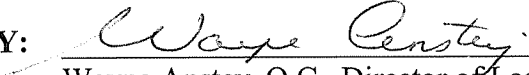

Halifax Regional Council
November 09, 2004

TO: Mayor Peter Kelly and Members of Regional Council

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

DATE: October 22, 2004

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 September 1, 2004 up to September 30, 2004.

COURT APPEARANCE	PROPERTY	OWNER/DEFENDANT	VIOLATION	STATUS
<p>Arraignment Sept.1/2004 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>Trial Feb. 16/2005 Dartmouth Provincial Ct., C.R.#2</p>
<p>Change of Plea September 7/2004 Halifax Provincial Ct., C.R.#2</p>	<p>1741 Grafton St. Halifax</p>	<p>Grafton-Connor Property Incorporated</p>	<p>HRM By-law S-203 Smoking, s. 3(2) permit smoking in a drinking establishment; s. 3(3) fail to remove ashtrays from that drinking establishment</p>	<p>Fined \$100.00 each on count #1, 3, 5, 7 & 9 Total \$500.00 Withdrew count #2, 4, 6, 8 & 10</p>
<p>Trial September 9/2004 Halifax Provincial Ct., C.R.#2</p>	<p>5718 Point Pleasant Park Halifax</p>	<p>Fredrick Debaie</p>	<p>HRM By-law P-600, Parks s. 13(2) entering or using park where prohibited by notice</p>	<p>In absence conviction Fined \$215.00</p>
<p>Trial September 21/2004 Halifax Provincial Ct., C.R.#2</p>	<p>3422 Connaught Avenue Halifax</p>	<p>Kathleen O'Callaghan</p>	<p>HRM By-law D-100, Dogs s.11(1)(b) owning a dog without provocation attacks a person(2 counts)</p>	<p>\$Fined \$100.00 on each count - Total \$200.00 plus \$200.00 court costs plus \$30 Victim Fine Surcharge Total \$430.00</p>

COURT APPEARANCE	PROPERTY	OWNER/DEFENDANT	VIOLATION	STATUS
Arraignment Sept. 22/2004 Dartmouth Provincial Ct., C.R.#2	252 Waverley Road Dartmouth	Sami Holdings Limited	HRM By-law S-800, Signs, s. regulating the erection of signs	Trial Jan. 13/2005 @ 9:30 a.m. Dartmouth Provincial Ct.,
Arraignment Sept. 22/2004 Dartmouth Provincial Ct., C.R.#2	16 Shalimar Crescent Cole Harbour	Angus Stewart	Cole Harbour/Westphal Land Use By-law, s. 4.11 (11) no accessory building in any residential zone shall be greater than 15 feet in height from the established grade to the highest point of roof nor greater than 750 square feet in area	Trial Feb. 24/2005 @ 10:00 a.m. Dartmouth Provincial Ct.,
Request For Adjournment Sept. 22/2004 Dartmouth Provincial Ct., C.R.#2	200 Windmill Road Dartmouth	Roadmaster 2000 Limited	HRM By-law N-200 Respecting Noise, s. 3(1) unreasonably disturbs the neighbourhood	Decision Oct. 6/ 2004 @ 9:30 a.m. Dartmouth Provincial Ct.,
Arraignment Sept. 28, 2004 Halifax Provincial Ct., C.R.#1	1436 St. Margaret's Bay Lakeside	Celtic Tree Specialist Incorp. Reg. Agent: Trevor Behan	Timberlea/Lakeside/ Beechville Land Use By-law Part 12.1 C-1 Zone, operating a business contrary to the permitted uses	Trial Mar. 30/ 2005 @ 9:30 a.m. Halifax Provincial Ct.
Arraignment September 28/2004 Halifax Provincial Ct., C.R.#1	6318 Yale Street Halifax	George Sfalagakos John Sfalagakos Thomas Sfalagakos	Land Use By-law for Halifax Peninsula, s. 35(3) permit a building to be used as a warehouse or storage facility,	Trial Mar. 24/2005 @ 9:30 a.m. Halifax Provincial Ct.
Arraignment September 28, 2004 Halifax Provincial Ct., C.R.#2	5533 Bilby Street Halifax	Fred Ghosn	MGA, s. 344, Part XV, fail to maintain property so as not be dangerous and unsightly	Plead Guilty Fined \$215.00

COURT APPEARANCE	PROPERTY	OWNER/DEFENDANT	VIOLATION	STATUS
<p>Arraignment September 28, 2004 Halifax Provincial Ct., C.R.#3</p>	<p>3807 Mont Blanc Terrace Halifax</p>	<p>GBRF Properties Ltd. Reg. Agent: Peter Polley</p>	<p>Building Code Act, s. 8(b) occupy a building without a permit</p>	<p>Adjourned Arraignment Oct. 28, 2004 @ 9:30 a.m. Dartmouth Provincial Ct.</p>
<p>Arraignment September 28, 2004 Halifax Provincial Ct.</p>	<p>5285 Kent Street Halifax</p>	<p>George Tsuluhas</p>	<p>HRM By-law F-100 Fire Prevention, clause 2.2.2.4(1)(c) maintain a closure in fire separation to ensure that the closure closed and latched properly, sentence B.2.2.2.1(1) of Appendix B; to wit: the suite entry doors are not solid core 1 3/4 wood doors with an equivalent frame and neither are the doors panel or hollow core doors lined on the room side with 5/8 thick plywood or 5/8 drywall, properly secured by means of screws with an equivalent fire rated door frame and with fire retardant paint applied to the edges of the door and frame, Article 8.3.1.2 fail to comply with an Order made pursuant to Article 8.1.3.1</p>	<p>Adjourned Arraignment Oct. 28, 2004 @ 9:30 a.m. Halifax Provincial Ct.</p>