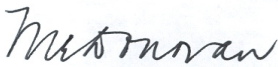




PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5, Canada

**Item No. 3**  
**Halifax Regional Council**  
**November 10, 2009**

**TO:** Mayor Kelly and Members of Halifax Regional Council

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

**DATE:** October 28, 2009

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

**INFORMATION REPORT**

**ORIGIN**

Legal Services - Municipal Prosecutions

### **BACKGROUND/DISCUSSION**

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

### **BUDGET IMPLICATIONS**

There are no 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 September 1, 2009 and September 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

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arrestment Sep 1/2009 9021 DARTMOUTH PROVINCIAL COURT	113-271 WINDMILL RD DARTMOUTH	SPENCER HIGGINS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 22/2010@9:30  DARTMOUTH PROVINCIAL COURT
Arrestment Sep 1/2009 8790 DARTMOUTH PROVINCIAL COURT	15 WOODYS DR MIDDLE SACKVILLE	KEIZER'S COLLISION CENTRE	BUILDING CODE ACT S. 8(A) - CONSTRUCT A BUILDING WITHOUT A BUILDING PERMIT	MARCH 4, 2010 - PRE-TRIAL CONFERENCE
Arrestment Sep 1/2009 8843 HALIFAX PROVINCIAL COURT	32 STONE HILL PL BEECHVILLE	CARRIE MCGLONE	BY-LAW A-300 RESPECTING ANIMALS - FAILING TO LICENSE DOG	Trial: Nov 9/2009@11:00  HALIFAX PROVINCIAL COURT
Arrestment Sep 1/2009 9037 DARTMOUTH PROVINCIAL COURT	1682 SACKVILLE DR MIDDLE SACKVILLE	KEIZER'S AUTO BODY SHOP LIMITED  Agent: JOHN L. KEIZER	HRM CHARTER S.273 - BREACH THE TERMS OF A DEVELOPMENT AGREEMENT; LAND USE BY-LAW FOR SACKVILLE - ALLOW A GROUND SIGN FOR WHICH A DEVELOPMENT PERMIT HAD NOT BEEN ISSUED; - ALLOW A GROUND SIGN WHICH WAS EXTENDED BEYOND A PROPERTY LINE OR PROJECT OVER A DRIVEWAY OR PARKING SPACE; BCA S. 8(B) - OCCUPY A BUILDING WITHOUT FIRST OBTAINING AN OCCUPANCY PERMIT.	MARCH 4, 2010 - PRE-TRIAL CONFERENCE
Arrestment Sep 1/2009 9005 DARTMOUTH PROVINCIAL COURT	2 QUEENS RD LAWRENCETOWN	KAREN METCALFE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD - 13 COUNTS	Trial: Apr 22/2010@1:30  DARTMOUTH PROVINCIAL COURT
Arrestment Sep 2/2009 8588 HALIFAX PROVINCIAL COURT	1405 EDWARD ST HALIFAX	MATTHEW, CHRISTOPHER & THOMAS MOORE	LAND USE BY-LAW FOR HALIFAX PENINSULA - PERMIT THE LAND TO BE USED IN A WAY NOT PERMITTED WITHIN AN R-2 ZONE - A BUILDING CONTAINING MORE THAN FOUR APARTMENTS	CHANGE OF PLEA - FINE \$18,500.00
Trial Sep 8/2009 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	Adj. Trial: Nov 30/2009  HALIFAX PROVINCIAL COURT

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial Sep 8/2009 9036 HALIFAX PROVINCIAL COURT	23 COWIE HILL RD HALIFAX	EVANGUELOS K. PLYTAS	PROTECTION OF PROPERTY ACT S.3(1)(E) - ENTERING ON PREMISES WHERE ENTRY IS PROHIBITED BY NOTICE	Adj. Trial: Nov 30/2009 HALIFAX PROVINCIAL COURT
Arraignment Sep 8/2009 9022 DARTMOUTH PROVINCIAL COURT	GARLAND AVE DARTMOUTH	BLAIR JOHN LOVETT	BY-LAW P-600 RESPECTING MUNICIPAL PARKS - BEING IN PARK BETWEEN 10:00 P.M. AND 5:00 A.M. WITHOUT WRITTEN PERMISSION	Trial: Apr 22/2010@9:30 DARTMOUTH PROVINCIAL COURT
Trial Sep 10/2009 8767 DARTMOUTH PROVINCIAL COURT	135 CONRAD RD LAWRENCETOWN	JONATHAN LECAINES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CONVICTION - FINE \$682.00
Trial Sep 10/2009 9016 DARTMOUTH PROVINCIAL COURT	406-115 OCHTERLONEY ST DARTMOUTH	DELYAN O. DETCHEV	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ACQUITTED
Trial Sep 10/2009 8970 DARTMOUTH PROVINCIAL COURT	252 ASTRAL DR DARTMOUTH	SANDRA MARIE THOMAS	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG WHICH RUNS AT LARGE	CHANGE OF PLEA - FINE \$164.50
Trial Sep 10/2009 8971 DARTMOUTH PROVINCIAL COURT	15 AFTON CT. DARTMOUTH	RENEE GODBOUT	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG WHICH RUNS AT LARGE - 2 COUNTS	BOTH COUNTS CHANGE OF PLEA - FINE \$164.50 EA.
Trial Sep 10/2009 8972 DARTMOUTH PROVINCIAL COURT	15 AFTON CT DARTMOUTH	RENEE GODBOUT	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG WHICH RUNS AT LARGE	CHANGE OF PLEA - FINE \$164.50
Trial Sep 10/2009 8809 DARTMOUTH PROVINCIAL COURT	83 BRIAN ST EAST PRESTON	TAMMY BROWN/WESTON BROWN	BCA S.19(1) - DID PROVIDE FALSE INFORMATION WHEN APPLYING FOR A PERMIT; BCA S.8(A) - DID CONSTRUCT A BUILDING WITHOUT A BUILDING PERMIT.	CHARGES #1, #3 AND #4 - WITHDRAWN CHARGE #2 - BOTH DEFENDANTS CHANGE OF PLEA - FINE \$500.00 EACH

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial Sep 10/2009  DARTMOUTH PROVINCIAL COURT	8710  1089 COLE HARBOUR RD DARTMOUTH	PUDGEY TIRE LTD.	BY-LAW S-800 RESPECTING SIGNS - DID DISPLAY A SIGN ON THE ROOF OF A BUILDING	NOVEMBER 17, 2009 - HEARING TO SET TRIAL DATE
Trial Sep 14/2009  HALIFAX PROVINCIAL COURT	8918  5260 SOUTH ST HALIFAX	BRIAN A. MCFADDEN	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN AREA BETWEEN CURB AND PROPERTY LINE FREE FROM GARBAGE AND DEBRIS	CONVICTION - FINE \$222.00
Arraignment Sep 17/2009  HALIFAX PROVINCIAL COURT	8885  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	Adj. Arraignment: Dec 17/2009  HALIFAX PROVINCIAL COURT
Trial Sep 17/2009  HALIFAX PROVINCIAL COURT	8976  2360 HUNTER ST HALIFAX	WHT'E'S LAKE SUBDIVISION LIMITED	BY-LAW S-600 RESPECTING SOLID WASTE - FAILING TO ENSURE COMMERCIAL CONTAINER FOR TEMPORARY STORAGE OF WASTE IS EQUIPPED WITH TIGHT-FITTING LID WITH POSITIVE CLOSING DEVICE	IN ABSENCE CONVICTION - FINE \$222.00
Arraignment Sep 22/2009  DARTMOUTH PROVINCIAL COURT	9018  105 RILEY RD WESTPHAL	MATTHEW JAMES SPARKS	LAND USE BY-LAW FOR NORTH PRESTON, LAKE MAJOR, LAKE LOON, CHERRYBROOK AND EAST PRESTON - ALLOW A BUILDING FOR WHICH A DEVELOPMENT PERMIT HAD NOT BEEN ISSUED	Trial: May 20/2010@9:30  DARTMOUTH PROVINCIAL COURT
Arraignment Sep 22/2009  HALIFAX PROVINCIAL COURT	8781  1656 ROBIE ST HALIFAX	JANICE BURGOYNE	BY-LAW A-300 RESPECTING ANIMALS - FAILING TO LICENSE DOG - 2 COUNTS	Trial: Oct 13/2009@9:30  HALIFAX PROVINCIAL COURT
Arraignment Sep 22/2009  HALIFAX PROVINCIAL COURT	9045  2396 PROSPECT RD HATCHET LAKE	TERI-LYN JOUDREY	BY-LAW A-300 RESPECTING ANIMALS - OWN A DOG THAT ATTACKS A PERSON OR ANIMAL	Trial: Jan 12/2010@9:30  HALIFAX PROVINCIAL COURT
Arraignment Sep 22/2009  HALIFAX PROVINCIAL COURT	9028  2396 PROSPECT RD HATCHET LAKE	TERI-LYN JOUDREY / DANIEL MACNEIL	BY-LAW A-300 RESPECTING ANIMALS - OWN A DOG WHICH RUNS AT LARGE - 3 COUNTS; - OWN A DOG THAT ATTACKS A PERSON OR ANIMAL - 2 COUNTS; - FAIL TO KEEP IDENTIFICATION DEVICE AFFIXED TO ANIMAL - 1 COUNT	Trial: Jan 12/2010@9:30  HALIFAX PROVINCIAL COURT

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arrestment Sep 22/2009 9040 HALIFAX PROVINCIAL COURT	1683 HENRY ST HALIFAX	DOUGLAS MICHAEL WRIGHT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 12/2010@9:30 HALIFAX PROVINCIAL COURT
Arrestment Sep 22/2009 9041 HALIFAX PROVINCIAL COURT	1-5639 FENWICK ST HALIFAX	ALEXANDER ALLISON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD.	Trial: Dec 3/2009@9:30 HALIFAX PROVINCIAL COURT
Arrestment Sep 29/2009 9046 HALIFAX PROVINCIAL COURT	808-1271 CHURCH ST HALIFAX	KATHERINE KIRKHAM	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 17/2010@1:30 HALIFAX PROVINCIAL COURT
Arrestment Sep 29/2009 9051 HALIFAX PROVINCIAL COURT	5527 BUDDY DAYE ST HALIFAX	MARCEL KUMAR PREVOST	HRM CHARTER S.348(4) - FAILING TO COMPLY WITH AN ORDER TO REMEDY DANGEROUS OR UNSIGHTLY CONDITION	Trial: Jun 30/2010@9:30 HALIFAX PROVINCIAL COURT
Arrestment Sep 29/2009 9052 HALIFAX PROVINCIAL COURT	2324 CREIGHTON ST HALIFAX	MARCEL KUMAR PREVOST	HRM CHARTER S.348(4) - FAILING TO COMPLY WITH AN ORDER TO REMEDY DANGEROUS OR UNSIGHTLY CONDITION	Trial: Jun 30/2010@9:30 HALIFAX PROVINCIAL COURT
Arrestment Sep 29/2009 9035 DARTMOUTH PROVINCIAL COURT	143 NORDIC CRES LWR SACKVILLE	DAWN COOKSON	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE; - OWNING A DOG THAT ATTACKS A PERSON OR ANIMAL; - OWNING AN UNLICENSED DOG.	Trial: Apr 22/2010@1:30 DARTMOUTH PROVINCIAL COURT
Arrestment Sep 29/2009 8908 DARTMOUTH PROVINCIAL COURT	1700 WAVERLEY RD WAVERLEY	EARTH MOVER ATLANTIC	LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17 - OPERATE A BUSINESS THAT WAS NOT ALLOWED IN A C-2 ZONE; - OPERATE A BUSINESS FOR WHICH A DEVELOPMENT PERMIT HAD NOT BEEN ISSUED; - ALLOW OPEN STORAGE OR OUTSIDE DISPLAY.	Trial: May 27/2010@1:30 DARTMOUTH PROVINCIAL COURT
Arrestment Sep 29/2009 9020 DARTMOUTH PROVINCIAL COURT	3 MAJOR ST DARTMOUTH	KAREN CROSBY / TERANCE PECARSKI	LAND USE BY-LAW FOR DARTMOUTH - ALLOW A HOME OCCUPATION	Trial: May 27/2010@1:30 DARTMOUTH PROVINCIAL COURT

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arraignment Sep 29/2009 9044 DARTMOUTH PROVINCIAL COURT	1700 WAVERLEY RD WAVERLEY	SIMMONS TRACTOR LIMITED  Agent: RUDY SIMMONS	LAND USE BY-LAW FOR PLANNING DISTRICTS 14 AND 17  - OPERATE A BUSINESS THAT WAS NOT ALLOWED IN A C-2 ZONE; - OPERATE A BUSINESS FOR WHICH A DEVELOPMENT PERMIT HAD NOT BEEN ISSUED; - ALLOW OPEN STORAGE OR OUTSIDE DISPLAY.	Trial: May 27/2010@1:30  DARTMOUTH PROVINCIAL COURT
Trial Sep 29/2009 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: Oct 6/2009  HALIFAX PROVINCIAL COURT
Arraignment Sep 29/2009 9047 DARTMOUTH PROVINCIAL COURT	FIRST LAKE DR SACKVILLE	RALPH CAVE	BY-LAW A-300 RESPECTING ANIMALS  - OWNING A DOG WHICH RUNS AT LARGE - 2 COUNTS	Trial: Jul 13/2010@9:30  DARTMOUTH PROVINCIAL COURT
Arraignment Sep 29/2009 9048 DARTMOUTH PROVINCIAL COURT	187 OSTREA LAKE RD OSTREA LAKE	ANDREW JAMES DWINELL	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE	Trial: May 20/2010@1:30  DARTMOUTH PROVINCIAL COURT
Arraignment Sep 29/2009 9049 DARTMOUTH PROVINCIAL COURT	31 ANDOVER ST DARTMOUTH	KATA CRNOGORAC	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE	Trial: Apr 22/2010@1:30  DARTMOUTH PROVINCIAL COURT
Arraignment Sep 29/2009 9050 HALIFAX PROVINCIAL COURT	8 HILLWOOD CRES HALIFAX	ROBERT A. MUNROE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Arraignment: Nov 3/2009  HALIFAX PROVINCIAL COURT