

Status of By-Law Prosecutions  
Council Report

October 10, 2006



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Halifax Regional Council  
October 10, 2006

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

**SUBMITTED BY:** *M. E. Donovan*  
M. E. Donovan, Director of Legal Services

**DATE:** September 29, 2006

**SUBJECT:** Status of By-Law Prosecutions

**INFORMATION REPORT**

**ORIGIN**

Legal Services - Municipal Prosecution

**DISCUSSION**

This report identifies only those currently active cases where court appearances occurred between July 1, 2006 and July 31, 2006.

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Lynda Gaglardi / Legal Assistant

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial 8158 Jul 4/2006 HALIFAX PROVINCIAL COURT	2000 BARRINGTON ST HALIFAX	CROMBIE DEVELOPMENTS LIMITED	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	OFFERED NO EVIDENCE - MATTER WITHDRAWN COMPLAINANT DID NOT APPEAR - SAID MATTER HAD BEEN RESOLVED
Arraignment 8115 Jul 4/2006 HALIFAX PROVINCIAL COURT	76 BRIDGET AVE HALIFAX	WINSTON SLAWTER / BRENDA GIBSON	OWNING AN UNREGISTERED DOG CONTRARY TO THE D-100 BY-LAW SECTION 3(1) OWNING A DOG THAT HAS WITHOUT PROVOCATION ATTACKED OR INJURED ANY PERSON OR ANIMAL OR DAMAGED ANY PROPERTY, CONTRARY TO THE D-100 BY-LAW SECTION (11)(1)(B). OWNING A DOG THAT IS FIERCE AND DANGEROUS TO PERSONS OR ANIMALS CONTRARY TO THE D-100 BY-LAW SECTION 11(1)(C)	APRIL 4, 2006 - WARRANT ISSUED FOR W. SLAWTER BRENDA GIBSON - CHANGE OF PLEA - FINE \$500.00 REMITTED TO \$100.00
Arraignment 8234 Jul 4/2006 HALIFAX PROVINCIAL COURT	1172 WATERLOO ST HALIFAX	CHELSEA L. GRACE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Aug 22/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment 8235 Jul 4/2006 HALIFAX PROVINCIAL COURT	SPRING GARDEN RD HALIFAX SOUTH PARK ST HALIFAX	PIERRE MICHEL CARRIGNAN	BY-LAW T-108 RESPECTING TAXIS AND LIMOUSINES - OPERATING TAXI OR LIMOUSINE IN VIOLATION OF ZONE RESTRICTIONS	Trial: Dec 4/2006@1:30 HALIFAX PROVINCIAL COURT
Trial 8173 Jul 5/2006 HALIFAX PROVINCIAL COURT	6297 ALLAN ST HALIFAX	ZDENA CERNY	BY-LAW S-600 RESPECTING SOLID WASTE - PLACING COLLECTIBLE WASTE OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M. THE EVENING OF THE DAY PRIOR TO THE COLLECTION DAY APPLICABLE IN THAT AREA OF THE MUNICIPALITY	WITHDRAWN
Trial 8238 Jul 5/2006 HALIFAX PROVINCIAL COURT	2382 AGRICOLA ST HALIFAX	BASHIR TOULANY	BY-LAW S-300 RESPECTING STREETS - FAIL TO MAINTAIN THE AREA BETWEEN THE CURB AND THEIR PROPERTY LINE FREE FROM GARBAGE, WASTE OR DEBRIS, WHETHER OR NOT IT IS PLACED IN CONTAINERS	CONVICTION - FINE \$115.00

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial Jul 5/2006 HALIFAX PROVINCIAL COURT 8237	2084 CREIGHTON ST HALIFAX 2086 CREIGHTON ST HALIFAX	BERNARD DAVIS	BY-LAW S-300 RESPECTING STREETS - FAIL TO MAINTAIN THE AREA BETWEEN THE CURB AND THEIR PROPERTY LINE FREE FROM GARBAGE, WASTE OR DEBRIS, WHETHER OR NOT IT IS PLACED IN CONTAINERS	CONVICTION - FINE \$115.00
Arraignment Jul 7/2006 HALIFAX PROVINCIAL COURT 8249	409-1119 TOWER RD HALIFAX	MATTHEW WAYNE DOVE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 25/2006@1:30 HALIFAX PROVINCIAL COURT
Trial Jul 10/2006 HALIFAX PROVINCIAL COURT 8131	10 WILLOW RD SAMBRO HEAD	ANDREW W. HENNEBERRY	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	OFFERED NO EVIDENCE - COMPLAINANT MOVED OUT OF JURISDICTION
Trial Jul 10/2006 HALIFAX PROVINCIAL COURT 8110	4 SPRINGVALE AVE HALIFAX	ARCHIE MACLEOD SAWING & DRILLING (2001) Agent: KIM A. KEEPING	UNLAWFULLY MAKE A CONNECTION TO A FIRE HYDRANT WITHOUT PERMISSION FROM THE HALIFAX REGIONAL WATER COMMISSION CONTRARY TO S.3(B) OF THE REGULATION OF RATES FOR SPECIAL SERVICE SUPPLIED FROM FIRE HYDRANTS, PURSUANT TO THE HALIFAX PUBLIC UTILITIES COMMISSION ACT, 1944. C.47	CONVICTION - FINE \$1,000.00
Trial Jul 10/2006 HALIFAX PROVINCIAL COURT 8129	920 BRUSSELS ST HALIFAX	EMILY ROGERS	BY-LAW N-200 RESPECTING NOISE ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CHANGE OF PLEA FINE \$445.00
Arraignment Jul 11/2006 HALIFAX PROVINCIAL COURT 8239	6-1746 HENRY ST HALIFAX	DAVID H. CLAIR	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Sep 12/2006@9:30 HALIFAX PROVINCIAL COURT
Trial Jul 13/2006 HALIFAX PROVINCIAL COURT 8164	5821 INGLIS ST HALIFAX	HALIFAX COUNTY CONDO CORP #175 Agent: DON C. BUCK	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE COLLECTIBLE WASTE IS PLACED FOR COLLECTION IN ACCORDANCE WITH BY-LAW	WITHDRAWN

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Trial 8165 Jul 13/2006 HALIFAX PROVINCIAL COURT	5831 INGLIS ST HALIFAX	HALIFAX CO CONDO CORP #79 Agent: ROBERT CARMICHAEL	BY-LAW S-600 RESPECTING SOLID WASTE - OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE COLLECTIBLE WASTE IS PLACED OUT FOR COLLECTION IN ACCORDANCE WITH BY-LAW	WITHDRAWN
Trial 8166 Jul 13/2006 HALIFAX PROVINCIAL COURT	5801 INGLIS ST HALIFAX	HALIFAX CO CONDO CORP. #193	BY-LAW S-600 RESPECTING SOLID WASTE - PLACING COLLECTIBLE WASTE OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M. THE DAY PRIOR TO COLLECTION DAY	WITHDRAWN
Arraignment 8253 Jul 14/2006 HALIFAX PROVINCIAL COURT	206-50 ARMSTRONG CT HALIFAX	KELLY ELIZABETH HAWES	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 24/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment 8264 Jul 14/2006 HALIFAX PROVINCIAL COURT	2555 WOOD AVE HALIFAX	MACDONALD IGHODARO	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 12/2006@2:00 HALIFAX PROVINCIAL COURT
Trial 8167 Jul 17/2006 HALIFAX PROVINCIAL COURT	80 CONVOY AVE HALIFAX	CHARLES J. SAADE	MUNICIPAL GOVERNMENT ACT S.344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO A DERELICT VEHICLE ON THE PROPERTY	WITHDRAWN
Trial 8141 Jul 18/2006 HALIFAX PROVINCIAL COURT	2097 OXFORD ST HALIFAX	BLAIR PROPERTIES LIMITED Agent: PAUL BLAIR	BY-LAW S-600 RESPECTING SOLID WASTE PLACING COLLECTIBLE WASTE OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M.THE DAY PRIOR TO COLLECTION DAY	WITHDRAWN
Trial 8242 Jul 20/2006 HALIFAX PROVINCIAL COURT	1289 SOUTH PARK ST HALIFAX	DONALD CUMMINGS	BY-LAW S-300 RESPECTING STREETS - FAIL TO MAINTAIN THE AREA BETWEEN THE CURB AND THEIR PROPERTY LINE FREE FROM GARBAGE, WASTE OR DEBRIS, WHETHER OR NOT IT IS PLACED IN CONTAINERS	CONVICTION - FINE \$100.00
Trial 8243 Jul 20/2006 HALIFAX PROVINCIAL COURT	1289 SOUTH PARK ST HALIFAX	DONALD CUMMINGS	BY-LAW S-300 RESPECTING STREETS - FAIL TO MAINTAIN THE AREA BETWEEN THE CURB AND THEIR PLROPERTY LINE FREE FROM GARBAGE, WASTE OR DEBRIS, WHETHER OR NOT IT IS PLACED IN CONTAINERS	CHANGE OF PLEA - FINE \$100.00

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arraignment Jul 21/2006 HALIFAX PROVINCIAL COURT 8256	1010-1991 BRUNSWICK ST HALIFAX	JUSTIN R.B. OSTERLOO	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 6/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jul 21/2006 HALIFAX PROVINCIAL COURT 8257	3524 JOHN PARR DR HALIFAX	DIANE LEE PINTO	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 6/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jul 25/2006 DARTMOUTH PROVINCIAL COURT 8273	1002 BEAVERBANK RD SACKVILLE	CATHERINE KELSIE	BY-LAW D-100 RESPECTING DOGS - OWNING AN UNREGISTERED DOG	Trial: Oct 19/2006@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment Jul 25/2006 HALIFAX PROVINCIAL COURT 8267	5557 ANNANDALE ST HALIFAX	ALIAN T INCORPORATED	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 26/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jul 25/2006 HALIFAX PROVINCIAL COURT 8268	176 ROSEDALE AVE HALIFAX	JEFFREY COSGROVE	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS PERSON	Trial: Oct 30/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jul 25/2006 DARTMOUTH PROVINCIAL COURT 8269	WESTBROOK AVE DARTMOUTH	RACHEL WILLISTON	BY-LAW D-100 RESPECTING DOGS - OWNING DOG THAT WITHOUT PROVOCATION ATTACKS ANIMAL	Trial: Nov 9/2006@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment Jul 25/2006 DARTMOUTH PROVINCIAL COURT 8270	7 BYRON CRES DARTMOUTH	NUMAC INVESTMENTS LIMITED Agent: ARMINDO NUNES	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY TO AS NOT TO BE DANGEROUS OR UNSIGHTLY (DERELICT GREY FORD MUSTANG, BAGS OF SOLID WASTE, SCRAP WOOD, SCRAP METAL, TIRES AND CARDBOARD BOXES	Trial: Nov 9/2006@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Jul 25/2006 HALIFAX PROVINCIAL COURT 8271	3363 JOSEPH HOWE DR HALIFAX	CATHERINE JACOBSON	BY-LAW S-300 RESPECTING STREETS - FAIL TO MAINTAIN THE AREA BETWEEN THE CURB AND THEIR PROPERTY LINE FREE FROM GARBAGE, WASTE OR DEBRIS, WHETHER OR NOT IT IS PLACED IN CONTAINERS	Trial: Dec 4/2006@9:30 HALIFAX PROVINCIAL COURT

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arraignment Jul 25/2006 DARTMOUTH PROVINCIAL COURT	100 SKEENA LANE DARTMOUTH	BEENA RAI	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY (DEBRIS, OIL TANK, SCRAP WOOD, BAGS OF SOLID WASTE, PAINT CANS, TWO DERELICT VEHICLES AND UNCUT GRASS AS HIGH AS THIRTY INCHES	Trial: Jan 4/2007@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Jul 25/2006 HALIFAX PROVINCIAL COURT	24 GREBE AVE HALIFAX	KATHY CHAISSON	BY-LAW D-100 RESPECTING DOGS - - OWNING A DOG THAT RUNS AT LARGE - OWNING A DOG THAT WITHOUT PROVOCATION ATTACKS PERSON	CHANGE OF PLEA - SENTENCING SEPTEMBER 29/06
Arraignment Jul 25/2006 HALIFAX PROVINCIAL COURT	1763 BEDFORD HWY BEDFORD	JOHN R. TOLSON	BEDFORD LAND USE BY-LAW - PERMIT THE ALTERATION OF THE GRADE OF LAND WITHOUT FIRST OBTAINING A GRADE ALTERATION PERMIT BUILDING CODE ACT - FAILED TO COMPLY WITH AN ORDER	Trial: Jan 25/2007@9:30 HALIFAX PROVINCIAL COURT
Arraignment Jul 25/2006 DARTMOUTH PROVINCIAL COURT	1492 CALDWELL RD EASTERN PASSAGE	LEO J. BEAZLEY (1966) LIMITED Agent: STEPHEN L. BEAZLEY	EASTERN PASSAGE/COW BAY LAND USE BY-LAW S.3.5(A) AND S.18.1 - ALLOW A SALVAGE YARD TO OPERATE PROPERTY DOES NOT COMPLY	Trial: Dec 14/2006@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Jul 25/2006 HALIFAX PROVINCIAL COURT	2345 HUNTER ST HALIFAX 2347 HUNTER ST HALIFAX	FOURFAX HOLDINGS LIMITED Agent: SCOTT MACLEOD	HALIFAX PENINSULA LAND USE BY-LAW - PERMIT A THIRD DWELLING UNIT	Trial: Nov 3/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Jul 25/2006 HALIFAX PROVINCIAL COURT	6430 OAK ST HALIFAX	JANET WILMA CHERNIN	HALIFAX PENINSULA LAND USE BY-LAW - PERMIT AN ANIMAL CARE BUSINESS TO OPERATE IN A R-2 ZONE -PERMIT A HOME OCCUPATION THAT IS NOT CONDUCTED ENTIRELY WITHIN THE DWELLING UNIT	Trial: Jan 2/2007@1:30 HALIFAX PROVINCIAL COURT

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Jul 25/2006 DARTMOUTH PROVINCIAL COURT	23 REDOUBT WAY EASTERN PASSAGE	ROSANNA K. TRIMPER	EASTERN PASSAGE/COW BAY LAND USE BY-LAW -PERMIT AN ACCESSORY BUILDING THAT IS LOCATED CLOSER THAN FOUR FEET TO A SIDE OR REAR LOT LINE; -PERMIT A BUSINESS TO OPERATE IN A RESIDENTIAL ZONE; PERMIT THE OPERATION OF A BUSINESS IN AN R-1 ZONE THAT IS NOT WHOLLY CONTAINED WITHIN THE DWELLING; - PERMIT THE USE OF AN ACCESSORY BUILDING FOR STORAGE OF MATERIALS, GOODS SUPPLIES OR EQUIPMENT RELATED TO THE OPERATION OF A BUSINESS; -PERMIT THE OPERATION OF A BUSINESS IN AN R-1 ZONE THAT CREATED A NUISANCE BY VIRTUE OF NOISE, VIBRATION, GLARE, ODOUR OR DUST OR WHICH IS OBNOXIOUS;	Adj. Arraignment: Aug 15/2006 DARTMOUTH PROVINCIAL COURT
Arraignment Jul 25/2006 DARTMOUTH PROVINCIAL COURT	22 DUNDAS ST DARTMOUTH	CANAROSE COMPANY LIMITED Agent: DOUGLAS J. LIVINGSTONE	BUILDING CODE ACT - FAILURE TO COMPLY WITH ORDER - FAILURE TO COMPLY WITH THE SPATIAL SEPARATION REQUIREMENTS OF THE PROVINCIAL BUILDING CODE	Trial: Nov 9/2006@10:00 DARTMOUTH PROVINCIAL COURT
Arraignment Jul 25/2006 HALIFAX PROVINCIAL COURT	3639 BRIGHT PL HALIFAX	MICHAEL ELIAS SALAH	NS FIRE SAFETY ACT - FAIL TO COMPLY WITH AN ORDER - FAIL TO POST AT EACH FIRE ALARM MANUAL PULL STATION A SIGN REQUESTING THAT THE FIRE SERVICES BE NOTIFIED BY PHONING 911 UPON ACTIVATION OF THE ALARM SYSTEM - FAIL TO EXTEND THE VENT PIPE FOR EACH FUEL OIL SUPPLY TANK AT LEAST TWO METRES ABOVE THE FINISHED GRADE BELOW THE PIPE - FAIL TO CONNECT EXIT SIGNS TO THE BUILDING'S EMERGENCY POWER SUPPLY - FAIL TO MAINTAIN MEANS OF EGRESS IN GOOD REPAIR AND FREE FROM OBSTRUCTIONS	CONVICTION - FINE \$1,000.00



Sep 29/2006

<b>Court Appearance</b>	<b>Address</b>	<b>Owner/Defendant</b>	<b>Violation</b>	<b>Status</b>
Arraignment 8147 Jul 25/2006 HALIFAX PROVINCIAL COURT	100 OAKFIELD PARK RD HALIFAX	MURRAY TATE	BUILDING CODE ACT - FAIL TO COMPLY WITH AN ORDER - OCCUPY A BUILDING WITHOUT FIRST OBTAINING AN OCCUPANCY PERMIT	Adj. Arraignment: Aug 28/2006 HALIFAX PROVINCIAL COURT
Trial 8244 Jul 25/2006 HALIFAX PROVINCIAL COURT	1061 WELLINGTON ST HALIFAX	CYGNET PROPERTIES LIMITED	BY-LAW S-300 RESPECTING STREETS - FAIL TO MAINTAIN THE AREA BETWEEN THE CURB AND THEIR PROPERTY LINE FREE FROM GARGAGE, WASTE OR DEBRIS, WHETHER OR NOT IT IS PLACED IN CONTAINERS	IN ABSENCE CONVICTION - FINE \$215.00
Arraignment 8258 Jul 25/2006 DARTMOUTH PROVINCIAL COURT	58 CHAPPELL ST DARTMOUTH	HARRY DEAN MARTIN	MGA SECTION 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO DEBRIS INCLUDING BUT NOT LIMITED TO A BED FRAME, RED/ WHITE CABLING, WOODEN WINDOW FRAME AND BAGGED SOLID WASTE	Trial: Aug 1/2006@9:30 DARTMOUTH PROVINCIAL COURT
Trial 8168 Jul 27/2006 HALIFAX PROVINCIAL COURT	5014 ST MARGARETS BAY RD UPPER TANTALLON	HARVEY CAMERON DAUPHINEE	2-SOT'S BY-LAW 0-103 WITH RESPECT TO OPEN AIR BURNING - BURNING OIL AND PETROLEUM PRODUCTS BURNING PLASTIC AND DOMESTIC WASTE	NOT GUILTY - NO EVIDENCE ACCUSED AT FIRES