
Halifax Regional Council
August 17th, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Wayne Anstey, Q.C., Municipal Solicitor

DATE 03 August 2004

SUBJECT Status of By-law Prosecutions

INFORMATION REPORT

ORIGIN

Legal Services - Municipal Prosecution

DISCUSSION:

This report identifies only those active cases where court appearances occurred between May 1, 2004 to June 30, 2004

Court Appearance	Address	Owner/Defendant	Violation	Status
Hearing and Sentencing May 3/2004 @ 2:00 p.m. Halifax Provincial Ct.2	1958 Prospect Rd. Prospect	Danny MacNeil Deborah Todd	HRM By-law D-100, Dogs, s. 11(1)(a) runs at large; (2 counts); s. 11(1)(c) fierce and dangerous, (2 counts) and s. 11(3)(1), unregistered dog	Count #1 s.11(1)(a) runs at large, not guilty; Count #2 11(1)(c) fierce and dangerous; not guilty Count #3, unregistered dog, adjourned trial June 24, 2004 Count #4, unregistered dog, adjourned trial June 24, 2004; Count #5 s. 11(1)(a) runs at large, not guilty; Count #6 s. 11(1)(c) fierce and dangerous, not guilty
Arraignment May 5/2004 Dartmouth Provincial Ct., C.R.#2	45 Chittick Avenue Dartmouth	Vickie Diab	HRM By-law D-100, Dogs, s. 11(1)(a), runs at large (2 counts), 11(1)(b), attacks a person without provocation; s. 11(1)(c), fierce and dangerous	Adjourned Arraignment June 30/2004 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2
Arraignment May 5/2004 Dartmouth Provincial Ct., C.R.#2	2 Montague Rd. Westphal	Asplundh Tree Service Inc.	HRM By-law O-103, Open Air Burning, s. 4(a) allow a fire to be started in the open air without first having obtained a permit to do so from the Fire Chief and s. 12(f) being a person to whom a permit was issued and which was expired, fail to ensure that a fire is not left unattended	Count no. 1 \$100.00 Victim Surcharge \$15.00 Count No. 2 \$100.00 Victim Surcharge \$15.00

<p>Trial May 6/2004 Halifax Provincial Ct., C.R.#3</p>	<p>4 Caxton Close, Halifax</p>	<p>Ronald Ghosn and Youssef Ghosn</p>	<p>HRM By-law F-100, Fire Prevention, sentence 2.6.1.4 (1), chimney and flue pipe shall be inspected to identify any dangerous condition at intervals not greater than 12 months; sentence 2.6.1.4(2) chimneys and flue pipe to be cleaned; sentence 2.6.1.4(3) chimney cap shall be replaced or repaired to eliminate structural deficiency; sentence 6.6.4.2(1) hydrants shall be inspected at intervals not greater than 6 months; s. 6.5.3.3(3), a record shall be kept of all sprinkler tests and a copy thereof filed with Fire Commissioner; sentence 6.3.1.3 (3) record shall be kept of all fire alarm system tests and a copy of such record shall be filed with the Fire Commissioner, sentence 2.1.3.1(1) fire alarm systems shall be provided and monitored in conformance with National Building Code of Canada, 1995, sentence 6.5.4.16(1) Fire Department connections for sprinkler systems shall be maintained in conformance with Article 6.4.1.7. of HRM By-law F-100 Fire Prevention, sentence 2.7. 3.1(3) s. 2.7.3.1(3) emergency lighting shall be maintained in operating condition in conformance with s. 6.7 of HRM Bylaw F-100 Fire Prevention;</p>	<p>Adjourned Trial June 10, 2004 @ 1:30 p.m. Halifax Provincial Ct., C.R.#3</p>
<p>Arraignment May 12/2004 Dartmouth Provincial Ct.</p>	<p>2713 Northwood Terrace, Halifax</p>	<p>Justin Cooper</p>	<p>HRM By-law S-300, s. 44, placing sign or advertising board within street without permission (displaying cardboard sign stating broke and hungry (please spare change)</p>	<p>In absence conviction \$215.00</p>
<p>Arraignment May 19/2004 Dartmouth Provincial Ct., C.R.#2</p>	<p>439 Lockview Rd. - Fall River</p>	<p>Ingrid Burkert</p>	<p>HRM By-law D-100, Dogs, s. 11(1)(a), runs at large (2 counts), s. 11(1)(d) persistently disturbs the quiet of neighbourhood (50 counts), s. 14 a dog that defecates on private or public property (2 counts)</p>	<p>Adjourned Trial June 16/2004 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2</p>

Arraignment May 19/2004 Halifax Provincial Ct., C.R.#1	16 Shalimar Crescent Dartmouth	Angus Stewart	Cole Harbour/Westphal Land Use By-law, s. 4.11(ii) no accessory building in any residential zone shall be greater than 15 ft. in height	Adjourned Arraignment July 21, 2004 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#4
Arraignment May 21, 2004 Dartmouth Provincial Ct., C.R.#2	2719 Windsor St., Halifax	Rebecca Lampshire	HRM By-law D-100, Dogs, s. 11(1)(b), fierce and dangerous	In absent conviction \$245.00
Arraignment May 25/2004 Halifax Provincial Ct., C.R.#1	43 McQuade Lake Crescent	JH Johnston Developments Ltd.	Nova Scotia Building Code Regulations HRM By-law S-300, s. 34(c), installing a driveway that exceeds the maximum permitted width of thirty three (33) feet, Building Code Act, s. 8(a)	Adjourned Arraignment June 29/2004 @ 9:30 a.m. Halifax Provincial Ct., C.R.#1
Arraignment June 2/2004 Dartmouth Provincial Ct., C.R.#2	45 Chittick Avenue Dartmouth	Vicki Diab	HRM By-law D-100, Dogs, s. 11(1)(a), runs at large (2 counts), 11 (1)(b), attacks a person without provocation, and 11(1)(c) fierce and dangerous	Adjourned arraignment June 30, 2004 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2
Trial June 7/2004 Dartmouth Provincial Ct., C.R.#2	64 Redoubt Way Eastern Passage	Ann Langridge	Land Use By-law for Eastern Passage/Cow Bay , Count No. 1 - Part 4.11 (a)(11)(1) accessory and building in a residential zone and Count No. 2 - Part 4.11(a)(v) accessory building near main building	Count No. 1 Fined \$100.00 Count No. 2 Withdrawn
Arraignment June 9/2004 Dartmouth Provincial Ct., C.R.#2	11 Green Bay, Cow Bay	Nicole Casavechia	HRM By-law D-100, Dogs, s. 11(d) disturbs the quiet of the neighbourhood by barking, (8 counts) and s. 3(1) unregistered dog, (2 counts)	Trial Dec. 8/2004 @ 1:30 p.m. Dartmouth Provincial Ct., C.R.#2

<p>Arraignment June 9/2004 Dartmouth Provincial Ct., C.R.#2</p>	<p>1 Amethyst Crescent Cole Harbour</p>	<p>Kyla Robb John Robb</p>	<p>HRM By-law D-100, Dogs, s. 11(1)(a) runs at large (4 counts), 11(1)(b) without provocation attacks a person or animal (2 counts), s. 11(1)(c), fierce and dangerous (1 count), s. 11(1)(d), disturbs the neighbourhood by barking, (7 counts), s. 3(1) unregistered (1 count), and s. 11(2) fierce and dangerous and allow it to be on the street without a muzzle, (3 counts)</p>	<p>Counts 1,2,3,7, 11, 12, 18 Fined \$200.00 each count; Counts 4, 5, 6, 8, 9, 10, 13, 14, 15, 16, 17 withdrawn</p>
<p>Application June 9/2004 Dartmouth Provincial Ct., C.R.#2</p>	<p>125 Portland Street Dartmouth</p>	<p>Dalal Safatli</p>	<p>HRM By-law M-100 Standards For Residential Occupancies By-law, s. 16 - every building shall be provided with suitable heating facilities for maintaining an indoor ambient temperature of 20 degrees Celsius throughout all occupied areas</p>	<p>Sentencing July 21/2004 @9:30 a.m. Dartmouth Provincial Ct., C.R.#2</p>
<p>Trial June 10/2004 Halifax Provincial Ct., C.R.#3</p>	<p>Windsor Street Halifax</p>	<p>Mark McCluskey</p>	<p>HRM By-law S-300, Streets, s. 44 - placing sign or advertising board within street without permission (displaying cardboard sign stating broke and hungry - please spare change)</p>	<p>Crown offered no evidence due to Charter Challenge and since right-of-way engineer stated that s. 44 was not meant for those types of signs</p>

<p>Trial June 10/2004 Halifax Provincial Ct., C.R.#3</p>	<p>4 Caxton Close Halifax</p>	<p>Ronald Ghosn and Youssef Ghosn</p>	<p>HRM By-law F-100, Fire Prevention, sentence 2.6.1.4 (1), chimney and flue pipe shall be inspected to identify any dangerous condition at intervals not greater than 12 months; sentence 2.6.1.4(2) chimneys and flue pipe to be cleaned; sentence 2.6.1.4(3) chimney cap shall be replaced or repaired to eliminate structural deficiency; sentence 6.6.4.2(1) hydrants shall be inspected at intervals not greater than 6 months; s. 6.5.3.3(3), a record shall be kept of all sprinkler tests and a copy thereof filed with Fire Commissioner; sentence 6.3.1.3 (3) record shall be kept of all fire alarm system tests and a copy of such record shall be filed with the Fire Commissioner, sentence 2.1.3.1(1) fire alarm systems shall be provided and monitored in conformance with 2.1.3.1(1) fire alarm systems shall be provided and monitored in conformance with National Building Code of Canada, 1995, sentence 6.5.4.16(1) Fire Department connections for sprinkler systems shall be maintained in conformance with Article 6.4.1.7 of HRM By-law F-100 Fire Prevention, sentence 2.7.3.1(3) emergency lighting shall be maintained in operating condition in conformance with s. 6.7 of HRM By-law F-100 Fire Prevention</p>	<p>Plead guilty Fined \$900.00 plus \$10.00 costs plus \$15.00 VFS</p>
<p>Trial June 16/2004 Dartmouth Provincial Ct., C.R.#2</p>	<p>46 Chalamont Drive Halifax</p>	<p>Richard Trenchard</p>	<p>HRM By-law N-200, Noise, s. 3(1) unreasonably disturbs the neighbourhood</p>	<p>Adjourned Trial July 26/2004 @9:30 a.m. Dartmouth Provincial Ct., C.R.#2</p>
<p>Arraignment June 16/2004 Dartmouth Provincial Ct., C.R.#2</p>	<p>439 Lockview Road Fall River</p>	<p>Ingrid Burkett</p>	<p>HRM By-law D-100, Dogs, s. 11(1)(d) disturbs the neighbourhood by barking</p>	<p>Trial Jan. 19/2005 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2</p>

Arraignment June 16/2004 Halifax Provincial Ct., C.R.#2	68 Jackson Road Dartmouth	Librian Properties Recognized Agent: Richard Bureau	HRM By-law F-100 Fire Prevention, sentence 2.2.1.1(3) fail to separate stair shafts, exits, and adjacent floor areas from another, with fire separations that conform to the National Building Code of Canada, 1995; and sentence 2.2.2.1(1) fail to have closures in fire separations that conform to the National Building Code of Canada, 1995	Trial Feb. 3/2005 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#4
Arraignment June 16/2004 Dartmouth Provincial Ct., C.R.#2	107 Pincrest Drive Dartmouth	Librian Properties Recognized Agent: Richard Bureau	HRM By-law F-100 Fire Prevention, sentence 2.2.1.2(1), where fire separations are damaged so as to affect their integrity, they shall be repaired so that the integrity of the fire separation is maintained; sentence 2.2.2.2.(1) fail to have closures in fire separations that conform to the National Building Code of Canada, 1995	Trial Feb. 3/2005 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#4
Arraignment June 16/2004 Dartmouth Provincial Ct., C.R.#2	290 Les Collins Avenue West Chezzetcook	Christina Philpitts	Land Use By-law for Planning districts 8 & 9, s. 4.19a) unlawfully permit a development, to wit: a dwelling, without a development permit; s. 3.5(a) permit a development that is prohibited in a R-BA (Auxilliary Dwelling Unit) zone, to wit: a mobile dwelling	Adjourned Arraignment July 21/2004 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2
Trial June 24/2004 Halifax Provincial Ct., C.R.#1	1958 Prospect Road Prospect	Danny MacNeil Deborah Todd	HRM By-law D-100 Dogs, s. 11(1)(a) runs at large, (2 counts); s. 11(1)(c) fierce and dangerous, (2 counts) s. 3(1) not registered (2 counts)	Adjourned Trial Dec. 2/2004 @ 1:30 p.m. Halifax Provincial Ct., C.R.#1
Trial June 24/2004 Halifax Provincial Ct., C.R.#2	2019 Bauer Street Halifax	Christine Stundon	HRM By-law D-100, Dogs, s. 3(1) unregistered dog, s. 11(1)(a) runs at large, s. 11(1)(b) without provocation attacks a person or animal, s. 11(1)(c) fierce and dangerous	Adjourned Trial June 29/2004 @ 1:30 p.m. Halifax Provincial Ct., C.R.#2

Arraignment June 29/2004 Halifax Provincial Ct., C.R.#1	43 McQuade Lake Crescent Bayers Lake	J H Johnston Developments Ltd.	HRM By-law S-300, Streets, s. 34(c) permit a driveway to serve property zoned for commercial use where the driveway has a width of greater than 33 feet at the point where the driveway joins the roadway; Building Code Act, s. 8(b) occupy a building without an occupancy permit; Nova Scotia Building Code regulations, sentence 2.1.1.5(2) after constructing a building fail to complete and submit a letter of undertaking in the form specified in Schedule "A" for the Field Review of Construction	HRM By-law S-300, Streets, s. 34(c) permit a driveway to serve property zoned for commercial use where the driveway has a width of greater than 33 feet at the point where the driveway joins the roadway; Building Code Act, s. 8(b) occupy a building without an occupancy permit; Nova Scotia Building Code regulations, sentence 2.1.1.5(2) after constructing a building fail to complete and submit a letter of undertaking in the form specified in Schedule "A" for the Field Review of Construction	Trial Dec. 23, 2004 @ 9:30 a.m. Halifax Provincial Ct., C.R.#1
Arraignment June 29/2004 Halifax Provincial Ct., C.R.#3	155 Rufus Street Halifax	James Bottomly and Cheryl Bottomly	HRM By-law D-100, Dogs, s. 11(1)(a) runs at large; s. 14 defecates on private property other than the property of the owner (2 counts	HRM By-law D-100, Dogs, s. 11(1)(a) runs at large; s. 14 defecates on private property other than the property of the owner (2 counts	Trial Jan. 18, 2005 @ 1:30 p.m. Halifax Provincial Ct., C.R.#1
Trial June 30/2004 Halifax Provincial Ct., C.R.#2	2116 Harvard Street Halifax,	Peter Howes	HRM By-law N-200, Noise, s. 3(1), unreasonably disturbs the neighbourhood	HRM By-law N-200, Noise, s. 3(1), unreasonably disturbs the neighbourhood	Adjourned trial August 30, 2004 Halifax Provincial Ct., C.R.#2
Arraignment June 30/2004 Dartmouth Provincial Ct., C.R.#2	45 Chittick Avenue Dartmouth	Vicki Diab	HRM By-law D-100, Dogs, s. 11(a) runs at large (2 counts), s. 11(1)(b) without provocation attacks a person or animal, s. 11(1)(c) fierce and dangerous	HRM By-law D-100, Dogs, s. 11(a) runs at large (2 counts), s. 11(1)(b) without provocation attacks a person or animal, s. 11(1)(c) fierce and dangerous	Adjourned Arraignment July 7, 2004 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2