



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
September 4, 2007

TO: Mayor Kelly and Members of Halifax Regional Council

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

DATE: August 28, 2007

SUBJECT: Status of By-law Prosecutions - June 1 - 31, 2007

INFORMATION REPORT

ORIGIN

Legal Services - Municipal Prosecution

BACKGROUND

N/A

DISCUSSION

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

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jun 5/2007 HALIFAX PROVINCIAL COURT	6881 CHURCHILL DR HALIFAX	PATRICIA JAMES	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL; - OWNING DOG THAT IS FERCE AND DANGEROUS TO PERSONS OR ANIMALS.	FIRST COUNT - WITHDRAWN - DEFENDANT UNDERTOOK TO ENSURE DOG WAS MUZZLED WITHIN POINT PLEASANT PARK; SECOND COUNT - CHANGE OF PLEA - FINE - \$215.00
Trial Jun 5/2007 DARTMOUTH PROVINCIAL COURT	48 CARMEL CRES FALL RIVER	RONALD GILBY	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL; - OWNING DOG THAT IS FERCE AND DANGEROUS TO PERSONS OR ANIMALS.	WITHDRAWN
Arraignment Jun 5/2007 DARTMOUTH PROVINCIAL COURT	90 LAMONT TERR DARTMOUTH	WAL-MART CANADA CORPORATION Agent: ERIC DURNFORD	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL - PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ARE EASILY ACCESSIBLE TO OCCUPANTS	GUILTY PLEA - FINE \$215.00
Arraignment Jun 5/2007 HALIFAX PROVINCIAL COURT	1-1229 QUEEN ST HALIFAX	IAN W. MUISE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNUSUALLY DISTURBS THE NEIGHBOURHOOD	GUILTY PLEA - FINE \$230.00
Arraignment Jun 5/2007 HALIFAX PROVINCIAL COURT	1-1229 QUEEN ST HALIFAX	IAN W. MUISE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Jun 6/2007 HALIFAX PROVINCIAL COURT	18 RANDALL AVE HALIFAX	JOSEPH NIJEM	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO BAGS OF SOLID WASTE, SHINGLES, SCRAP WOOD, BROKEN GLASS AND SCATTERED DEBRIS	CHANGE OF PLEA - FINE \$115.00
Trial Jun 6/2007 HALIFAX PROVINCIAL COURT	18 RANDALL AVE HALIFAX	JOSEPH NIJEM	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO OVER GROWN GRASS AND AN ACCUMULATION OF DEBRIS INCLUDING BUT NOT LIMITED TO BAGS OF SOLID WASTE	CHANGE OF PLEA - FINE \$115.00

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jun 6/2007 HALIFAX PROVINCIAL COURT 8333	18 RANDALL AVE HALIFAX	JOSEPH NJEIM	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO AN ACCUMULATION OF DEBRIS INCLUDING BUT NOT LIMITED TO A MATTRESS AND ENTERTAINMENT CABINET	CHANGE OF PLEA - FINE \$115.00
Trial Jun 6/2007 HALIFAX PROVINCIAL COURT 8334	29 GEBHARDT ST HALIFAX	JOSEPH NJEIM	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO AN ACCUMULATION OF DEBRIS INCLUDING BUT NOT LIMITED TO TIRES, BATTERIES AND BAGGED SOLID WASTE	CHANGE OF PLEA - FINE \$115.00
Trial Jun 6/2007 HALIFAX PROVINCIAL COURT 8335	29 GEBHARDT ST HALIFAX	JOSEPH NJEIM	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO OVERGROWN GRASS	CHANGE OF PLEA - FINE \$115.00
Trial Jun 6/2007 HALIFAX PROVINCIAL COURT 8397	18 RANDALL AVE HALIFAX	JOSEPH NJEIM	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO A DERELICT BLUE/GREEN MAZDA B2200 TRUCK, TIRE, BATTERY AND DEBRIS	CHANGE OF PLEA - FINE \$115.00
Trial Jun 7/2007 HALIFAX PROVINCIAL COURT 8160	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: Feb 19/2008 HALIFAX PROVINCIAL COURT
Arraignment Jun 8/2007 HALIFAX PROVINCIAL COURT 8469	80 THORNHILL DR HALIFAX	JAMES HART	BY-LAW P-600 RESPECTING PARKS - REMOVING AND DESTROYING PARK PROPERTY (TREES) - KIDSTON PARK	ACQUITTED
Arraignment Jun 8/2007 HALIFAX PROVINCIAL COURT 8470	211-56 CHADWICK PL HALIFAX	ANTHONY TREMBLETT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jul 16/2007@1:30 HALIFAX PROVINCIAL COURT

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jun 8/2007 HALIFAX PROVINCIAL COURT	6296 JENNINGS ST HALIFAX	JOANINA CAPLAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Sep 6/2007@1:30 HALIFAX PROVINCIAL COURT
Trial Jun 11/2007 HALIFAX PROVINCIAL COURT	6297 ALLAN ST HALIFAX	ZDENA CERNY	MGA S. 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY	WITHDRAWN
Trial Jun 12/2007 HALIFAX PROVINCIAL COURT	2445 GOTTINGEN ST HALIFAX	ANGELA M. LUCAS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment Jun 12/2007 DARTMOUTH PROVINCIAL COURT	1106 COLE HARBOUR RD DARTMOUTH	COUNTRY DREAMS HOLDINGS INC. Agent: MARYANN K. RITCY	COLE HARBOUR/WESTPHAL LAND USE BY-LAW - FAIL TO ERECT A VISUAL SCREEN ALONG THE REAR OF THE PROPERTY	Adj. Arraignment: Jul 24/2007 DARTMOUTH PROVINCIAL COURT
Trial Jun 14/2007 DARTMOUTH PROVINCIAL COURT	2705 HWY #7 LAKE ECHO	EAST COAST AUTO SALES Agent: ROY C. BONIN	LAND USE BY-LAW FOR PLANNING DISTRICTS 8 AND 9 - ALLOW THE UNSIGHTLY STORAGE OF GOODS, WARES, MERCHANDISE OR SALVAGE; - ALLOW OPEN STORAGE OR OUTDOOR DISPLAY OF GOODS.	CHANGE OF PLEA - FINE \$100.00
Trial Jun 14/2007 DARTMOUTH PROVINCIAL COURT	21 NEILSON DR DARTMOUTH	TANIA L. GIDNEY	BY-LAW D-100 RESPECTING DOGS - OWNING A DOG THAT RUNS AT LARGE	CONVICTION - FINE \$100.00
Trial Jun 14/2007 DARTMOUTH PROVINCIAL COURT	16 A BEAVER CRES COLE HARBOUR	SHAUNNA STEVENSON	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL	CHANGE OF PLEA - FINE \$100.00 MUZZLE ORDER INSIDE HRM
Arraignment Jun 15/2007 HALIFAX PROVINCIAL COURT	1707-2309 BRUNSWICK ST HALIFAX	ROGER BRUCE CONRAD	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Sep 12/2007@9:00 HALIFAX PROVINCIAL COURT

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jun 15/2007 HALIFAX PROVINCIAL COURT 8474	1707-2309 BRUNSWICK ST HALIFAX	RAYMOND JOSEPH DECOSTE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Sep 12/2007@9:00 HALIFAX PROVINCIAL COURT
Arraignment Jun 19/2007 HALIFAX PROVINCIAL COURT 8179	6430 OAK ST HALIFAX	JANET WILMA CHERNIN	HALIFAX PENINSULA LAND USE BY-LAW - PERMIT AN ANIMAL CARE BUSINESS TO OPERATE IN A R-2 ZONE -PERMIT A HOME OCCUPATION THAT IS NOT CONDUCTED ENTIRELY WITHIN THE DWELLING UNIT	Adj. Arraignment: Sep 28/2007 HALIFAX PROVINCIAL COURT
Arraignment Jun 19/2007 DARTMOUTH PROVINCIAL COURT 8448	COW BAY RD EASTERN PASSAGE	SILCO CONTRACTING LIMITED Agent: GERALD ARTHUR SILVER	LAND USE BY-LAW FOR EASTERN PASSAGE/ COW BAY - ALLOW STOCKPILING OF CONSTRUCTION MATERIAL	Trial: Nov 22/2007@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Jun 19/2007 HALIFAX PROVINCIAL COURT 8456	241 CHARLES RD TIMBERLEA	N. & E. BARNES/ CANADA DRAYAGE INC. Agent: TOM BOYNE	LAND USE BY-LAW FOR TIMBERLEA LAKESIDE/BEECHVILLE - ALLOW A COMMERCIAL VEHICLE WITH A WEIGHT GREATER THAN FIVE TONS TO BE KEPT IN A RESIDENTIAL ZONE; - ALLOW A COMMERCIAL VEHICLE TO BE PARKED IN A RESIDENTIAL ZONE LESS THAN TEN FEET FROM THE FRONT LOT LINE.	Trial: Nov 29/2007@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jun 19/2007 DARTMOUTH PROVINCIAL COURT 8439	60 AITWOOD CRES DARTMOUTH	GEORGE & MELISSA LYNN GRAHAM	MGA SECTION 244(1) - ALLOW THE CONSTRUCTION OF A BUILDING WITHOUT FIRST OBTAINING A DEVELOPMENT PERMIT; LAND USE BY-LAW FOR COLE HARBOUR/ WESTPHAL - ALLOW THE CONSTRUCTION OF AN ACCESSORY BUILDING WITHIN FOUR FEET OF A SIDE LOT LINE.	FIRST CHARGE - WITHDRAWN; SECOND CHARGE - CHANGE OF PLEA - FINE \$600.00
Arraignment Jun 19/2007 HALIFAX PROVINCIAL COURT 8440	1268 ST MARGARETS BAY RD BEECHVILLE	F & C POPE FAMILY TRUST / Agent: FREDERICK JAMES POPE	LAND USE BY-LAW FOR TIMBERLEA/LAKESIDE/ BEECHVILLE - CONSTRUCT A BUILDING WITHOUT FIRST OBTAINING A DEVELOPMENT PERMIT; - ALLOW A COMMERCIAL OPERATION IN AN R-1 ZONE.	Trial: Nov 19/2007@1:30 HALIFAX PROVINCIAL COURT

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jun 19/2007 HALIFAX PROVINCIAL COURT 8438	140 GLENFOREST DR HALIFAX	MATTHEW E. LEAHEY	LAND USE BY-LAW FOR MAINLAND AREA - PERMIT THE OUTSIDE STORAGE OF EQUIPMENT; - PERMIT MORE THAN ONE COMMERCIAL VEHICLE TO PARK ON THE PREMISES; - PERMIT A COMMERCIAL VEHICLE WITH A GROSS WEIGHT IN EXCESS OF 6,000 POUNDS TO PARK ON THE PREMISES.	Adj. Arraignment: Jul 17/2007 HALIFAX PROVINCIAL COURT
Arraignment Jun 19/2007 HALIFAX PROVINCIAL COURT 8480	23 BLUEWATER RD BEDFORD	K. BERGMAN / W. BISHOP	BUILDING CODE ACT BERGMAN - ALTER A BUILDING WITHOUT FIRST OBTAINING A PERMIT; - ALLOW OCCUPANCY OF A BUILDING WITHOUT FIRST OBTAINING AN OCCUPANCY PERMIT; - FAILED TO COMPLY WITH AN ORDER; - FAILED TO COMPLY WITH AN ORDER. BISHOP - OCCUPY A BUILDING WITHOUT FIRST OBTAINING AN OCCUPANCY PERMIT; - FAILED TO COMPLY WITH AN ORDER; - FAILED TO COMPLY WITH AN ORDER; - REMOVE WITHOUT AUTHORIZATION FROM THE BUILDING OFFICIAL A COPY OF AN ORDER.	Trial: Sep 4/2007@9:00 HALIFAX PROVINCIAL COURT
Arraignment Jun 22/2007 HALIFAX PROVINCIAL COURT 8477	6296 JENNINGS ST HALIFAX	CHRISTOPHER MICHAEL KEENE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$445.00
Arraignment Jun 25/2007 HALIFAX PROVINCIAL COURT 8395	1597 OXFORD ST HALIFAX	PAUL PITTSOON	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 JULY 17, 2007

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jun 25/2007 HALIFAX PROVINCIAL COURT 8458	5242 DUFFUS ST HALIFAX	CYNTHIA TINA MARIE DEWOLFE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$245.00
Trial Jun 26/2007 HALIFAX PROVINCIAL COURT 8391	1445 ST MARGARETS BAY RD HALIFAX	ANDREW CLAUDE CAMPBELL	MUNICIPALITY OF THE COUNTY OF HALIFAX BY-LAW 8 RESPECTING MISCHIEFS AND NUISANCES - KEEPING AN AIR GUN	WITHDRAWN
Trial Jun 26/2007 HALIFAX PROVINCIAL COURT 8392	1579 VERNON ST HALIFAX	RUSSELL ARKSEY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: Oct 4/2007 HALIFAX PROVINCIAL COURT
Arraignment Jun 26/2007 DARTMOUTH PROVINCIAL COURT 8476	20 SHEPHERDS LN DARTMOUTH	LARIKA BONER	BY-LAW D-100 RESPECTING DOGS (2 SOTS) - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL	Trial: Dec 10/2007@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Jun 26/2007 HALIFAX PROVINCIAL COURT 8481	NELSONS LANDING BLVD BEDFORD	MICHELLE POWELL	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	Trial: Sep 12/2007@9:00 HALIFAX PROVINCIAL COURT
Arraignment Jun 26/2007 HALIFAX PROVINCIAL COURT 8478	24 JAMES ST TIMBERLEA	ELISHA CONRAD	BY-LAW D-100 RESPECTING DOGS (2 SOTS) - OWNING DOG THAT RUNS AT LARGE	Adj. Arraignment: Jul 31/2007 HALIFAX PROVINCIAL COURT
Arraignment Jun 26/2007 DARTMOUTH PROVINCIAL COURT 8457	111 SUMMER FIELD WAY DARTMOUTH	PHIEN TRAN	BUILDING CODE ACT - FAILED TO COMPLY WITH AN ORDER; - FAILED TO COMPLY WITH AN ORDER.	Trial: Nov 29/2007@9:30 DARTMOUTH PROVINCIAL COURT
Arraignment Jun 26/2007 DARTMOUTH PROVINCIAL COURT 8431	9 DUMBARTON AVE DARTMOUTH	PURPLE DOOR CHILDREN'S CENTRE INC. Agent: RACHEL (BELL) BARKHOUSE	DARTMOUTH LAND USE BY-LAW - PERMIT A BUSINESS TO OPERATE; - PERMIT A BUSINESS TO OPERATE WHILE THE BUSINESS WAS NOT BEING OPERATED BY THE RESIDENT OCCUPANT; - PERMIT A HOME OCCUPATION THAT USED MORE THAN 25% OF THE TOTAL FLOOR AREA.	RACHEL BARKHOUSE - ELECTION/PLEA NOV. 22/07 NATALIE BISHOP - TRIAL NOV. 22/07

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jun 27/2007 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	ONE TICKET - WITHDRAWN ONE TICKET - CHANGE OF PLEA - FINE \$100.00
Trial Jun 28/2007 HALIFAX PROVINCIAL COURT 8340	5397 B VICTORIA RD HALIFAX	SHAWN D LEBLANC	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	DEFENDANT DID NOT APPEAR HEARING TO SET TRIAL DATE JULY 5, 2007
Trial Jun 28/2007 HALIFAX PROVINCIAL COURT 8380	1648 ROBIE ST HALIFAX	HUGH DENTON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$445.00
Trial Jun 28/2007 HALIFAX PROVINCIAL COURT 8382	DINGLE PARK HALIFAX	JARRET DANIEL SHAW	BY-LAW P-600 RESPECTING PARKS - BEING IN PARK BETWEEN 10:00 P.M. AND 5:00 A.M. WITHOUT WRITTEN PERMISSION	IN ABSENCE CONVICTION - FINE \$215.00