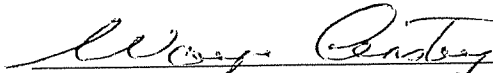

Halifax Regional Council
August 31, 2004

TO: Mayor Peter Kelly and Members of Regional Council

SUBMITTED BY: 
Wayne Anstey, Q. C., Director of Legal Services

DATE: August 3, 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 July 1, 2004 to July 31, 2004.

COURT APPEARANCE	PROPERTY	OWNER/DEFENDANT	VIOLATION	STATUS
Pre-Trial Conference July 5/2004 Halifax Provincial Ct., C.R.#2	2313 Gottingen Street Halifax	Randall Moore	HRM By-law N-200, Noise, s. 3(1) unreasonably disturbs the neighbourhood	Trial Aug. 19/2004 @ 1:30 p.m. Halifax Provincial Ct., C.R.#2
Change of Plea July 6/2004 Halifax Provincial Ct., C.R.#3	1663 Argyle Street Halifax	Economy Shoe Shop Café Bar	HRM By-law S-203, Smoking, s. 3(2) Counts #1 and 3 and s. 3(3) Counts #2 and 4	Count #1 - Fined \$200.00 plus \$100.00 costs Count #2 - Fined \$200.00 plus \$100.00 costs Total \$600.00 Counts #2 and #4 dismissed
Change of Plea July 6/2004 Halifax Provincial Ct., C.R.#3	1663 Argyle Street Halifax	Argyle Cobblers Ltd.	HRM By-law S-203, Smoking s. 3(2) smoking in a drinking establishment, count #1, 3 and 5, s. 3(3) fail to remove ashtrays from that drinking establishment, Counts 2, 4 and 6	Count # 3 Fined \$200.00 plus \$100.00 costs Count #5 Fined \$200.00 plus \$100.00 costs Counts 1, 2, 4 and 6 withdrawn
Arraignment July 13/2004 Halifax Provincial Ct., C.R.#2	1147 Beaufort Ave. Halifax	Richard Pelsinger	HRM By-law D-100, Dogs, s. 11(1)(b) without provocation attacks a person or animal	Trial Dec. 22/2004 @ 9:30 a.m. Halifax Provincial Ct., C.R.#3
Trial July 15/2004 Dartmouth Provincial Ct., C.R.#2	Halifax International Airport	Thomas Carroll	HRM By-law T-108 - Taxis, s. 9(ii) fail to display permanently affixed on the left rear bumper thereof a taxi bumper sticker for the current license year and for the zone in which the taxi is licensed	Found Not Guilty

<p>To Have Set Over July 20/2003 Halifax Provincial Ct., C.R.#2</p>	<p>5 Westlea Drive Lower Sackville</p>	<p>Jason Call</p>	<p>HRM By-law D-100, Dogs, s. 3(1) owning an unregistered dog; and s. 11(1)(a) owning a dog that runs at large (7 counts)</p>	<p>Set Over Aug. 3/2004 Halifax Provincial Ct., C.R.#2</p>
<p>Sentencing July 21/2004 Dartmouth Provincial Ct., C.R.#2</p>	<p>125 Portland Street Dartmouth</p>	<p>Dalal Safathi</p>	<p>HRM By-law M-100, Standards for Residential Occupancies, s. 16 - every building shall be provided with suitable heating facilities for maintaining an indoor ambient temperature of 20 celsius</p>	<p>Fined \$500.00</p>
<p>Arraignment July 21/2004 Dartmouth Provincial Ct., C.R.#4</p>	<p>16 Shalimar Crescent Dartmouth</p>	<p>Angus Stewart</p>	<p>HRM Land Use By-law for Cole Harbour/Westphal, s. 4.11 (iii) permit on a property in a residential zone an accessory building greater than 750 square feet in area</p>	<p>Adjourned Plea Sept. 22/2004 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2</p>
<p>Arraignment July 21/2004 Dartmouth Provincial Ct., C.R.#2</p>	<p>290 Les Collins Ave. West Chezzetcook</p>	<p>Christina Philpitts</p>	<p>HRM Land Use By-law for Planning Districts 8 and 9, s. 4.1(a) permit a development to wit: a mobile dwelling, without a development permit; HRM Land Use By-law for Planning Districts 8 and 9, s. 3.5(a) permit a development that is prohibited in a R-BA (Auxiliary Dwelling Unit) Zone, to wit: a mobile dwelling. Building Code Act, s. 8(b) occupy a building without an occupancy permit.</p>	<p>Adjourned Arraignment Sept. 1/2004 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2</p>

Trial July 23/2004 Dartmouth Provincial Ct., C.R.#2	200 Wyse Road Dartmouth	Roadmaster 2000 Transport	HRM By-law N-200, Noise, s. 3(1) unreasonably disturbs the neighbourhood	Adjourned For Decision Oct. 6/2004 Dartmouth Provincial Ct., C.R.#2
Trial July 26/2004 Dartmouth Provincial Ct., C.R.#2	46 Chalamont Drive Hammonds Plains	Richard Trenchard	HRM By-law N-200, Noise, s. 3(1) unreasonably disturbs the neighbourhood	In Absence Conviction \$243.75
Trial July 27, 2004 Halifax Provincial Ct., C.R.#2	1030 Terence Bay Road Terence Bay	Coastal Communities Economic Development Co- operative	Building Code Act, s. 8(b) a boat building operation	Fined \$300.00
Arraignment July 27, 2004 Halifax Provincial Ct., C.R.#3	24 Fenwood Road Halifax	2466835 Nova Scotia Limited	Nova Scotia Building Code Regulations, sentence 8.2.1.3(1) fail to erect between a construction site and the public way a strongly constructed fence, boarding or barricade not less than 1.8 meters high (4 counts)	Trial Jan. 17/2005@ 1:30 p.m. Halifax Provincial Ct., C.R.#5
Arraignment July 27/2004 Halifax Provincial Ct., C.R.#3	Almon Street Halifax	Christine Stundon	HRM By-law D-100, Dogs, s. 11(1)(a) owns a dog which runs at large (10 counts) s. 11(1)(b) own a dog without provocation attacked or injured a person or animal, s. 3(1) did own a dog which was unregistered	Charges Dismissed

<p>Arraignment July 27/2004 Halifax Provincial Ct., C.R.#3</p>	<p>78 Hebridean Drive Herring Cove</p>	<p>Charles Darrah</p>	<p>Land Use By-law for Planning District 5, s. 4.13(a)(iv) have an accessory building in a residential zone that exceeds twenty (20) feet in height, s. 4.13(a)(v) have an accessory building in a residential zone that exceeds 750 square feet at grade, s. 4.20 have a building located within 75 feet of a watercourse</p>	<p>Trial Jan. 20, 2005 @ 1:30 Halifax Provincial Ct., C.R.#3</p>
<p>Arraignment July 28/2004 Dartmouth Provincial Ct., C.R.#2</p>	<p>1972 Shore Road Eastern Passage</p>	<p>Stafford Yearwood</p>	<p>HRM By-law D-100, Dogs, s. 11(1)(a) runs at large, s. 11(1)(b) attacked a person or animal without provocation; s. 11(1)(c) fierce and dangerous and s. 3(1) unregistered dog</p>	<p>Trial Feb. 16, 2005 @ 9:30 a.m. Dartmouth Provincial Ct., C.R.#2</p>