



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 3**  
**Halifax Regional Council**  
**May 24, 2011**

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

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

**DATE:** April 28, 2011

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

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### **INFORMATION REPORT**

#### **ORIGIN**

Legal Services – Municipal Prosecutions.

#### **BACKGROUND/DISCUSSION**

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

### **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, 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**

N/A

### **ATTACHMENTS**

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

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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 Gagliardi, 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>
Arraignment 9284 Dec 1/2010 HALIFAX PROVINCIAL COURT	40 CHARLES KEATING DR DARTMOUTH	GEORGES P. HOYECK	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - FAILING TO COMPLY WITH REQUIREMENT FOR DRIVERS OF TAXI AND ACCESSIBLE TAXI WHILE OPERATING TAXI OR ACCESSIBLE TAXI (FAILED TO PROCEED TO DESTINATION AS DIRECTED BY PASSENGER)	Trial: Aug 3/2011@9:00  HALIFAX PROVINCIAL COURT
Arraignment 9266 Dec 2/2010 HALIFAX PROVINCIAL COURT	VARIOUS LOCATIONS HALIFAX	JONAS HECTOR COLTER	BY-LAW S-800 RESPECTING SIGNS - VIOLATING S. 7.1 - SIGN WITHIN AN HRM RIGHT-OF-WAY	Trial: May 13/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9267 Dec 2/2010 HALIFAX PROVINCIAL COURT	VARIOUS LOCATIONS HALIFAX	JONAS COLTER	BY-LAW S-800 RESPECTING SIGNS - VIOLATING S. 7.1 - SIGN WITHIN AN HRM RIGHT-OF-WAY	Trial: May 13/2011@9:30  HALIFAX PROVINCIAL COURT
Trial 9054 Dec 2/2010 DARTMOUTH PROVINCIAL COURT	24 ROSLEY RD BEAVERBANK	HANI DAOUD-ABOUTAYE	LAND USE BY-LAW FOR BEAVERBANK, HAMMONDS PLAINS AND UPPER SACKVILLE - ALLOW OR PERMIT AN ACCESSORY BUILDING TO BE USED FOR HUMAN HABITATION WITHIN A MU-1 ZONE; ALLOW OR PERMIT MORE THAN ONE DWELLING ON A LOT.	CHARGE #1 - CHANGE OF PLEA - FINE \$1,200.00 CHARGE #2 - WITHDRAWN
Arraignment 9244 Dec 3/2010 HALIFAX PROVINCIAL COURT	6319 PEPPERELL ST HALIFAX	DAVID OLIVEIRA HOLMES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 19/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9310 Dec 7/2010 HALIFAX PROVINCIAL COURT	5553 DUFFUS ST HALIFAX	BASH TOULANY'S FINE FOODS, B./N. TOULANY Agent: MOHAMMED AL-TAWIL	LAND USE BY-LAW FOR HALIFAX PENINSULA - ALLOW THE LAND TO BE USED IN A WAY NOT PERMITTED IN A R-2 ZONE	Adj. Arraignment: Jan 19/2011  HALIFAX PROVINCIAL COURT
Arraignment 9395 Dec 7/2010 HALIFAX PROVINCIAL COURT	11-56 EVANS AVE HALIFAX	RICHARD GEORGE MAPP	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 15/2011@1:30  HALIFAX PROVINCIAL COURT

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial 9051 Dec 9/2010 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	Adj. Trial: Feb 10/2011  HALIFAX PROVINCIAL COURT
Trial 9052 Dec 9/2010 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	Adj. Trial: Feb 10/2011  HALIFAX PROVINCIAL COURT
Arraignment 9320 Dec 9/2010 HALIFAX PROVINCIAL COURT	5188 SALTER ST HALIFAX	HABIB HABIB	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; - OPERATING OR PERMITTING TO BE OPERATED A TAXI WITHOUT VALID TAXI OWNER'S LICENSE DISPLAYED AS REQUIRED; - TRANSPORTING OR BEING IN CONTROL OF MOTOR VEHICLE FOR PURPOSE OF TRANSPORTING PASSENGERS FOR HIRE WITHOUT REQUIRED VALID TAXI DRIVER'S LICENSE CONSPICUOUSLY DISPLAYED.	Adj. Arraignment: Mar 2/2011  HALIFAX PROVINCIAL COURT
Trial 9217 Dec 9/2010 DARTMOUTH PROVINCIAL COURT	2B-30 1/2 PORTLAND ST DARTMOUTH	JUDITH FERRIS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$227.00
Arraignment 9164 Dec 9/2010 DARTMOUTH PROVINCIAL COURT	1956 SHORE RD EASTERN PASSAGE	CHRISTINA SALVATORE	LAND USE BY-LAW FOR EASTERN PASSAGE/COW BAY - ALLOW THE LAND TO BE USED IN A WAY NOT PERMITTED IN AN R-2 ZONE, TO WIT: A BUILDING CONTAINING MORE THAN TWO DWELLING UNITS.	CHANGE OF PLEA - FINE \$4,000.00
Arraignment 9326 Dec 9/2010 DARTMOUTH PROVINCIAL COURT	10 SPRINGHILL RD DARTMOUTH	LORRAINE THERESA HUTTON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 2/2011@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 9327 Dec 9/2010 DARTMOUTH PROVINCIAL COURT	15 RIDGECREST DR DARTMOUTH	JEFFREY DEAN WEBBER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 1/2011@9:30  DARTMOUTH PROVINCIAL COURT
Arraignment 9358 Dec 9/2010 DARTMOUTH PROVINCIAL COURT	4 OLD FERRY RD DARTMOUTH	VALERIE TYNES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Arraignment: Jan 13/2011  DARTMOUTH PROVINCIAL COURT
Trial 9045 Dec 10/2010 HALIFAX PROVINCIAL COURT	2396 PROSPECT RD HATCHET LAKE	TERI-LYN JOUDREY	BY-LAW A-300 RESPECTING ANIMALS - OWN A DOG THAT ATTACKS A PERSON OR ANIMAL	Adj. Trial: Jan 28/2011  HALIFAX PROVINCIAL COURT
Trial 9028 Dec 10/2010 HALIFAX PROVINCIAL COURT	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	Adj. Trial: Jan 28/2011  HALIFAX PROVINCIAL COURT
Arraignment 9336 Dec 10/2010 HALIFAX PROVINCIAL COURT	7-56 EVANS AVE. HALIFAX	CHARLENE M. HARNISH	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 14/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9353 Dec 10/2010 HALIFAX PROVINCIAL COURT	409-95 CHIPSTONE CL HALIFAX	SERGEY ALEXI LEBEDEV	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 14/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9298 Dec 13/2010 HALIFAX PROVINCIAL COURT	ARGYLE AND SACKVILLE HALIFAX	GAUGE BRUCE HERCZEG	BY-LAW N-300 RESPECTING NUISANCES - CREATING A NUISANCE	CHANGE OF PLEA - FINE \$50.00
Arraignment 9309 Dec 14/2010 HALIFAX PROVINCIAL COURT	203-2013 NORTH PARK ST HALIFAX	ANNA M. VITALIE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arraignment 9337 Dec 14/2010 HALIFAX PROVINCIAL COURT	2-5767 ATLANTIC ST HALIFAX	DANIEL E. GAUDET	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 4/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9338 Dec 14/2010 HALIFAX PROVINCIAL COURT	4-5260 KENT ST HALIFAX	JOSH TOPPLE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 4/2011@9:30  HALIFAX PROVINCIAL COURT
Trial 9101 Dec 16/2010 DARTMOUTH PROVINCIAL COURT	66 JOHNSON RD CHERRY BROOK	JUAN STACEY & GINA LOUISE BUNDAY	NOVA SCOTIA BUILDING CODE REGULATIONS - S.2.1.1.11(1) - FAIL 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 - S.8(B) - ALLOW A BUILDING TO BE OCCUPIED BEFORE AN OCCUPANCY PERMIT WAS ISSUED.	Adj. Trial: Jan 6/2011  DARTMOUTH PROVINCIAL COURT
Trial 9198 Dec 16/2010 DARTMOUTH PROVINCIAL COURT	3-36 JACKSON RD DARTMOUTH	HAROLD F. MUNRO	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment 9280 Dec 16/2010 DARTMOUTH PROVINCIAL COURT	782 EAST CHEZZETCOOK RD EAST CHEZZETCOOK	FRANCESCA ROGIER	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE; - OWNING A DOG THAT ATTACKS AN ANIMAL; - FAIL TO COMPLY WITH A NOTICE TO MUZZLE A DOG.	Trial: Nov 8/2011@9:30  DARTMOUTH PROVINCIAL COURT
Arraignment 9176 Dec 16/2010 DARTMOUTH PROVINCIAL COURT	39 BYRON CRES DARTMOUTH	MARK HERSEY	BY-LAW A-300 RESPECTING ANIMALS - OWN AN UNLICENSED DOG - 8 COUNTS	WITHDRAWN

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arraignment 9194 Dec 16/2010 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.	Trial: Mar 10/2011@9:30  DARTMOUTH PROVINCIAL COURT
Arraignment 9318 Dec 16/2010 DARTMOUTH PROVINCIAL COURT	15 MIDDLE ST DARTMOUTH	D.D. NIVENS-MIDDLE-FARRELL LTD.  Agent: ELIAS METLEJ	CC S. 127.1 - WITHOUT LAWFUL EXCUSE, DISOBEY A LAWFUL ORDER MADE BY A COURT OF JUSTICE	Adj. Arraignment: Feb 3/2011  DARTMOUTH PROVINCIAL COURT
Arraignment 9319 Dec 16/2010 DARTMOUTH PROVINCIAL COURT	15 MIDDLE ST DARTMOUTH	NIVENS-MIDDLE-FARR./TRANSGLOBE  Agent: ELIAS METLEJ	LAND USE BY-LAW FOR DARTMOUTH - ALLOW MORE DWELLING UNITS THAN PERMITTED IN AN R-2 ZONE	Adj. Arraignment: Feb 3/2011  DARTMOUTH PROVINCIAL COURT
Arraignment 9332 Dec 17/2010 HALIFAX PROVINCIAL COURT	6093 WATT ST HALIFAX	LAURELLE A. POTTER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 14/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9333 Dec 17/2010 HALIFAX PROVINCIAL COURT	6093 WATT ST HALIFAX	JENNIFER LAUREN WATSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 14/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9334 Dec 17/2010 HALIFAX PROVINCIAL COURT	6093 WATT ST HALIFAX	SARAH EVANS MORGAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 14/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9335 Dec 17/2010 HALIFAX PROVINCIAL COURT	6093 WATT ST HALIFAX	STEFANIE MICHELE MILNER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 14/2011@9:30  HALIFAX PROVINCIAL COURT
Arraignment 9403 Dec 17/2010 HALIFAX PROVINCIAL COURT	1248 BEDFORD HWY BEDFORD	ANDREA H. PIERCEY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 8/2011@1:30  HALIFAX PROVINCIAL COURT

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<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial Dec 20/2010 9278 DARTMOUTH PROVINCIAL COURT	34A LYNN DR DARTMOUTH	NAOMI GIORDANI	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	CONVICTION - FINE \$340.21
Trial Dec 20/2010 9240 HALIFAX PROVINCIAL COURT	6026 CEDAR ST HALIFAX	CYGNET PROPERTIES LIMITED Agent: JAMES R. TAYLOR	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN AREA BETWEEN CURB AND PROPERTY LINE FREE FROM GARBAGE AND DEBRIS	WITHDRAWN
Trial Dec 20/2010 9241 HALIFAX PROVINCIAL COURT	6026 CEDAR ST HALIFAX	CYGNET PROPERTIES LIMITED Agent: JAMES R. TAYLOR	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN AREA BETWEEN CURB AND PROPERTY LINE FREE FROM GARBAGE AND DEBRIS	WITHDRAWN
Arraignment Dec 21/2010 9339 HALIFAX PROVINCIAL COURT	5867 GAINSBOROUGH PL HALIFAX	LYNDSAY BEATTY	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG WHICH RUNS AT LARGE	Trial: Jan 19/2011@1:30 HALIFAX PROVINCIAL COURT
Arraignment Dec 21/2010 9340 HALIFAX PROVINCIAL COURT	5650 SOUTH ST HALIFAX	GASTON CHAGNON PROPERTIES LTD	FIRE SAFETY ACT S. 44(1)(G) - FAILING TO COMPLY WITH ORDER IN CONTRAVENTION OF NFCC 2.7.1.1 - MEANS OF EGRESS SHALL BE PROVIDED IN BUILDING IN CONFORMANCE WITH THE NATIONAL BUILDING CODE	Trial: Jan 19/2011@1:30 HALIFAX PROVINCIAL COURT
Arraignment Dec 21/2010 9402 HALIFAX PROVINCIAL COURT	53 OLIVE DR BEDFORD	CATHERINE BARTEAUX	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jun 1/2011@1:30 HALIFAX PROVINCIAL COURT
Arraignment Dec 23/2010 9341 DARTMOUTH PROVINCIAL COURT	90 BRIGLEYS RD HUBBARDS	DONNA MCEACHERN	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG	Trial: Aug 4/2011@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment Dec 23/2010 9343 DARTMOUTH PROVINCIAL COURT	86 THERESA CT LAKE ECHO	GARRY VERNON THOMPSON	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Apr 19/2011@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 9372 Dec 23/2010 DARTMOUTH PROVINCIAL COURT	150 COLE RD DARTMOUTH	MICHAEL JAMES GRAHAM	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG - 2 COUNTS	Trial: Jan 19/2012@1:30  DARTMOUTH PROVINCIAL COURT
Trial 9072 Dec 23/2010 HALIFAX PROVINCIAL COURT	532-540 HERRING COVE RD HALIFAX	ABDUL AZIZ YAFI	FIRE SAFETY CODE S.25(1) - FAIL TO COMPLY WITH AN ORDER - 1 COUNT PER ADDRESS - 532, 534, 536, 538 & 540 HERRING COVE ROAD	CONVICTION ON ALL COUNTS - FINE \$3,500.00 PER BUILDING - TOTAL \$17,500.00
Trial 9218 Dec 23/2010 HALIFAX PROVINCIAL COURT	1275 SOUTH PARK ST HALIFAX	PENINSULA-SOUTHGATE LIMITED	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 \$225.21
Trial 9219 Dec 23/2010 HALIFAX PROVINCIAL COURT	16 STRATFORD WAY HALIFAX	DONALD DEARL MARSMAN	BY-LAW S-600 RESPECTING SOLID WASTE - PICKING OVER, REMOVING, DISTURBING OR OTHERWISE INTERFERING WITH (BLUE BAGS AND BOTTLES) WASTE MATERIAL THAT HAS BEEN PLACED FOR MUNICIPAL COLLECTION	IN ABSENCE CONVICTION - FINE \$225.21
Trial 9220 Dec 23/2010 HALIFAX PROVINCIAL COURT	182 BEDFORD HWY HALIFAX	GLOW PARTIES	BY-LAW S-800 RESPECTING TEMPORARY SIGNS - DID PLACE, ERECT OR DISPLAY A SIGN THAT DOES NOT HAVE A VALID LICENSE	CONVICTION - FINE \$250.00