for South eighty degrees ten minutes East a distance of nineteen decimal eight seven meters, more or less, to the point of beginning and containing in all an area of 1703 square meters and being more particularly described and delineated in red on the plan hereto annexed.

All bearings being referred to Grid North.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
DESCRIPTION OF
PARCEL "B"
SCHEDULE "B"

ALL THAT piece or parcel of land situate and being on the eastern side of Quidi Vidi Village Road, St. John's, in the Electoral District of St. John's East, in the Province of Newfoundland, abutted and bounded as follows, that is to say: Beginning at a point on the eastern limit of Quidi Vidi Village Road, the said point being the southwest corner of land of [redacted] and having 3"T.M. Co-ordinates of N 271 396.30 and E 288 890.19;

THENCE running by the said land surveyed for [redacted] South eighty degrees ten minutes East a distance of twenty-five decimal eight eight meters;

THENCE running by the reservation, 7.62 meters wide, along the western shore of Quidi Vidi River South thirteen degrees ten minutes East a distance of twenty-eight decimal three two meters;

THENCE running by land of the Christ Church South eighty-two degrees fifty-seven minutes West a distance of twenty-five decimal one eight meters;

THENCE running along the said western limit of Quidi Vidi Village Road North eleven degrees thirteen minutes West a distance of thirty-five decimal seven five meters, more or less, to the point of beginning and containing in all an area of 786 square meters and being more particularly described and delineated in red on the plan hereto annexed.

All bearings being referred to Grid North.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
CANADA

PROVINCE OF NEWFOUNDLAND

ST. JOHN'S

- TO WIT -

AFFIDAVIT

I, [redacted], of St. John's, in the Province of Newfoundland, make oath and say as follows:

1. THAT I am the Purchaser with respect to this transaction and as such have personal knowledge of the facts herein deposed except as otherwise stated.

2. THAT to the best of my knowledge, information and belief, the value of the land conveyed pursuant to the attached Deed of Confirmation does not exceed Twenty Nine Thousand Four hundred Dollars ($29,400.00).

SWORN TO at St. John's, in the Province of Newfoundland, this 14th day of December A.D., 1993 before me:

[Signature]

"A. Summater"
the estate of as Administrator of
"the Vendor"

CONVEYANCE

"the Purchaser"

Barrister and Solicitor

STEWART MCKEEN w. WHEELE
Barristers, Solicitors & Notaries
THIS INDENTURE made at the City of St. John's, Province of Newfoundland and Labrador, this 15th day of September, 2006.

BETWEEN:

REGISTRY OF DEEDS

Registered 15th day of September, 2006, at 12:00 o'clock P.M.
Registration No. 1477, Rec No. 3471873

The City of St. John's, in the Province of Newfoundland and Labrador
(hereinafter called the "Vendors")

of the one part

and

of the other part

and

The City of St. John's, in the Province of Newfoundland and Labrador, Husband and Wife, as Joint Tenants
(hereinafter called the "Purchasers")

WITNESSETH that for and in consideration of the sum of NINETY FOUR THOUSAND DOLLARS ($94,000.00) paid by the Purchasers to the Vendors, on or before the execution of these presents (the receipt whereof on the part of the Vendors is hereby acknowledged) the Vendors, as beneficial owners, hereby sell, assign, transfer and convey unto the Purchasers, as Joint Tenants, ALL THAT piece or parcel of land, situate and being at 77 QUIDI VIDI VILLAGE ROAD, ST. JOHN'S, in the Province of Newfoundland and Labrador and being more particularly described in Schedule "A" hereto annexed (which said Schedule "A" forms part and parcel of these presents) TOGETHER WITH all buildings, erections and appurtenances thereon TO HOLD the same unto the Purchasers, as Joint Tenants, absolutely and forever.

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

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

STACEY PORTER
A Commissioner for Oaths
in and for the Province of Newfoundland and Labrador.
My Commission expires on December 31, 2008.

s. 40(1)
IN THE MATTER OF The Minors (Attainment of Majority) Act, R.S.N., as amended
AND: IN THE MATTER OF The Family Law Act, R.S.N. 1990, as amended
AND: IN THE MATTER OF The Income Tax Act of Canada, 1972, as amended
AND: IN THE MATTER OF The Labour Standards Act, R.S.N., 1990, c. L-2, as amended
AND: IN THE MATTER OF The Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3, as amended
AND: IN THE MATTER OF a Conveyance between [blank] and [blank], as Vendors of the one part and [blank] and [blank] as Purchasers of the other part.

AFFIDAVIT

We, [blank] and [blank] of the City of St. John’s, in the Province of Newfoundland and Labrador, make oath and say:

1. That we are the vendors named above and we are of the full age of majority;

2. That the word “spouse” as herein used shall mean a spouse as defined by Section 2(1)(e) of The Family Law Act, R.S.N. 1990, c. F-2 (hereinafter called the “Act”), as amended;

3. That we are spouses of the other as defined in the Family Law Act and that the property described in the within Indenture is occupied by us as a Matrimonial home within the meaning of the said Act; there are no other persons who have vested, or any, rights in the property described in the within Indenture, pursuant to the Act; we have not entered into a marriage contract, co-habitation agreement or a separation agreement pursuant to Sections 62, 63 or 64 respectively of the Act, and we have not entered into a designation pursuant to Section 9 of the Act in respect of the herein described property;

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 said property within the intent and meaning of The Income Tax Act of Canada, 1972, as amended;

5. That when we executed the attached indenture we were not, and will continue not to be liable for any tax imposed under Section 35 of The Retail Sales Tax Act, R.S.N. 1990, c. R-15, as amended; nor are we, nor shall we be liable for any tax under The School Tax Authorities Winding Up Act, R.S.N., 1990, as amended, at least until the registration of the within Indenture;

6. That neither of us have ever hired employees, or workers, within the meaning of The Work Place Health & Safety Compensation Commission Act, R.S.N. 1990, c. W-11, as amended; and we are
not indebted to the Work Place Health & Safety Compensation Commission for any outstanding, or current, assessments and we are not employers as defined under The Labour Standards Act, R.S.N., 1990, c. L-2, as amended, and The Health and Post Secondary Education Tax Act, R.S.N. 1990, c. H-1.

7. That we have not operated a proprietorship, are not and have not been partners in a partnership nor are we directors of an incorporated company;

8. That there are no leased chattels affixed to the property more particularly described in the within Indenture;

9. That we have not made an Assignment into Bankruptcy pursuant to The Bankruptcy and Insolvency Act, R.S.C. 1985, c. B-3, as amended;

10. That to the best of our knowledge, information and belief at this date there are no statutory liens of any kind whatsoever charging or encumbering our assets and specifically the property described in the within Indenture;

11. That to the best of our knowledge, information and belief, the property conveyed herein has not now, nor has it ever had an underground oil storage tank nor a release of any contaminants upon the subject property;

12. That we have not operated a commercial venture required to collect or remit a provincial tax or royalty; and,

13. That we acknowledge that it is a criminal offence to swear false information in an Affidavit;

SWORN TO at the City of St. John’s, in the Province of Newfoundland & Labrador, this 15th day of September, 2006.

STACEY PORTER
A Commissioner for Oaths
In and for the Province of Newfoundland and Labrador. My Commission expires on December 31, 2008.
WARRANTY AS TO USE OF REAL PROPERTY

IN THE MATTER of The Excise Tax Act

In consideration of the Purchasers (herein the "Purchasers") completing the purchase of our property at 77 QUIDI VIDI VILLAGE ROAD, ST. JOHN'S, in the Province of Newfoundland and Labrador (herein the "Property"), AND the Vendors (herein the "Vendors") hereby represent and warrant to the Purchasers, jointly and severally:

1. THAT the sale of the Property to the Purchasers is an Exempt Supply under s. 2, 3, 4, 5, 8 or 9 of Part I of Schedule V of the Excise Tax Act; and,

2. THAT the Vendors agree that this warranty shall survive the closing of the purchase and sale of the Property and notwithstanding such closing shall continue in full force and effect for the benefit of the Purchasers.

DATED AT the City of St. John's, in the Province of Newfoundland & Labrador, this 15th day of September, 2006.

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

[Signature]

STACEY PORTER
A Commissioner for Oaths
In and for the Province of Newfoundland and Labrador.
My Commission expires on December 31, 2008.
WARRANTY

TO: ______________________ and ______________________

In consideration of your completing the purchase from ______________________ and ______________________ of property at 77 QUIDI VIDI VILLAGE ROAD, ST. JOHN'S, in the Province of Newfoundland & Labrador for a price of $94,000.00 we, for ourselves, our heirs, executors, administrators and assigns HEREBY, JOINTLY AND SEVERALLY, REPRESENT AND WARRANT that the said property does not contain Urea Formaldehyde Foam Insulation and agree that this representation, and warranty shall survive the date of closing of the transaction and delivery of the Deed of Conveyance.

DATED AT the City of St. John's, in the Province of Newfoundland & Labrador, this 15th day of September, 2006.

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

[Signature]

STACEY PORTER
A Commissioner for Oaths
In and for the Province of Newfoundland and Labrador
My Commission expires on December 31, 2008.
SCHEDULE "A"

Civic # 77 Qudi Vidi Village Road.
Prepared for [redacted] and [redacted]

**ALL THAT** piece or parcel of land situate and being on the western side of Qudi Vidi Village Road, in the City of St. John's, in the Province of Newfoundland and Labrador, Canada, abutted and bounded as follows, that is to say:

**BEGINNING** at a point on the western side of Qudi Vidi Village Road, aforesaid, which said point having NAD-83 co-ordinates of North 5 271 482.42 metres and East 328 961.35 metres:

**THENENCE** running by land of [redacted] on a bearing of North 72 degrees 10 minutes 00 seconds West for a distance of 10.920 metres;

**THENENCE** turning and running by the same, on a bearing of South 86 degrees 39 minutes 00 seconds West for a distance of 1.840 metres;

**THENENCE** turning and running by the same, on a bearing of North 78 degrees 02 minutes 00 seconds West for a distance of 7.970 metres;

**THENENCE** turning and running by the same, on a bearing of South 15 degrees 44 minutes 00 seconds West for a distance of 0.760 metres;

**THENENCE** turning and running by land of [redacted] and [redacted] on a bearing of South 40 degrees 18 minutes 18 seconds West for a distance of 12.052 metres;

**THENENCE** turning and running partly by land of [redacted] and [redacted] and by land of [redacted] and [redacted] on a bearing of South 74 degrees 05 minutes 13 seconds East for a distance of 32.05 metres;

**THENENCE** turning and running along the western side of Qudi Vidi Village Road, aforesaid, on a bearing of North 14 degrees 46 minutes 33 seconds East for a distance of 13.410 metres, more or less, to the point of beginning.

**AND** being more particularly described and delineated on Plan # 20259 hereunto annexed, and containing an area of 374 square metres, more or less.

**ALL** bearings are referred to the meridian of 53 degrees West Longitude, Zone 1, of the modified Three Degree Transverse Mercator Projection, North American Datum NAD-83.

**NOTE:** A portion of the surveyed boundary for [redacted] and [redacted] passes through the rear portion of subject property.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
THIS INDENTURE made at St. John's, in the Province of Newfoundland, this 11th day of February Anno Domini One thousand nine hundred and ninety-one.

BETWEEN:

FORT AMHERST SEA FOODS LIMITED a body corporate duly incorporated under the laws of the Province of Newfoundland, (hereinafter called "the Vendor")

of the one part

AND:

THE FLAKE HOUSE LIMITED a body corporate duly incorporated under the laws of the Province of Newfoundland, (hereinafter called "the Purchaser")

of the other part

WITNESSETH that for and in consideration of the sum of Thirty thousand dollars ($30,000.00) paid by the Purchaser to the Vendor on or before the execution of these presents (the receipt whereof on the part of the Vendor is hereby acknowledged) the Vendor as beneficial owner hereby sells assigns and conveys unto the Purchaser ALL THOSE pieces or parcels of land situate and being at St. John's, in the Province of Newfoundland, and being more particularly described in Schedules 'A' and 'C' and outlined on Schedules 'B' and 'D' hereto annexed (which Schedules 'A', 'B', 'C', and 'D' form part and parcel of these presents) TOGETHER WITH all buildings and erections thereon TO HAVE AND TO HOLD the same unto the Purchaser absolutely and forever.

THE CORPORATE SEAL of the Vendor was hereunto affixed in accordance with its rules and regulations on the day and year first before written.

THE CORPORATE SEAL of theVendor was hereunto affixed in the presence of:
SCHEDULE "A"

ALL THAT piece or parcel of land situate and being at Quidi Vidi in the Electoral District of St. John's East abutted and bounded as follows, that is to say; beginning at a point in the northeasterly limit of the Public Road, the said point being distant seven hundred and thirteen decimal six eight zero metres as measured on a bearing of north twenty-five degrees twenty-five minutes forty-one seconds east from Control Monument No. 66021, thence running along the said northeasterly limit of the road south five degrees zero five minutes twenty-five seconds east twelve decimal seven four one metres and thence south twenty-six degrees twenty-seven minutes twenty-five seconds east twenty-five decimal nine zero eight metres and thence to a point being distant thirty-three decimal four nine seven metres, more or less, as measured on a bearing of south sixty-two degrees fifty-nine minutes thirty-eight second east from the last mentioned point; thence running by land claimed by the within named Grantee north forty-five degrees zero three minutes twenty-five seconds east sixteen decimal seven one eight metres, more or less; thence running along the southwesterly shoreline of Quidi Vidi Harbour north fourteen degrees seventeen minutes zero five seconds west thirty-six decimal five six three metres; thence running by Crown Land (infilled area) and by land leased by the Government of Newfoundland to the within named Grantee north eighty-five degrees zero eight minutes twenty-five seconds west forty-five decimal four nine two metres more or less, to the point of beginning; all bearings being referred to the meridian of fifty-three degrees west longitude of the Three Degree Transverse Mercator Projection.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
SCHEDULE "C"

ALL THAT piece or parcel of land situate and being on the North side of Barrows Road at Quidi Vidi Village in the City of St. John's, in the Province of Newfoundland, Canada, bounded and abutted as follows: that is to say: commencing at a point, the said point having T. M. Grid co-ordinates of N 5,271,219.64 M and E 328,970.13 M with reference to Monument No. 38028 with co-ordinates of N 5,269,922.37 M and E 328,650.27 M and Monument No. 660201 with co-ordinates of N 5,270,626.89 M and E 328,615.73 M; thence running by land of North forty-six degrees zero eight minutes twenty-three seconds East (N 46°08'23"E) a distance of twenty-four decimal two seven metres (24.27 M); thence turning and running by the waters of Quidi Vidi Harbour North eighty-five degrees twenty-nine minutes West (N 85°29'W) a distance of six decimal seven five metres (6.75 M); thence turning and running by said waters of Quidi Vidi Harbour and by land of Fort Amherst Sea Foods Limited South forty-three degrees thirty-eight minutes West (S 43°38'W) a distance of twenty-two decimal seven three metres (22.73 M); thence turning and running along the Northern Limits of Barrows Road South seventy-nine degrees forty-one minutes West (S 79°41'E) a distance of five metres (5.00 M) more or less, to the point of commencement and containing in all an area of 108.7 M² as more particularly described and delineated on the plan hereto annexed. All bearings are referred to Grid North.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
IN THE MATTER OF the Family Law Act for the Province of Newfoundland

AND IN THE MATTER OF the sale of property situate and being at St. John's, in the Province of Newfoundland.

FROM: FORT AMHERST SEA FOODS LIMITED

TO: THE FLAKE HOUSE LIMITED

AFFIDAVIT

I, Raymond Bursey, Sr., of St. John's, in the Province of Newfoundland, Canada, make oath and say as follows:

1. THAT I am the President, of Fort Amherst Sea Foods Limited, and as such have full knowledge of the facts herein deposed to.

2. THAT the word "spouse" as herein used shall mean spouse as defined by Section 2(1)(e) of the Family Law Act, S.N. 1988, c. 60 (hereinafter called the "Act").

3. THAT the property described in the within Indenture has not been occupied by me or any other director, officer, or shareholder of Fort Amherst Sea Foods Limited as a matrimonial home within the meaning of the Act.

4. THAT to the best of my knowledge, information, and belief, no other persons have a vested interest in the property being conveyed by way of the attached Indenture within the meaning of the Act.

5. THAT Fort Amherst Sea Foods Limited is and will continue to be, at least until completion of the within transaction, a resident of Canada within the meaning of Section 116 of The Income Tax Act (Canada).

SWORN TO at St. John's, in the Province of Newfoundland, this 13th day of February, A.D., 1991, before me:

RAYMOND BURSEY, Sr.

Registrar of Deeds (Nfld.)
DEED OF CONVEYANCE

BETWEEN: FORT AMHERST SEA FOODS LIMITED
AND: THE FLAKEHOUSE LIMITED

Dated

WILLIAMS, HARRIS, ROEBOTHAN & McKay
Barristers, Solicitors & Notaries
P.O. Box 5236
209 Duckworth Street
St. John's, Newfoundland
A1C 5W1
THIS INDENTURE made this 9th day of December, A.D. 2003.

BETWEEN: [Name of Vendor] of the City of St. John's, in the province of Newfoundland and Labrador, (hereinafter called the “Vendor”) of the one part

AND: [Name of Purchaser] of the City of St. John's, in the province of Newfoundland and Labrador, (hereinafter called the “Purchaser”) of the other part

WITNESSETH that for and in consideration of the sum of One Dollar ($1.00) paid by the Purchaser to the Vendor on or before the execution of these presents (the receipt whereof on the part of the Vendor is hereby acknowledged) and in further consideration of natural love and affection, the Vendor as beneficial owner hereby sells, assigns and conveys unto the Purchaser ALL THAT piece or parcel of land hereinafter more particularly described in the Schedule hereto annexed marked “A” and being situate at Quidi Vidi Road, in the City of St. John’s, in the province of Newfoundland and Labrador, (which said Schedule “A” forms part and parcel of these presents) AND ALSO ALL THAT piece or parcel of land hereinafter more particularly described in the Schedule hereto annexed marked “B” and being situate at Quidi Vidi Road, in the City of St. John’s, aforesaid TOGETHER WITH all buildings and erections thereon TO HOLD the same unto the Purchaser absolutely and forever.

IN WITNESS WHEREOF the Vendor has hereunto subscribed his hand and seal the day and year first before written.

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

Barnister (NL)
SCHEDULE “A”

79 QUIDI VIDI VILLAGE ROAD

ALL THAT piece or parcel of land situate and being on the western side of Quidi Vidi Village Road in the city of St. John’s in the Province of Newfoundland, Canada, being bounded and abutted as follows, that is to say:

COMMENCING at a point in the western limit of Quidi Vidi Village Road the said point having NAD. 83 Grid Coordinates of North 5 271 482.586 metres and East 328 961.040 metres;

THENCE running by land of [Redacted], civic no. 77, North seventy-two degrees ten minutes zero seconds West a distance of ten decimal nine two zero metres;

THENCE South eighty-six degrees thirty-nine minutes zero seconds West a distance of one decimal eight four zero metres;

THENCE North seventy-eight degrees two minutes zero seconds West a distance of seven decimal nine seven zero metres;

THENCE South fifteen degrees forty-four minutes zero seconds West a distance of zero decimal seven six zero metres;

THENCE North eighty-two degrees ten minutes zero seconds West a distance of six decimal two six nine metres;

THENCE running by land of [Redacted] North twenty-four degrees thirty-seven minutes zero seconds East a distance of twenty decimal six three four metres;

THENCE running by land of [Redacted], civic no. 83, South seventy-seven degrees twenty-five minutes fifty seconds East a distance of twenty-three decimal two nine three metres;

THENCE running along the aforesaid western limit of Quidi Vidi Village Road South fourteen degrees thirty-eight minutes ten seconds West a distance of nineteen decimal three two nine metres; more or less to the point of beginning and containing an area of 476 square metres and being more particularly described on plan no. 522B hereto annexed.

ALL BEARINGS being referred to the meridian of fifty-three degrees west longitude of the modified Transverse Mercator Projection.

[Signature]

[Stamp]
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
SCHEDULE "b"

ALL THAT piece or parcel of land situate and being on the eastern side of Quidi Vidi Village Road in the city of St. John's in the Province of Newfoundland, Canada, being bounded and abutted as follows, that is to say:

COMMENCING at a point in the easterly limit of Quidi Vidi Village Road the said point having NAD. 83 Grid Coordinates of North 5 271 503.600 metres and East 328 971.848 metres;

THENCE running by land of [redacted] civic no. 76, South eighty-nine degrees forty-three minutes zero seconds East a distance of nineteen decimal eight six metres;

THENCE running along the western limit of a Local Access Road South three degrees two minutes zero seconds West a distance of twenty decimal two six nine metres;

THENCE running by land now or formerly of [redacted] South eighty-seven degrees thirty-one minutes zero seconds West a distance of twenty-one decimal nine one five metres;

THENCE running along the aforesaid eastern limit of Quidi Vidi Village Road North eight degrees fourteen minutes eight seconds East a distance of twenty-one decimal five one zero metres; more or less to the point of beginning and containing an area of 433 square metres and being more particularly described on plan no. 522 hereto annexed.

ALL BEARINGS being referred to the meridian of fifty-three degrees west longitude of the modified Transverse Mercator Projection.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Mariette/Martin,

On May 10th, 1979, the Dept. of Public Works and Services (now TW) issued a lease to Fort Amherst Sea Foods Limited for a term of 25 years for land in Quidi Vidi Village, adjacent to their existing fish plant. I need to know what is the status of this lease and how your Dept. came to originally acquire the land ASAP.

One of the conditions of your lease indicates that it must only be used for fishing operations. I believe that it ended up being used for parking for the Flakehouse restaurant.

[Redacted] showed us a plan where the City of St. John's are claiming ownership of the property. Do you know anything about this?

Thanks,

Peter Howe
Director of Crown Lands (A)
Crown Lands Division
Department of Environment and Conservation
Howley Building, 87 Higgins Line
P.O. Box 8700, St. John's
NL, A1B 4J6

Tel: 709-729-3174
Fax: 709-729-4361
Email: phowe@gov.nl.ca
Website: www.gov.nl.ca/env/1/cla/
Fax

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

CROWN LANDS DIVISION
Howley Building, Higgins Line
St. John's, NL. A1B 4J6
Facsimile Phone No. (709) 729-6136

TO: 
FROM: 
DATE: Aug 7/06  No. of Pages (including cover sheet) 8

Comments: _______________________ 

Copy of requested deed at Q.J. V.d.
THIS INDENTURE made in duplicate this 10th day of May, one thousand nine hundred and seventy-nine

BETWEEN: THE HONOURABLE THE MINISTER OF PUBLIC WORKS AND SERVICES for and on behalf of Her Majesty in right of Newfoundland (hereinafter called the "Minister") of the one part;

AND: FORT AMHERST SEA FOODS LIMITED a body corporate carrying on business in Quidi Vidi Village in the District of St. John's East Extern (hereinafter called the "Lessee") of the other part

WITNESSETH that for and in consideration of the rents, covenants and agreements hereinafter reserved, mentioned and contained on the part of the Lessee to be paid, observed and performed, the Minister DOTH LEASE AND DEMISE unto the Lessee ALL THAT piece or parcel of land situate and being on the southeastern side of a public road running through Quidi Vidi Village, in the City of St. John's, in the Province of Newfoundland, Canada, more particularly described in Schedule "A" annexed hereto and delineated on the plan annexed and thereon coloured red; TO HAVE AND TO HOLD the said piece or parcel of land TOGETHER WITH all privileges and appurtenances thereto belonging or in any way appertaining thereto unto the Lessee for a term of twenty-five (25) years from the 10th day of May, 1979 SUBJECT TO the reservations, terms and conditions in these Presents contained YIELDING AND PAYING unto the Minister as the price and consideration of the said lease the sum of one dollar ($1.00) per annum;

There are EXCEPTED AND RESERVED out of this present lease to the Minister, all minerals, both metallic and non-metallic limestone, granite, slate, marble, gypsum, marl, clay, sand, gravel, all building stone, volcanic ash, coal, oil and related hydrocarbons,
natural gas, and salt in and under said piece or parcel of land
PROVIDED ALWAYS that this lease is subject to the following
terms and conditions:

(1) The said Lessee will during the said term pay unto the
said Minister the rent hereby reserved in the manner
hereinbefore mentioned without any deduction whatsoever
AND ALSO will during the said term well and sufficiently
repair, maintain, amend and keep the said demised premises
with the appurtenances in good and substantial repair and
all fixtures and things thereto belonging or which at any
time during the said term shall be erected and made by the
Lessee when, where and so often as need shall be reasonable,
wear and tear and damage by fire, lightning and tempest only
excepted.

(2) The said Lessee shall within six (6) months of the execution
of this lease erect at the expense of the Lessee and is hereby
required to erect on the said land along the boundary with
the public road a fence AND ALSO that such fence shall be
maintained in good condition during the said term of the
lease and shall not contravene The Building Near Highways
Regulations.

(3) The Lessee will at the expiration of the term or sooner
determination of the said term peaceably surrender and yield
up to the Minister the said premises hereby demised with the
buildings, erections and fixtures erected or made by the
Lessee thereon in good and substantial repair and condition,
reasonable wear and tear and damage by fire, lightning and
tempest only excepted.
(4) The Lessee will not, during the said term sell, assign or transfer said premises or any part thereof without the written consent of the said Minister first had and obtained.

The Lessee will use the demised premises only for the purpose of assisting the fishing operations connected with the use and enjoyment of the property of the Lessee which is located adjacent and immediately to the south of the property herein described but not for any other purpose whatsoever.

(6) The Lessee shall, during the term of this lease or any extension thereof, provide for the public at its Quidi Vidi property free access to Quidi Vidi Harbour via the boat launch situate on the south east side of the Lessee's property and more particularly delineated in green on the plan attached hereto and marked B.

(7) The Minister upon the expiration or sooner determination of the term shall have the option of

(a) retaining the fence required to be constructed by Condition (2) whereupon he becomes the absolute owner thereof; or

(b) requiring the Lessee within thirty (30) days of the termination of the lease to remove the said fence at the expense of the Lessee.

(8) Subject to Condition (7) the Lessee shall at or prior to the expiration of the term hereby granted take, remove and carry away from the premises hereby demised all fixtures, plant, machinery or other articles upon the said premises in the nature of trade or tenant's fixtures or other articles belonging to or brought upon the said premises by the said Lessee, but the said Lessee shall in such removal do no damage to the said premises or shall make good any damage which it may occasion thereto.
(9) Notwithstanding any other clause of this lease, it is hereby expressly agreed that either party may terminate this lease upon sixty (60) days notice, in writing, to the other party.

(10) The Lessee shall not do or permit to be done or suffer to be done anything in or upon the said premises or any part thereof which may be or may become a nuisance or annoyance or cause damage or inconvenience to any neighbour or neighbourhood.

IN WITNESS WHEREOF the Minister of Public Works and Services has hereunto subscribed his hand and the Seal of the Department of Public Works and Services has been hereunto affixed AND the Corporate Seal of the Lessee, Fort Amherst Sea Foods Limited, has been hereunto affixed and attested to by its duly authorized officers and in accordance with its rules and regulations on the day and year first above written.

SIGNED by the Honourable the Minister of Public Works and Services and the Seal of the Department of Public Works and Services was hereunto affixed in the presence of:

[Signature]
Witness
NOTARY PUBLIC

THE CORPORATE SEAL of the Lessee, Fort Amherst Sea Foods Limited, was hereunto affixed in the presence of:

[Signature]
President
SCHEDULE "A"

ALL THAT piece or parcel of land situate and being on the southeastern side of a Public Lane running through Quidi Vidi Village, in the City of St. John's, in the Province of Newfoundland, Canada and abutted and bounded as follows, that is to say:

COMMENCING at a point on the said southeastern side of the Public Lane said point being the northernmost corner of land of the Fort Amherst Sea Foods Limited and running

THENCE by the said Public Lane in a general easterly direction seventy feet (70') more or less to a point which is sixty eight feet (68') on a bearing of north sixty-three degrees seventeen minutes east (N 63° 17' E) from the said point of commencement

THENCE by land claimed by south thirty nine degrees fifty-four minutes east (S 39° 54' E) forty-three feet (43') more or less to the shore of Quidi Vidi Harbour

THENCE following the sinuosities of the said shore of Quidi Vidi Harbour southwesterly forty-nine feet (49') more or less to the said land of Fort Amherst Sea Foods Limited

THENCE by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
March 28, 2011

Government of Newfoundland and Labrador
Department of Municipal Affairs
Office of Fire Commissioner
P.O. Box 8700
St. John's, NL A1B 4J6

Attention: Martin Balodis, Director of Realty Services

Dear Sir:

Re: Slipway Lands – Maple View Place, Quidi Vidi Village

I refer to your letter dated January 28, 2011.

Although the land in question is not required for the City’s adjacent project, it would be beneficial to own it.

Whether the City would like to acquire it would be dependent on the cost of doing so. Could you advise in this regard?

On a side note, is it possible that you do not have the option of Abandoning the Expropriation, as the land was used for the purposes it was expropriated for, even though the expropriation has not been paid? My understanding of the Legislation is that it can only be abandoned if (1) no compensation has been paid; and (2) the land was found to be unnecessary for the purpose expropriated. Although it is now unnecessary it was necessary for many years. I thought I would give you something to ponder.

Yours truly,

Gareth Griffiths
Manager, Real Estate Services

GG/bp
THIS INDENTURE made at St. John's, in the Province of Newfoundland and Labrador, this 9 day of May, A.D., 2005.

BETWEEN: of St. John's, in the Province of Newfoundland and Labrador

(hereinafter called the "Vendor")

of the one part

AND:

CITY OF ST. JOHN'S, a body corporate pursuant to the City of St. John's Act, R.S.N. 1990, C.C-17, as amended

(hereinafter called the "Purchaser")

of the other part

WITNESSETH that for and in consideration of the sum of Three Hundred Thousand Dollars ($300,000.00) paid by the Purchaser to the Vendor on or before the execution of these presents (the receipt whereof on the part of the Vendor is hereby acknowledged) the Vendor as beneficial owners hereby sells, assigns, transfers and conveys unto the Purchaser ALL THAT piece or parcel of land hereinafter more particularly described in Schedule "A" annexed hereto, and being Civic 18 Barrow's Road, in the City of St. John's, in the Province of Newfoundland and Labrador (which said Schedule "A" forms part and parcel of these presents) TOGETHER WITH all buildings and erections thereon TO HOLD the same unto the Purchaser its successors and assigns absolutely and forever.

IN WITNESS WHEREOF the Vendor has hereunto subscribed her hand and seal the day and year first before written.

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

[Signature]

LEONIE TUCKER

[Signature]
TO WIT:

AFFIDAVIT

I, [Name], of the City of St. John's, in the Province of Newfoundland and Labrador, make oath and say as follows:

1. That I am the Vendor described in the within Deed of Conveyance and as such have full knowledge of the facts herein deposed to.

2. That I have attained the full age of majority.

3. That I am not a spouse as defined by Section 2(1)(e) of Family Law Act, R.S.N. 1990 at the time of execution of the within Deed of Conveyance.

4. That the property described in the within Conveyance was not occupied by myself as a matrimonial home within the meaning of Family Law Act, R.S.NL. 1990, c. F-2.

5. That I have not entered into a Cohabitation Agreement as provided under Section 63 of the Family Law Act, R.S.NL. 1990 adopting the provisions of the said Act or any part thereof affecting the property described in the within Conveyance and no person other than myself has any interest in the subject property.

6. That when I executed the attached instrument I was not and will continue not to be liable for any tax imposed under Section 35(1)(2) of the Retail Sales Tax Act, R.S.NL., 1990, c. R-15, as amended, at least until registration of this instrument.

7. That to the best of my personal knowledge at this date there are no statutory liens of any kind whatsoever charging or encumbering my assets and specifically the property herein more particularly described in the attached instrument.


9. That upon execution of the within Conveyance I have not and will continue not to operate a commercial venture required to collect or pay a Provincial tax or royalty at least until registration of the said Conveyance.

10. That there are no leased chattels attached to the property more particularly described herein.
11. That I have never operated a proprietorship, been a partner in a partnership nor been a director of an incorporated company as defined in the Workplace Health, Safety and Compensation Act, R.S.NL. 1990, C2-11;

12. That I am a resident of Canada within the intent and meaning of the Income Tax Act Canada, 1972, and amendments thereto.

13. That when I executed the attached Deed of Conveyance, I was not a HST registrant and I was not and will continue not to be liable for any tax imposed under The Excise Tax Act, as amended, at least until the timely registration of this Indenture.

14. That I have not made an assignment in Bankruptcy pursuant to the Bankruptcy and Insolvency Act, R.S.C. 1985, C.B.-3 amended.

15. That I acknowledge that it is an offence to give false information in an affidavit.

SWORN TO at St. John's, in the Province of Newfoundland and Labrador, this 31st day of May A.D., 2005, before me:

[Signature]

Barneys (NL)
U.F.E.I. WARRANTY

In consideration of the City of St. John's (hereinafter called the "Purchaser") completing the purchase of our property situate at 18 Barrow's Road, in the City of St. John's, in the Province of Newfoundland and Labrador, I, [Redacted] (hereinafter called the "Vendor") hereby warrants that the said property has never contained urea formaldehyde foam insulation AND FURTHER covenant and agree that this warranty shall survive the closing of the purchase and sale of the said property and notwithstanding such closing, shall continue in full force and effect for the benefit of the said Purchasers.

DATED at St. John's, in the Province of Newfoundland and Labrador, this 9th day of May, A.D., 2005.

Witness [Redacted].
SCHEDULE "A"

Prepared for: Estate of Late [Redacted]

ALL THAT piece or parcel of land situate and being on the northeastern side of a Public Road, at Quidi Vidi Village, in the City of St. John’s, in the Province of Newfoundland and Labrador, Canada, abutted and bounded as follows, that is to say:

BEGINNING at a point which, which said point having NAD-83 co-ordinates of North 5 271 506.806 metres and East 329 006.338 metres;

THENCE running by land of the Estate of [Redacted], on a bearing of North 24 degrees 49 minutes 05 seconds East for a distance of 4.003 metres;

THENCE turning and running by the same, on a bearing of North 14 degrees 53 minutes 19 seconds East for a distance of 7.374 metres;

THENCE turning and running by the same, on a bearing of North 07 degrees 30 minutes 00 seconds East for a distance of 8.110 metres;

THENCE turning and running by the same, on a bearing of North 03 degrees 35 minutes 00 seconds West for a distance of 4.11 metres;

THENCE turning and running by the same, on a bearing of North 54 degrees 50 minutes 00 seconds East for a distance of 4.31 metres;

THENCE turning and running along the southern side of Quidi Vidi River, on a bearing of South 52 degrees 22 minutes 16 seconds East for a distance of 43.134 metres;

THENCE turning and running by the said southern side of Quidi Vidi River and by the Waters of Quidi Vidi Harbour, on a bearing of South 58 degrees 46 minutes 06 seconds East for a distance of 25.609 metres;

THENCE turning and running by the Waters of Quidi Vidi Harbour, aforesaid, on a bearing of South 39 degrees 22 minutes 54 seconds West for a distance of 20.721 metres;

THENCE turning and running by the same, on a bearing of South 56 degrees 58 minutes 58 seconds West for a distance of 11.143 metres;

THENCE turning and running by the same, on a bearing of North 65 degrees 09 minutes 40 seconds West for a distance of 15.25 metres;

THENCE turning and running by the same, and by land of Government of Newfoundland and Labrador, on a bearing of North 68 degrees 15 minutes 57 seconds West for a distance of 24.601 metres;

THENCE turning and running by the northeastern side of a Public Road, aforesaid, on a bearing of North 35 degrees 00 minutes 25 seconds West for a distance of 8.835 metres, more or less, to the point of beginning.

AND being more particularly described and delineated on Plan # 20287-1, hereunto annexed, and containing an area of 2042 square metres, more or less.

ALL bearings are referred to the meridian of 53 degrees West Longitude, Zone 1, of the modified Three Degree Transverse Mercator Projection. North American Datum NAD-83.

BROWN & WAY SURVEYS
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 St. John's, in the Province of Newfoundland, this 14th day of November, Anno Domini One Thousand Nine Hundred and Eighty Eight.

BETWEEN: Administrator of the estate and effects of late of St. John's in the Province of Newfoundland, Mason-Tradesman, deceased (hereinafter called the "Vendor") of the one part

AND: of Quidi Vidi Village, of the City of St. John's, in the Province of Newfoundland, Mason-Tradesman, in his own right (hereinafter called the "Purchaser") of the second part

WHEREAS formerly of Quidi Vidi Village, in the City of St. John's, Province of Newfoundland died intestate on or about the 29th day of December, A.D., 1987 leaving surviving him the parties hereto;

AND WHEREAS Letters of Administration of all and singular the estate and effects of the aforesaid were granted by the Supreme Court of Newfoundland to of St. John's, aforesaid, mason-tradesman, one of the parties hereto;

AND WHEREAS the Vendor is desirous of conveying and releasing to the Purchaser herein all his right, title, interest, claim and demand whatsoever both at law and equity in the property, both real and personal, hereinafter below described.

NOW THEREFORE THIS INDENTURE WITNESSETH that the Vendor in consideration of the sum of One Dollar ($1.00) of lawful money of Canada to him in hand paid by the Purchaser to the Vendor at or before the sealing or delivery of these presents (the receipt whereof is hereby acknowledged) grants, releases and quit claims to the Purchaser herein all his estate, right, title, interest,
claim and demand whatsoever both at law and equity or otherwise howsoever and whether in possession of expectancy the Vendor of, in, to or out of the following: Re: Lands and Premises:

ALL THOSE pieces or parcels of land situate on the Main Road in Quidi Vidi Village, which was conveyed by Robert Gulliver as Vendor unto and as Purchasers by Indenture dated the 14th day of July, A.D., 1936 and registered on the 14th day of May, A.D., 1937 in Volume 140 of the Registry of Deeds for the Province of Newfoundland at Folios 347-348, and which is hereinafter more particularly described in Schedule "A" annexed hereto, which schedule forms part and parcel of these presents TOGETHER WITH all buildings and erections thereon and appurtenances thereto belonging TO HOLD the aforesaid land and premises with all the buildings, erections and appurtenances thereto absolutely and forever, EXCEPTING THEREFROM ALL THAT piece or parcel of land situate on the aforesaid Main Road, Quidi Vidi Village, (including all that piece or parcel of land described in Schedule "B" hereto which Schedule "B" forms part and parcel of these presents) TOGETHER WITH all buildings and erections thereon and appurtenances thereto which property was owned and occupied by and the late as their family residence thereby constituting their matrimonial home as that term is defined in The Matrimonial Property Act.

IN WITNESS WHEREOF the Vendor hereto has hereunto his hand and seal subject and set the day and year first before written.

SIGNED, SEALED AND DELIVERED)
by the Vendor
- in the presence of -

Anne Sullivan

A Commissioner for Oaths in and for the Province of Newfoundland. My commission expires December 31, 1936.

S. 40(1)

Administrator of the estate and effects of
The indenture made at St. John's this 14th day of July Anno Domini Nineteen Hundred and Thirty Six Between [redacted] (hereinafter called the Vendor) of the one part and [redacted] (hereinafter called the Purchaser) of the other part Witnesseth that in consideration of the sum of one dollar the Vendor brethren grant and convey unto the Purchaser all that piece or parcel of land situate at Quidi Vidi and bounded on the north and east by [redacted] and on the south and west by land of [redacted] and also bounded on the north and west by land of the Vendor and south and east by public road.

The Purchaser also agree to permit the
Vendor -

live in one room of the
building to be built on
the said land while he lives.
This land to be held
by the purchaser forever.

It is mutually
agreed that the Contract
of Sale shall extend to and
be obligatory upon the
heirs, executors, administrators
and assigns of the respective
parties.

In witness whereof the said
parties to these presents have
hereunto set their hands and seals
subscribed and set the day and
and year first before written.

Signed, sealed and delivered
in the presence of

s. 40(1)
s. 40(1)

s. 40(1)

s. 40(1)
I hereby certify that the within deed was deposited for registration this 14th day of
A.D., 19__ at 11 o'clock A.M., and was duly registered in
Volume 140 of the Registry of Deeds for
Newfoundland and its Dependencies, Folio 348.

Register of Deeds
Newfoundland,
St. John's, as:

I, (name), of St. John's,

make oath and say that I was personally present

and did see the Purchasers named in the foregoing

Deed of Conveyance duly execute the same and that

I am the subscribing witnesses to such execution.

SWORN at St. John's, this

14th day of May, A.D.

1937, before me:-

[Signatures]
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
SCHEDULE "B"

THIS INDENTURE made at St. John's, Newfoundland the 2nd day of September, A.D. 1959 BETWEEN

[Blank]

Administratrix of the Estate of [Blank], late of Quidi Vidi Village, in the suburbs of St. John's aforesaid, Farmer, deceased, (hereinafter called the Vendor) of the one part and

[Blank] of Quidi Vidi Village aforesaid, Labourer, (hereinafter called the Purchaser) of the other part

WITNESSETH that for and in consideration of the sum of two hundred ($200.00) dollars paid by the Purchaser to the Vendor (the receipt whereof is hereby acknowledged) the Vendor as personal representative of aforesaid hereby conveys and grants unto the Purchaser ALL THAT piece or parcel of land situate at Quidi Vidi Village aforesaid bounded and abutted as follows, that is to say: on the West by the main road by which it measures fifty feet six inches; on the East by the flake road by which it measures thirty four feet; on the South by land of [Blank] by which it measures seventy feet and on the North by land of [Blank] and [Blank] by which it measures fifty nine feet TO HOLD the same unto the Purchaser absolutely forever.

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

SIGNED SEALLED AND DELIVERED - in the presence of -

[Blank]

Administratrix of the Estate of [Blank] deceased

[Blank]

S. 40(1)

Recorded 5th day of January A.D. 1960 at 11:00 a.m.
Vol. 473 Fol. 108.01
Registrar of Deeds
NEWFOUNDLAND,
ST. JOHN'S, TO WIT:

I, the undersigned, Secretary, make oath and say that I was personally present and did see Administratrix of the Estate of William Mallard deceased, the Vendor named in the foregoing Conveyance, duly execute the same and that I am a subscribing witness thereto.

SIGNED at St. John's aforesaid the 22nd day of September A.D., 1959 before me:

[Signature]

Notary Public

[Stamp]
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
Dated 19

BETWEEN ____________________________, Administrator
of the Estate of ____________________________

AND ____________________________

DEED

PROPERTY

CONSID:

ROLL _______________ Frame _______________

SLN

O'DEA, STRONG, EARLE
BARRISTERS, SOLICITORS & NOTARIES
310 RUCKWORTH STREET
ST. JOHN'S, NEWFOUNDLAND
THIS DEED OF CONVEYANCE made at the City of St. John's, in the Province of Newfoundland and Labrador, this 17th day of April, 2003.

BETWEEN: \[\text{Blank}\] of the City of St. John's, in the Province of Newfoundland and Labrador, and \[\text{Blank}\] of the same place, spouse of the said \[\text{Blank}\] \(\) (hereinafter called "the Vendors") \(\) of the one part

AND: \[\text{Blank}\] of the City of St. John's, in the Province of Newfoundland and Labrador, and \[\text{Blank}\] of the same place, as Joint Tenants \(\) (hereinafter called "the Purchasers") \(\) of the other part

WHEREAS the Vendors have agreed to sell and the Purchasers have agreed to purchase the hereinafter described piece or parcel of land for the consideration hereinafter appearing:

THIS INDENTURE WITNESSETH that for and in consideration of the sum of Thirty Eight Thousand Five Hundred Dollars ($38,500.00) of lawful money of Canada in hand well and truly paid by the Purchasers to the Vendors on or before the execution of these presents (the receipt whereof is hereby acknowledged), the Vendors as beneficial owners hereby assign, transfer, sell and convey unto the Purchasers ALL THAT piece or parcel of land being more particularly described in Schedule "A" annexed hereto and delineated in red on the plan annexed thereto and marked Schedule "B" (which Schedule "A" and "B" form part and parcel of these presents) TOGETHER WITH all buildings and erections thereon TO HAVE AND TO HOLD the same unto the Purchasers as Joint Tenants, absolutely and forever.
IN WITNESS WHEREOF the Vendors hereto have caused these presents to be executed on the day and year first before written.

SIGNED, SEALED AND DELIVERED by the Vendors, [Name] and [Name] in the presence of:

[Signature]
A Barrister (NL)
SCHEDULE “A”

ALL THAT piece or parcel of land situate and being on the western side of Quidi Vidi Village Road in the city of St. John's in the Province of Newfoundland, Canada, being bounded and abutted as follows, that is to say:

COMMENCING at a point in the western limit of Quidi Vidi Village Road the said point having NAD 83 grid coordinates of North 5 271 547.496 metres and East 328 960.602 metres;

THENCE by land of [redacted] South forty-six degrees forty minutes zero seconds West a distance of forty-four decimal four four eight metres;

THENCE running by land of the City of St. John's North four degrees thirteen minutes zero seconds East a distance of thirty decimal four eight zero metres;

THENCE running by land of [redacted] and [redacted] civic no. 95, North fifty-nine degrees twenty-seven minutes two seconds East a distance of thirty-one decimal zero four four metres;

THENCE South eighty-four degrees zero minutes zero seconds East a distance of four decimal five zero zero metres;

THENCE running along the aforesaid western limit of Quidi Vidi Village Road South four degrees thirteen minutes zero seconds West a distance of fifteen decimal two four five metres; more or less to the point of beginning and containing an area of 728 square metres and being more particularly described on plan no. 504 hereto annexed.

SUBJECT TO a powerline easement, 5.4 metres wide, extending along the eastern boundary as shown on the said attached plan.

ALL bearings being referred to the meridian of fifty-three degrees west longitude of the modified Transverse Mercator Projection.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
J. 4-74. Ordered that, under authority of Section 3(e) of The Expropriation Act, the Honourable the Minister of Public Works and Services be and he is hereby authorized to expropriate an area of land situate at Quidi Vidi Harbour, St. John's, as more particularly described in the annexures to the relevant Submission and that, following such expropriation, Fort Amherst Sea Foods Limited be given non-exclusive easement rights of access and egress over the said land for the purpose of servicing its fishing operations in the area; all costs involved in expropriation to be paid by the said company.

J. H. Channing
Clerk of the Executive Council
MEMORANDUM TO EXECUTIVE COUNCIL

Mr. Ray Bursey of Fort Amherst Sea Foods Ltd. saw me some time ago and requested that he be given permission to occupy what appears to be Crown lands immediately to the east of his property located at Quidi Vidi Harbour, St. John's. It appears that he is unsure of his rights since a family by the name of [redacted] claim, to him, that they own it and that they are going to fence it in. Mr. Bursey requires access to the area for the planned expansion of his fish plant. At my request, one of my Senior Counsel investigated the matter and concluded that there is no evidence that the Crown ever granted the land either by way of grant, lease, license or permit. Furthermore, I am advised by my counsel that it appears that this is the only open area in the immediate area leading to the water that is available to the general public and, in fact, there were two boats hauled on shore at the time he was there.

In order to prevent anyone from unduly attempting to restrict the use of this small area of land I recommend that the small area of land be expropriated by the Minister of Public Works pursuant to Section 3(o)
of the Expropriation Act and that subsequent thereto Fort Amherst Sea Foods Ltd. be given non-exclusive easement rights of access and access over the lands for purposes of servicing his fishing operations. I am advised that if there are any costs or claims to be met resulting from the expropriation that they will be borne by Fort Amherst Sea Foods Ltd. A description of the area of land is attached hereto together with a copy of the plan.

I recommend to my colleagues that the above be adopted.

T. Alex Hickman Q.C.,
MINISTER OF JUSTICE
January 7, 1970

Fort Amherst Sea Foods Limited

Description of a parcel of land adjacent to the northern boundary of land of Fort Amherst Sea Foods Limited, Quidi Vidi, St. John's

ALL THAT piece or parcel of land situate and being on the southeastern side of a Public Lane running through Quidi Vidi Village, in the City of St. John's, in the Province of Newfoundland, Canada and abutted and bounded as follows, that is to say:

COMMENCING at a point on the said southeastern side of the Public Lane said point being the northernmost corner of land of the Fort Amherst Sea Foods Limited and running

THENCE by the said Public Lane in a general easterly direction seventy feet (70') more or less to a point which is sixty eight feet (68') on a bearing of north sixty-three degrees seventeen minutes east (N 63° 17' E) from the said point of commencement

THENCE by land claimed by north thirty nine degrees fifty-four minutes east (S 39° 54' E) forty-three feet (43') more or less to the shore of Quidi Vidi Harbour

THENCE following the sinuosities of the said shore of Quidi Vidi Harbour southwesterly forty-nine feet (49') more or
less to the said land of Fort Amherst Sea Foods Limited

THENCE by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
NAVIGABLE WATERS PROTECTION ACT
(PART I)

DECLARATION

Rock Fill

Quidi Vidi Harbour

St. John's East Constituency

Province of Newfoundland.

Upon consideration of the report of the Chief Engineer of the Department of Public Works, I am of the opinion that the above described work, shown on the attached plan, if constructed on the site indicated on, and in accordance with, the said plan will not

(a) interfere substantially with navigation
(b) exceed a value of $5,000.00.

Minister of Public Works

[Signature]

by ... Deputy Minister of Public Works.
Dear Sir:

In connection with the above mentioned matter we wish to advise that our client has authorized us to advise you that he undertakes to pay any and all costs, claims and disbursements incurred by the Government in connection with the expropriation of property at Quidi Vidi Village which property he will then be given a Crown Grant or an Easement to use the same.

Yours faithfully,

CURTIS, DAWE, FAGAN, MAHONEY, RUSSELL, BONNELL & WINSOR

PER: DAVID L. RUSSELL

May 21, 1974
Fax

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

CROWN LANDS DIVISION
Howley Building, Higgins Line
St. John's, NL A1B 4J6
Facsimile Phone No. (709) 729-6136

TO: M. Byrne
FROM: P. Dick
DATE: Aug 9/06 No. of Pges (including cover sheet) 5

Comments: ____________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________

______________________________________________________________________________
PROVINCE OF NEWFOUNDLAND

GRANT

Section 134B (4) of The Crown Lands Act, Chapter 71 of The Revised Statutes of Newfoundland, 1970 as amended

Under the provisions of subsection (4) of Section 134B of The Crown Lands Act, Chapter 71 of The Revised Statutes of Newfoundland, 1970 as amended, Her Majesty the Queen in right of Newfoundland represented herein by the Honourable the Minister of Forest Resources and Lands for the Province of Newfoundland (hereinafter called the “Crown”) doth hereby GIVE AND GRANT unto

Fort Amherst Sea Foods Limited of St. John’s

in the Province of Newfoundland (hereinafter called the “Grantee”) their successors, assigns and assigns ALL THAT piece or parcel or land situate and being abutted and bounded as follows, that is to say: beginning at a point in the northeasterly limit of the Public Road, the said point being distant seven hundred and thirteen decimal six eight zero metres as measured on a bearing of north twenty-five degrees twenty-five minutes forty-one seconds east from Control Monument No. c6021, thence running along the said northeasterly limit of the road south five degrees zero five minutes twenty-five seconds east twelve decimal seven four one metres and thence south twenty-six degrees twenty-seven minutes twenty-five seconds east twenty-five decimal nine zero eight metres and thence to a point being distant thirty-three decimal four nine seven metres, more or less, as measured on a bearing of south sixty-two degrees fifty-nine minutes thirty-eight seconds east from the last mentioned point; thence running by land claimed by the within named Grantee north forty-five degrees zero three minutes twenty-five seconds east sixteen decimal seven one eight metres, more or less; thence running along the southeasterly shoreline of Quidi Vidi harbour north fourteen degrees seventeen minutes zero five seconds west thirty-six decimal five six three metres; thence running by Crown land (infilled area) and by land leased by the Government of Newfoundland to the within named Grantee north eighty-five degrees zero eight minutes twenty-five seconds west forty-five decimal four nine two metres, more or less, to the point of beginning; all bearings being referred to the meridian of fifty-three degrees west longitude of the Three Degree Transverse Mercator Projection,
and being of the dimensions specified in the diagram hereinafter delineated, and containing

1,881.4 sq. metres

with the appurtenances, except and reserved nevertheless out of this present Grant to the Crown all minerals, limestone, granite, slate, marble, gypsum, marl, clay, sand, gravel, building stone, volcanic ash, peat, coal, natural gas, oil and salt in and under the said piece or parcel of land TO HAVE AND TO HOLD (except as before excepted) unto the said Grantee the heirs, executors, administrators and assigns forever;

YIELDING AND PAYING unto the Crown as the price and consideration of the said land the sum of fifty dollars ($50.00) at the time of signing and delivery thereof.

PROVIDED that this present Grant is upon the condition that the said land shall be holden upon, under and subject to all provisions of and regulations under The Crown Lands Act, Chapter 71 of The Revised Statutes of Newfoundland, 1970, as amended, and to such regulations as are now in force or which may at any time hereafter be made by law for making roads, sewers, drains, canals, bridges or other public works or improvements within the Province of Newfoundland or any part thereof, and for subjecting any land therein situate, or the owners and occupiers of such land, to rates and assessments or other duties and services for the purposes aforesaid or for any of them AND that the said Grantee, the heirs, executors, administrators, and assigns shall at all times peaceably quit and deliver up possession to the Crown of all such parts of land aforesaid as may be required for the purposes aforesaid or any of them upon receiving such compensation (if any) as by any law now in force or hereafter to be made in that respect may be provided;

AND it is further provided that in case the Grantee or the heirs, executors, administrator, or assigns shall make default in the performance of any of the provisions or conditions herein contained then this Grant shall be null and void and the land hereby granted shall revert to the Crown.

In WITNESS WHEREOF the Minister of Forest Resources and Lands for the Province of Newfoundland has hereunto subscribed his hand and the Seal of the Department of Forest Resources and Lands has been hereunto affixed on the 14th day of December A.D. 1980

SIGNED by the Minister of Forest Resources and Lands and the Seal of the Department of Forest Resources and Lands hereunto affixed in the presence of:

[Signature]
Witness
Minister of Forest Resources and Lands

SIGNED, SEALED AND DELIVERED by the Grantee on the 8th day of December 1983, in the presence of:

[Signature]
Witness

Registered Volume ...172... Folio ...18...
RELEASE AND INDEMNITY

In consideration of the issuance by the Minister of Forest
Resources and Lands of a Crown Grant to me in respect of 1,881.4 sq. metres
of land at Quidi Vidi
pursuant to Section 134B(4) of The Crown Lands Act, R.S.N., 1970,
Chapter 71, as amended, I hereby release and discharge the Minister
from all or any claims or demands which I may have against the Minister
in respect of such land and I hereby covenant with the Minister that I,
my heirs, executors, administrators and assigns will at all times hereafter
well and sufficiently free and relieve and indemnify and save
harmless the Minister from and against all liability in respect of
claims or demands by any other person claiming any right, title or
interest in, or to, or in connection with, the said land or any part
thereof and from and against all actions, suits, causes of actions,
proceedings, claims, demands, losses, costs, charges and expenses
whatsoever which may be taken or made against the Minister or incurred
or become payable by the Minister in respect thereof.

Dated at St. John's this 13th day of December
A.D. 1993

Witness

[Signature]

[Stamp]
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
To: Peter Howe  From: Mariette Byrne
Fax: 729-4361  Pages: 6
Phone: 729-3174  Date: 06/08/04
Re: Fort Amherst  CC: Sea Foods Limited

Comments:

As per your request, could you please fax me a copy of the pertinent deed. Thanks.

Mariette
TRANSMISSION OK

TX/RX NO 0509
CONNECTION TEL 97294361
SUBADDRESS
CONNECTION ID
ST. TIME 08/04 14:18
USAGE T 02'54
PGS. SENT 6
RESULT OK

Transportation & Works
Realty Services Division
5th Floor, West Block, Confederation Building
P.O. Box 8700, St. John's, NL, A1B 4J6
Tel. 709-729-3830 Fax 709-729-0564

Fax

To: PETER HOWE From: MARIETTE BYRNE
Fax: 729-4361 Pages: 6
Phone: 729-3174 Date: 06/08/04
Re: FORT AMHERST CC:
SEA FOODS LIMITED

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

AS PER YOUR REQUEST. COULD YOU PLEASE FAX ME A COPY OF THE PERTINENT DEED. THANKS.

Mariette
PROVINCE OF NEWFOUNDLAND

GRANT

Section 134B (4) of The Crown Lands Act, Chapter 71 of The Revised Statutes of Newfoundland, 1970 as amended.

Under the provisions of subsection (4) of Section 134B of The Crown Lands Act, Chapter 71 of The Revised Statutes of Newfoundland, 1970 as amended, Her Majesty the Queen in right of Newfoundland represented herein by the Honourable the Minister of Forest Resources and Lands for the Province of Newfoundland (hereinafter called the "Crown") doth hereby GIVE AND GRANT unto

Fort Amherst Sea Foods Limited of St. John's

in the Province of Newfoundland (hereinafter called the "Grantee") or her heirs, executors, administrators and assigns ALL THAT piece or parcel of land situate and being

in the Electoral District of St. John's East

abutted and bounded as follows, that is to say: Beginning at a point in the northeasterly limit of the Public road, the said point being distant seven hundred and thirteen decimal six eight zero metres as measured on a bearing of north twenty-five degrees twenty-five minutes forty-one seconds east from Control Monument No. 00021, thence running along the said northeasterly limit of the road south five degrees zero five minutes twenty-five seconds east twelve decimal seven four one metres and thence south twenty-six degrees twenty-five seconds east twenty-five decimal nine zero eight metres and thence to a point being distant thirty-three decimal four nine seven metres, more or less, as measured on a bearing of south sixty-two degrees fifty-nine minutes thirty-eight seconds east from the last mentioned point; thence running by land claimed by the within named Grantee north forty-five degrees zero three minutes twenty-five seconds east sixteen decimal seven one eight metres, more or less; thence running along the southwesterly shoreline of Quidi Vidi Harbour north fourteen degrees seventeen minutes zero five seconds west thirty-six decimal five six three metres; thence running by Crown land (infilled area) and by land leased by the Government of Newfoundland to the within named Grantee north eighty-five degrees zero eight minutes twenty-five seconds west forty-five decimal four nine two metres, more or less, to the point of beginning; all bearings being referred to the meridian of fifty-three degrees west longitude of the Three Degree Transverse Mercator Projection.
and being of the dimensions specified in the diagram hereinafter delineated, and containing

1,881.4 sq. metres

with the appurtenances, except and reserved nevertheless out of this present Grant to the Crown all minerals, limestone, granite, slate, marble, gypsum, marl, clay, sand, gravel, building stone, volcanic ash, peat, coal, natural gas, oil and salt in and under the said piece or parcel of land TO HAVE AND TO HOLD (except as before excepted) unto the said Grantee the heirs, executors, administrators and assigns forever;

YIELDING AND PAYING unto the Crown as the price and consideration of the said land the sum of fifty dollars ($50.00) at the time of signing and delivery thereof.

PROVIDED that this present Grant is upon the condition that the said land shall be holden upon, under and subject to all provisions of and regulations under The Crown Lands Act, Chapter 71 of The Revised Statutes of Newfoundland, 1970, as amended, and to such regulations as are now in force or which may at any time hereafter be made by law for making roads, sewers, drains, canals, bridges or other public works or improvements within the Province of Newfoundland or any part thereof, and for subjecting any land therein situate, or the owners and occupiers of such land, to rates and assessments or other duties and services for the purposes aforesaid or for any of them AND that the said Grantee, the heirs, executors, administrators, and assigns shall at all times peaceably quit and deliver up possession to the Crown of all such parts of land aforesaid as may be required for the purposes aforesaid or any of them upon receiving such compensation (if any) as by any law now in force or hereafter to be made in that respect may be provided;

AND it is further provided that in case the Grantee or the heirs, executors, administrator, or assigns shall make default in the performance of any of the provisions or conditions herein contained then this Grant shall be null and void and the land hereby granted shall revert to the Crown.

In WITNESS WHEREOF the Minister of Forest Resources and Lands for the Province of Newfoundland has hereunto subscribed his hand and the Seal of the Department of Forest Resources and Lands has been hereunto affixed on the 14th day of December A.D. 1983

SIGNED
by the Minister of Forest Resources and Lands and the Seal of the Department of Forest Resources and Lands hereunto affixed in the presence of:

[signature]

Witness

[signature]

Minister of Forest Resources and Lands

SIGNED, SEALED AND DELIVERED by the Grantee on the 8th day of December 1983, in the presence of:

[signature]

Witness

[signature]

Grantee

Registered Volume 172 Folio 18
RELEASE AND INDEMNITY

In consideration of the issuance by the Minister of Forest Resources and Lands of a Crown Grant to me in respect of 1,881.4 sq. metres
hectares of land at Quidi Vidi
pursuant to Section 134B(4) of The Crown Lands Act, R.S.N., 1970,
Chapter 71, as amended, I hereby release and discharge the Minister
from all or any claims or demands which I may have against the Minister
in respect of such land and I hereby covenant with the Minister that I,
my heirs, executors, administrators and assigns will at all times here-
after well and sufficiently free and relieve and indemnify and save
harmless the Minister from and against all liability in respect of
claims or demands by any other person claiming any right, title or
interest in, or to, or in connection with, the said land or any part
thereof and from and against all actions, suits, causes of actions,
proceedings, claims, demands, losses, costs, charges and expenses
whatever which may be taken or made against the Minister or incurred
or become payable by the Minister in respect thereof.

Dated at ST. JOHN'S this 8th day of DECEMBER
A.D. 1993

Witness

Elen Roseboth

Deceased

[Redacted]
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
No. 29318...

GRANT

to
Fort Amherst Sea Foods
Limited

of
St. John's

Situated at
Quidi Vidi

Dated Dec. 12, 1983
Registered Volume 172 Folio 22
Plan No.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
May 9, 1980

The Department of Public Works
and Services
Government of Newfoundland and
Labrador
Confederation Building
St. John's, Newfoundland
A1C 5T7

ATTENTION:  MR. K. G. BROCKLEHURST.
                   Director of Expropriations.

RE:  Our client - 
     Property - Quidi Vidi Village

Dear Sir:

This is further to our telephone conversation of May 6, 1980, regarding our above noted client and his property at Quidi Vidi Village. We referred in particular to an Indenture dated May 10, 1979, between your Minister and Fort Amherst Seafoods Limited, whereby Fort Amherst Seafoods Limited covenanted in paragraph 6 that it would provide for the public free access to the harbour via a boat launch situated on the southeast side of the said company's property.

We have every reason to believe that the said boat launch is not a public right-of-way and further, our client owns at least half of the
said boat launch as is evidenced by a copy of a survey diagram enclosed herewith. The portion of land delineated in the survey diagram is property purchased by our client in 1979 from [blank]. We will keep you informed of any further developments in this matter as between our client and Mr. Bursey of Fort Amherst Sea Foods Limited.

Yours truly,

CURTIS, DAWE, RUSSELL, BONNELL, WINSOR & STOKES.

[Signature]

Christine A./Fagan

CAP/jat

Encl.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
NAVIGABLE WATERS PROTECTION ACT
(PART I)

DECLARATION

Rock Fill
Quidi Vidi Harbour
St. John's East Constituency
Province of Newfoundland,

Upon consideration of the report of the Chief Engineer of the Department of Public Works, I am of the opinion that the above described work, shown on the attached plan, if constructed on the site indicated on, and in accordance with, the said plan will not

(a) interfere substantially with navigation
(b) exceed a value of $5,000.00.

Minister of Public Works

[Signature]

by Deputy Minister of Public Works.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
MEMORANDUM TO EXECUTIVE COUNCIL

Mr. Ray Bursey of Port Amherst Sea Foods Ltd. saw me some time ago and requested that he be given permission to occupy what appears to be Crown lands immediately to the east of his property located at Quidi Vidi Harbour, St. John's. It appears that he is unsure of his rights since a family by the name of [Redacted] claim, to him, that they own it and that they are going to fence it in. Mr. Bursey requires access to the area for the planned expansion of his fish plant. At my request, one of my Senior Counsel investigated the matter and concluded that there is no evidence that the Crown ever granted the land either by way of grant, lease, license or permit. Furthermore, I am advised by my counsel that it appears that this is the only open area in the immediate area leading to the water that is available to the general public and, in fact, there were two boats hauled on shore at the time he was there.

In order to prevent anyone from unduly attempting to restrict the use of this small area of land I recommend that the small area of land be expropriated by the Minister of Public Works pursuant to Section 3(o).
of the Expropriation Act and that subsequent thereto Fort Amherst Sea Foods Ltd. be given non-exclusive easement rights of access and access over the lands for purposes of servicing his fishing operations. I am advised that if there are any costs or claims to be met resulting from the expropriation that they will be borne by Fort Amherst Sea Foods Ltd. A description of the area of land is attached hereto together with a copy of the plan.

I recommend to my colleagues that the above be adopted.

T. Alex Hickman Q.C.,
MINISTER OF JUSTICE.
January 7, 1970

Fort Amherst Sea Foods Limited

Description of a parcel of land adjacent to the northern boundary of land of Fort Amherst Sea Foods Limited, Quidi Vidi, St. John's

ALL THAT piece or parcel of land situate and being on the southeastern side of a Public Lane running through Quidi Vidi Village, in the City of St. John's, in the Province of Newfoundland, Canada and abutted and bounded as follows, that is to say:

COMMENCING at a point on the said southeastern side of the Public Lane said point being the northermost corner of land of the Fort Amherst Sea Foods Limited and running

THENCE by the said Public Lane in a general easterly direction seventy feet (70') more or less to a point which is sixty eight feet (68') on a bearing of north sixty-three degrees seventeen minutes east (N 63° 17' E) from the said point of commencement

THENCE by land claimed by soth thirty nine degrees fifty-four minutes east (S 39° 54' E) forty-three feet (43') more or less to the shore of Quidi Vidi Harbour

THENCE following the sinuosities of the said shore of Quidi Vidi Harbour southwesterly forty-nine feet (49') more or
less to the said land of Fort Amherst Sea Foods Limited

**THENCE** by the same north fifty-six degrees twenty-one minutes west (N 56° 21' W) sixty-two feet and two-tenths of a foot (62.2') more or less to the point of commencement and shown outlined in red on the attached plan.
May 21, 1974

Dear Sir:

In connection with the above mentioned matter we wish to advise that our client has authorized us to advise you that he undertakes to pay any and all costs, claims and disbursements incurred by the Government in connection with the expropriation of property at Quidi Vidi Village which property he will then be given a Crown Grant or an Easement to use the same.

Yours faithfully,

Curtis, Dawe, Fagan, Mahoney, Russell & Bonnell

[Signature]

DLR/BN

Mr. Jim Nesbitt, Q.C.
Government of Newfoundland
Department of Justice
Confederation Building
St. John's, Newfoundland

Re: Fort Amherst Sea Foods Limited
Expropriation - Property - Quidi Vidi Village
Nov. 3/09

- Gov't appropriated land for slipway. Slipway got built at another location.

- Family were now compensated for property accordingly, s. 40(1).

- Land located in Quidi Vidi.

Nov. 3/09

-Special v. Martin Belode: Re: Expropriation of land in Quidi Vidi. Martin will locate N.E.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
6 February 2008

Mr. Martin Balodis
Department of Public Works
Confederation Building,
St. John’s, NL

Re: Property of [Redacted] in Quidi Vidi, Expropriated 1966?

Dear Mr. Balodis:

I am writing to inquire whether it might be possible to reacquire the waterfront property [Redacted] which was expropriated by the Provincial Government in 1966? and for which our family was never compensated.

To assist you in considering my request, I enclose the following:
(1) A sketch of Quidi Vidi showing the approximate location of the land.
(2) An aerial photograph with a red outline of the property.
(3) A family photo showing our use of the property.
(4) A recent photo showing the land as it is today.

We were told at the time of expropriation that Government wanted to use the property to build a slipway. In fact the slipway was built on the other side of the harbour.

Our property was never used by Government and is not used to this day. I ask Government to consider reconveying the property to me.

The property lies immediately to the North of the Stage House Restaurant (formerly the Flake House Restaurant), between the land of [Redacted] and [Redacted].

Your assistance would be greatly appreciated.

Sincerely,

[Redacted]
Samson, Sherry
Saturday, January 30, 2010 12:26 PM
Burden, Nancy


Attachments: Copy of letter to Premier from [REDACTED] in Quidi Vidi Village, expropriated July 1974. Documents attached. PDF

Please take appropriate action to the attached e-mail. Please cc our office on your response.

Copies of responses should be e-mailed to sherrysamson@gov.nl.ca.

Thank you for your assistance.

Sherry Samson
Office of the Premier

--------< TRIM Record Information >--------

Record Number : ICOR2010/0261
Title : Copy of letter to Premier from [REDACTED] to Martin Balodis regarding property of [REDACTED] in Quidi Vidi Village, expropriated July 1974. Documents attached

Martin
Please update status on response.

TK
Bnv
Mr. Martin Balodis,
Department of Public Works,
Confederation Building,
St. John's, NL
Re: Property of [Redacted] in Quidi Vidi Village, Expropriated July 1974

Dear Mr. Balodis:

I wrote you the attached letter on February 6, 2008. (Upon receiving a copy of the Notice of Expropriation, I discovered the date of expropriation to be July 11, 1974, not 1966.) However to date I have received no reply, despite several oral requests by me to you at your office.

Since our family was never compensated for the expropriated land, and since the Government has never used it, our family requests that the land be reconveyed to a family member. The family supports me in my request to acquire the land.

I am copying this letter to Premier Williams to request his assistance in resolving this issue.

Yours truly,

cc. Premier Danny Williams, Confederation Building
E-mail Message

From: Samson, Sherry [EX:/O=PSNL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=SHERRYSAMSON]
To: Burden, Nancy [EX:/O=PSNL/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=BURDENN]
Cc: 
Sent: 1/30/2010 at 1:26 PM
Received: 1/30/2010 at 1:26 PM

Attachments: Copy of letter to Premier from [REDACTED] in Quidi Vidi Village, expropriated July 1974. Documents attached.PDF

Please take appropriate action to the attached e-mail. Please cc our office on your response. Copies of responses should be e-mailed to sherrysamson@gov.nl.ca.

Thank you for your assistance.

Sherry Samson
Office of the Premier

------< TRIM Record Information >------
Record Number : ICOR2010/0261
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atipoffice@gov.nl.ca.
January 27, 2010

Mr. Martin Balodis,
Department of Public Works,
Confederation Building,
St. John's, NL

Re: Property of [Redacted] in Quidi Vidi Village, Expropriated July 1974

Dear Mr. Balodis:

I wrote you the attached letter on February 6, 2008. (Upon receiving a copy of the Notice of Expropriation, I discovered the date of expropriation to be July 11, 1974, not 1966.) However to date I have received no reply, despite several oral requests by me to you at your office.

Since our family was never compensated for the expropriated land, and since the Government has never used it, our family requests that the land be reconveyed to a family member. The family supports me in my request to acquire the land.

I am copying this letter to Premier Williams to request his assistance in resolving this issue.

Yours truly,

cc. Premier Danny Williams, Confederation Building
SCHEDULE "A"

PARCEL "B"

ALL THAT piece or parcel of land situate and being on the westerly side of Quidi Vidi Village Road in the city of St. John’s in the Province of Newfoundland, Canada, being abutted and bounded as follows; that is to say:

COMMENCING at a point in the westerly limit of the said Road the said point having NAD 27 grid co-ordinates of N 5 271 610.61 metres and East 328 955.73 metres;

THENCE running along the said westerly limit South eleven degrees thirteen minutes zero seconds East a distance of thirty-seven decimal nine two zero metres;

THENCE South seven degrees fourteen minutes thirty-three seconds West a distance of ten decimal seven nine six metres;

THENCE running by Parcel "A", other land of the owner, North eighty-four degrees zero minutes zero seconds West a distance of four decimal five zero zero metres;

THENCE South fifty-nine degrees twenty-seven minutes two seconds West a distance of thirty-one decimal zero four four metres;

THENCE running by land of the city of St. John’s North four degrees thirteen minutes zero seconds East a distance of twenty-nine decimal eight three zero metres;

THENCE North fifty-two degrees thirty-one minutes zero seconds West a distance of twenty-one decimal five zero seven metres;

THENCE North forty degree thirty-three minutes zero seconds West a distance of eleven decimal two eight zero metres;

THENCE running by land of [redacted] North sixty-two degrees thirteen minutes zero seconds East a distance of nineteen decimal eight two zero metres;

THENCE North fifty-nine degrees fifty-five minutes zero seconds East a distance of eleven decimal eight nine zero metres;

THENCE running by land of [redacted] South eighty degrees ten minutes zero seconds East a distance of nineteen decimal eight seven zero metres, more or less to the point of beginning and containing an area of 0.200 hectares and being more particularly described on plan no. 504A hereto annexed.

ALL BEARINGS being referred to the meridian of fifty-three degrees west longitude of the modified Transverse Mercator Projection.
Potential copyright material

If you wish to obtain a copy please contact the ATIPP Office at (709) 729-7072 or atippoffice@gov.nl.ca.
June 1, 2010

Dear (redacted)

Re: Expropriation of land in Quidi Vidi Village in 1974

I refer to your various inquiries regarding the above captioned matter. I apologize for my delayed response in this matter.

As you are aware from our original meeting, departmental records could not be found for the expropriation of waterfront property in front of your late father’s property. In order to be able to provide officials of this department background information on the expropriation I am currently endeavoring to search other government records sources.

I anticipate receiving a response to my inquiries in the next few weeks at which time we can meet to discuss your concerns further.

Thank you for your attention to this matter.

Sincerely,

MARTIN BALODIS, P. ENG.
Director of Realty Services

jm

c.  Gerry Antle
    David Jones, Q.C.
    Robert Dicks,
    Manager of Crown Lands