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Item No. 4

Halifax Regional Council
October 28, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: *ME Donovan*

ME Donovan, Director Legal Services & Risk Management

DATE: October 21, 2008

SUBJECT: Status of By-law Prosecutions - June 1 - 30, 2008

INFORMATION REPORT

ORIGIN

Legal Services - Municipal Prosecutions

BACKGROUND

DISCUSSION

This report identifies only those currently active cases where court appearances occurred between June 1, 2008 and June 30, 2008.

BUDGET IMPLICATIONS

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, 2008 and June 30, 2008

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

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jun 3/2008 8613 HALIFAX PROVINCIAL COURT	26 KAREN CRES BROOKSIDE	LAURA LEE ANN LYTTLE	LAND USE BY-LAW FOR PLANNING DISTRICT 4 - OWN A STRUCTURE LOCATED WITHIN THE 15 FOOT MINIMUM SIDE YARD SETBACK	CHANGE OF PLEA - FINE \$500.00
Trial Jun 6/2008 8147 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	FIRST COUNT - CHANGE OF PLEA - FINE \$3,500.00 SECOND COUNT - STAYED
Trial Jun 9/2008 8652 HALIFAX PROVINCIAL COURT	10 GRANITE COVE DR HUBLEY	KEVIN HURLBURT	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON	CHANGE OF PLEA - FINE \$452.00
Trial Jun 10/2008 8160 HALIFAX PROVINCIAL COURT	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.	COUNT 4, 5, 7, 9 AND 10 - ACQUITTED COUNT 6 - WITHDRAWN COUNT 1, 2, 3 AND 8 - CONVICTION - FINE \$3,200.00
Arraignment Jun 10/2008 8690 DARTMOUTH PROVINCIAL COURT	225 SIMMONDS RD DARTMOUTH	TERRY GLASGOW	MGA S.348(4) - PERMITTING, CAUSING OR CONTINUING TO PERMIT OR CAUSE DANGEROUS OR UNSIGHTLY CONDITION AFTER ORDER TO REMEDY SERVED - 2 COUNTS	Trial: Feb 12/2009@9:30 DARTMOUTH PROVINCIAL COURT
Trial Jun 11/2008 8468 HALIFAX PROVINCIAL COURT	1418 LUCASVILLE RD HAMMONDS PLAINS	HEIDI MACINNES	BUILDING CODE ACT S. 8(A), 12(1) - CONSTRUCT A BUILDING WITHOUT FIRST OBTAINING A CONSTRUCTION PERMIT; - FAILED TO COMPLY WITH AN ORDER - 2 COUNTS	COUNT 1 - STAYED COUNT 2 - CONVICTION - FINE \$9,000.00
Trial Jun 11/2008 8642 HALIFAX PROVINCIAL COURT	BARRINGTON/ARTZ ST HALIFAX	FIRAS ABOU NADI	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	IN ABSENCE CONVICTION - FINE \$124.25

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jun 20/2008 8631 HALIFAX PROVINCIAL COURT	6214 JUBILEE RD HALIFAX	ANDREW M. SCOTT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ACQUITTED
Arraignment Jun 24/2008 8704 HALIFAX PROVINCIAL COURT	6313 WILLOW ST HALIFAX	MICHAEL ANTHONY MCDONALD	BY-LAW T-600 RESPECTING TREES - ALTERING OR REMOVING PUBLIC TREE WITHOUT PERMIT OR WRITTEN CONSENT OF DIRECTOR	Trial: Oct 22/2008@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jun 24/2008 8699 HALIFAX PROVINCIAL COURT	2690 FULLER TERRACE HALIFAX	JACK POTTER	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jan 8/2009@9:00 HALIFAX PROVINCIAL COURT
Arraignment Jun 24/2008 8698 HALIFAX PROVINCIAL COURT	167 CHARLES RD TIMBERLEA	EZBIA HELPARD	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jan 8/2009@9:00 HALIFAX PROVINCIAL COURT
Arraignment Jun 24/2008 8751 HALIFAX PROVINCIAL COURT	16 TITUS ST HALIFAX	THE TAX MAN	BY-LAW S-800 RESPECTING TEMPORARY SIGNS - DID PLACE, ERECT OR DISPLAY A SIGN THAT DOES NOT HAVE A VALID LICENSE	Trial: Dec 10/2008@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jun 24/2008 8693 DARTMOUTH PROVINCIAL COURT	912 COW BAY RD EASTERN PASSAGE	TRENT CLEMENTS	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE; - FAILING TO LICENSE DOG.	Trial: Feb 12/2009@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment Jun 24/2008 8692 DARTMOUTH PROVINCIAL COURT	48A KENNEDY DR DARTMOUTH	ANGELA BYARD	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE; - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON.	Trial: Feb 12/2009@9:30 DARTMOUTH PROVINCIAL COURT
Arraignment Jun 24/2008 8694 DARTMOUTH PROVINCIAL COURT	SHUBIE PARK DARTMOUTH	SUSANNA FULLER	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE	Trial: Feb 12/2009@1:30 DARTMOUTH PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment Jun 24/2008 8696 DARTMOUTH PROVINCIAL COURT	27 CARTER RD PORTERS LAKE	ANDREW W. TAVARES	BY-LAW A-300 RESPECTING ANIMALS - ALLOW TO MAKE NOISE EXCESSIVELY	Trial: Feb 12/2009@1:30 DARTMOUTH PROVINCIAL COURT
Arrestment Jun 24/2008 8702 DARTMOUTH PROVINCIAL COURT	2840 SACKVILLE DR SACKVILLE	WAYNE BOTTOMLEY	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL	Trial: Mar 5/2009@1:30 DARTMOUTH PROVINCIAL COURT
Arrestment Jun 24/2008 8695 DARTMOUTH PROVINCIAL COURT	6 FOREST HILLS PKY COLE HARBOUR	I BUY HOUSES	BY-LAW S-800 RESPECTING TEMPORARY SIGNS - SIGN WITHIN A HRM PUBLIC RIGHT-OF-WAY	Trial: Mar 19/2009@1:30 DARTMOUTH PROVINCIAL COURT
Arrestment Jun 24/2008 8697 DARTMOUTH PROVINCIAL COURT	17 A MAPLE DR DARTMOUTH	GLEN DARRYL CARVERY	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE-SEPARATED WASTE	Trial: Mar 5/2009@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment Jun 24/2008 8703 HALIFAX PROVINCIAL COURT	B-3755 KENCREST AVE HALIFAX	SANDRA LEE BLAGDON	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT WAS IN A MUNICIPAL PARK DESIGNATED BY SIGNAGE AS AN AREA PROHIBITING DOGS; - OWNING DOG THAT ATTACKS.	Trial: Jan 8/2009@9:00 HALIFAX PROVINCIAL COURT
Arrestment Jun 24/2008 8700 HALIFAX PROVINCIAL COURT	24 JERICHO RD HUBLEY	LUKE GERRY TITUS	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE - 2 COUNTS	Trial: Jan 8/2009@1:30 HALIFAX PROVINCIAL COURT
Arrestment Jun 24/2008 8709 HALIFAX PROVINCIAL COURT	3 TREELINE CT HALIFAX	TERINA MARIE OAKLEY	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE - 2 COUNTS	Trial: Oct 14/2008@1:30 HALIFAX PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jun 26/2008 DARTMOUTH PROVINCIAL COURT	8482 52A JACKSON ROAD DARTMOUTH	CLARENCE CONRAD/BRISCOLL DEVELOP. Agent: R. DAREN BAXTER	LAND USE BY-LAW FOR DARTMOUTH - ALLOW THE OPERATION OF A SCRAP METAL BUSINESS; - ALLOW THE OPERATION OF A HOME OCCUPATION THAT WAS NOT CONDUCTED WITHIN THE ENCLOSED LIVING AREAS OF THE DWELLING OR ACCESSORY BUILDING; - ALLOW OUTSIDE STORAGE OF MATERIAL IN ASSOCIATION WITH THE OPERATION OF A HOME OCCUPATION.	Adj. Trial: Jan 27/2009 DARTMOUTH PROVINCIAL COURT
Trial Jun 26/2008 HALIFAX PROVINCIAL COURT	8569 20 BALSUM CIRCLE LWR SACKVILLE	LESIANU ZEWDIE HWELD	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	CONVICTION - FINE \$17.25
Trial Jun 26/2008 HALIFAX PROVINCIAL COURT	8570 214-179 LACEWOOD DR HALIFAX	NICK SCOTT SYPHER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: Jan 7/2009 HALIFAX PROVINCIAL COURT