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Halifax Regional Council
March 7, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: *Mary Ellen Donovan*
Mary Ellen Donovan, Acting Director of Legal Services

DATE: February 23, 2006

SUBJECT: Status of By-Law Prosecutions

INFORMATION REPORT

ORIGIN

Legal Services - Municipal Prosecution

DISCUSSION

This report identifies only those currently active cases where court appearances occurred between January 1, 2006 and January 31, 2006.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Lynda Gaglardi / Legal Assistant

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jan 3/2006 HALIFAX PROVINCIAL CT., C.R.3 6559	1 STONEWALL ROAD HALIFAX CO.,	JOHN DAVID MORIARTY	HRM BYLAW T-108 TAXI	Trial: Aug 21/2006@01:30 HALIFAX PROVINCIAL CT., C.R.3
Arraignment Jan 3/2006 DARTMOUTH PROVINCIAL COURT 8079	51 ROSSING DRIVE SACKVILLE	FRASER ANGUS & NICOLE GLAZEBROOK	BY-LAW D-100 RESPECTING DOGS OWN A DOG THAT WAS RUNNING AT LARGE; OWN A DOG THAT WITHOUT PROVOCATION ATTACKED OR INJURED AN ANIMAL; BEING THE OWNER OF A FIERCE OR DANGEROUS DOG ALLOWED TO BE ON STREET OR PUBLIC PLACE.	PUT OVER TO FEBRUARY 21/06
Arraignment Jan 3/2006 DARTMOUTH PROVINCIAL COURT 8104	412-25 LEAMAN DR DARTMOUTH	GREG METIVIER	BY-LAW D-100 RESPECTING DOGS OWNING A DOG THAT WITHOUT PROVOCATION ATTACKS A PERSON; OWNING A DOG THAT WITHOUT PROVOCATION ATTACKS ANIMALS	Trial: Mar 2/2006@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment Jan 3/2006 HALIFAX PROVINCIAL COURT 8119	1694 VERNON ST HALIFAX	CHERYL ELAINE JOYCE	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 20/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 3/2006 HALIFAX PROVINCIAL COURT 8120	1675 LARCH ST HALIFAX	MACKENZIE FRANK MARSHALL	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 19/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 3/2006 DARTMOUTH PROVINCIAL COURT 8125	50 A JACKSON RD DARTMOUTH	MICHAEL M. WILLIAMS	MUNICIPAL GOVERNMENT ACT S.344 FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO LACK OF EXTERIOR MAINTENANCE RESULTING IN STEPS AND LANDINGS IN A STATE OF DISREPAIR	Trial: Mar 2/2006@1:30 DARTMOUTH PROVINCIAL COURT
Trial Jan 4/2006 HALIFAX PROVINCIAL COURT 8083	921 BRUSSELS ST HALIFAX	HEATHER KIRK	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION FINED \$243.75

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jan 6/2006 HALIFAX PROVINCIAL COURT 8128	1-2680 AGRICOLA ST HALIFAX	TOMAS KING	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 29/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 6/2006 HALIFAX PROVINCIAL COURT 8129	920 BRUSSELS ST HALIFAX	EMILY ROGERS	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jul 10/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 10/2006 HALIFAX PROVINCIAL COURT 8107	5267 TOBIN ST HALIFAX	MICHAEL GILLIS KEATING	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 29/2006@1:30 HALIFAX PROVINCIAL COURT
Trial Jan 12/2006 DARTMOUTH PROVINCIAL COURT 8049	87 ROSE ST DARTMOUTH	JOSEPH C. ARAB	FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY MGA SEC 344	CONVICTION - FINE \$215.00
Arraignment Jan 13/2006 HALIFAX PROVINCIAL COURT 8132	1029 BLAND ST HALIFAX	CHRISTOPHER W POOLE	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 2/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 17/2006 HALIFAX PROVINCIAL COURT 8110	4 SPRINGVALE AVE HALIFAX	ARCHIE MACLEOD SAWING & DRILLING (2001) Agent: KIM A KEEPING	UNLAWFULLY MAKE A CONNECTION TO A FIRE HYDRANT WITHOUT PERMISSION FROM THE HALIFAX REGIONAL WATER COMMISSION CONTRARY TO S.3(B) OF THE REGULATION OF RATES FOR SPECIAL SERVICE SUPPLIED FROM FIRE HYDRANTS, PURSUANT TO THE HALIFAX PUBLIC UTILITIES COMMISSION ACT, 1944. C.47	Trial: Jul 10/2006@9:30 HALIFAX PROVINCIAL COURT
Trial Jan 19/2006 DARTMOUTH PROVINCIAL COURT 8081	272 WINDMILL RD DARTMOUTH	DAVID DUPUIS	DOG BY-LAW D-100 OWNING A DOG THAT IS FIERCE AND DANGEROUS TO PERSONS OR ANIMALS	AMENDED TO 11(1)(B) - UNPROVOKED ATTACK - PLEADS GUILTY COURT ORDERS DOG: - BE MUZZLED OR CHAINED WHEN NOT IN SECURE AREA - BE MICROCHIPPED - BE LICENCED

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jan 19/2006 8082 HALIFAX PROVINCIAL COURT	6312 ALLAN ST HALIFAX	NATHAN ROSENTHAL	BY-LAW N-200 ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	DISMISSED
Trial Jan 19/2006 8088 HALIFAX PROVINCIAL COURT	3251 AGRICOLA ST HALIFAX	JOSEPH C. ANTHONY ARAB	MGA 344 FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO DEBRIS INCLUDING BUT NOT LIMITED TO CONSTRUCTION REFUSE, STAIR STRINGERS HANDRAILS, DOORS, WINDOWS, LUMBER, SHOPPING CART, DISCARDED TOYS, HOUSEHOLD ITEMS, BAGS OF SOLID WASTE	ACQUITTED
Trial Jan 19/2006 8090 DARTMOUTH PROVINCIAL COURT	880 MAIN ST DARTMOUTH	WILLIAM HENRY STEWART	BY-LAW 0-103 - OPEN AIR BURNING USING OUTDOOR WOOD BURNING APPLIANCE DURING DEPARTMENT OF NATURAL RESOURCES BAN ON OPEN AIR BURNING	IN ABSENCE CONVICTION FINE \$215.00
Trial Jan 19/2006 8086 DARTMOUTH PROVINCIAL COURT	3352 HIGHWAY 7 LAKE ECHO	GEOTOP-CONSULTING AND DEVELOPMENT LTD. Agent: ACHIM SCHULZ	BY-LAW S-600 FAILING TO STORE COLLECTIBLE WASTE OUTSIDE OF MAIN BUILDING IN SECURE REGULATION CONTAINERS MADE INACCESSIBLE TO PESTS OR ANIMALS	ACQUITTED JUDGE ACCEPTED DEFENDANT'S EXPLANATION THAT THIRD PARTY WAS RESPONSIBLE FOR GARBAGE PLACED BESIDE BIN.
Trial Jan 24/2006 6845 HALIFAX PROVINCIAL CT.	55 CENTRAL AVE HALIFAX	COASTAL PLUMBING AND HEATING LIMITED Agent: CHRISTOPHER WESTHAVER	HRM LAND USE BY-LAW (HALIFAX MAINLAND), OPERATING A COMMERCIAL ENTERPRISE CONTRARY TO THE USES PERMITTED IN THE R-2 ZONE - TWO FAMILY DWELLING ZONE AND OPERATING A HOME OCCUPATION WITHOUT A DEVELOPMENT PERMIT AND IN A MANNER CONTRARY TO SECTION 14B OF THE GENERAL PROVISIONS	DEFENDANT HAS AGREED TO ENTER INTO AN INJUNCTION DAMAGES IMPOSED \$500.00
Arrignment Jan 24/2006 81.21 HALIFAX PROVINCIAL COURT	1381 LEMARCHANT ST HALIFAX	SARAH SPROULE	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 2/2006@9:30 HALIFAX PROVINCIAL COURT

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jan 31/2006 8087 DARTMOUTH PROVINCIAL COURT	70 WINDMILL RD DARTMOUTH	MANSHIP HOLDINGS LIMITED	DOWNTOWN DARTMOUTH LAND USE BY-LAW FAILING TO COMPLY WITH REQUIREMENTS FOR HOME BUSINESSES; BY HAVING IN THEIR EMPLOY MORE THAN ONE EMPLOYEE WHO WAS NOT LIVING IN THE DWELLING; BY HAVING MORE THAN 25% GROSS FLOOR AREA OF THE DWELLING FOR BUSINESS USE; BY UNLAWFULLY HAVING MORE THAN ONE SIGN ADVERTISING A HOME BUSINESS; BY UNLAWFULLY HAVING A SIGN ADVERTISING A HOME BUSINESS THAT EXCEEDED 2 SQ. FT. IN AREA.	Trial: Apr 27/2006@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Jan 31/2006 8146 DARTMOUTH PROVINCIAL COURT	19 RODNEY RD DARTMOUTH	ROBERT FINLAY MARLENE SNOW	BY-LAW D-100 RESPECTING DOGS OWNING A DOG THAT RUNS AT LARGE	CONVICTION ON BOTH SOTS FINE \$215.00 X 2 = \$430.00
Arraignment Jan 31/2006 8149 DARTMOUTH PROVINCIAL COURT	294 WINDMILL RD DARTMOUTH	2466211 NOVA SCOTIA LIMITED	BY-LAW S-600 WITH RESPECT TO SOLID WASTE OWNER OF PREMISES FAILING TO SCREEN COMMERCIAL CONTAINER IN A REASONABLE MANNER SO IT IS NOT VISIBLE FROM ANY STREET	IN ABSENCE CONVICTION FINE \$215.00
Arraignment Jan 31/2006 8145 DARTMOUTH PROVINCIAL COURT	50 WOODLAND AVE DARTMOUTH	BRIAN C. WEATHERBEE	BY-LAW P-800 WITH RESPECT TO PESTICIDES CARRYING OUT OR PERMITTING OR SUFFERING TO BE CARRIED OUT THE USE OF PESTICIDE APPLICATION WITHIN THE MUNICIPALITY	ACQUITTED - NO EVIDENCE OF BY-LAW INFRACTION
Arraignment Jan 31/2006 8136 HALIFAX PROVINCIAL COURT	18 COLPITT LAKE RD HALIFAX	NANCY MELNICK	BY-LAW S-600 RESPECTING SOLID WASTE OWNER OF AN ELIGIBLE PREMISES FAILING TO ENSURE WHERE REASONABLY POSSIBLE, THAT COLLECTIBLE WASTE REMAINS BEHIND OR BESIDE THE MAIN BUILDING OF THE ELIGIBLE PREMISES EXCEPT ON COLLECTION DAY	Adj. Arraignment: Mar 28/2006 HALIFAX PROVINCIAL COURT
Arraignment Jan 31/2006 8085 HALIFAX PROVINCIAL COURT	5277 HARVEY ST HALIFAX	ZHIZHANG CHEN	BY-LAW S-600 PLACING COLLECTIBLES OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M. THE DAY PRIOR TO COLLECTION DAY	IN ABSENCE CONVICTION FINE - \$215.00 JANUARY 31, 2006 CONVICTION SET ASIDE TRIAL DATE - AUGUST 30, 2006

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jan 31/2006 8141 HALIFAX PROVINCIAL COURT	2097 OXFORD ST HALIFAX	BLAIR PROPERTIES LIMITED Agent: PAUL BLAIR	BY-LAW S-600 RESPECTING SOLID WASTE PLACING COLLECTIBLE WASTE OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M.THE DAY PRIOR TO COLLECTION DAY	Trial: Jul 18/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 31/2006 8140 HALIFAX PROVINCIAL COURT	6297 ALLAN ST HALIFAX	ZDNA CERNY	MUNICIPAL GOVERNMENT ACT PART XV-344 FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY	Trial: Aug 21/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 31/2006 8139 HALIFAX PROVINCIAL COURT	1233 CHURCH ST HALIFAX	HELEN GREENOUGH	BY-LAW S-600 RESPECTING SOLID WASTE OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE COLLECTIBLE WASTE IS PLACED FOR COLLECTION IN ACCORDANCE WITH THIS BY-LAW	Trial: Aug 23/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 31/2006 8138 HALIFAX PROVINCIAL COURT	1069 SOUTH PARK ST HALIFAX	HALIFAX COUNTY CONDOMINIUM CORPORATION Agent: DON BUCK	BY-LAW S-600 RESPECTING SOLID WASTE OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE COLLECTIBLE WASTE IS PLACED FOR COLLECTION IN ACCORDANCE WITH THIS BY-LAW	Trial: Oct 20/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 31/2006 8137 HALIFAX PROVINCIAL COURT	6298 JENNINGS ST HALIFAX	RICHARD JAMES	BY-LAW S-600 RESPECTING SOLID WASTE OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE THAT COLLECTIBLE WASTE IS PLACED FOR COLLECTION IN ACCORDANCE WITH THIS BY-LAW	Trial: Aug 23/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 31/2006 8135 HALIFAX PROVINCIAL COURT	1281 BARRINGTON ST HALIFAX	OPERA INVESTMENTS LIMITED Agent: ADNAN EID	BY-LAW S-600 RESPECTING SOLID WASTE OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE COLLECTIBLE WASTE IS PLACED FOR COLLECTION IN ACCORDANCE WITH THIS BY-LAW	Trial: Aug 23/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 31/2006 8142 HALIFAX PROVINCIAL COURT	2150 GOTTINGEN ST HALIFAX	GEORGE TSULUIHAS	BY-LAW S-600 WITH RESPECT TO SOLID WASTE PLACING COLLECTIBLE WASTE OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M. THE DAY PRIOR TO COLLECTION DAY	Trial: Jun 19/2006@9:00 HALIFAX PROVINCIAL COURT