



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 2
Halifax Regional Council
March 6, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by Director

ME Donovan, Director, Legal Services & Risk Management

DATE: February 20, 2012

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

INFORMATION REPORT

ORIGIN

Legal Services – Municipal Prosecutions

BACKGROUND/DISCUSSION

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

Feb 20/2011

Page 1 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 13625 Nov 1/2011 HALIFAX PROVINCIAL COURT	6037 SOUTH ST HALIFAX	JAMES MCCUTCHEON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 28/2012@11:00 HALIFAX PROVINCIAL COURT
Arraignment 9401 Nov 1/2011 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. Arraignment: Dec 5/2011 HALIFAX PROVINCIAL COURT
Arraignment 13007 Nov 1/2011 HALIFAX PROVINCIAL COURT	1663 ARGYLE ST HALIFAX	SEA HORSE TAVERN Agent: DAVID HENRY	FIRE CODE - FAIL TO PROTECT OPENINGS IN FIRE SEPARATIONS WITH CLOSURES; - ALLOW THE CLOSURE IN A FIRE SEPARATION TO BE CONTINUOUSLY HELD OPEN; - FAIL TO ESTABLISH FIRE EMERGENCY PROCEDURES; - FAIL TO TRAIN SUPERVISORY STAFF IN FIRE EMERGENCY PROCEDURES; - FAIL TO MAINTAIN FIRE SAFETY SYSTEM RECORDS.	Adj. Arraignment: Dec 16/2011 HALIFAX PROVINCIAL COURT
Arraignment 13606 Nov 1/2011 HALIFAX PROVINCIAL COURT	6037 SOUTH ST HALIFAX	JAMES MCCUTCHEON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 12/2012@11:00 HALIFAX PROVINCIAL COURT

Feb 20/2011

Page 2 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 13616 Nov 1/2011 HALIFAX PROVINCIAL COURT	204-11 MAIN AVE HALIFAX	DANIEL DAVID WALKER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 21/2012@11:00 HALIFAX PROVINCIAL COURT
Arrestment 13598 Nov 1/2011 HALIFAX PROVINCIAL COURT	6373 CORK ST HALIFAX	GITIKA CHAWLA	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 2/2012@11:00 HALIFAX PROVINCIAL COURT
Arrestment 13607 Nov 1/2011 HALIFAX PROVINCIAL COURT	1-6037 SOUTH ST HALIFAX	GILLIAN MARY MCGRATH	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 13/2012@11:00 HALIFAX PROVINCIAL COURT
Trial 13319 Nov 2/2011 DARTMOUTH PROVINCIAL COURT	47 MURRAY HILL DR DARTMOUTH	BETH ELIZABETH BOUDREAU	BY-LAW N-300 RESPECTING NUISANCES - FAILING TO IMMEDIATELY REMOVE CAT DEFECATION	CONVICTION - FINE \$340.21
Trial 13320 Nov 3/2011 DARTMOUTH PROVINCIAL COURT	290 KAYE ST HALIFAX	KAYLA LESSARD	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	WITHDRAWN
Arrestment 13624 Nov 8/2011 HALIFAX PROVINCIAL COURT	6037 SOUTH ST HALIFAX	DAVID B. MACDONALD	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 26/2012@11:00 HALIFAX PROVINCIAL COURT
Trial 9280 Nov 8/2011 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.	Adj. Trial: Mar 2/2012 DARTMOUTH PROVINCIAL COURT
Arrestment 13609 Nov 8/2011 HALIFAX PROVINCIAL COURT	1751 VERNON ST HALIFAX	GEORGE ALEXANDER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 14/2012@11:00 HALIFAX PROVINCIAL COURT

Feb 20/2011

Page 3 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 13613 Nov 15/2011 HALIFAX PROVINCIAL COURT	232-80 CAMELOT LN HALIFAX	BETH HELENE CLARK	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 19/2012@10:30 HALIFAX PROVINCIAL COURT
Trial 13182 Nov 16/2011 DARTMOUTH PROVINCIAL COURT	5-19 DUNDAS ST. DARTMOUTH	JOSEPH JOHN KWIATEK	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$455.21
Trial 13183 Nov 16/2011 DARTMOUTH PROVINCIAL COURT	5-19 DUNDAS ST DARTMOUTH	CATHERINE HUNTER KWIATEK	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$455.21
Arraignment 13242 Nov 17/2011 DARTMOUTH PROVINCIAL COURT	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.	Trial: Jan 17/2012@9:30 DARTMOUTH PROVINCIAL COURT
Trial 13202 Nov 18/2011 HALIFAX PROVINCIAL COURT	6190 SHIRLEY ST HALIFAX	BYRON DOUGLAS RILEY	BY-LAW S-600 RESPECTING SOLID WASTE - PICKING OVER, REMOVING, DISTURBING OR OTHERWISE INTERFERING WITH BLUE BAG WASTE MATERIAL THAT HAS BEEN PLACED FOR MUNICIPAL COLLECTION	CHANGE OF PLEA - FINE \$75.00
Trial 9396 Nov 21/2011 DARTMOUTH PROVINCIAL COURT	6 COBBLESTONE LN MUSQUODOBOIT HARBOUR	RHONDA GODWIN	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG - 2 COUNTS	COUNT #1 - IN ABSENCE CONVICTION - FINE \$340.21 COUNT #2 - STAYED
Trial 9397 Nov 21/2011 DARTMOUTH PROVINCIAL COURT	190 HAVEN LN GAETZ BROOK	BRENDA DEWOLFE	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	IN ABSENCE CONVICTION - FINE \$340.21
Trial 13100 Nov 21/2011 HALIFAX PROVINCIAL COURT	148 OLD SAMBRO RD HALIFAX	HIRITI TESFAI	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS PERSON OR ANIMAL	ACQUITTED

Feb 20/2011

Page 4 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 9378 Nov 21/2011 HALIFAX PROVINCIAL COURT	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: Feb 21/2012 HALIFAX PROVINCIAL COURT
Trial 9299 Nov 21/2011 DARTMOUTH PROVINCIAL COURT	DARTMOUTH	CHARLES D. BURNELL	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - OPERATE A TAXI IN VIOLATION OF ZONE RESTRICTIONS	IN ABSENCE CONVICTION
Arrestment 13614 Nov 22/2011 HALIFAX PROVINCIAL COURT	5683 INGLIS ST HALIFAX	NICK KNORR	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 20/2012@10:30 HALIFAX PROVINCIAL COURT
Arrestment 13615 Nov 22/2011 HALIFAX PROVINCIAL COURT	6037 SOUTH ST HALIFAX	VALERIE OOSTERBAAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 21/2012@1:30 HALIFAX PROVINCIAL COURT

Feb 20/2011

Page 5 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 13649 Nov 22/2011 HALIFAX PROVINCIAL COURT	1983 UPPER WATER ST HALIFAX	ALIREZA 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; - OPERATING OR PERMITTING TO BE OPERATED A TAXI WITHOUT CURRENT TAXI BUMPER STICKER ISSUED IN RESPECT OF THAT VEHICLE AFFIXED AS REQUIRED AND CLEARLY VISIBLE; - TRANSPORTING OR BEING IN CONTROL OF MOTOR VEHICLE FOR PURPOSE OF TRANSPORTING PASSENGERS FOR HIRE WITHOUT REQUIRED VALID TAXI DRIVER'S LICENSE CONSPICUOUSLY DISPLAYED; HRM CHARTER - OBSTRUCTING OR HINDERING ANY PERSON IN PERFORMANCE OF DUTIES UNDER BY-LAW (T-108) IN FORCE IN ACCORDANCE WITH ACT.	Trial: Jun 27/2012@9:30 HALIFAX PROVINCIAL COURT
Arrestment 13368 Nov 22/2011 HALIFAX PROVINCIAL COURT	6323 LIVERPOOL ST HALIFAX	PETER EWALD MELZER	LAND USE BY-LAW FOR HALIFAX PENINSULA - PARK A COMMERCIAL VEHICLE IN A ZONE WHERE ACCESSORY USES DO NOT PERMIT COMMERCIAL VEHICLES	Adj. Arrestment: Dec 6/2011 HALIFAX PROVINCIAL COURT
Arrestment 13599 Nov 22/2011 HALIFAX PROVINCIAL COURT	6037 SOUTH ST HALIFAX	VALERIE OOSTERBAAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 5/2012@1:30 HALIFAX PROVINCIAL COURT
Arrestment 13646 Nov 22/2011 HALIFAX PROVINCIAL COURT	DEWOLFE PARK HALIFAX	MONICA M. MADJAROW	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jun 4/2012@1:30 HALIFAX PROVINCIAL COURT
Arrestment 13647 Nov 22/2011 HALIFAX PROVINCIAL COURT	410-5206 TOBIN ST HALIFAX	ANDRES FERNANDO COLLART	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 5/2012@9:30 HALIFAX PROVINCIAL COURT

Feb 20/201.

Page 6 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arrestment 13648 Nov 22/2011 HALIFAX PROVINCIAL COURT	1175 CARTARET ST HALIFAX	PAUL ANDRE WEINGARTSHOFER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jun 5/2012@9:30 HALIFAX PROVINCIAL COURT
Arrestment 13244 Nov 23/2011 HALIFAX PROVINCIAL COURT	80 LANCASTER DR HERRING COVE	ROBERT GERALD FERGUSON	LAND USE BY-LAW FOR HALIFAX MAINLAND - ALLOW MORE DWELLING UNITS THAN PERMITTED IN AN R2-P ZONE	Adj. Arrestment: Dec 6/2011 HALIFAX PROVINCIAL COURT
Trial 13101 Nov 24/2011 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	WITHDRAWN
Arrestment 13083 Nov 24/2011 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. Arrestment: Apr 19/2012 DARTMOUTH PROVINCIAL COURT
Arrestment 13557 Nov 24/2011 DARTMOUTH PROVINCIAL COURT	86 THERESA CRT LAKE ECHO	GARRY THOMPSON	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Apr 17/2012@9:30 DARTMOUTH PROVINCIAL COURT
Trial 9303 Nov 24/2011 DARTMOUTH PROVINCIAL COURT	109 HADDAD DR SACKVILLE	MAURICE BERRIGAN	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	CONVICTION - FINE \$340.21
Arrestment 13489 Nov 24/2011 DARTMOUTH PROVINCIAL COURT	6 BERNICE DR HEAD OF CHEZZETCOOK	GILLIAN MURRAY	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG	Trial: Mar 1/2012@9:30 DARTMOUTH PROVINCIAL COURT
Arrestment 13554 Nov 29/2011 HALIFAX PROVINCIAL COURT	18 GREEN ACRES RD HALIFAX	RYAN SCHIMMEL	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE; - OWNING UNLICENSED DOG.	Trial: Mar 26/2012@2:00 HALIFAX PROVINCIAL COURT

Feb 20/2011

Page 7 of 7

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 13622 Nov 29/2011 HALIFAX PROVINCIAL COURT	6251 JUBILEE RD HALIFAX	JEFFREY W. CLARKE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 23/2012@10:30 HALIFAX PROVINCIAL COURT
Arraignment 13623 Nov 29/2011 HALIFAX PROVINCIAL COURT	4A-718 MCLEAN ST HALIFAX	JULIE RENA NICKERSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 23/2012@2:00 HALIFAX PROVINCIAL COURT
Trial 13225 Nov 29/2011 HALIFAX PROVINCIAL COURT	918 BRUSSELS ST HALIFAX	RACHEL E. SAMMIS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Arraignment 13600 Nov 29/2011 HALIFAX PROVINCIAL COURT	401-1545 SOUTH PARK ST HALIFAX	TYLER DESANTIS	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 7/2012@2:00 HALIFAX PROVINCIAL COURT
Arraignment 13601 Nov 29/2011 HALIFAX PROVINCIAL COURT	1535 LEMARCHANT ST HALIFAX	CHRISTOPHER M. HODGES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 9/2012@2:00 HALIFAX PROVINCIAL COURT
Arraignment 13645 Nov 29/2011 HALIFAX PROVINCIAL COURT	604 TOWER RD. HALIFAX	TREVOR WORTMAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 30/2012@10:30 HALIFAX PROVINCIAL COURT
Arraignment 13608 Nov 29/2011 HALIFAX PROVINCIAL COURT	604 TOWER RD. HALIFAX	DREW MILLER	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Mar 14/2012@2:00 HALIFAX PROVINCIAL COURT
Arraignment 13245 Nov 29/2011 HALIFAX PROVINCIAL COURT	2692 BELLE AIRE TERR HALIFAX	THOMAS WILLIAM ARSENAULT SR. & JR.	HRM CHARTER - ALLOW DEVELOPMENT TO WIT: A THIRD DWELLING UNIT IN A R-2 ZONE WITHOUT OBTAINING A DEVELOPMENT PERMIT	Trial: Apr 30/2012@1:30 HALIFAX PROVINCIAL COURT