



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 2
Halifax Regional Council
January 24, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

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

DATE: January 3, 2012

SUBJECT: Status of By-law Prosecutions – September 1, 2011 – September 30, 2011

INFORMATION REPORT

ORIGIN

Legal Services – Municipal Prosecutions

BACKGROUND/DISCUSSION

This report identifies only those currently active cases where court appearances occurred between September 1, 2011 and September 30, 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 September 1, 2011 and September 30, 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

Jan 3/2012

Page 1 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 13256 Sep 1/2011 DARTMOUTH PROVINCIAL COURT	84 HORNES RD E. PASSAGE	CAROLYN MARIE MYERS	LAND USE BY-LAW FOR EASTERN PASSAGE / COW BAY - ALLOW AN ACCESSORY BUILDING IN A R-2 ZONE THAT IS GREATER THAN 15 FEET IN HEIGHT	Adj. Arraignment: Oct 26/2011 DARTMOUTH PROVINCIAL COURT
Trial 13247 Sep 1/2011 HALIFAX PROVINCIAL COURT	NORTH ST & WINDSOR ST. HALIFAX	MARCUS BRADY	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	CHANGE OF PLEA - FINE \$100.00
Arraignment 13487 Sep 6/2011 HALIFAX PROVINCIAL COURT	918 BRUSSELS ST HALIFAX	JULIA CHRISTINE BELL	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 27/2012@9:30 HALIFAX PROVINCIAL COURT
Arraignment 13522 Sep 6/2011 HALIFAX PROVINCIAL COURT	5429 DUFFUS ST HALIFAX	KANDICE D'WOLFE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 11/2012@9:30 HALIFAX PROVINCIAL COURT
Arraignment 13262 Sep 6/2011 HALIFAX PROVINCIAL COURT	1626 EDWARD ST HALIFAX	STEPHEN MAYR	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 25/2011@9:30 HALIFAX PROVINCIAL COURT
Arraignment 13480 Sep 6/2011 HALIFAX PROVINCIAL COURT	918 BRUSSELS ST. HALIFAX	BEVERLY JEAN BARNBY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 27/2012@9:30 HALIFAX PROVINCIAL COURT
Trial 13200 Sep 8/2011 DARTMOUTH PROVINCIAL COURT	201-36 PRIMROSE ST DARTMOUTH	ROSE MARIE BARTARAW	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment 13319 Sep 8/2011 DARTMOUTH PROVINCIAL COURT	47 MURRAY HILL DR DARTMOUTH	BETH ELIZABETH BOUDREAU	BY-LAW N-300 RESPECTING NUISANCES - FAILING TO IMMEDIATELY REMOVE CAT DEFECATION	Trial: Nov 2/2011@1:30 DARTMOUTH PROVINCIAL COURT

Jan 3/2012

Page 2 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 13320 Sep 8/2011 DARTMOUTH PROVINCIAL COURT	290 KAYE ST HALIFAX	KAYLA LESSARD	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Nov 3/2011@1:30 DARTMOUTH PROVINCIAL COURT
Trial 13199 Sep 8/2011 HALIFAX PROVINCIAL COURT	201-36 PRIMROSE ST DARTMOUTH	ROSE MARIE BARTARAW	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arrestment 9363 Sep 8/2011 HALIFAX PROVINCIAL COURT	153 OLD SAMBRO RD HALIFAX	AMANDA E. PELRINE	BUILDING CODE ACT - DID OCCUPY A BUILDING WITHOUT A PERMIT - DID NOT OBEY AN ORDER.	ALL CHARGES STAYED
Trial 9321 Sep 12/2011 DARTMOUTH PROVINCIAL COURT	217 PRINCE ST SACKVILLE	MARJORIE AILEEN BANKS	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE; - OWNING UNLICENSED DOG.	CHARGE #1 - IN ABSENCE CONVICTION - FINE \$340.21 CHARGE #2 - WITHDRAWN
Trial 9376 Sep 12/2011 HALIFAX PROVINCIAL COURT	5654 MORRIS ST HALIFAX	SUKHPREET SINGH SAINI	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CONVICTION - FINE \$305.21
Arrestment 9377 Sep 12/2011 HALIFAX PROVINCIAL COURT	5654 MORRIS ST HALIFAX	BENSON MARK STODDART	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 6/2012@2:00 HALIFAX PROVINCIAL COURT
Arrestment 9379 Sep 12/2011 HALIFAX PROVINCIAL COURT	3RD FL-5654 MORRIS ST HALIFAX	NAVROZ BALOO	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Feb 6/2012@11:00 HALIFAX PROVINCIAL COURT

Jan 3/2012

Page 3 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 9401 Sep 13/2011 HALIFAX PROVINCIAL COURT	5221 SACKVILLE ST HALIFAX	DURTY NELLY'S IRISH PUB Agent: JOSEPH MCGUINNESS	FIRE CODE - FAIL TO INSPECT, TEST AND MAINTAIN PORTABLE FIRE EXTINGUISHERS; - FAIL TO INSPECT THE KITCHEN FIRE SUPPRESSION SYSTEM; - FAIL TO INSPECT EMERGENCY LIGHTING; - ALLOW ELECTRICAL CORDS TO RUN ACROSS A MEANS OF EGRESS; - FAIL TO MAINTAIN A FIRE SEPARATION; - FAIL TO ESTABLISH FIRE EMERGENCY PROCEDURES; - FAIL TO TRAIN SUPERVISORY STAFF IN FIRE EMERGENCY PROCEDURES; - FAIL TO MAINTAIN FIRE SAFETY SYSTEM RECORDS.	Adj. Arrestment: Nov 1/2011 HALIFAX PROVINCIAL COURT
Arrestment 13513 Sep 13/2011 HALIFAX PROVINCIAL COURT	1175 WELLINGTON ST HALIFAX	MATTHEW ANDREWS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 15/2012@9:30 HALIFAX PROVINCIAL COURT
Trial 9174 Sep 13/2011 DARTMOUTH PROVINCIAL COURT	1299 COW BAY RD COW BAY	JEFF WANG	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Adj. Trial: Dec 2/2011 DARTMOUTH PROVINCIAL COURT
Arrestment 13521 Sep 13/2011 HALIFAX PROVINCIAL COURT	6 ARVIDA AVE HALIFAX	LYNN CONRAD	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE; - OWNING DOG THAT ATTACKS PERSON OR ANIMAL.	Trial: Apr 11/2012@9:30 HALIFAX PROVINCIAL COURT
Arrestment 9092 Sep 14/2011 DARTMOUTH PROVINCIAL COURT	2 QUEENS RD LAWRENCETOWN	KAREN LOUISE METCALFE	LAND USE BY-LAW FOR LAWRENCETOWN - ALLOW A BUSINESS (KENNEL) TO OPERATE IN A R-1 RESIDENTIAL ZONE; - ALLOW A BUSINESS (CONSTRUCTION COMPANY) TO OPERATE IN A R-1 RESIDENTIAL ZONE; - ALLOW THE OBNOXIOUS USE OF A PROPERTY.	WITHDRAWN - STATUTORY DECLARATION FILED WITH THE COURT

Jan 3/2012

Page 4 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Sep 14/2011 9370 HALIFAX PROVINCIAL COURT	4985 ST MARGARETS BAY RD UPPER TANTALLON	HARVEY CAMERON DAUPHINEE	LAND USE BY-LAW FOR ST. MARGARETS BAY - ALLOW THE STOCK PILING OF CONSTRUCTION MATERIAL IN A RA-1 ZONE; - ALLOW THE STORAGE OF A SHIPPING CONTAINER ON A LOT IN A RA-1 ZONE.	Adj. Trial: Jan 31/2012 HALIFAX PROVINCIAL COURT
Trial Sep 14/2011 9371 HALIFAX PROVINCIAL COURT	4985 ST. MARGARETS BAY RD UPPER TANTALLON	HARVEY CAMERON DAUPHINEE	CRIMINAL CODE S. 127.1 - WITHOUT LAWFUL EXCUSE, DISOBEY A LAWFUL ORDER MADE BY A COURT OF JUSTICE	Adj. Trial: Jan 31/2012 HALIFAX PROVINCIAL COURT
Arraignment Sep 14/2011 13198 HALIFAX PROVINCIAL COURT	5657 SPRING GARDEN RD HALIFAX	ALIREZA A. ROSHANIMEYDAN	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING OR PERMITTING TO BE OPERATED A TAXI WITHOUT VALID TAXI OWNER'S LICENSE DISPLAYED AS REQUIRED	Trial: Mar 29/2012@1:30 HALIFAX PROVINCIAL COURT
Trial Sep 14/2011 9320 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. Trial: Dec 9/2011 HALIFAX PROVINCIAL COURT
Arraignment Sep 15/2011 13527 DARTMOUTH PROVINCIAL COURT	47 MURRAY HILL DR DARTMOUTH	MARY ELIZABETH BOUDREAU	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jul 16/2012@9:30 DARTMOUTH PROVINCIAL COURT
Arraignment Sep 15/2011 13083 DARTMOUTH PROVINCIAL COURT	273 TUCKER LAKE RD BEAVER BANK	SUPERIOR POWER PRODUCTS LTD/R. BOZIN Agent: SHERRY S. BOZIN	LAND USE BY-LAW FOR BEAVER BANK, HAMMONDS PLAINS AND UPPER SACKVILLE - ALLOW A BUSINESS TO OPERATE WITHOUT OBTAINING A DEVELOPMENT PERMIT	Adj. Arraignment: Nov 24/2011 DARTMOUTH PROVINCIAL COURT

Jan 3/2012

Page 5 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Sep 15/2011 HALIFAX PROVINCIAL COURT	9375 1275 SOUTH PARK ST HALIFAX	PENINSULA-SOUTHGATE LIMITED Agent: GREGORY ARAB	LAND USE BY-LAW FOR HALIFAX PENINSULA - ALLOW MORE DWELLING UNITS THAN PERMITTED IN A R2-A ZONE	CHANGE OF PLEA - FINE \$18,000
Trial Sep 15/2011 HALIFAX PROVINCIAL COURT	13014 6226 JUBILEE RD HALIFAX	ALEXANDER JOVAISAS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Sep 15/2011 HALIFAX PROVINCIAL COURT	13015 6226 JUBILEE RD HALIFAX	ALEXANDER D. GUY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Sep 15/2011 HALIFAX PROVINCIAL COURT	13016 6226 JUBILEE RD HALIFAX	SAMUEL JOHN NYHUUS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA - FINE \$455.21
Trial Sep 15/2011 HALIFAX PROVINCIAL COURT	13017 6226 JUBILEE RD HALIFAX	DAVID WILLIAM HOLMES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment Sep 20/2011 HALIFAX PROVINCIAL COURT	13524 1175 CARTARET ST HALIFAX	JOHNATHAN FAHEY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 11/2012@9:30 HALIFAX PROVINCIAL COURT
Arraignment Sep 20/2011 HALIFAX PROVINCIAL COURT	13523 2590 OXFORD ST HALIFAX	THOMAS FRALIC	BY-LAW N-200 RESPECTING NOISE -ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Apr 11/2012@9:30 HALIFAX PROVINCIAL COURT
Arraignment Sep 20/2011 HALIFAX PROVINCIAL COURT	9383 5688 SPRING GARDEN RD HALIFAX	GREMAR INVESTMENTS LIMITED, ET AL. Agent: GREGORY ARAB	BY-LAW B-201 RESPECTING BUILDING - FAIL TO CLEAN UP THE PROPERTY AND REMOVE ALL DEBRIS OR OTHER MATERIAL; BUILDING CODE ACT - FAIL TO COMPLY WITH AN ORDER.	Trial: Feb 1/2012@9:30 HALIFAX PROVINCIAL COURT

Jan 3/2012

Page 6 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Sep 26/2011 DARTMOUTH PROVINCIAL COURT	9281 21 MAPLE GROVE DR SACKVILLE	STANLEY GORDON GILLIS	HRM CHARTER S. 367(3)(D) - REFUSING ACCESS TO INSPECTOR EXERCISING POWER GRANTED UNDER ACT	PRE-TRIAL CONFERENCE DECEMBER 20, 2011
Arraignment Sep 27/2011 HALIFAX PROVINCIAL COURT	13520 1-1468 CARLTON ST HALIFAX	RYAN YOFFE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 26/2012@9:30 HALIFAX PROVINCIAL COURT
Trial Sep 27/2011 HALIFAX PROVINCIAL COURT	9384 1270 EDWARD ST HALIFAX	KEVIN ALEXANDER WRIGHT	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: Feb 1/2012 HALIFAX PROVINCIAL COURT
Trial Sep 27/2011 HALIFAX PROVINCIAL COURT	9050 8 HILLWOOD CRES HALIFAX	ROBERT A. MUNROE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ACQUITTED
Trial Sep 27/2011 DARTMOUTH PROVINCIAL COURT	9194 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. Trial: Oct 17/2011 DARTMOUTH PROVINCIAL COURT
Trial Sep 27/2011 HALIFAX PROVINCIAL COURT	9276 1580 WALNUT ST HALIFAX	KIMBERLY ROBIN HARDY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment Sep 28/2011 HALIFAX PROVINCIAL COURT	13189 2313 GOTTINGEN ST HALIFAX	RACQUEL SIMMONDS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial Sep 28/2011 HALIFAX PROVINCIAL COURT	13157 6259 15 COBURG RD HALIFAX	PATRICK THOMAS SHEA	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN

Jan 3/2012

Page 7 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment Sep 28/2011 HALIFAX PROVINCIAL COURT	9378 348 PURCELL'S COVE RD HALIFAX	GENE JENSEN & PAULETTE JENSEN	LAND USE BY-LAW FOR HALIFAX MAINLAND - ALLOW A STRUCTURE WITHIN THE 9 METRES OF THE SHORLINE OF THE NORTHWEST ARM; - ALLOW A DWELLING THAT DOES NOT HAVE ON-SITE SEWAGE DISPOSAL AND WATER SERVICES PROVIDED ON THE SAME LOT; - ALLOW A BUILDING THAT IS LESS THAN 8 FEET FROM THE REAR LOT LINE. - A THREE STORY STRUCTURE ON LOT G1. HRM CHARTER - ALLOW DEVELOPMENT WITHOUT FIRST OBTAINING A DEVELOPMENT PERMIT: - SINGLE FAMILY DWELLING ON LOT G2; - DETACHED GARAGE ON LOT G1; - DETACHED GARAGE ON LOT G1;	Adj. Arrestment: Nov 21/2011 HALIFAX PROVINCIAL COURT
Arrestment Sep 29/2011 DARTMOUTH PROVINCIAL COURT	13525 47 CAPRI DR WEST PORTERS LAKE	BEN PIERCE	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jun 13/2012@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment Sep 29/2011 DARTMOUTH PROVINCIAL COURT	13526 WEST PORTERS LAKE RD WEST PORTERS LAKE	HOLLY ROMA	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jun 19/2012@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment Sep 29/2011 DARTMOUTH PROVINCIAL COURT	13528 121 MOUNT EDWARD RD DARTMOUTH	ROGER STIRLING	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN GRASS AREA BETWEEN SIDEWALK AND CURB CLOSELY CLIPPED OR KEEP IT IN GOOD ORDER	Trial: Sep 6/2012@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment Sep 29/2011 DARTMOUTH PROVINCIAL COURT	13419 4207 HIGHWAY 2 WELLINGTON	NORRIS FRANCIS BOUDREAU	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 17/2012@1:30 DARTMOUTH PROVINCIAL COURT
Arrestment Sep 29/2011 DARTMOUTH PROVINCIAL COURT	13242 389 SPRING AVE DARTMOUTH	GARFIELD FLINT	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE - 2 COUNTS; - OWNING A DOG THAT ATTACKS A PERSON OR ANIMAL - 2 COUNTS.	Adj. Arrestment: Nov 17/2011 DARTMOUTH PROVINCIAL COURT