



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 7
Halifax Regional Council
November 9, 2010

TO: Mayor Kelly and Members of Halifax Regional Council

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

DATE: October 29, 2010

SUBJECT: Status of By-law Prosecutions – July 1, 2010 – July 31, 2010

INFORMATION REPORT

ORIGIN

Legal Services – Municipal Prosecutions

BACKGROUND

This report identifies only those currently active cases where court appearances occurred between July 1, 2010 and July 31, 2010.

DISCUSSION

BUDGET IMPLICATIONS

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

ATTACHMENTS

Status of By-law Prosecutions between July 1, 2010 and July 31, 2010

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
Trial Jul 5/2010 9103 DARTMOUTH PROVINCIAL COURT	103 GLASGOW RD E. PRESTON	CHRIS J. SMITH	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: Aug 30/2010 DARTMOUTH PROVINCIAL COURT
Trial Jul 6/2010 9080 DARTMOUTH PROVINCIAL COURT	21 LOUISE CT SACKVILLE	BLAIR GORMAN	BY-LAW A-300 RESPECTING ANIMALS - FAIL TO IMMEDIATELY REMOVE DOG DEFEICATION - 3 COUNTS; - OWN A DOG WHICH RUNS AT LARGE - 4 COUNTS; - OWN AN UNLICENSED DOG - 2 COUNTS.	Adj. Trial: Aug 11/2010 DARTMOUTH PROVINCIAL COURT
Trial Jul 7/2010 9197 HALIFAX PROVINCIAL COURT	3374 ROBIE ST HALIFAX	TOCARRA NADINE WILSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Jul 7/2010 9192 HALIFAX PROVINCIAL COURT	103 RED FERN TERR HALIFAX	ALFRED CYRIL WILLIAMS	BY-LAW S-600 RESPECTING SOLID WASTE - PICKING OVER, REMOVING, DISTURBING OR OTHERWISE INTERFERING WITH SPECIFICALLY RECYCLABLE WASTE MATERIAL THAT HAS BEEN PLACED FOR MUNICIPAL COLLECTION	Adj. Trial: Sep 27/2010 HALIFAX PROVINCIAL COURT
Trial Jul 7/2010 9193 HALIFAX PROVINCIAL COURT	41 CHELTON WOODS LANE HALIFAX	ALFRED CYRIL WILLIAMS	BY-LAW S-600 RESPECTING SOLID WASTE - PICKING OVER, REMOVING, DISTURBING OR OTHERWISE INTERFERING WITH SPECIFICALLY RECYCLABLE WASTE MATERIAL THAT HAS BEEN PLACED FOR MUNICIPAL COLLECTION	Adj. Trial: Sep 27/2010 HALIFAX PROVINCIAL COURT
Arraignment Jul 9/2010 9191 DARTMOUTH PROVINCIAL COURT	99 WYSE RD DARTMOUTH	ALEKSEY OSIPENKOV	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - FAILING TO COMPLY WITH REQUIREMENT TO NOT REFUSE TO CARRY A DISABLED PASSENGER WHILE OPERATING TAXI OR ACCESSIBLE TAXI	Trial: Nov 8/2010@9:30 DARTMOUTH PROVINCIAL COURT
Arraignment Jul 12/2010 8888 HALIFAX PROVINCIAL COURT	1844 VERNON ST HALIFAX	MORRIS STRUG / AL WARITH	BY-LAW M-100 RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES - FAIL TO COMPLY WITH AN ORDER PLUS 14 ADDITIONAL CHARGES	Trial: Oct 7/2010@1:30 HALIFAX PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 8889 Jul 12/2010 HALIFAX PROVINCIAL COURT	6121 LINDEN ST HALIFAX	MORRIS STRUG	FSA S. 25(1) - FAIL TO COMPLY WITH AN ORDER	Trial: Oct 7/2010@1:30 HALIFAX PROVINCIAL COURT
Arrestment 8890 Jul 12/2010 HALIFAX PROVINCIAL COURT	1840 VERNON ST HALIFAX	AL WARITH / MORRIS STRUG	FSA S. 25(1) - FAIL TO COMPLY WITH AN ORDER	Trial: Oct 7/2010@1:30 HALIFAX PROVINCIAL COURT
Trial 9055 Jul 13/2010 DARTMOUTH PROVINCIAL COURT	71 FIRST LAKE DR SACKVILLE	RALPH DOUGLAS CAVE	PROTECTION OF PROPERTY ACT S. 3(1)(E) - ENTERING ON PREMISES WHERE ENTRY IS PROHIBITED BY NOTICE	CHANGE OF PLEA - FINE \$222.00
Trial 9047 Jul 13/2010 DARTMOUTH PROVINCIAL COURT	FIRST LAKE DR SACKVILLE	RALPH CAVE	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE - 2 COUNTS	WITHDRAWN
Arrestment 9244 Jul 15/2010 DARTMOUTH PROVINCIAL COURT	11 GREENOCH DR DARTMOUTH	EARL F. WILLIS	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG	Trial: Mar 17/2011@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment 9243 Jul 15/2010 DARTMOUTH PROVINCIAL COURT	11 GREENOCH DR DARTMOUTH	EARL F. WILLIS	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Mar 17/2011@9:30 DARTMOUTH PROVINCIAL COURT
Trial 9149 Jul 15/2010 DARTMOUTH PROVINCIAL COURT	2696 HIGHWAY #7 LAKE ECHO	KARI ANNE ROBINSON	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	WITHDRAWN
Trial 9150 Jul 15/2010 DARTMOUTH PROVINCIAL COURT	228 ASTRAL DR DARTMOUTH	CHRISTOPHER LEADLEY	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG - 2 COUNTS - OWNING DOG THAT ATTACKS PERSON OR ANIMAL.	FIRST CHARGE - ONE COUNT WITHDRAWN - ONE COUNT IN ABSENCE CONVICTION - FINE \$340.21 SECOND CHARGE - IN ABSENCE CONVICTION - FINE \$340.21

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jul 15/2010 9151 DARTMOUTH PROVINCIAL COURT	206-115 OCHTERLONEY DARTMOUTH	MARGARET R. CARTER	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS PERSON OR ANIMAL	CHANGE OF PLEA - FINE \$225.21
Trial Jul 15/2010 9152 DARTMOUTH PROVINCIAL COURT	7316 HIGHWAY 207 WEST CHEZZETCOOK	KIM MACDONALD	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE - 2 COUNTS; - OWNING DOG THAT ATTACKS PERSON OR ANIMAL - 2 COUNTS.	FIRST CHARGE - BOTH COUNTS WITHDRAWN SECOND CHARGE - BOTH COUNTS CHANGE OF PLEA - FINE \$200.00 EACH
Trial Jul 15/2010 9208 DARTMOUTH PROVINCIAL COURT	408 ASTRAL DR COLE HARBOUR	CHRISTOPHER LEADLEY	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE - 2 COUNTS	ONE COUNT - IN ABSENCE CONVICTION - FINE \$225.21 ONE COUNT - WITHDRAWN
Arraignment Jul 15/2010 9221 HALIFAX PROVINCIAL COURT	60 STIRLING DR DARTMOUTH	LYNDON ROYAL	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE; - OWNING DOG THAT ATTACKS PERSON OR ANIMAL.	GUILTY PLEA - FINE \$50.00 EACH CHARGE
Trial Jul 16/2010 981 HALIFAX PROVINCIAL COURT	1269 BARRINGTON ST HALIFAX	DAVID DIGBY WEBSTER	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 9160 Jul 19/2010 HALIFAX PROVINCIAL COURT	4985 ST MARGARETS BAY RD UPPER TANTALLON 5014 ST MARGARETS BAY RD UPPER TANTALLON 5019 ST MARGARETS BAY RD UPPER TANTALLON	HARVEY CAMERON DAUPHINEE	LAND USE BY-LAW FOR PLANNING DISTRICTS 1 & 3 - PERMIT THE STORAGE OF COMMERCIAL VEHICLES IN A R-A1 ZONE; PERMIT THE STORAGE OF EQUIPMENT IN A R-A1 ZONE; PERMIT MORE THAN ONE COMMERCIAL VEHICLE TO BE KEPT; - PERMIT THE STORAGE OF MOBILE HOMES; - FAIL TO OBTAIN A DEVELOPMENT PERMIT FOR AN ADDITIONAL DWELLING UNIT; - FAIL TO OBTAIN A PERMIT FOR THE STORAGE OF MOBILE HOMES; - PERMIT AN ADDITIONAL DWELLING AT 5019 ST MARGARETS BAY RD; - FAIL TO OBTAIN A DEVELOPMENT PERMIT FOR AN ADDITIONAL DWELLING AT 5019 ST MARGARETS BAY RD.	Adj. Arraignment: Aug 30/2010 HALIFAX PROVINCIAL COURT
Arraignment 9148 Jul 19/2010 HALIFAX PROVINCIAL COURT	63 AHMADI CRESCENT BEDFORD	JULIET ATBIN	HRM CHARTER S. 278 AND S. 369 - DID BREACH THE TERMS OF A DEVELOPMENT AGREEMENT	Adj. Arraignment: Aug 23/2010 HALIFAX PROVINCIAL COURT

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial 9042 Jul 20/2010 HALIFAX PROVINCIAL COURT	5287 PRINCE ST HALIFAX	BUBBLES MANSION / BRAD HARTLIN Agent: GLENN JESSOME	FIRE CODE DIVISION B - S. 6.3.1.2 - FAIL TO ENSURE THAT THE FIRE ALARM SYSTEM WAS INSPECTED AND TESTED; - S. 6.5.1.6 - FAIL TO ENSURE THAT THE EMERGENCY LIGHTING SYSTEM WAS TESTED; - S. 2.4.1.1 - FAIL TO MAINTAIN ELECTRICAL INSTALLATIONS SO THEY DO NOT CONSTITUTE A FIRE HAZARD; - S. 2.7.1.6 - FAIL TO MAINTAIN MEANS OF EGRESS FREE FROM OBSTRUCTION; - S. 2.7.1 - FAIL TO MAINTAIN EXIT LIGHTING, EXIT SIGNS AND EMERGENCY LIGHTING; - S. 2.3.1.1 - ALLOW INTERIOR FINISH MATERIAL OF A FLOOR THAT DOES NOT CONFORM TO THE NATIONAL BUILDING CODE; - S. 3.1.2.4 - FAIL TO SECURE COMPRESSED GAS CYLINDERS TO PROTECT AGAINST DAMAGE; - S. 2.6.1.9(5) - FAIL TO POST INSTRUCTIONS FOR MANUAL OPERATION OF THE FIRE PROTECTION SYSTEM; - S. 2.2.1.2 - FAIL TO MAINTAIN FIRE SEPARATION; - S. 2.2.2.1(1) - FAIL TO PROTECT OPENINGS IN FIRE SEPARATIONS WITH CLOSURES IN CONFORMANCE WITH THE NATIONAL BUILDING CODE; FIRE SAFETY ACT - S. 44(1)(C) - REMOVE A COPY OF AN ORDER; - S. 44(1)(G) - FAIL TO COMPLY WITH AN ORDER.	CHARGE #1-#11 WITHDRAWN CHARGE #12 - CHANGE OF PLEA - FINE \$2,000.00

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 9073 Jul 20/2010 HALIFAX PROVINCIAL COURT	18 LYNNETT RD HALIFAX 20 LYNNETT RD HALIFAX	NAJAT & TINA CHEDIAC	FIRE SAFETY ACT S.25(1) - FAIL TO COMPLY WITH AN ORDER	Trial: Sep 27/2010@1:30 HALIFAX PROVINCIAL COURT
Arrestment 9194 Jul 21/2010 DARTMOUTH PROVINCIAL COURT	65 CALDWELL RD DARTMOUTH	LEONIDAS & DEBORAH TSALTAS	LAND USE BY-LAW FOR COLE HARBOUR/ WESTPHAL - ALLOW THE KEEPING OF LIVESTOCK IN A R-1 ZONE; - ALLOW A STRUCTURE TO BE USED FOR THE KEEPING OF LIVESTOCK IN A R-1 ZONE; - ALLOW THE OBNOXIOUS USE OF A PROPERTY IN A R-1 ZONE.	Adj. Arrestment: Dec 16/2010 DARTMOUTH PROVINCIAL COURT
Arrestment 9223 Jul 22/2010 DARTMOUTH PROVINCIAL COURT	6 GLENMONT AVE BEDFORD	BLAISE MORRISON	LAND USE BY-LAW FOR BEDFORD - ALLOW AN ADDITIONAL DWELLING UNIT ON A LOT IN A RESIDENTIAL SINGLE DWELLING UNIT ZONE	GUILTY PLEA - FINE \$3,600.00
Arrestment 9095 Jul 22/2010 DARTMOUTH PROVINCIAL COURT	2197 MYRA RD PORTERS LAKE	GREG SALTER	NS BUILDING CODE REGULATIONS - S.1.4.1.6 - DID DEVIATE FROM THE CONDITIONS OF A BUILDING PERMIT; - S.2.1.1.1 - DID CONVERT AN ACCESSORY BUILDING INTO A DWELLING WITHOUT FIRST OBTAINING A PERMIT; - S.2.1.1.11(1) FAILED TO NOTIFY THE AUTHORITY HAVING JURISDICTION TO INSPECT FOR COMPLIANCE WITH THE NS BUILDING CODE - BUILDING CODE ACT S.12 - DID NOT OBEY AN ORDER TO COMPLY.	Adj. Arrestment: Aug 19/2010 DARTMOUTH PROVINCIAL COURT
Arrestment 9265 Jul 23/2010 HALIFAX PROVINCIAL COURT	18-538 HERRING COVE RD HALIFAX	WILLIAM J. LEFORT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Nov 2/2010@11:00 HALIFAX PROVINCIAL COURT
Trial 8781 Jul 26/2010 HALIFAX PROVINCIAL COURT	1656 ROBIE ST HALIFAX	JANICE BURGOYNE	BY-LAW A-300 RESPECTING ANIMALS - FAILING TO LICENSE DOG - 2 COUNTS	WITHDRAWN

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 9246 Jul 27/2010 HALIFAX PROVINCIAL COURT	6538 BAYERS RD HALIFAX	RAY HENICK	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Nov 5/2010@11:00 HALIFAX PROVINCIAL COURT
Arrestment 9247 Jul 27/2010 HALIFAX PROVINCIAL COURT	DELTA BARRINGTON HOTEL HALIFAX	CLAUDIO BENIGNO	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - FAILING TO COMPLY WITH REQUIREMENT 42(C) FOR DRIVERS OF TAXI AND ACCESSIBLE TAXI WHILE OPERATING TAXI OR ACCESSIBLE TAXI (FAILED TO PROCEED TO DESTINATION AS DIRECTED BY PASSENGER)	Trial: Nov 4/2010@2:00 HALIFAX PROVINCIAL COURT
Arrestment 9248 Jul 27/2010 HALIFAX PROVINCIAL COURT	5380 INGLIS ST HALIFAX	GREGORY MAROUN ARAB	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF ELIGIBLE PREMISES FAILING TO USE REGULATION CONTAINERS FOR STORING OR COLLECTION OF MIXED WASTE, RECYCLABLE MATERIALS OR ORGANIC MATERIALS	Trial: Nov 1/2010@11:00 HALIFAX PROVINCIAL COURT
Arrestment 9237 Jul 27/2010 HALIFAX PROVINCIAL COURT	4492 PROSPECT RD BAYSIDE	BAYSIDE SUPPLIES LIMITED/JOHN MITCHELL	LAND USE BY-LAW FOR PLANNING DISTRICT 4 - OPERATE A BUSINESS, TO WIT: A MARINA WHICH IS NOT A PERMITTED USE IN AN RRE-1 ZONE	Adj. Arrestment: Sep 14/2010 HALIFAX PROVINCIAL COURT
Arrestment 9245 Jul 27/2010 HALIFAX PROVINCIAL COURT	19 KATE CT HALIFAX	KATHLEEN VALLIS	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS PERSON OR ANIMAL	Trial: Sep 27/2010@9:30 HALIFAX PROVINCIAL COURT
Arrestment 9231 Jul 27/2010 HALIFAX PROVINCIAL COURT	43 FELDSPAR CRES HALIFAX	ELIZABETH ACKERMANN	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG THAT RUNS AT LARGE	Trial: Nov 4/2010@11:00 HALIFAX PROVINCIAL COURT
Arrestment 9167 Jul 28/2010 HALIFAX PROVINCIAL COURT	22 MEADOWBROOK DR BEDFORD	NADIA & JOHN GHOSN	FIRE SAFETY ACT S.25(1) - FAIL TO COMPLY WITH AN ORDER	Trial: Sep 28/2010@9:00 HALIFAX PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 9249 Jul 29/2010 DARTMOUTH PROVINCIAL COURT	HALIFAX INT. AIRPORT ENFIELD	MOHAMED ABDULAZ GAAL	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	Trial: Nov 1/2010@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment 9262 Jul 29/2010 DARTMOUTH PROVINCIAL COURT	1833 HIGHWAY #7 EAST PRESTON	KEVIN WADE BROOKS	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Adj. Arrestment: Aug 26/2010 DARTMOUTH PROVINCIAL COURT
Arrestment 9250 Jul 29/2010 DARTMOUTH PROVINCIAL COURT	23 ROBERT DR DARTMOUTH	WILLIAM DAVISON	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE; - OWNING DOG THAT ATTACKS PERSON OR ANIMAL; - OWNING UNLICENSED DOG.	Trial: Apr 27/2011@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment 9232 Jul 29/2010 DARTMOUTH PROVINCIAL COURT	59 LILLIAN DR LAWRENCETOWN	ECONO RENOVATIONS LIMITED Agent: PETER BRIAND	LAND USE BY-LAW FOR LAWRENCETOWN - ALLOW THE PLACEMENT OF CONSTRUCTION AND DEMOLITION MATERIALS ON A LOT IN A RR-1 ZONE; -ALLOW DEVELOPMENT ON A LOT IN A RR-1 ZONE BY PLACING CONSTRUCTION AND DEMOLITION MATERIALS ON THE LAND.	Adj. Arrestment: Aug 26/2010 DARTMOUTH PROVINCIAL COURT
Arrestment 9272 Jul 30/2010 HALIFAX PROVINCIAL COURT	2355 AGRICOLA ST HALIFAX	CHARLES WOODFORD	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT RUNS AT LARGE	WITHDRAWN
Arrestment 9260 Jul 30/2010 HALIFAX PROVINCIAL COURT	920 BRUSSELS ST HALIFAX	STEPHEN JAMES LAVIGNE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Arrestment: Aug 24/2010 HALIFAX PROVINCIAL COURT
Arrestment 9270 Jul 30/2010 HALIFAX PROVINCIAL COURT	1172 WATERLOO ST HALIFAX	JENNIFER ANN ORMOND	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Nov 9/2010@11:00 HALIFAX PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 9271 Jul 30/2010 HALIFAX PROVINCIAL COURT	1172 WATERLOO ST HALIFAX	SAMANTHA MADELINE WRIGHT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Nov 16/2010@11:00 HALIFAX PROVINCIAL COURT