

PO Box 1749 Halifax, Nova Scotia B3J 3A5 Canada

Item No. 6

Halifax Regional Council January 8, 2008

TO:	Mayor Kelly and Members of Halifax Regional Council
SUBMITTED BY:	maxmoran
	ME Donovan, Director Legal Services & Risk Management
DATE:	December 28, 2007
SUBJECT:	Status of By-law Prosecutions - October 1 - 31, 2007

## **INFORMATION REPORT**

### **ORIGIN**

Legal Services - Municipal Prosecutions

### BACKGROUND/DISCUSSION

This report identifies only those currently active cases where court appearances occurred between October 1, 2007 and October 31, 2007.

#### **BUDGET IMPLICATIONS**

None - this report relates to the status of prosecutions.

### FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

### **ATTACHMENTS**

Status of By-law Prosecutions between October 1, 2007 and October 31, 2007

A copy of this report can be obtained online at <u>http://www.halifax.ca/council/agendasc/cagenda.html</u> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Lynda Gaglardi, Legal Assistant 490-4227

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### Legal Services

### Status of By-law Prosecution

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Court Appearance		Address	Owner/Defendant	Violation	Status
Trial 83 Oct 4/2007 HALIFAX PROVINCIAL COURT	392	1579 VERNON ST HALIFAX	RUSSELL ARKSEY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$445.00
Trial 84 Oct 4/2007 HALIFAX PROVINCIAL COURT	486	1667 ARGYLE ST HALIFAX	MAURICE ALLISON	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - OPERATING A TAXI WITHOUT VALID TAXI OWNER'S LICENSE DISPLAYED AS REQUIRED	IN ABSENCE CONVICTION - FINE \$117.25
Arraignment 85 Oct 4/2007 DARTMOUTH PROVINCIAL COURT	548	50 JOHNSON RD NORTH PRESTON	CARL DAVID SMITH	ENVIRONMENT ACT S.99(2) - RELEASING LITTER INTO THE ENVIRONMENT	Trial: Dec 13/2007@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment 85 Oct 4/2007 DARTMOUTH PROVINCIAL COURT	527	45 LINDY LANE DARTMOUTH	JOHN DOUGLAS POWER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment 85 Oct 4/2007 DARTMOUTH PROVINCIAL COURT	528	45 LINDY LANE DARTMOUTH	JOHN DOUGLAS POWER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$912.00
Arraignment 85 Oct 4/2007 DARTMOUTH PROVINCIAL COURT	525	91 SACKVILLE DR SACKVILLE	MAUREEN WATERS	HALIFAX COUNTY BY-LAW 08 RESPECTING MISCHIEFS & NUISANCES - PAWN BROKER FAILING TO KEEP WRITTEN RECORD OF THE NAME AND ADDRESS OF EVERY PERSON FROM WHOM SECOND HAND GOODS WERE PURCHASED; - PAWN BROKER FAILING TO KEEP WRITTEN RECORD OF DATE OF PURCHASE AND DESCRIPTION OF SECOND HAND GOODS PURCHASED.	Trial: Jan 24/2008@10:00 DARTMOUTH PROVINCIAL COURT
Trial 82 Oct 5/2007 HALIFAX PROVINCIAL COURT	485	5676 COLUMBUS ST HALIFAX	CHERYL ROSE FASO	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT PERSISTENTLY DISTURBS QUIET OF NEIGHBOURHOOD BY BARKING, HOWLING OR IN ANY OTHER MANNER	CHANGE OF PLEA - FINE \$115.00

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 8524 Oct 5/2007 HALIFAX PROVINCIAL COURT	22 MCINTOSH RD HALIFAX	TOBI TANYA ISAAC	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON; - OWNING DOG THAT RUNS AT LARGE.	FIRST CHARGE - CHANGE OF PLEA - FINE - \$222.00 MUZZLE ORDER ISSUED; SECOND CHARGE - WITHDRAWN
Arraignment 8514 Oct 9/2007 HALIFAX PROVINCIAL COURT	309-6028 LADY HAMMOND RD HALIFAX	JAMES A. BURNS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 15/2008@9:00 HALIFAX PROVINCIAL COURT
Arraignment 8520 Oct 9/2007 HALIFAX PROVINCIAL COURT	2784 AGRICOLA ST HALIFAX	JEFFREY S. WILSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 28/2008@9:00 HALIFAX PROVINCIAL COURT
Trial 8393 Oct 11/2007 HALIFAX PROVINCIAL COURT	1955 VERNON ST HALIFAX	NICHOLAS ALLAN BOLTON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$445.00 REMITTED TO \$345.00
Trial 8389 Oct 11/2007 HALIFAX PROVINCIAL COURT	2-5267 TOBIN ST HALIFAX	STACEY PAYNTER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment 8569 Oct 12/2007 HALIFAX PROVINCIAL COURT	20 BALSUM CIRCLE LWR SACKVILLE	LESIANU ZEWDIE HWELD	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	Trial: Apr 8/2008@1:30 HALIFAX PROVINCIAL COURT
Trial 8298 Oct 15/2007 HALIFAX PROVINCIAL COURT	6298 ALLAN ST HALIFAX	SARKAS METLEJ	BY-LAW S-300 RESPECTING STREETS - FAIL TO MAINTAIN THE AREA BETWEEN THE CURB AND THEIR PROPERTY LINE FREE FROM GARBAGE, WASTE OR DEBRIS, WHETHER OR NOT IT IS PLACED IN CONTAINERS	CHANGE OF PLEA - FINE \$115.00
Arraignment 8566 Oct 16/2007 HALIFAX PROVINCIAL COURT	PARKLAND DR HALIFAX	CATHY PIKE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 3/2008@9:00 HALIFAX PROVINCIAL COURT

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Arraignment 8567 Oct 16/2007 HALIFAX PROVINCIAL COURT	26 SARATOGA DR. LR. SACKVILLE	WALTER P. GODSOE	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	Trial: Apr 3/2008@9:00 HALIFAX PROVINCIAL COURT
Arraignment 8568 Oct 16/2007 HALIFAX PROVINCIAL COURT	2-1044 TOWER RD HALIFAX	SARAH WHEELER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 3/2008@9:00 HALIFAX PROVINCIAL COURT
Arraignment 8415 Oct 16/2007 HALIFAX PROVINCIAL COURT	8 ST MARGARETS BAY RD HALIFAX	3088962 NOVA SCOTIA LIMITED Agent: PAUL W. GOLDBERG	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE SEPARATED WASTE	DEFENDANT DID NOT APPEAR - ADJOURNED TO NOVEMBER 20, 2007
Trial 8443 Oct 16/2007 HALIFAX PROVINCIAL COURT	101-3805 MONT BLANC TERR HALIFAX	ANDY K HEWLETT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: Apr 7/2008 HALIFAX PROVINCIAL COURT
Arraignment 8535 Oct 19/2007 HALIFAX PROVINCIAL COURT	1741 BRUNSWICK ST HALIFAX	FAROOQ IBRAHIM	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	Adj. Arraignment: Nov 6/2007 HALIFAX PROVINCIAL COURT
Arraignment 8532 Oct 19/2007 HALIFAX PROVINCIAL PARK	26 TERRANCE BAY RD WHITES LAKE	DANNY BRUCE BARNHILL	BY-LAW P-600 RESPECTING MUNICIPAL PARKS - FAILING TO OBSERVE AND OBEY POSTED SIGNS IN PARK - POINT PLEASANT PARK	DISMISSED
Arraignment 8533 Oct 19/2007 HALIFAX PROVINCIAL COURT	476 WINDSOR JCT RD WINDSOR JCT	IAN STUART MACDONALD	BY-LAW P-600 RESPECTING MUNICIPAL PARKS - FAILING TO OBSERVE AND OBEY POSTED SIGNS IN PARK - POINT PLEASANT PARK	ACQUITTED
Arraignment 8446 Oct 23/2007 DARTMOUTH PROVINCIAL COURT	25 BLINK BONNIE TERR DARTMOUTH	PAUL D. MCLEOD	BY-LAW P-600 RESPECTING PARKS - BEING IN PARK BETWEEN 10:00 P.M. AND 5:00 A.M. WITHOUT WRITTEN PERMISSION - SULLIVAN'S POND	Trial: Jan 24/2008@10:00 DARTMOUTH PROVINCIAL COURT

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Arraignment 8570 Oct 23/2007 HALIFAX PROVINCIAL COURT	214-179 LACEWOOD DR HALIFAX	NICK SCOTT SYPHER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 8/2008@1:30 HALIFAX PROVINCIAL COURT
Trial 8191 Oct 25/2007 DARTMOUTH PROVINCIAL COURT	23 REDOUBT WAY EASTERN PASSAGE	ROSANNA K. TRIMPER	EASTERN PASSAGE/COW BAY LAND USE BY-LAW -PERMIT AN ACCESSORY BUILDING THAT IS LOCATED CLOSER THAN FOUR FEET TO A SIDE OR REAR LOT LINE; -PERMIT A BUSINESS TO OPERATE IN A RESIDENTIAL ZONE; - PERMIT THE OPERATION OF A BUSINESS IN AN R-1 ZONE THAT IS NOT WHOLLY CONTAINED WITHIN THE DWELLING; - PERMIT THE USE OF AN ACCESSORY BUILDING FOR STORAGE OF MATERIALS, GOODS SUPPLIES OR EQUIPMENT RELATED TO THE OPERATION OF A BUSINESS; -PERMIT THE OPERATION OF A BUSINESS IN AN R-1 ZONE THAT CREATED A NUISANCE BY VIRTUE OF NOISE, VIBRATION, GLARE, ODOUR OR DUST OR WHICH IS OBNOXIOUS;	PRETRIAL CONFERENCE FEBRUARY 19, 2008
Trial 8398 Oct 25/2007 DARTMOUTH PROVINCIAL COURT	200 B WAVERLEY RD DARTMOUTH	BOSCH TOULANY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: May 8/2008 DARTMOUTH PROVINCIAL COURT
Trial 8503 Oct 25/2007 DARTMOUTH PROVINCIAL COURT	200 B WAVERLEY RD DARTMOUTH	BOSCH TOULANY	BY-LAW N-200 RESPECTING NOISE - OPERATING A COMMERCIAL CAR WASH BETWEEN 11:00 PM AND 7:00 AM	Adj. Trial: May 8/2008 DARTMOUTH PROVINCIAL COURT
Trial 8363 Oct 26/2007 HALIFAX PROVINCIAL COURT	930-B MCLEAN ST HALIFAX	TRAVIS FRANCIS SAMPSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	STAY ENTERED

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Arraignment 8605 Oct 26/2007 HALIFAX PROVINCIAL COURT	307-3661 WINDSOR ST HALIFAX	IBSA E. LIGDI	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	Adj. Arraignment: Nov 6/2007 HALIFAX PROVINCIAL COURT
Arraignment 8556 Oct 26/2007 HALIFAX PROVINCIAL COURT	506-59 MAIN AVE HALIFAX	ALI REZA CHARLANY SOLTANY	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	Adj. Arraignment: Nov 6/2007 HALIFAX PROVINCIAL COURT
Arraignment 8538 Oct 26/2007 HALIFAX PROVINCIAL COURT	LOWER WATER ST HALIFAX	IGOR BOULGAKOV	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	Adj. Arraignment: Nov 6/2007 HALIFAX PROVINCIAL COURT
Arraignment 8539 Oct 26/2007 HALIFAX PROVINCIAL COURT	6188 A ALLAN ST HALIFAX	GEORDI OUGHTERLONY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Arraignment: Nov 6/2007 HALIFAX PROVINCIAL COURT
Arraignment 8540 Oct 26/2007 HALIFAX PROVINCIAL COURT	6009 WILLOW ST HALIFAX	PAUL ALAN KELLY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Arraignment: Nov 6/2007 HALIFAX PROVINCIAL COURT
Trial 8487 Oct 29/2007 HALIFAX PROVINCIAL COURT	5468 UNIACKE ST HALIFAX	JAMES GOLDSWORTHY	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - OPERATING A TAXI WITHOUT VALID TAXI OWNER'S LICENSE DISPLAYED AS REQUIRED	IN ABSENCE CONVICTION - FINE \$124.25
Arraignment 8494 Oct 30/2007 HALIFAX PROVINCIAL COURT	333 MAIN AVE HALIFAX	W.M . FARES GROUP / BYBLOS DEVELOPMENT	BUILDING CODE ACT - CONSTRUCT A BUILDING FOR WHICH A BUILDING PERMIT WAS NOT IN FORCE; - W.M. FARES, BYBLOS AND ANDREW METLEGE; - FAIL TO COMPLY WITH AN ORDER - BYBLOS 3 COUNTS, BASSAM NAHAS 3 COUNTS AND ANDREW METLEGE ONE COUNT.	- W.M. FARES - WITHDRAW - BYBLOS - GUILTY PLEA - FINE \$8,000.00 - METLEGE - GUILTY PLEA - FINE \$1,000.00 - NAHAS - GUILTY PLEA - FINE \$1,000.00

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Court Appearance		Address	Owner/Defendant	Violation	Status
Trial 83: Oct 30/2007 HALIFAX PROVINCIAL COURT	314	212 PAUL'S POINT ROAD HACKETT'S COVE	PAUL'S POINT FISHERIES LIMITED Agent: J. BRIAN CHURCH	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA SENTENCING HEARING FINE \$3,300.00
Arraignment 854 Oct 30/2007 HALIFAX PROVINCIAL COURT	547	453 HERRING COVE RD HALIFAX	ERIC WILSON	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	Trial: May 12/2008@1:30 HALIFAX PROVINCIAL COURT
Arraignment 854 Oct 30/2007 DARTMOUTH PROVINCIAL COURT	549	1873 HIGHWAY #7 EAST PRESTON	ALANDA LINDA GLASGOW	BY-LAW D-100 RESPECTING DOGS - OWNING UNREGISTERED DOG	Trial: Jan 24/2008@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment 85 Oct 30/2007 DARTMOUTH PROVINCIAL COURT	550	495 MAIN ST DARTMOUTH	Mohammed ayadı	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	Trial: Jan 24/2008@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment 85 Oct 30/2007 DARTMOUTH PROVINCIAL COURT	551	23 PIPER ST DARTMOUTH	KARL WHITE	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON; - OWNING UNREGISTERED DOG.	Trial: Apr 3/2008@1:30 DARTMOUTH PROVINCIAL COURT
rraignment 854 Oct 30/2007 NARTMOUTH PROVINCIAL YOURT	541	53 OLIVE DR DARTMOUTH	CATHERINE L. BARTEAUX	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON	GUILTY PLEA - FINE \$222.00
rraignment 854 Oct 30/2007 NARTMOUTH PROVINCIAL OURT	542	18 DELMAC CT DARTMOUTH	HEATHER ROWE	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON	GUILTY PLEA - FINE \$222.00
vraignment 854 Oct 30/2007 HALIFAX PROVINCIAL COURT	543	2000 BARRINGTON ST HALIFAX	CROMBIE DEVELOPMENTS LIMITED Agent: DAVID FORNAN	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE SEPARATED WASTE	Adj. Arraignment: Nov 20/2007 HALIFAX PROVINCIAL COURT

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Arraignment 8544 Oct 30/2007 HALIFAX PROVINCIAL COURT	3439 JOSEPH HOWE DR HALIFAX	CYNTHIA ROSE STRUTHERS-KERR	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON	GUILTY PLEA - FINE \$222.00
Arraignment 8546 Oct 30/2007 HALIFAX PROVINCIAL COURT	453 HERRING COVE RD HALIFAX	ERIC WILSON	BY-LAW D-100 RESPECTING DOGS - OWNING UNREGISTERED DOG	Trial: May 12/2008@1:30 HALIFAX PROVINCIAL COURT
Arraignment 8530 Oct 30/2007 DARTMOUTH PROVINCIAL COURT	46 JOHNSON RD DARTMOUTH	CARL D. SMITH	MGA S.348(4) - PERMITTING, CAUSING OR CONTINUING TO PERMIT OR CAUSE DANGEROUS OR UNSIGHTLY CONDITION AFTER ORDER TO REMEDY SERVED	Trial: Mar 20/2008@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment 8531 Oct 30/2007 DARTMOUTH PROVINCIAL COURT	46 JOHNSON RD DARTMOUTH	CARL D. SMITH	MGA S. 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY (AN ACCUMULATION OF DERELICT VEHICLES)	Trial: Mar 20/2008@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment 8526 Oct 30/2007 HALIFAX PROVINCIAL COURT	6216 CHEBUCTO RD HALIFAX	AMBER TAPLEY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$452.00
Arraignment 8495 Oct 31/2007 HALIFAX PROVINCIAL COURT	6140 LADY HAMMOND RD HALIFAX	2443541 NOVA SCOTIA LIMITED/RONDA SMITH Agent: JOHN FRASER	FIRE SAFETY ACT S. 44(1)(G) - FAIL TO COMPLY WITH AN ORDER	Trial: May 22/2008@9:00 HALIFAX PROVINCIAL COURT
Arraignment 8395 Oct 31/2007 HALIFAX PROVINCIAL COURT	1597 OXFORD ST HALIFAX	PAUL PITTSON	LAND USE BY-LAW FOR HALIFAX PENINSULA - PERMIT A BUILDING IN AN R-2 ZONE THAT IS SITUATED ON MORE THAN ONE LOT; - PERMIT A BUILDING IN AN R-2 ZONE IN VIOLATION OF THE MINIMUM LOT FRONTAGE REQUIREMENTS; - PERMIT A BUILDING IN AN R-2 ZONE IN VIOLATION OF THE MINIMUM SIDE YARD REQUIREMENTS; - PERMIT A BUILDING IN AN R-2 ZONE THAT EXCEEDS THE MAXIMUM LOT COVERAGE REQUIREMENTS.	FIRST CHARGE - GUILTY PLEA - FINE \$4,000.00 REMAINING CHARGES - STAYED - COMPLIANCE ORDER - APRIL 30, 2008