



P.O. Box 1749
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Item No. 3
Halifax Regional Council
August 9, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by Director

ME Donovan, Director, Legal Services & Risk Management

DATE: July 6, 2011

SUBJECT: Status of By-law Prosecutions – January 1, 2011 – January 31, 2011

INFORMATION REPORT

ORIGIN

Legal Services – Municipal Prosecutions

BACKGROUND/DISCUSSION

This report identifies only those currently active cases where court appearances occurred between January 1, 2011 and January 31, 2011.

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 January 1, 2011 and January 31, 2011

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 Jan 5/2011 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. Trial: Jun 20/2011 HALIFAX PROVINCIAL COURT
Trial Jan 5/2011 9232 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.	CHARGE #1 - CONVICTION - FINE \$6,000.00 CHARGE #2 - STAYED
Trial Jan 6/2011 9101 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.	JUAN BUNDAY - CHARGE #1 & #2 WITHDRAWN; CHARGE #3 - CHANGE OF PLEA - FINE \$2,000.00; GINA BUNDAY - ALL CHARGES WITHDRAWN
Trial Jan 6/2011 9286 HALIFAX PROVINCIAL COURT	454 KEARNEY LAKE RD HALIFAX	KEVIN A. MACDONALD	BY-LAW O-103 RESPECTING OPEN AIR BURNING - ALLOWING OR CAUSING TO BE LIGHTED, IGNITED OR STARTED FIRE WITHIN NO BURN ZONE	CHANGE OF PLEA - FINE \$225.21
Arraignment Jan 6/2011 13101 DARTMOUTH PROVINCIAL COURT	A-55 CELTIC DR DARTMOUTH	DYLAN JEFFREY SLAUNWHITE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Nov 24/2011@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment Jan 13/2011 9358 DARTMOUTH PROVINCIAL COURT	4 OLD FERRY RD DARTMOUTH	VALERIE TYNES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 12/2011@9:30 DARTMOUTH PROVINCIAL COURT
Trial Jan 14/2011 9336 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	CHANGE OF PLEA - FINE \$25.00

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jan 14/2011 9332 HALIFAX PROVINCIAL COURT	6093 WATT ST HALIFAX	LAURELLE A. POTTER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ADJOURNED TO MAY 2, 2011
Trial Jan 14/2011 9333 HALIFAX PROVINCIAL COURT	6093 WATT ST HALIFAX	JENNIFER LAUREN WATSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ADJOURNED TO MAY 2, 2011
Trial Jan 14/2011 9334 HALIFAX PROVINCIAL COURT	6093 WATT ST HALIFAX	SARAH EVANS MORGAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ADJOURNED TO MAY 2, 2011
Trial Jan 14/2011 9335 HALIFAX PROVINCIAL COURT	6093 WATT ST HALIFAX	STEFANIE MICHELE MILNER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ADJOURNED TO MAY 2, 2011
Trial Jan 14/2011 9222 DARTMOUTH PROVINCIAL COURT	147 ASHGROVE AVE DARTMOUTH	VERNA MCCORMICK	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	CHANGE OF PLEA - FINE \$340.21
Trial Jan 14/2011 9353 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	WITHDRAWN
Trial Jan 14/2011 9185 DARTMOUTH PROVINCIAL COURT	4 HILLVIEW DR DARTMOUTH	DARRELL C. GERARD	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: Jun 3/2011 DARTMOUTH PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 9288 Jan 18/2011 HALIFAX PROVINCIAL COURT	6136 UNIVERSITY AVE HALIFAX	GERALD ARTHUR REDDICK	BY-LAW C-500 RESPECTING COMMERCE AND VENDING - USING TABLE OR OTHER DEVICE (2 TABLES) TO INCREASE SELLING OR DISPLAY CAPACITY OF STAND OR MOBILE CANTEEN; - VENDING FROM STAND WITH TOTAL OPERATING SPACE LARGER THAN 4M. SQ - 2 COUNTS; - VENDING WITHOUT PROVIDING ADEQUATE SOLID WASTE STORAGE FACILITIES IMMEDIATELY ADJACENT TO MOBILE CANTEEN-TWO COUNTS; - USING TABLE OR OTHER DEVICE (6 FOOT TABLE, BASKET AND TUPPERWARE CONTAINER) TO INCREASE SELLING OR DISPLAY CAPACITY OF STAND OR MOBILE CANTEEN.	IN ABSENCE CONVICTION - FINE \$225.21 EACH CHARGE
Trial 9292 Jan 18/2011 HALIFAX PROVINCIAL COURT	454 KEARNEY LAKE RD HALIFAX	DILLON J. COYLE	BY-LAW O-103 RESPECTING OPEN AIR BURNING - ALLOWING OR CAUSING TO BE LIGHTED, IGNITED OR STARTED FIRE WITHIN NO BURN ZONE EXCEPT IN ACCORDANCE WITH BY-LAW	CHANGE OF PLEA - FINE \$225.21
Trial 9294 Jan 18/2011 HALIFAX PROVINCIAL COURT	1275 SOUTH PARK ST HALIFAX	PENINSULA-SOUTHGATE LIMITED	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF ELIGIBLE PREMISES FAILING TO STORE COLLECTIBLE WASTE OUTSIDE MAIN BUILDING IN SECURED REGULATION CONTAINERS MADE INACCESSIBLE TO PESTS OR ANIMALS	IN ABSENCE CONVICTION - FINE \$340.21
Arraignment 9310 Jan 19/2011 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: Mar 8/2011 HALIFAX PROVINCIAL COURT
Trial 9244 Jan 19/2011 HALIFAX PROVINCIAL COURT	6319 PEPPERELL ST HALIFAX	DAVID OLIVEIRA HOLMES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ACQUITTED
Trial 9285 Jan 19/2011 HALIFAX PROVINCIAL COURT	454 KEARNEY LAKE RD HALIFAX	JENNIFER MILLER	BY-LAW O-103 RESPECTING OPEN AIR BURNING - ALLOWING OR CAUSING TO BE LIGHTED, IGNITED OR STARTED FIRE WITHIN NO BURN ZONE	ADJOURNED TO FEBRUARY 4, 2011

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jan 19/2011 9287 HALIFAX PROVINCIAL COURT	454 KEARNEY LAKE RD HALIFAX	AUSTIN D. HIMMELMAN	BY-LAW O-103 RESPECTING OPEN AIR BURNING - ALLOWING OR CAUSING TO BE LIGHTED FIRE WITHIN NO BURN ZONE	ADJOURNED TO FEBRUARY 4, 2011
Trial Jan 19/2011 9290 HALIFAX PROVINCIAL COURT	454 KEARNEY LAKE RD HALIFAX	STEPHEN C. GRAY	BY-LAW O-103 RESPECTING OPEN AIR BURNING - ALLOWING OR CAUSING TO BE LIGHTED, IGNITED OR STARTED FIRE WITHIN NO BURN ZONE EXCEPT IN ACCORDANCE WITH BY-LAW	ADJOURNED TO FEBRUARY 4, 2011
Trial Jan 19/2011 9291 HALIFAX PROVINCIAL COURT	454 KEARNEY LAKE RD HALIFAX	SEAN R. GALLANT	BY-LAW O-103 RESPECTING OPEN AIR BURNING - ALLOWING OR CAUSING TO BE LIGHTED, IGNITED OR STARTED FIRE WITHIN NO BURN ZONE EXCEPT IN ACCORDANCE WITH BY-LAW	ADJOURNED TO FEBRUARY 4, 2011
Trial Jan 19/2011 9295 HALIFAX PROVINCIAL COURT	454 KEARNEY LAKE RD HALIFAX	DEIDRE K. COUGHRAN	BY-LAW O-103 RESPECTING OPEN AIR BURNING - ALLOWING OR CAUSING TO BE LIGHTED, FIRE WITHIN NO BURN ZONE EXCEPT IN ACCORDANCE WITH BY-LAW	ADJOURNED TO FEBRUARY 4, 2011
Trial Jan 19/2011 9296 HALIFAX PROVINCIAL COURT	454 KEARNEY LAKE RD HALIFAX	CHRISTOPHER MICHAEL FITZPATRICK	BY-LAW O-103 RESPECTING OPEN AIR BURNING - ALLOWING OR CAUSING TO BE LIGHTED, IGNITED OR STARTED FIRE WITHIN NO BURN ZONE EXCEPT IN ACCORDANCE WITH BY-LAW	ADJOURNED TO FEBRUARY 4, 2011
Trial Jan 19/2011 9339 HALIFAX PROVINCIAL COURT	5867 GAINSBOROUGH PL HALIFAX	LYNDSAY BEATTY	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG WHICH RUNS AT LARGE	ACQUITTED
Trial Jan 19/2011 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	CONVICTION - FINE \$685.21

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Jan 20/2011 9235 DARTMOUTH PROVINCIAL COURT	MIC MAC MALL DARTMOUTH	SERGEI GORBACHENKO	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - 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 TAXI DRIVER'S LICENSE CONSPICUOUSLY DISPLAYED.	IN ABSENCE CONVICTION - FINE \$127.46 EACH CHARGE
Arraignment Jan 20/2011 9372 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 Jan 24/2011 9245 HALIFAX PROVINCIAL COURT	19 KATE CT HALIFAX	KATHLEEN VALLIS	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS PERSON OR ANIMAL	CHANGE OF PLEA - FINE \$200.00
Arraignment Jan 25/2011 13100 HALIFAX PROVINCIAL COURT	148 OLD SAMBRO RD HALIFAX	HIRITI TESFAI	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS PERSON OR ANIMAL	Trial: Nov 21/2011@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jan 25/2011 9342 HALIFAX PROVINCIAL COURT	522 REGENCY PARK DR HALIFAX	JAMES GORDON SMITH	HRM CHARTER - ALLOW DEVELOPMENT WITHOUT FIRST OBTAINING A DEVELOPMENT PERMIT	Adj. Arraignment: Feb 8/2011 HALIFAX PROVINCIAL COURT
Arraignment Jan 25/2011 13022 HALIFAX PROVINCIAL COURT	4-22 EVANS AVE HALIFAX	LAUREN OLIVIA DIAMOND	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 22/2011@1:30 HALIFAX PROVINCIAL COURT
Trial Jan 28/2011 9045 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	ACQUITTED

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Trial Jan 28/2011 9028 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	ACQUITTED
Trial Jan 31/2011 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	Adj. Trial: Feb 28/2011 DARTMOUTH PROVINCIAL COURT