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Item No. 4

**Halifax Regional Council
August 4, 2009**

TO: Mayor Kelly and Members of Halifax Regional Council

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

DATE: July 13, 2009

SUBJECT: Status of By-law Prosecutions - May 1 - 31, 2009

INFORMATION REPORT

ORIGIN

Legal Services - Municipal Prosecutions

BACKGROUND

DISCUSSION

This report identifies only those currently active cases where court appearances occurred between May 1, 2009 and May 31, 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 May 1, 2009 and May 31, 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

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment May 5/2009 8824 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 May 5/2009 8907 DARTMOUTH PROVINCIAL COURT	569 WEST JEDDORE RD WEST JEDDORE	ADAM DAY	BY-LAW A-300 RESPECTING ANIMALS - OWN DOG WHICH RAN AT LARGE - 6 COUNTS; - OWN DOG WHICH ATTACKED A PERSON OR ANIMAL; - OWN AN UNLICENSED DOG.	Trial: Dec 10/2009@9:30 DARTMOUTH PROVINCIAL COURT
Trial May 5/2009 8606 DARTMOUTH PROVINCIAL COURT	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.	CHARGE #1 - ONE COUNT WITHDRAWN & ONE COUNT CHANGE OF PLEA - FINE \$222.00 CHARGE #2 - WITHDRAWN
Trial May 5/2009 8772 DARTMOUTH PROVINCIAL COURT	20 SHEPHERDS LN LAWRENCETOWN	LJERKA BONAR	BY-LAW A-300 RESPECTING ANIMALS - RUNNING AT LARGE; - FAILING TO LICENSE DOG - 2 COUNTS	CHARGE #1 - CONVICTION - FINE \$222.00 CHARGE #2 - BOTH COUNTS WITHDRAWN
Trial May 7/2009 8812 DARTMOUTH PROVINCIAL COURT	473 WINDMILL RD DARTMOUTH	T.K'S CARPET	BY-LAW S-800 RESPECTING TEMPORARY SIGNS - DID PLACE, ERECT OR DISPLAY A SIGN THAT DOES NOT HAVE A VALID LICENSE.	IN ABSENCE CONVICTION - FINE \$222.00
Trial May 7/2009 8811 HALIFAX PROVINCIAL COURT	5775 CHARLES ST HALIFAX	STEVEN WISWELL	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	WITHDRAWN

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial May 7/2009 8797 DARTMOUTH PROVINCIAL COURT	228 WYSE RD DARTMOUTH	RICHMOND ROW DEVELOPMENTS LIMITED	MGA S.348(4) FAILING TO COMPLY WITH ORDER TO REMEDY DANGEROUS OR UNSIGHTLY CONDITION	Adj. Trial: Oct 22/2009 DARTMOUTH PROVINCIAL COURT
Trial May 7/2009 8906 DARTMOUTH PROVINCIAL COURT	2-89 FAIRBANKS DARTMOUTH	NANCY A. MACDONALD	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$111.00
Trial May 7/2009 8800 DARTMOUTH PROVINCIAL COURT	190 RANKIN DR SACKVILLE	JOSEPH STRUM	BY-LAW A-300 RESPECTING ANIMALS - OWNER OF DOG THAT ATTACKS; - FAILING TO LICENSE DOG - 2 COUNTS	IN ABSENCE CONVICTIONS - FINE \$222.00 X 3
Trial May 7/2009 8798 DARTMOUTH PROVINCIAL COURT	191 VICKY CRES EASTERN PASSAGE	JASON ALAN SAULNIER	BY-LAW A-300 RESPECTING ANIMALS - FAILING TO LICENSE DOG	IN ABSENCE CONVICTION - FINE \$222.00
Trial May 7/2009 8645 DARTMOUTH PROVINCIAL COURT	1 ODELL DR WESTPHAL 4 B ODELL DR WESTPHAL	DONALD BATES	BY-LAW D-100 RESPECTING DOGS - OWN DOG THAT RUNS AT LARGE - 2 COUNTS - FAIL TO IMMEDIATELY REMOVE DOG DEFECATION	ONE COUNT DOG THAT RUNS AT LARGE - CHANGE OF PLEA - FINE \$300 ONE COUNT DOG THAT RUNS AT LARGE - WITHDRAWN THIRD CHARGE - WITHDRAWN
Trial May 7/2009 8634 DARTMOUTH PROVINCIAL COURT	900/920 COLE HARBOUR RD DARTMOUTH	MILLER WASTE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial May 7/2009 8674 DARTMOUTH PROVINCIAL COURT	148 LOCKVIEW RD FALL RIVER	SLC DEVELOPER INCORPORATED Agent: BARRY WARD	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF INSTITUTIONAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE-SEPARATED WASTE	Adj. Trial: Dec 10/2009 DARTMOUTH PROVINCIAL COURT
Trial May 7/2009 8664 DARTMOUTH PROVINCIAL COURT	1225 OLD SACKVILLE RD SACKVILLE	SLC DEVELOPER INCORPORATED Agent: BARRY WARD	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF INSTITUTIONAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE-SEPARATED WASTE	Adj. Trial: Dec 10/2009 DARTMOUTH PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial May 7/2009 8729 DARTMOUTH PROVINCIAL COURT	473 WINDMILL RD DARTMOUTH	T.K.'S CARPET FACTORY OUTLET Agent: ROBERT MACKEIGAN	BY-LAW S-800 RESPECTING TEMPORARY SIGNS - DID PLACE, ERRECT OR DISPLAY A SIGN THAT DOES NOT HAVE A VALID LICENSE	IN ABSENCE CONVICTION - FINE \$222.00
Arraignment May 12/2009 8929 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
Arraignment May 13/2009 8933 HALIFAX PROVINCIAL COURT	1-5639 FENWICK ST HALIFAX	ALEXANDER J. ALLISON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial May 13/2009 8739 HALIFAX PROVINCIAL COURT	2790 WINDSOR ST HALIFAX	ROCKSTONE INVEST/MARITIME LAWN/HEIGHWAY	LAND USE BY-LAW FOR HALIFAX PENINSULA - ALLOW SHIPPING CONTAINERS TO BE USED AS ACCESSORY BUILDINGS ON A PROPERTY THAT ABUTS A RESIDENTIAL ZONE	THOMAS J. HEIGHWAY - CHANGE OF PLEA - FINE \$15,000.00 REMITTED TO \$3,000.00 OTHER DEFENDANTS - CHARGES WITHDRAWN
Arraignment May 14/2009 8822 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: Jun 18/2009 HALIFAX PROVINCIAL COURT
Arraignment May 15/2009 8940 HALIFAX PROVINCIAL COURT	23 COWIE HILL RD HALIFAX	EVANGUELOS K. PLYTAS	BY-LAW W-101 RESPECTING WASTEWATER DISCHARGE - DISCHARGING INTO STORMWATER MATTER (OIL) THAT CAUSES A HEALTH OR SAFETY HAZARD	Trial: Sep 8/2009@9:00 HALIFAX PROVINCIAL COURT
Trial May 15/2009 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

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment May 19/2009 8760 HALIFAX PROVINCIAL COURT	5476 SUNRISE WALK HALIFAX	KENNETH ARMSWORTHY	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS AN ANIMAL; - OWNING DOG THAT RUNS AT LARGE; - OWNING AN UNLICENSED DOG.	DID NOT APPEAR - ENDORSED WARRANT ISSUED
Arraignment May 19/2009 8931 HALIFAX PROVINCIAL COURT	910-5572 NORTH RIDGE RD HALIFAX	JOHN MARCUS REDMAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jul 22/2009@1:30 HALIFAX PROVINCIAL COURT
Trial May 19/2009 8807 HALIFAX PROVINCIAL COURT	COGSWELL ST/ROBIE ST HALIFAX	KELLY C. WATTERWORTH	BY-LAW P-600 RESPECTING MUNICIPAL PARKS - BEING IN PARK BETWEEN 10:00 P.M. AND 5:00 A.M. WITHOUT WRITTEN PERMISSION	WITHDRAWN
Trial May 20/2009 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.	CHARGE #1 - CHANGE OF PLEA - FINE \$18,500.00 CHARGE #2 - DISMISSED
Arraignment May 26/2009 8981 DARTMOUTH PROVINCIAL COURT	10 CRAWFORD ST DARTMOUTH	LARRY LORIMER HUBLEY	HRM CHARTER S. 354 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO AN ACCUMULATION OF DEBRIS	Trial: Oct 22/2009@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment May 26/2009 8952 HALIFAX PROVINCIAL COURT	ROBIE ST/CHARLES ST HALIFAX	ROBERT HENRY TRAVERS	BY-LAW 47 RESPECTING ANTI DUMPING - THROWING RUBBISH IN OR ON PUBLIC WAY OR PLACE IN MUNICIPALITY	Trial: Oct 29/2009@1:30 HALIFAX PROVINCIAL COURT
Arraignment May 26/2009 8948 HALIFAX PROVINCIAL COURT	287 LACEWOOD DR HALIFAX	RONALD FRANCIS AUBE	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI OR LIMOUSINE IN VIOLATION OF ZONE RESTRICTIONS	Trial: Jul 22/2009@1:30 HALIFAX PROVINCIAL COURT
Arraignment May 26/2009 8939 HALIFAX PROVINCIAL COURT	95 THORNHILL DR HALIFAX	ASHLEY FOSTER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment May 26/2009 HALIFAX PROVINCIAL COURTROOM	8886 145 FERGUSON'S COVE RD FERGUSON'S COVE	ANDREW THOMAS & LISA DAWN WASH	LAND USE BY-LAW FOR PLANNING DISTRICT 5 - ALLOW LIVESTOCK TO BE KEPT ON THE PROPERTY; - ALLOW A BUILDING FOR WHICH A DEVELOPMENT PERMIT HAD NOT BEEN ISSUED.	Trial: Dec 16/2009@1:30 HALIFAX PROVINCIAL COURTROOM
Arrestment May 26/2009 DARTMOUTH PROVINCIAL COURT	8946 12 MULBERRY CT SACKVILLE	JENNY COOPER	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS A PERSON OR ANIMAL	CHANGE OF PLEA - FINE \$75.00
Arrestment May 26/2009 HALIFAX PROVINCIAL COURT	8947 2018 OXFORD ST HALIFAX	MARIE LOUISE ROBINSON	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN AREA BETWEEN CURB AND PROPERTY LINE FREE FROM GARBAGE AND DEBRIS	Adj. Arrestment: Jun 16/2009 HALIFAX PROVINCIAL COURT
Arrestment May 26/2009 HALIFAX PROVINCIAL COURT	9000 2388 GOTTINGEN ST HALIFAX	CITY OF HALIFAX NON-PROFIT HOUSING SOC.	HRM CHARTER S. 354 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGTHLY DUE TO AN ACCUMULATION OF DEBRIS	Trial: Feb 3/2010@1:30 HALIFAX PROVINCIAL COURT
Arrestment May 26/2009 HALIFAX PROVINCIAL COURT	8945 5455 RUSSELL ST HALIFAX	ECL GENERAL PARTNER IV LIMITED	BY-LAW S-300 RESPECTING STREETS - FAILING TO REMOVE ALL SNOW AND ICE FROM SIDEWALK	Adj. Arrestment: Jun 16/2009 HALIFAX PROVINCIAL COURT
Arrestment May 26/2009 DARTMOUTH PROVINCIAL COURT	8982 1249 COLE HARBOUR RD DARTMOUTH	JAMES GOLDSWORTH	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG THAT ATTACKS A PERSON OR ANIMAL	Trial: Oct 22/2009@1:30 DARTMOUTH PROVINCIAL COURT
Arrestment May 26/2009 DARTMOUTH PROVINCIAL COURT	8983 14 DOYLE DR PORTERS LAKE	MATT PYE	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE	Trial: Dec 10/2009@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment May 26/2009 DARTMOUTH PROVINCIAL COURT	8984 1 ANTHONY AVE WELLINGTON	BRUCE P. MACDONALD	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE	Trial: Dec 10/2009@9:30 DARTMOUTH PROVINCIAL COURT