



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 1
Halifax Regional Council
November 20, 2012

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY: _____
Marian Tyson, Acting Director, Legal Services & Risk Management

DATE: October 23, 2012

SUBJECT: Status of By-law Prosecutions – May 1, 2012 – May 31, 2012

INFORMATION REPORT

ORIGIN

Legal Services – Municipal Prosecutions

BACKGROUND

This report identifies only those currently active cases where court appearances occurred between May 1, 2012 and May 31, 2012.

DISCUSSION

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 May 1, 2012 and May 31, 2012

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

Legal Services Status of By-law Prosecution

Selected by: Court Appearance Date Between 01-May-2012 and 31-May-2012

Sorted by: Court appearance date

As of: Oct 23/2012

File#	Court Appearance	Location of Offence	Outcome	Fine
	Charge	Owner/Defendant	Comments	
13083	Trial Dartmouth Provincial Court 01-May-2012	273 Tucker Lake Rd., Beaver Bank	Change of Plea	\$3,000.00
	Allow a business to operate without obtaining a development permit	Robert Peter Bozin SPPL - Superior Power Products Limited Sherry Suzanne Jean McKend	Superior Power Products Ltd. - Change of Plea Robert Bozin - Withdrawn Sherry McKend - Withdrawn	
13259	Election / Plea Dartmouth Provincial Court 01-May-2012	25 Sea King Drive, Dart.	Pre-Trial Conference	06-Sep-2012
	- Construct a deck without first obtaining a building permit; - Fail to comply with an order; - Fail to comply with an order.	Jihan Atie Pierre Atie		
13795	Hearing to set Trial Date Halifax Provincial Court 01-May-2012	8-54 Evans Ave., Hfx.	Withdrawal	
	- Engaging in activity that unreasonably disturbs the neighbourhood	Yvon Clement		
13155	Election / Plea Halifax Provincial Court 02-May-2012	133 Leeward Dr., Hammonds Plains	Change of Plea	\$500.00
	Hearing to set Trial Date Halifax Provincial Court 22-May-2012	Ronald Albert Maddigan Tracey Alice Eileen Maddigan	Ronald Maddigan - Change of Plea Tracy Maddigan - No evidence offered	
13703	Trial Dartmouth Provincial Court 02-May-2012	8 Wyndholme Ave., Dart.	Acquitted	
	Sentencing Dartmouth Provincial Court 17-May-2012	Stefan Tylak		
09281	Trial Dartmouth Provincial Court 04-May-2012	21 Maple Grove Dr., Sackville	Adjourned Trial	01-May-2013
	- Refusing access to inspector exercising power granted under Act	Stanley Gordon Gillis		

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File#	Court Appearance	Location of Offence	Outcome	Fine
	Charge	Owner/Defendant	Comments	
09383	Adjudged Trial Halifax Provincial Court	04-May-2012 5688 Spring Garden Rd., Hfx.	Change of Plea	\$5,000.00
	- By-law B-201 respecting The Building code - fail to clean up the property and remove all debris or other material; - Building Code Act - fail to comply with an order.	All Seasons Contracting, Rec Agent G. McCart C.R. Falkenham Backhoe Service, Agent C. Fa Gremar Investments Limited, Rec Agent G. Ar Ronald V. Smith Studioworks International, Rec Agent R. Smith	Gremar Investments Limited - Charge #1 - Withdrawn; Charge #2 - Change of Plea; Remaining Defendants - Charges Withdrawn	
09394	Trial Dartmouth Provincial Court	08-May-2012 795 West Ship Harbour Rd., Lower Ship Harbour	Sentencing	22-Nov-2012
	1. Construct a building, known as cottage "A", without a building permit; 2. Failed to notify the Building Official to inspect the building known as cottage "A" at the mandatory stages of construction; 3. Allow occupancy of the building known as cottage "A" without first obtaining an Occupancy Permit; 4. Did not obey an order made under section 12 of the Building Code Act, to obtain a building permit for the building known as cottage "A"; 5. Did not obey an order made under section 12 of the Building Code Act, to stop work on the building known as cottage "A"; 6. - 10. Identical charges for the building known as cottage "B"; 11. - 15. Identical charges for the building known as cottage "C"; 16. - 20. Identical charges for the building known as cottage "D".	Alma Tanner Gerald Tanner		
13699	Hearing to set Trial Date Halifax Provincial Court	08-May-2012 142 Ketch Harbour Rd., Herring Cove	Pre-Trial Conference	05-Sep-2012
	- Allow a building for which a development permit had not been issued; - Allow a home occupation to operate without it being wholly contained within the dwelling; - Allow open storage.	Trevor Gibson		
14092	Hearing to set Trial Date Halifax Provincial Court	08-May-2012 16 Mandaville Ct., Hfx.	Trial	17-Dec-2012
	- Engaging in activity that unreasonably disturbs the neighbourhood	Jeffrey Ronald Dillman		

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14114	Hearing to set Trial Date Dartmouth Provincial Court	10-May-2012 194 Spring Ave., Dart.	Trial	30-Jan-2013
	- Use of abusive or insulting language while in control of a taxi	Jorge Alejandro Inzunza		
13596	Sentencing Halifax Provincial Court	14-May-2012 3155 Joseph Howe Dr., Hfx.	Change of Plea	\$7,500.00
	- Allow additional dwelling units on a lot in a R-1 zone; - Allow development without first obtaining a development permit; - Alter a building without complying with the provisions of the Halifax Peninsula Land Use By-law.	Neil G. Muir	Charge #1 - Change of Plea Charge #2 - Withdrawn Charge #3 - Withdrawn	
14115	Hearing to set Trial Date Halifax Provincial Court	15-May-2012 22 Botany Terr., Hfx.	Trial	05-Feb-2013
	- Collecting waste material placed for municipal collection	Donald Dearl Marsman		
14116	Hearing to set Trial Date Halifax Provincial Court	15-May-2012 Victoria Rd / South Park St., Hfx.	Trial	14-Feb-2013
	- Engaging in activity that unreasonably disturbs the neighbourhood	Joshua Christopher Murphy		
14205	Hearing to set Trial Date Halifax Provincial Court	15-May-2012 3496 Micmac St., Hfx.	Trial	14-Feb-2013
	- Engaging in activity that unreasonably disturbs the neighbourhood	Patricia Mercer		
14094	Hearing to set Trial Date Dartmouth Provincial Court	17-May-2012 305 Cole Rd., Meaghers Grant	Trial	19-Dec-2012
	- Owning dog that runs at large; - Failing to immediately remove dog defecation.	Yvonne Hudson		
14207	Hearing to set Trial Date Dartmouth Provincial Court	17-May-2012 32 Sovereign Cr., Dart.	Trial	20-Mar-2013
	- Owning dog that attacks person or animal; - Owning dog that runs at large.	Dan Fraser		

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09401	Trial Halifax Provincial Court	22-May-2012 5221 Sackville St., Hfx.	Change of Plea	\$4,000.00
	- 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.	Grafton Developments Inc. Joseph McGuinness Kyle Drake Platinum Hospitality Incorporated	Platinum Hospitality plead guilty to all charges. No evidence offered against other defendants.	
14091	Hearing to set Trial Date Halifax Provincial Court	22-May-2012 2577 Hamilton Ln., Hfx.	Trial	24-Oct-2012
	- Engaging in activity that unreasonably disturbs the neighbourhood	Hali Marie Fox		
14093	Hearing to set Trial Date Halifax Provincial Court	22-May-2012 6136 University Ave., Hfx.	Trial	18-Dec-2012
	- Using table or other device (3 tables and 2 sandwich board signs) to increase selling or display capacity of stand or mobile canteen; - Vending from stand with total operating space larger than 4 sq. meters; - Vending without providing adequate solid waste storage facilities immediately adjacent to mobile canteen.	Gerald Arthur Reddick		
14206	Hearing to set Trial Date Halifax Provincial Court	22-May-2012 1170 Davis St., Hfx.	Trial	11-Mar-2013
	- Engaging in activity that unreasonably disturbs the neighbourhood	Sid Rovere Smith		
13889	Hearing to set Trial Date Halifax Provincial Court	27-May-2012 1958 Oxford St., Hfx.	Trial	10-Sep-2012
	- Engaging in activity that unreasonably disturbs the neighbourhood	Lauren Lethbridge		
13890	Hearing to set Trial Date Halifax Provincial Court	29-May-2012 199 Silver Birch Dr., Hubley	Trial	28-Jun-2012
	- Owning dog that runs at large	Louise Murphy		

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14204	Hearing to set Trial Date 29-May-2012 Halifax Provincial Court	Victoria Rd. & South Park St., Hfx.	Trial	14-Feb-2013
	- Engaging in activity that unreasonably disturbs the neighbourhood	Cameron Shannon		
13798	Adjourned Arraignment 31-May-2012 Halifax Provincial Court	Nordic Cres., Lower Sackville	Change of Plea	\$2.00
	- Owning dog that runs at large; - Owning dog that attacks person or animal.	Liam Winters	Fine remitted to \$1.00 for each ticket	

Total # of Case Files: 25