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**Halifax Regional Council**  
**June 26, 2007**

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:** *ME Donovan*  
ME Donovan, Director of Legal Services & Risk Management

**DATE:** June 19, 2007

**SUBJECT:** Status of By-law Prosecutions

### **INFORMATION REPORT**

#### **ORIGIN**

Legal Services - Municipal Prosecution

**BACKGROUND**

N/A

**DISCUSSION**

This report identifies only those currently active cases where court appearances occurred between April 1, 2007 and April 30, 2007.

**BUDGET IMPLICATIONS**

N/A

**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 April 1/07 and April 30/07.

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

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arraignment Apr 3/2007 DARTMOUTH PROVINCIAL COURT	1002 BEAVERBANK RD SACKVILLE	CATHERINE KELSIE	BY-LAW D-100 RESPECTING DOGS - OWNING AN UNREGISTERED DOG	IN ABSENCE CONVICTION - FINE \$215.00
Trial Apr 3/2007 HALIFAX PROVINCIAL COURT	1620-1333 SOUTH PARK ST HALIFAX	VANESSA KATHERINE GREEN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ACQUITTED
Trial Apr 3/2007 HALIFAX PROVINCIAL COURT	1170 DAVIS ST HALIFAX	RUSSELL J GOZIAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Apr 3/2007 HALIFAX PROVINCIAL COURT	1170 DAVIS ST HALIFAX	ZACHARY A GOUZOPULOS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$445.00
Arraignment Apr 3/2007 DARTMOUTH PROVINCIAL COURT	179 GREEN VILLAGE LN DARTMOUTH	PETER DOUCET	BY-LAW D-100 RESPECTING DOGS - OWNING AN UNREGISTERED DOG	IN ABSENCE CONVICTION - FINE \$215.00 APRIL 3/07 APPLICATION DISMISSED - 30 DAYS TO PAY FINE
Trial Apr 3/2007 HALIFAX PROVINCIAL COURT	6038 CEDAR ST HALIFAX	M & BUDDY COMPANY LIMITED Agent: MONCEF ASKRI	HRM LAND USE BY-LAW (PENINSULA AREA) S. 35(1)(2) CONDUCTING A COMMERCIAL BUSINESS WHICH IS NOT A PERMITTED USE WITHIN AN R-2 ZONE, TO WIT: OPERATION OF A VEHICLE PARKING LOT FOR A FEE.	CONVICTION - ORDERED TO CLOSE BUSINESS BY JUNE 1, 2007; - FINE \$6,000.00.
Trial Apr 3/2007 HALIFAX PROVINCIAL COURT	1766 ROBIE ST HALIFAX	JONATHAN H. PEZIM	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Apr 4/2007 HALIFAX PROVINCIAL COURT	2555 WOOD AVE HALIFAX	MACDONALD IGHODARO	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	GUILTY - FINE \$445.00

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial Apr 5/2007 HALIFAX PROVINCIAL COURT 8318	930B MCLEAN ST HALIFAX	MAEGAN CARMEN MCLAUGHLIN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Apr 5/2007 DARTMOUTH PROVINCIAL COURT 8376	79 IRVING ST DARTMOUTH	MARY HORNE	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON; - OWNING UNREGISTERED DOG.	WITHDRAWN
Trial Apr 11/2007 HALIFAX PROVINCIAL COURT 8409	580-4A MAY ST HALIFAX	TAYLOR WILLIAM MCAUSLAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$295.00
Trial Apr 12/2007 DARTMOUTH PROVINCIAL COURT 8400	VIVIAN LANE EASTERN PASSAGE	LYNNETTA PARKS	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT WITHOUT PROVOCATION ATTACKS PERSON	CONVICTION - FINE \$560.00
Trial Apr 12/2007 DARTMOUTH PROVINCIAL COURT 8408	73 MOUNT EDWARD RD DARTMOUTH	JOEL S. HOYT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$245.00
Trial Apr 12/2007 DARTMOUTH PROVINCIAL COURT 8403	67 LUCIEN DR DARTMOUTH	HAROLD SHORTLIFFE	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT PERSISTENTLY DISTURBS QUIET OF NEIGHBOURHOOD BY BARKING, HOWLING OR IN ANY OTHER MANNER	Adj. Trial: May 24/2007 DARTMOUTH PROVINCIAL COURT
Trial Apr 12/2007 DARTMOUTH PROVINCIAL COURT 8404	43B KENNEDY DR DARTMOUTH	TYSON BEALS	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT PERSISTENTLY DISTURBS QUIET OF NEIGHBOURHOOD BY BARKING, HOWLING OR IN ANY OTHER MANNER	WITHDRAWN
Trial Apr 12/2007 DARTMOUTH PROVINCIAL COURT 8405	43B KENNEDY DR DARTMOUTH	TYSON BEALS	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT PERSISTENTLY DISTURBS QUIET OF NEIGHBOURHOOD BY BARKING, HOWLING OR IN ANY OTHER MANNER	CHANGE OF PLEA - FINE \$115.00

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial Apr 13/2007 HALIFAX PROVINCIAL COURT 8363	930-B MCLEAN ST HALIFAX	TRAVIS FRANCIS SAMPSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: Oct 26/2007 HALIFAX PROVINCIAL COURT
Arraignment Apr 13/2007 HALIFAX PROVINCIAL COURT 8442	6129 DUNCAN ST HALIFAX	COLIN ALEXANDER CAMPBELL	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: May 10/2007@1:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 13/2007 HALIFAX PROVINCIAL COURT 8443	101-3805 MONT BLANC TERR HALIFAX	ANDY K HEWLETT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 16/2007@9:30 HALIFAX PROVINCIAL COURT
Trial Apr 16/2007 HALIFAX PROVINCIAL COURT 8399	1083 BEAUFORT AVE HALIFAX	MICHAEL J. CONFORTI	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: May 9/2007 HALIFAX PROVINCIAL COURT
Arraignment Apr 17/2007 HALIFAX PROVINCIAL COURT 8134	48 WILLOW RD SAMBRO HEAD	AMOS & ANDY FISHERIES Agent: ANDREW HENNEBERRY	LAND USE BY-LAW FOR PLANNING DISTRICT #5 EXISTING FISHERY OPERATION HAS EXPANDED IN OPERATION TO A POINT BEYOND WHAT IS PERMITTED UNDER THE DEFINITION OF "FISHERY SUPPORT USE"	Trial: May 1/2007@9:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 17/2007 HALIFAX PROVINCIAL COURT 8317	18 CAPER CRT HAMMONDS PLAINS	MICHAEL & CATHERINE PARKER	LAND USE BY-LAW FOR BEAVER BANK, HAMMONDS PLAINS AND UPPER SACKVILLE - ALLOW THE OPERATION OF AN AUTOMOTIVE REPAIR SHOP	CATHERINE PARKER - CHARGES WITHDRAWN; MICHAEL PARKER - GUILTY PLEA - FINE \$1,000.; MACKAY COMEAU HOLDINGS - CHARGES WITHDRAWN.

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arrestment Apr 17/2007 HALIFAX PROVINCIAL COURT 8395	1597 OXFORD ST HALIFAX	PAUL PITTSO	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.	PRE-TRIAL CONFERENCE JUNE 25/07
Arrestment Apr 17/2007 HALIFAX PROVINCIAL COURT 8441	LOPPIE CL BEECHVILLE	GEORGE W. KELSIE	BY-LAW S-600 RESPECTING SOLID WASTE - PICKING OVER, REMOVING, DISTURBING OR OTHERWISE INTERFERING WITH RECYCLABLES WASTE MATERIAL THAT HAS BEEN PLACED FOR MUNICIPAL COLLECTION	Trial: May 7/2007@1:30 HALIFAX PROVINCIAL COURT
Arrestment Apr 17/2007 HALIFAX PROVINCIAL COURT 8445	3150 ROMANS AVE HALIFAX	SHARON A. JONES	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT RUNS AT LARGE	Trial: May 15/2007@1:30 HALIFAX PROVINCIAL COURT
Trial Apr 18/2007 HALIFAX PROVINCIAL COURT 8432	16-5240 KENT ST HALIFAX	MARK W. BALLANTYNE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$300.00
Trial Apr 19/2007 HALIFAX PROVINCIAL COURT 8305	207-16 DAWN ST HALIFAX	DIANE LYNN ACKER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$100.00
Trial Apr 19/2007 HALIFAX PROVINCIAL COURT 8114	3218 HEMLOCK ST HALIFAX	VANCE FRASER JOURDREY	BUILDING CODE ACT - BETWEEN OCT. 28/05 AND DEC. 6/05 FAILING TO COMPLY WITH AN ORDER; - BETWEEN NOV. 15/05 AND DEC. 6/05 FAILING TO COMPLY WITH AN ORDER.	CONVICTION FIRST COUNT - FINE \$4,100.00 SECOND COUNT - FINE \$2,300.00

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial Apr 19/2007 HALIFAX PROVINCIAL COURT 8407	1002-5214 GERRISH ST HALIFAX	KAYLA MARIE LEROY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment Apr 20/2007 HALIFAX PROVINCIAL COURT 8430	2421 GOTTINGEN ST HALIFAX	SHANCEY CENTEL SIMMONDS	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT RUNS AT LARGE - 2 SOTS	Trial: Jun 27/2007@9:30 HALIFAX PROVINCIAL COURT
Trial Apr 23/2007 HALIFAX PROVINCIAL COURT 8417	6131 DUNCAN ST HALIFAX	DANIEL O'GRADY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$445.00
Arraignment Apr 24/2007 DARTMOUTH PROVINCIAL COURT 8447	21 NEILSON DR DARTMOUTH	TANIA L. GIDNEY	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT RUNS AT LARGE	Trial: Jun 14/2007@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Apr 24/2007 HALIFAX PROVINCIAL COURT 8450	2360 HUNTER ST HALIFAX	WHITE'S LAKE SUBDIVISION LIMITED	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE-SEPARATED WASTE	Trial: Jul 30/2007@9:30 HALIFAX PROVINCIAL COURT
Trial Apr 24/2007 DARTMOUTH PROVINCIAL COURT 8281	202 WAVERLEY RD DARTMOUTH	WOODGRAIN/DOUBLE G PROPERTIES Agent: JOHN GILLIS KYTE	DARTMOUTH LAND USE BY-LAW - ALLOW THE OPERATION OF A FURNITURE FINISHING BUSINESS	WOODGRAIN - DISMISSED DOUBLE G PROPERTIES LTD. - TRIAL MAY 17/07
Trial Apr 24/2007 HALIFAX PROVINCIAL COURT 8436	5650 SOUTH ST HALIFAX	GASTON CHAGNON PROPERTY LIMITED Agent: GASTON CHAGNON	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE SEPARATED WASTE	CHANGE OF PLEA - FINE \$215.00
Arraignment Apr 24/2007 HALIFAX PROVINCIAL COURT 8462	32 PUNCH BOWL DR HALIFAX	LEE LATTA	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE; - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON; - OWNING DOG THAT IS FIERCE AND DANGEROUS TO PERSON OR ANIMALS.	Trial: May 18/2007@1:30 HALIFAX PROVINCIAL COURT

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arraignment Apr 24/2007 HALIFAX PROVINCIAL COURT 8472	18 SYLVIA AVE HALIFAX	STEVEN E. FOREWELL	BY-LAW 5-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE SEPARATED WASTE	Trial: Jan 23/2008@7:00 HALIFAX PROVINCIAL COURT
Trial Apr 26/2007 DARTMOUTH PROVINCIAL COURT 8292	26 MARILYN DR DARTMOUTH	TAMMY MARTIN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	DISMISSED
Trial Apr 26/2007 DARTMOUTH PROVINCIAL COURT 8412	22 BROOK POINT RD GAETZ BROOK	TANYA PENNEY	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT RUNS AT LARGE; - FAILING TO IMMEDIATELY REMOVE DOG DEFECCATION.	WITHDRAWN
Trial Apr 26/2007 DARTMOUTH PROVINCIAL COURT 8444	1909 CALDWELL RD EASTERN PASSAGE	SHIRLEY DIANNE ELLIS	BY-LAW 47 RESPECTING ANTI-DUMPING - THROWING ANYTHING IN OR ON PUBLIC WAY OR PLACE IN MUNICIPALITY	WITHDRAWN
Trial Apr 26/2007 DARTMOUTH PROVINCIAL COURT 8302	4 ROSEDALE DR DARTMOUTH	MICHAEL WILLIAMS	BY-LAW M-100 RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES - FAIL TO PROVIDE A REPORT FROM A QUALIFIED SERVICE TECHNICIAN IN REGARDS TO THE CONDITION OF THE FIRE CHAMBER OF THE FURNACE; - FAIL TO PROVIDE A REPORT FROM A QUALIFIED ELECTRICIAN IN REGARDS TO THE CONDITION OF THE ELECTRICAL WIRING.	CONVICTION ON BOTH COUNTS FINE - \$500.00 FOR EACH COUNT
Trial Apr 26/2007 DARTMOUTH PROVINCIAL COURT 8434	48 CARMEL CRES FALL RIVER	RONALD GILBY	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL; - OWNING DOG THAT IS FIERCE AND DANGEROUS TO PERSONS OR ANIMALS.	Adj. Trial: Jun 5/2007 DARTMOUTH PROVINCIAL COURT
Trial Apr 27/2007 HALIFAX PROVINCIAL COURT 8402	LAKEVIEW AVE SACKVILLE	SHELLEY CHASE	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT RUNS AT LARGE	CHANGE OF PLEA - FINE \$215.00



Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Apr 30/2007 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	HEARING TO SET A TRIAL DATE - JULY 3/07