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Item No. 9

Halifax Regional Council
May 27, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 

ME Donovan, Director Legal Services & Risk Management

DATE: May 13, 2008

SUBJECT: Status of By-law Prosecutions - February 1 - 29, 2008

INFORMATION REPORT

ORIGIN

Legal Services - Municipal Prosecutions

BACKGROUND

DISCUSSION

This report identifies only those currently active cases where court appearances occurred between February 1, 2008 and February 29, 2008.

BUDGET IMPLICATIONS

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 February 1, 2008 and February 29, 2008

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> 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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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Feb 1/2008 8599 HALIFAX PROVINCIAL COURT	6057 COMPTON AVE HALIFAX	LEIGH DAVID HERMAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CONVICTION - FINE REMITTED TO \$100.00
Trial Feb 1/2008 8595 HALIFAX PROVINCIAL COURT	WINDSOR/ALMON HALIFAX	CLARENCE EDWARD GIBSON	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OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	WITHDRAWN
Trial Feb 1/2008 8596 HALIFAX PROVINCIAL COURT	BRUNSWICK/COGSWELL HALIFAX	REZA MOHAJER	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OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	WITHDRAWN
Trial Feb 4/2008 8379 HALIFAX PROVINCIAL COURT	1648 HENRY ST HALIFAX	ANGELINA CHAPIN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$300.00
Trial Feb 4/2008 8476 DARTMOUTH PROVINCIAL COURT	20 SHEPHERDS LN DARTMOUTH	LARIKA BONER	BY-LAW D-100 RESPECTING DOGS (2 SOT'S) - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL	Adj. Trial: Aug 21/2008 DARTMOUTH PROVINCIAL COURT
Trial Feb 4/2008 8506 DARTMOUTH PROVINCIAL COURT	137 COW BAY RD EASTERN PASSAGE	GRETCHEN BIRT	BY-LAW D-100 RESPECTING DOGS - OWNING UNREGISTERED DOG	WITHDRAWN
Arraignment Feb 5/2008 8564 DARTMOUTH PROVINCIAL COURT	ELMSDALE	MARINUS VERHAGEN ENTERPRISES LIMITED Agent: MARINUS VERHAGEN	BY-LAW S-600 RESPECTING SOLID WASTE - REMOVE SOLID WASTE MATERIALS GENERATED WITHIN THE MUNICIPALITY OUTSIDE THE BOUNDARIES OF THE MUNICIPALITY	Trial: Aug 21/2008@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Feb 5/2008 8603 HALIFAX PROVINCIAL COURT	HALIFAX COMMONS HALIFAX	LUCAS KYLE DEON	BY-LAW P-600 RESPECTING MUNICIPAL PARKS - OPERATING UNAUTHORIZED VEHICLE IN PARK	WITHDRAWN

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 8611 Feb 5/2008 HALIFAX PROVINCIAL COURT	1980 ROBIE ST HALIFAX	RONALD JAMES CHAPMAN	FIRE SAFETY ACT S.44(1)(A) - TAMPERING WITH DEVICE INTENDED TO ENABLE ESCAPE DURING FIRE	CHANGE OF PLEA - FINE \$1.00
Arraignment 8615 Feb 5/2008 HALIFAX PROVINCIAL COURT	407-10 CAXTON CL HALIFAX	KALA LYNN COTTON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$452.00
Arraignment 8624 Feb 5/2008 DARTMOUTH PROVINCIAL COURT	2123 107 HWY HRM	JACOB NOBLE DIGGS	MGA S.348(4) - PERMITTING, CAUSING OR CONTINUING TO PERMIT OR CAUSE DANGEROUS OR UNSIGHTLY CONDITIONS AFTER ORDER TO REMEDY SERVED	Trial: Mar 14/2008@9:30 DARTMOUTH PROVINCIAL COURT
Trial 8455 Feb 5/2008 HALIFAX PROVINCIAL COURT	C-5526 VICTORIA RD HALIFAX	JOSHUA JAMES POMEROY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CONVICTION - FINE \$222.00
Arraignment 8472 Feb 5/2008 HALIFAX PROVINCIAL COURT	18 SYLVIA AVE HALIFAX	STEVEN E. FOREWELL	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE SEPARATED WASTE	CONVICTION - FINE \$215.00
Trial 8573 Feb 6/2008 HALIFAX PROVINCIAL COURT	1240 A CHURCH ST HALIFAX	URBAN SPACES LIMITED	MGA S. 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO BAGS OF SOLID WASTE, CARDBOARD, SCRAP METAL AND OTHER SCATTERED DEBRIS	ACQUITTED
Trial 8571 Feb 7/2008 HALIFAX PROVINCIAL COURT	COBURG RD HALIFAX	LUKE CRAIG MORINE	BY-LAW 08 RESPECTING MISCHIEFS & NUISANCES - LOITERING ON OR AROUND STEPS OR ENTRANCES OF A BUILDING OR ON ROADS STREETS OR SIDEWALKS	WITHDRAWN
Arraignment 8634 Feb 7/2008 DARTMOUTH PROVINCIAL COURT	900/920 COLE HARBOUR RD DARTMOUTH	MILLER WASTE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jul 17/2008@10:00 DARTMOUTH PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial 8585 Feb 11/2008 HALIFAX PROVINCIAL COURT	5789 TOWER TERR HALIFAX	MITCHELL JAMES HARLOW	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$452.00
Trial 8605 Feb 11/2008 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	CHANGE OF PLEA - FINE \$17.25
Trial 8556 Feb 11/2008 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	CHANGE OF PLEA - FINE \$17.25
Arraignment 8147 Feb 12/2008 HALIFAX PROVINCIAL COURT	100 OAKFIELD PARK RD HALIFAX	MURRAY TATE	BUILDING CODE ACT - FAIL TO COMPLY WITH AN ORDER - OCCUPY A BUILDING WITHOUT FIRST OBTAINING AN OCCUPANCY PERMIT	Trial: Jun 6/2008@9:30 HALIFAX PROVINCIAL COURT
Arraignment 8589 Feb 12/2008 HALIFAX PROVINCIAL COURT	1403 HENRY ST HALIFAX 1407 HENRY ST HALIFAX	MARIA ROCKWELL	LAND USE BY-LAW FOR HALIFAX PENINSULA - ALLOW THE LAND TO BE USED IN A WAY NOT PERMITTED WITHIN AN R-2 ZONE - BUILDING CONTAINING MORE THAN FOUR APARTMENTS; MGA S. 244(1) - ALLOW ALTERATION TO A BUILDING WITHOUT FIRST OBTAINING A DEVELOPMENT PERMIT.	Adj. Arraignment: Mar 18/2008 HALIFAX PROVINCIAL COURT
Arraignment 8563 Feb 12/2008 HALIFAX PROVINCIAL COURT	3521 WINDSOR ST HALIFAX	PETER METLEJ	FIRE SAFETY ACT - FAIL TO COMPLY WITH AN ORDER	Trial: Oct 29/2008@9:30 HALIFAX PROVINCIAL COURT
Arraignment 8631 Feb 12/2008 HALIFAX PROVINCIAL COURT	6214 JUBILEE RD HALIFAX	ANDREW M. SCOTT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Arraignment: Apr 22/2008 HALIFAX PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Feb 13/2008 8584 HALIFAX PROVINCIAL COURT	6188 DUNCAN ST HALIFAX	ANDREW DOUCET	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$452.00
Trial Feb 15/2008 8514 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	WITHDRAWN
Arraignment Feb 18/2008 8505 DARTMOUTH PROVINCIAL COURT	7 WILBUR CRT DARTMOUTH	CHARLENE MARIE BURKE	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE; - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMALS.	FIRST CHARGE - CONVICTION - FINE \$222.00 SECOND CHARGE - ACQUITTED
Trial Feb 18/2008 8420 HALIFAX PROVINCIAL COURT	417 HAMMONDS PLAINS RD BEDFORD	CHARLES ROBERT & LAURA MARYANNE BENHAM	BEDFORD LAND USE BY-LAW - FAIL TO OBTAIN A DEVELOPMENT PERMIT; - ALLOW HOME OCCUPATION NOT CONDUCTED WITHIN ENCLOSED LIVING AREAS; - ALLOW OUTSIDE STORAGE ASSOCIATED WITH HOME OCCUPATION; - ALLOW BUSINESS IDENTIFICATION PLATE OR SIGN LARGER THAN TWO SQ. FT. - ALLOW MORE THAN ONE COMMERCIAL VEHICLE TO BE KEPT ON LOT.	- CROWN STAYED ALL CHARGES AGAINST LAURA BENHAM AND CHARGES #2, #3, #4 & #5 AGAINST CHARLES BENHAM; - CHARGE #1 - CHARLES BENHAM - CONVICTION - FINE \$1,000.00
Trial Feb 18/2008 8463 HALIFAX PROVINCIAL COURT	78 JAMES ST PROSPECT BAY	DAVID MARK COLLIER	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT RUNS AT LARGE	CONVICTION - FINE \$100.00
Trial Feb 18/2008 8535 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	CONVICTION - FINE \$17.25
Trial Feb 20/2008 8562 HALIFAX PROVINCIAL COURT	2103 OXFORD ST HALIFAX	KEVIN MORRIS DEAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$452.00

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Feb 20/2008 8479 HALIFAX PROVINCIAL COURT	106 BRIGHTON AVE STILLWATER LAKE	TREVOR SMEDLEY/JANE PARKER	LAND USE BY-LAW FOR BEAVER BANK, HAMMONDS PLAINS AND UPPER SACKVILLE - ALLOW THE USE OF AN ACCESSORY BUILDING FOR THE KEEPING OF LIVESTOCK; - DID KEEP LIVESTOCK.	JANE PARKER - STAY ENTERED TREVOR SMEDLEY - CONVICTION - FINE \$500.00 - ORDER TO COMPLY
Trial Feb 21/2008 8565 HALIFAX PROVINCIAL COURT	POINT PLEASANT PARK HALIFAX	DAPHNE LEE CARRIGAN	BY-LAW P-600 RESPECTING MUNICIPAL PARKS - BEING IN PARK (POINT PLEASANT) BETWEEN 10 P.M. AND 5 A.M. WITHOUT WRITTEN PERMISSION	WITHDRAWN
Trial Feb 21/2008 8574 HALIFAX PROVINCIAL COURT	POINT PLEASANT PARK HALIFAX	MOHAMED EL KHOLY	BY-LAW P-600 RESPECTING MUNICIPAL PARKS - BEING IN PARK (POINT PLEASANT) BETWEEN 10:00 P.M. AND 5:00 A.M. WITHOUT WRITTEN PERMISSION	WITHDRAWN
Trial Feb 21/2008 8540 HALIFAX PROVINCIAL COURT	6009 WILLOW ST HALIFAX	PAUL ALAN KELLY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CONVICTION - FINE \$202.00
Arraignment Feb 26/2008 8635 DARTMOUTH PROVINCIAL COURT	32 CHADWICK ST DARTMOUTH	ROY MCCORMACK	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	Trial: Apr 17/2008@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment Feb 26/2008 8636 DARTMOUTH PROVINCIAL COURT	1055 EAST PETPESWICK RD EAST PETPESWICK	VLADIMIR BRIDAN	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT IS FIERCE AND DANGEROUS TO PERSONS OR ANIMALS	Trial: Aug 7/2008@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Feb 26/2008 8637 DARTMOUTH PROVINCIAL COURT	273 BROOKS DR DARTMOUTH	TROY THOMPSON-WILLIAMS	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT IS FIERCE AND DANGEROUS TO PERSONS OR ANIMALS	Trial: Aug 7/2008@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Feb 26/2008 8638 HALIFAX PROVINCIAL COURT	NORTH/ROBIE ST HALIFAX	AIDRUS GUREYE KAARSHE	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - FAILING TO REMOVE OR PROPERLY COVER ROOF SIGN WHEN VEHICLE NOT IN SERVICE AS TAXI	WITHDRAWN

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 8593 Feb 26/2008 HALIFAX PROVINCIAL COURT	5588 MORRIS ST HALIFAX	CHRISTOPHER L. CROWELL	BY-LAW M-100 RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES - 10 COUNTS	Adj. Arraignment: Mar 26/2008 HALIFAX PROVINCIAL COURT
Arraignment 8594 Feb 26/2008 HALIFAX PROVINCIAL COURT	5578 MORRIS ST HALIFAX	CHRISTOPHER L. CROWELL	BY-LAW M-100 RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES - 10 COUNTS	Adj. Arraignment: Mar 26/2008 HALIFAX PROVINCIAL COURT
Arraignment 8616 Feb 26/2008 DARTMOUTH PROVINCIAL COURT	SHEET HBR. PASSAGE	RICHARD NEIL PARNELL	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL; - OWNING DOG THAT RUNS AT LARGE.	Trial: Oct 16/2008@9:30 DARTMOUTH PROVINCIAL COURT
Trial 8160 Feb 28/2008 HALIFAX PROVINCIAL COURT	HIGHWAY 3 LOT C-5 HUBBARDS	HARVEY DAUPHINEE	BY-LAW O-103 RESPECTING OPEN AIR BURNING - CONDUCT BURNING OUTSIDE THE NO BURN ZONE LESS THAN 38.1 METERS (125 FEET) FROM THE NEAREST ADJACENT DWELLING; - AS A CONTRACTOR, BURN BRUSH ON CLEARED LAND OUTSIDE THE NO BURN ZONE WITHOUT A PERMIT.	Adj. Trial: May 20/2008 HALIFAX PROVINCIAL COURT
Trial 8520 Feb 28/2008 HALIFAX PROVINCIAL COURT	2784 AGRICOLA ST HALIFAX	JEFFREY S. WILSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial 8500 Feb 29/2008 HALIFAX PROVINCIAL COURT	55 REMINGTON CRT HALIFAX	JUSTIN MURPHY	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT IS FIERCE AND DANGEROUS TO PERSONS OR ANIMALS; - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON.	WITHDRAWN
Arraignment 8639 Feb 29/2008 HALIFAX PROVINCIAL COURT	1247 CHURCH ST HALIFAX	CHRISTOPHER D.C. LIPSIT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 22/2008@9:30 HALIFAX PROVINCIAL COURT
Arraignment 8640 Feb 29/2008 HALIFAX PROVINCIAL COURT	1247 CHURCH ST HALIFAX	CHRISTOPHER D.C. LIPSIT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 22/2008@9:30 HALIFAX PROVINCIAL COURT