




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Item No. 5

**Halifax Regional Council
June 30, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

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

DATE: June 23, 2009

SUBJECT: Status of By-law Prosecutions - February 1 - 28, 2009

INFORMATION REPORT

ORIGIN

Legal Services - Municipal Prosecutions

BACKGROUND

DISCUSSION

This report identifies only those currently active cases where court appearances occurred between February 1, 2009 and February 28, 2009.

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 February 1, 2009 and February 28, 2009

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

Jun 23/2009

Page 1 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Feb 3/2009 8767 DARTMOUTH PROVINCIAL COURT	135 CONRAD RD LAWRENCETOWN	JONATHAN LECAINES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Sep 10/2009@1:30 DARTMOUTH PROVINCIAL COURT
Trial Feb 3/2009 8398 DARTMOUTH PROVINCIAL COURT	200 B WAVERLEY RD DARTMOUTH	BOSCH TOULANY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ACQUITTED
Trial Feb 3/2009 8503 DARTMOUTH PROVINCIAL COURT	200 B WAVERLEY RD DARTMOUTH	BOSCH TOULANY	BY-LAW N-200 RESPECTING NOISE - OPERATING A COMMERCIAL CAR WASH BETWEEN 11:00 PM AND 7:00 AM	ACQUITTED
Arraignment Feb 3/2009 8787 HALIFAX PROVINCIAL COURT	HALIFAX	KYRA FOSTER	BY-LAW A-300 RESPECTING ANIMALS - FAILURE TO COMPLY WITH NOTICE TO MICROCHIP THE DOG	WITHDRAWN
Trial Feb 3/2009 8853 HALIFAX PROVINCIAL COURT	549 REGENCY PARK DR HALIFAX	MIRA VISTA APARTMENTS LTD Agent: J. CRAIG MCCREA Q.C., COX PALMER	BUILDING CODE ACT - S.8(A) DID CONSTRUCT A BUILDING WITHOUT A BUILDING PERMIT; - S.19(1)(B) DID NOT OBEY AN ORDER TO STOP WORK ON THE BUILDING.	Adj. Trial: Sep 29/2009 HALIFAX PROVINCIAL COURT
Trial Feb 3/2009 8861 HALIFAX PROVINCIAL COURT	429 HERRING COVE RD HALIFAX	NORMAN S. ROSS	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF PREMISES FAILING TO KEEP AREA SURROUNDING COMMERCIAL CONTAINER FREE FROM LITTER AND WASTE	CHANGE OF PLEA - FINE \$108.00
Arraignment Feb 3/2009 8879 HALIFAX PROVINCIAL COURT	5553 DUFFUS ST HALIFAX	BASH TOULANY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment Feb 3/2009 8878 HALIFAX PROVINCIAL COURT	5553 DUFFUS ST HALIFAX	BASH TOULANY'S	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN

Jun 23/2009

Page 2 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 8719 Feb 3/2009 HALIFAX PROVINCIAL COURT	1357 BIRMINGHAM ST HALIFAX	BIRMINGHAM INVESTMENTS LIMITED Agent: ANDREW MURPHY	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN AREA BETWEEN CURB AND PROPERTY LINE FREE FROM GARBAGE AND DEBRIS	WITHDRAWN
Arraignment 8887 Feb 4/2009 HALIFAX PROVINCIAL COURT	MACDONALD BRIDGE/WYSE RD DARTMOUTH	MARK VINCENT WESTON	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - OPERATING TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	WITHDRAWN
Trial 8563 Feb 4/2009 HALIFAX PROVINCIAL COURT	3521 WINDSOR ST HALIFAX	PETER METLEJ	FIRE SAFETY ACT - FAIL TO COMPLY WITH AN ORDER	CONVICTION - FINE \$2,500.00
Trial 8625 Feb 9/2009 DARTMOUTH PROVINCIAL COURT	16 DIGBY CRES DARTMOUTH	RICHARD HUGH DOOKS	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT PERSISTENTLY DISTURBS QUIET OF NEIGHBOURHOOD BY BARKING, HOWLING OR IN ANY OTHER MANNER	ACQUITTED
Trial 8443 Feb 9/2009 HALIFAX PROVINCIAL COURT	101-3805 MONT BLANC TERR HALIFAX	ANDY K HEWLETT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment 8866 Feb 10/2009 DARTMOUTH PROVINCIAL COURT	HALIFAX AIRPORT ENFIELD	HABIB HABIB	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	Trial: Nov 26/2009@9:30 DARTMOUTH PROVINCIAL COURT
Arraignment 8867 Feb 10/2009 DARTMOUTH PROVINCIAL COURT	HALIFAX AIRPORT ENFIELD	HABIB HABIB	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING A TAXI WITHOUT SIGN CAPABLE OF BEING ILLUMINATED FROM WITHIN AFFIXED TO ROOF OF TAXI	Trial: Nov 26/2009@9:30 DARTMOUTH PROVINCIAL COURT

Jun 23/2009

Page 3 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment Feb 10/2009 8868 DARTMOUTH PROVINCIAL COURT	HALIFAX AIRPORT ENFIELD	DEAN EVERETT CHAPLIN	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; - OBSTRUCTING OR HINDERING ANY PERSON IN PERFORMANCE OF DUTIES: FAILING TO PERMIT PEACE OFFICER TO INSPECT LICENSE.	Trial: Nov 26/2009@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment Feb 10/2009 8869 DARTMOUTH PROVINCIAL COURT	HALIFAX AIRPORT ENFIELD	GARY KENNETH SPARK	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	Trial: Nov 26/2009@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment Feb 10/2009 8870 DARTMOUTH PROVINCIAL COURT	HALIFAX AIRPORT ENFIELD	DAVID GORDON MOLLISON	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	Trial: Nov 26/2009@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment Feb 10/2009 8966 DARTMOUTH PROVINCIAL COURT	HALIFAX AIRPORT ENFIELD	PIERLUIGI ZANIN	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	Trial: Nov 26/2009@9:30 DARTMOUTH PROVINCIAL COURT
Trial Feb 12/2009 8727 DARTMOUTH PROVINCIAL COURT	110 LUNDY DR DARTMOUTH	NICOLE O'DONNELL	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON	CONVICTION - FINE \$1.00
Trial Feb 12/2009 8617 HALIFAX PROVINCIAL COURT	65 KEARNEY LAKE RD HALIFAX	AMANI DEVELOPMENTS LIMITED Agent: JOHN ALPHONSE	MGA S.348(4) - FAILING TO COMPLY WITH ORDER TO REMEDY DANGEROUS OR UNSIGHTLY CONDITION	WITHDRAWN
Trial Feb 12/2009 8715 DARTMOUTH PROVINCIAL COURT	52 CANDLEWOOD DR PORTERS LAKE	DAVID JOSEPH BLANCHETTE	BY-LAW D-100 RESPECTING DOGS - FAILURE TO IMMEDIATELY REMOVE DOG DEFECATION; - OWNING DOG THAT RUNS AT LARGE.	IN ABSENCE CONVICTION - FINE \$222.00 FOR EACH CHARGE

Jun 23/2009

Page 4 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Feb 12/2009 8877 HALIFAX PROVINCIAL COURT	LOT 12 GOTTINGEN ST HALIFAX	HARBOUR CITY HOMES	MGA S. 348(4) - FAILING TO COMPLY WITH ORDER TO REMEDY DANGEROUS OR UNSIGHTLY CONDITION	WITHDRAWN
Trial Feb 12/2009 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.	COUNT 1 - CHANGE OF PLEA - FINE \$222.00 COUNT 2 - WITHDRAWN
Trial Feb 12/2009 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.	DISMISSED
Trial Feb 12/2009 8694 DARTMOUTH PROVINCIAL COURT	SHUBIE PARK DARTMOUTH	SUSANNA FULLER	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE	IN ABSENCE CONVICTION - FINE \$222.00
Trial Feb 12/2009 8696 DARTMOUTH PROVINCIAL COURT	27 CARTER RD PORTERS LAKE	ANDREW W. TAVARES	BY-LAW A-300 RESPECTING ANIMALS - ALLOW TO MAKE NOISE EXCESSIVELY	ACQUITTED
Trial Feb 12/2009 8728 DARTMOUTH PROVINCIAL COURT	25A WESTWOOD DR DARTMOUTH	DARRELL T. MARRIOTT	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	CHANGE OF PLEA - FINE \$100.00
Trial Feb 12/2009 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	ONE COUNT - CHANGE OF PLEA - FINE \$222.00; ONE COUNT - WITHDRAWN.
Trial Feb 20/2009 8179 HALIFAX PROVINCIAL COURT	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	CHARGES STAYED

Jun 23/2009

Page 5 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment Feb 20/2009 8894 HALIFAX PROVINCIAL COURT	5429 DUFFUS ST HALIFAX	ALEC FRITH	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arrestment Feb 24/2009 8912 HALIFAX PROVINCIAL COURT	40 LOON TERR BEDFORD	PHILLIP ANDREW HARRIS	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jul 27/2009@11:00 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8925 HALIFAX PROVINCIAL COURT	1562 WALNUT ST HALIFAX	JUDITH MARION ROBERTSON	BY-LAW S-300 RESPECTING STREETS -FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Trial: Jun 29/2009@9:00 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8926 HALIFAX PROVINCIAL COURT	16 DENTITH RD HALIFAX	SPRYFIELD SHOPPING CENTRE INC.	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD - 2 COUNTS	Trial: Jun 30/2009@9:00 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8927 HALIFAX PROVINCIAL COURT	2054 CREIGHTON ST HALIFAX	ALISON FAYE STRACHAN	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Trial: Jul 29/2009@1:30 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8928 HALIFAX PROVINCIAL COURT	6121 LINDEN ST HALIFAX	WILLARD STRUGG	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Trial: Jul 2/2009@1:30 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8876 DARTMOUTH PROVINCIAL COURT	782 EAST CHEZZETCOOK RD EAST CHEZZETCOOK	FRANCESCA ROGIER	BY-LAW A-300 RESPECTING ANIMALS - OWN A DOG THAT RAN AT LARGE; - OWN A DOG THAT ATTACKED ANOTHER ANIMAL; - FAIL TO COMPLY WITH A NOTICE TO MUZZLE THE DOG.	Trial: Jun 5/2009@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment Feb 24/2009 8891 DARTMOUTH PROVINCIAL COURT	57 BEAVER BANK RD SACKVILLE	SOBEYS LAND HOLDINGS LIMITED	BY-LAW S-600 RESPECTING SOLID WASTE - FAILING TO ENSURE LID ON COMMERCIAL CONTAINER FOR TEMPORARY STORAGE OF WASTE NOT BEING LOADED OR UNLOADED IS KEPT CLOSED	Trial: Nov 26/2009@1:30 DARTMOUTH PROVINCIAL COURT

Jun 23/2009

Page 6 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment Feb 24/2009 8892 DARTMOUTH PROVINCIAL COURT	57 BEAVER BANK RD SACKVILLE	SOBEYS LAND HOLDINGS LIMITED	MGA S.344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO A LACK OF EXTERIOR MAINTENANCE TO THE MAIN BUILDING	Trial: Nov 26/2009@1:30 DARTMOUTH PROVINCIAL COURT
Arrestment Feb 24/2009 8897 HALIFAX PROVINCIAL COURT	5553 DUFFUS ST HALIFAX	AMJAD ZBRAHIM ATAWIL	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 18/2009@9:00 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8930 HALIFAX PROVINCIAL COURT	2674 FERN LN HALIFAX	STEPHANIE STEWART	BY-LAW A-300 RESPECTING ANIMALS - OWN A DOG WHICH RUNS AT LARGE	Trial: Jul 21/2009@1:30 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8865 HALIFAX PROVINCIAL COURT	401-554 BEDFORD HWY HALIFAX	JAMES DOUGLAS BEATON-JOHNSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$452.00
Arrestment Feb 24/2009 8922 HALIFAX PROVINCIAL COURT	5552 DUFFUS ST HALIFAX	IMD HOLDINGS INCORPORATED Agent: IAN G. MCDOUGALL	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Trial: Jun 25/2009@9:00 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8923 HALIFAX PROVINCIAL COURT	5552 DUFFUS ST HALIFAX	IMD HOLDINGS INCORPORATED Agent: IAN G. MCDOUGALL	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Trial: Jun 25/2009@9:00 HALIFAX PROVINCIAL COURT
Arrestment Feb 24/2009 8924 HALIFAX PROVINCIAL COURT	5552 DUFFUS ST HALIFAX	IMD HOLDINGS INCORPORATED Agent: IAN G. MCDOUGALL	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Trial: Jun 25/2009@9:00 HALIFAX PROVINCIAL COURT
Trial Feb 26/2009 8589 HALIFAX PROVINCIAL COURT	1403 HENRY ST HALIFAX 1407 HENRY ST HALIFAX	MARIA ROCKWELL	LAND USE BY-LAW FOR HALIFAX PENINSULA - ALLOW THE LAND TO BE USED IN A WAY NOT PERMITTED WITHIN AN R-2 ZONE - BUILDING CONTAINING MORE THAN FOUR APARTMENTS; MGA S. 244(1) - ALLOW ALTERATION TO A BUILDING WITHOUT FIRST OBTAINING A DEVELOPMENT PERMIT.	Adj. Trial: May 20/2009 HALIFAX PROVINCIAL COURT

Jun 23/2009

Page 7 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Feb 26/2009 8757 HALIFAX PROVINCIAL COURT	1029 BLAND ST HALIFAX	DESMOND JERMAINE MILLER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment Feb 27/2009 8898 HALIFAX PROVINCIAL COURT	5553 DUFFUS ST HALIFAX	AMJAD IBRAHIM AL-TAWIL	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 18/2009@9:00 HALIFAX PROVINCIAL COURT
Arraignment Feb 27/2009 8899 HALIFAX PROVINCIAL COURT	5553 DUFFUS ST HALIFAX	AMJAD IBRAHIM AL-TAWIL	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 18/2009@9:00 HALIFAX PROVINCIAL COURT
Arraignment Feb 27/2009 8900 HALIFAX PROVINCIAL COURT	3-31 TRIBUNE CT HALIFAX	KATHLEEN ANNE THOMPSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Arraignment: Mar 10/2009 HALIFAX PROVINCIAL COURT
Trial Feb 27/2009 8519 DARTMOUTH PROVINCIAL COURT	526 SPRINGFIELD LAKE RD SACKVILLE	DAVID ALAN VOGT	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	CONVICTION - FINE \$222.00