



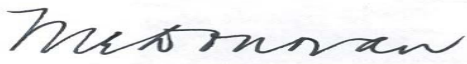
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Item No. 11

**Halifax Regional Council
July 7, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


ME Donovan, Director Legal Services & Risk Management

DATE: June 26, 2009

SUBJECT: Status of By-law Prosecutions - April 1 - 30, 2009

INFORMATION REPORT

ORIGIN

Legal Services - Municipal Prosecutions

BACKGROUND

DISCUSSION

This report identifies only those currently active cases where court appearances occurred between April 1, 2009 and April 30, 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 April 1, 2009 and April 30, 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

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Apr 1/2009 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.	Trial: Sep 29/2009@9:30 HALIFAX PROVINCIAL COURT
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	SHUBIE PARK DARTMOUTH	RANDY MANSFIELD	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE	CHANGE OF PLEA - FINE \$50.00
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	SHUBIE PARK DARTMOUTH	DONNA BEATTIE	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE	CHANGE OF PLEA - FINE \$50.00
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	8 WILSON AVE DARTMOUTH	RUSTY'S RENOVATIONS Agent: JAMES BROWN	BY-LAW S-800 RESPECTING TEMPORARY SIGNS - SIGNS WITHIN AN HRM PUBLIC RIGHT-OF- WAY - 6 COUNTS	IN ABSENCE CONVICTION - FINE \$222.00 EACH COUNT - \$1332.00
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	23 ROSLYN DR DARTMOUTH	GWENDOLYN COLBOURNE	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE	CHANGE OF PLEA - FINE \$25.00
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	32 CANDLEWOOD DR PORTERS LAKE	CINDY TOMBLIN	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE; - FAILING TO IMMEDIATELY REMOVE DEFECATION.	WITHDRAWN
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	129 PINECREST DR DARTMOUTH	ATLANTIC COAST PROPERTIES LTD	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN AREA BETWEEN CURB AND PROPERTY LINE FREE FROM GARBAGE AND DEBRIS	IN ABSENCE CONVICTION - FINE \$222.00
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	8 WHEBBY TERR DARTMOUTH	RICHARD GREEN	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE	CHANGE OF PLEA - FINE \$100.00

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	8910 133 LUMBERMAN DR SACKVILLE	MARVIN UPSHAW	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	8770 16 MEMORIAL DR DARTMOUTH	DONALD BATES	BY-LAW A-300 RESPECTING ANIMALS - FAILING TO LICENSE DOG - 4 COUNTS	WITHDRAWN
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	8769 292 MOORE RD MOLFORD STATION	LARRY BROWN	BY-LAW C-300 RESPECTING CIVIC ADDRESSING -OWNER OF PROPERTY FAILING TO KEEP ASSIGNED CIVIC NUMBER POSTED ON PROPERTY	IN ABSENCE CONVICTION - FINE \$222.00
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	8772 20 SHEPHERDS LN LAWRENCETOWN	LJERKA BONAR	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE; - FAILING TO LICENSE DOG - 2 COUNTS	Adj. Trial: May 5/2009 DARTMOUTH PROVINCIAL COURT
Trial Apr 2/2009 DARTMOUTH PROVINCIAL COURT	8873 13 HASTINGS DR DARTMOUTH	ERNEST HAROLD MACCULLOCH	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE SEPARATED WASTE	CHANGE OF PLEA - FINE \$108.00
Trial Apr 6/2009 HALIFAX PROVINCIAL COURT	8857 1665 LARCH ST HALIFAX	KAYLA MARY CARR	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$452.00
Trial Apr 6/2009 HALIFAX PROVINCIAL COURT	8734 7159 ABBOTT DR HALIFAX	TAWAAK HOUSING ASSOCIATION Agent: BRIAN DEZAGIACOMO	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN AREA BETWEEN CURB AND PROPERTY LINE FREE FROM GARBAGE AND DEBRIS	CHANGE OF PLEA - FINE \$222.00
Trial Apr 6/2009 HALIFAX PROVINCIAL COURT	8735 6255 LAWRENCE ST HALIFAX 6257 LAWRENCE ST HALIFAX	TAWAAK HOUSING ASSOCIATION Agent: BRIAN DEZAGIACOMO	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN AREA BETWEEN CURB AND PROPERTY LINE FREE FROM GARBAGE AND DEBRIS	CHANGE OF PLEA - FINE \$222.00

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Apr 6/2009 HALIFAX PROVINCIAL COURT	65 GLEN TORRIDON CRT HAMMONDS PLAINS HALIFAX	CHIGAYA SMITH	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	CHANGE OF PLEA - FINE \$157.00
Trial Apr 6/2009 HALIFAX PROVINCIAL COURT	152 FOX HOLLOW DR HALIFAX	DANIEL MARSH	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL	CHANGE OF PLEA - FINE \$115.00
Trial Apr 6/2009 HALIFAX PROVINCIAL COURT	6216 PEPPERELL ST HALIFAX	NORA LANDRY	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	CONVICTION - FINE \$222.00
Trial Apr 6/2009 HALIFAX PROVINCIAL COURT	1578 WALNUT ST HALIFAX	LIA MARET MATHIESEN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNUSUALLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$200.00
Arraignment Apr 7/2009 HALIFAX PROVINCIAL COURT	6252 NORTH ST HALIFAX	SIMON LUKE GAUDET	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment Apr 7/2009 HALIFAX PROVINCIAL COURT	795 HAMMONDS PLAINS RD BEDFORD	V. DAVID & BRUCE BERGMAN	LAND USE BY-LAW FOR BEDFORD - ALLOW THE PROPERTY TO BE USED FOR VEHICLE PARKING	CHANGE OF PLEA - FINE \$250.00
Trial Apr 8/2009 HALIFAX PROVINCIAL COURT	114B-64 FAIRFAX DR HALIFAX	RYAN NEIL HEARNS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$245.00
Trial Apr 16/2009 HALIFAX PROVINCIAL COURT	DEADMAN'S ISLAND PARK HALIFAX	MICHAEL H. HAMLYN	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	CHANGE OF PLEA - FINE \$108.00

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Apr 16/2009 DARTMOUTH PROVINCIAL COURT	45 JOHN SAVAGE AVE DARTMOUTH	3105646 NS LTD/ROOFING CONNECTION Agent: CHERYL LYNN O'BRIEN	BUILDING CODE ACT - S.8(B) - OCCUPY A BUILDING WITHOUT FIRST OBTAINING AN OCCUPANCY PERMIT; - S.12(1) - FAIL TO COMPLY WITH AN ORDER	CONVICTION - FINE \$11,500.00
Arraignment Apr 21/2009 HALIFAX PROVINCIAL COURT	5252 TOBIN ST HALIFAX	A.R.C. MANAGEMENT / NEEL AHUJA, ET AL	FIRE SAFETY ACT - FAIL TO PROVIDE MEANS OF EGRESS; - FAIL TO PROTECT OPENINGS IN FIRE SEPARATIONS WITH CLOSURES; - FAIL TO INSPECT, TEST AND MAINTAIN CARBON MONOXIDE DETECTORS IN CONFORMANCE WITH THE MANUFACTURE'S INSTRUCTIONS; - FAIL TO MAINTAIN A FIRE SAFETY PLAN.	Adj. Arraignment: May 14/2009 HALIFAX PROVINCIAL COURT
Arraignment Apr 21/2009 DARTMOUTH PROVINCIAL COURT	45A GASTON RD DARTMOUTH	NICOLE BURNS	BY-LAW A-300 RESPECTING ANIMALS - FAIL TO COMPLY WITH A NOTICE TO MICRO CHIP DOG - 2 COUNTS; - OWN AN UNLICENSED DOG; - OWN A DOG THAT RUNS AT LARGE; - FAIL TO COMPLY WITH A NOTICE TO MUZZLE DOG; - FAIL TO COMPLY WITH A NOTICE TO SECURELY RESTRAIN DOG.	CHANGE OF PLEA - FINE \$600.00
Arraignment Apr 21/2009 HALIFAX PROVINCIAL COURT	5385 VICTORIA RD HALIFAX	TROY GRANT	FIRE SAFETY ACT - FAIL TO COMPLY WITH AN ORDER; - FAIL TO PROVIDE MEANS OF EGRESS.	Trial: Oct 6/2009@1:30 HALIFAX PROVINCIAL COURT
Trial Apr 22/2009 DARTMOUTH PROVINCIAL COURT	51 JOSEPH YOUNG ST DARTMOUTH	OMERS REALTY CORPORATION Agent: JOHN G. STEWART	LAND USE BY-LAW FOR DARTMOUTH - ALLOW MORE DWELLING UNITS THAN PERMITTED IN AN R-3 ZONE	CHANGE OF PLEA - FINE \$6,000.00
Trial Apr 23/2009 DARTMOUTH PROVINCIAL COURT	18 BIRCHILL DR EASTERN PASSAGE	MARGARET JONES	BY-LAW A-300 RESPECTING ANIMALS - OWNER OF DOG THAT ATTACKS; - FAILING TO LICENSE DOG.	CHARGE #1 - CONVICTION - FINE \$222.00 CHARGE #2 - WITHDRAWN

Court Appearance	Address	Owner / Defendant	Violation	Status
Trial Apr 23/2009 DARTMOUTH PROVINCIAL COURT 8795	32 FAUCHEAU LN WAVERLY	CHRISTOPHER G. KEEVILL	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE	CHANGE OF PLEA - FINE \$1115.00
Trial Apr 23/2009 DARTMOUTH PROVINCIAL COURT 8758	2 SQUIRES LANE EASTERN PASSAGE	IONE SIMPSON	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE; - FAILING TO IMMEDIATELY REMOVE DEFECATION.	FIRST COUNT - IN ABSENCE CONVICTION - FINE \$222.00 SECOND COUNT - WITHDRAWN
Trial Apr 23/2009 DARTMOUTH PROVINCIAL COURT 8768	142 AMARANTH CRES DARTMOUTH	APRIL LEE GAETZ	MGA S 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO DOG FECE, RIPPED DISCARDED TARPS, PLASTIC BOTTLES AND SCATTERED DEBRIS	Adj. Trial: Oct 22/2009 DARTMOUTH PROVINCIAL COURT
Trial Apr 23/2009 DARTMOUTH PROVINCIAL COURT 8909	3-62 JACKSON RD DARTMOUTH	SHERRY LORETTA LEVY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$222.00
Trial Apr 23/2009 DARTMOUTH PROVINCIAL COURT 8782	59 LAKEVIEW RD LAKEVIEW	MIKE ROSS	BY-LAW A-300 RESPECTING ANIMALS - FAILING TO KEEP IDENTIFICATION SYSTEM IN PLACE	WITHDRAWN
Trial Apr 23/2009 DARTMOUTH PROVINCIAL COURT 8783	59 LAKEVIEW RD LAKEVIEW	MICHAEL B. ROSS	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE	CHANGE OF PLEA - FINE \$222.00
Trial Apr 27/2009 HALIFAX PROVINCIAL COURT 8810	162 CONNOR LN HALIFAX	FABIAN TROY ELLIS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$452.00
Arraignment Apr 28/2009 HALIFAX PROVINCIAL COURT 8951	52 ATTENBOROUGH CT HALIFAX	BONITA PAQUET	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG WHICH RUNS AT LARGE - 2 COUNTS	Trial: Aug 17/2009@9:30 HALIFAX PROVINCIAL COURT

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Apr 28/2009 HALIFAX PROVINCIAL COURT	1009 COBEQUID RD WINDSOR JUNCTION	ID MANAGEMENT LTD Agent: R. JOHN HILL	LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17 - ALLOW THE CREATION OF OFFENSIVE NOISE AND FUMES	Trial: Aug 21/2009@1:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 28/2009 HALIFAX PROVINCIAL COURT	2350 CREIGHTON ST HALIFAX 2354 CREIGHTON ST HALIFAX	MONICA BLANCHE CARVERY	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Adj. Arraignment: Jun 25/2009 HALIFAX PROVINCIAL COURT
Arraignment Apr 28/2009 HALIFAX PROVINCIAL COURT	9 HEATHSIDE CRES HALIFAX	MACDONALD, GERALD, BETTY & DOUGLAS	LAND USE BY-LAW FOR HALIFAX MAINLAND - ALLOW OR OPERATE A BUSINESS WITHOUT A PERMIT; - ALLOW OR DO AUTOMOBILE REPAIRS IN A RESIDENTIAL ZONE; - ALLOW OR OPERATE A BUSINESS IN A WAY THAT IS OBNOXIOUS.	Adj. Arraignment: Jun 18/2009 HALIFAX PROVINCIAL COURT
Arraignment Apr 28/2009 DARTMOUTH PROVINCIAL COURT	4065 HIGHWAY #2 FLETCHERS LAKE	BRADLEY DONALD CAMERON	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG WHICH RUNS AT LARGE; - OWNING A DOG THAT ATTACKS A PERSON OR ANIMAL	Trial: Oct 22/2009@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment Apr 28/2009 DARTMOUTH PROVINCIAL COURT	36 OAKLEAF CRES GRAND LAKE	SCOTT SMITH	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG THAT ATTACKS A PERSON OR ANIMAL; - OWNING A DOG WHICH RUNS AT LARGE; - OWNING AN UNLICENSED DOG.	Trial: Jan 21/2010@9:30 DARTMOUTH PROVINCIAL COURT
Arraignment Apr 28/2009 HALIFAX PROVINCIAL COURT	342 MOIRS MILL RD BEDFORD	WU-CHENG CHANG / TSAL-CHUAN LIAO	LAND USE BY-LAW FOR BEDFORD - ALLOW THE CONSTRUCTION OF AN ATTACHED DECK AND FENCE, WITHOUT FIRST OBTAINING A PERMIT	Trial: Aug 21/2009@1:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 28/2009 HALIFAX PROVINCIAL COURT	966 BRUSSELS ST HALIFAX	KMF HOLDINGS LIMITED	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Trial: Aug 20/2009@9:30 HALIFAX PROVINCIAL COURT
Trial Apr 30/2009 DARTMOUTH PROVINCIAL COURT	1089 COLE HARBOUR RD DARTMOUTH	PUDGEY TIRE LTD.	BY-LAW S-800 RESPECTING SIGNS - DID DISPLAY A SIGN ON THE ROOF OF A BUILDING	Adj. Trial: Sep 10/2009 DARTMOUTH PROVINCIAL COURT

Status of By-law Prosecution

Between Apr 1/2009 and Apr 30/2009

Jun 26/2009

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Apr 30/2009 DARTMOUTH PROVINCIAL COURT 8606	20 SHEPHERDS LN LAWRENCETOWN	LJERKA/STEPHEN BONAR	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL - 2 COUNTS; - OWNING DOG THAT IS FIERCE AND DANGEROUS TO PERSONS OR ANIMALS.	Adj. Trial: May 5/2009 DARTMOUTH PROVINCIAL COURT
Trial Apr 30/2009 DARTMOUTH PROVINCIAL COURT 8792	14 BURKE ST DARTMOUTH	GORDON B. MILNE	BY-LAW A-300 RESPECTING ANIMALS - DAMAGE PUBLIC OR PRIVATE PROPERTY; - FAILING TO LICENSE DOG.	IN ABSENCE CONVICTION - FINE \$222.00 FOR EACH CHARGE
Trial Apr 30/2009 DARTMOUTH PROVINCIAL COURT 8850	14 BURKE ST DARTMOUTH	GORDON MILNE	BY-LAW A-300 RESPECTING ANIMALS - FAILING TO LICENSE DOG	IN ABSENCE CONVICTION - FINE \$222.00