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Status of By-Law Prosecutions
Council Report

May 30, 2006



PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council
May 30, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

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

DATE: May 17, 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 April 1, 2006 and April 30, 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

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Apr 4/2006 HALIFAX PROVINCIAL COURT 8181	1590 WALNUT ST HALIFAX	MEREDITH HOWARD	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	SENTENCING - MAY 16, 2006
Arraignment Apr 4/2006 HALIFAX PROVINCIAL COURT 8180	1254 QUEEN ST HALIFAX	PATRICK JAMES BRENNIAN	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Sep 1/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 4/2006 HALIFAX PROVINCIAL COURT 8190	1122 TOWER RD HALIFAX	MORRIS STRUG	BY-LAW S-600 WITH RESPECT TO SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS ACCOMMODATE SOURCE SEPARATED WASTE	CONVICTION - FINE \$2115.00
Trial Apr 6/2006 HALIFAX PROVINCIAL CT. 8059	1740 ARGYLE ST HALIFAX	ROMAR R. SMITH	ORDINANCE 180 RESPECTING STREETS 46B (3)(F) - DISTURBING PUBLIC BY USING LOUD SPEAKER RADIO TO ATTRACT PUBLIC ATTENTION	DISMISSED - NO INFORMATION OFFERED - DEFENDANT NOT VENDING
Trial Apr 6/2006 HALIFAX PROVINCIAL COURT 8060	967 MITCHELL ST HALIFAX	LOUIS CARETTE	MGA PART XV S. 344 - FAILING TO MAINTAIN PROPERTY SO AS NOT TO BE DANGEROUS OR UNSIGHTLY DUE TO IMPROPERLY STORED SOLID WASTE AND ASSOCIATED LITTER ON THE PROPERTY	Adj. Trial: Sep 1/2006 HALIFAX PROVINCIAL COURT
Trial Apr 6/2006 DARTMOUTH PROVINCIAL COURT 8161	32 CHATER ST EASTERN PASSAGE	BARBARA TOBEY	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	DISMISSED - NO EVIDENCE - COMPLAINANT DID NOT SHOW UP
Trial Apr 10/2006 HALIFAX PROVINCIAL COURT 8103	3-5274 HARVEY ST HALIFAX	MATTHEW JAMES GIBBONS	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	DISMISSED - COMPLAINANT REFUSED TO GIVE EVIDENCE
Trial Apr 10/2006 HALIFAX PROVINCIAL COURT 8100	2-1357 BIRMINGHAM ST HALIFAX	ROBYN LEAH SHYLLIT	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN - LACK OF EVIDENCE

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Apr 11/2006 8117 HALIFAX PROVINCIAL COURT	86 VIRGINIA DR HAMMONDS PLAINS HALIFAX	DARREN PETER & DEBORAH JANE HOPKINS	FAILURE TO COMPLY WITH AN ORDER CONCERNING THE ENFORCEMENT OF BY-LAW S-700 RESPECTING SWIMMING POOLS	Trial: Jun 23/2006@1:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 11/2006 8187 HALIFAX PROVINCIAL COURT	3-1693 VERNON ST HALIFAX	MONTGOMERY ALEXANDER SVED	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	3 SOT'S - IN ABSENCE CONVICTIONS UPHELD FINES: \$445.00, \$243.75 AND \$245.00 FOURTH CHARGE WITHDRAWN - DEFENDANT NOT PRESENT ON DATE OF OFFENCE
Arraignment Apr 11/2006 8143 HALIFAX PROVINCIAL COURT	5397 VICTORIA RD HALIFAX	RENOVEST REALTY INCORPORATED Agent: PAUL GOLDBERG	BY-LAW S-600 WITH RESPECT TO SOLID WASTE - OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE COLLECTIBLE WASTE IS PLACED FOR COLLECTION IN ACCORDANCE WITH BY-LAW	Trial: Jun 14/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 18/2006 8116 HALIFAX PROVINCIAL COURT	247 REGENCY PARK DR HALIFAX	MOUNT OLYMPUS REALTY LIMITED Agent: DOUGLAS J. MATHEWS	CONSTRUCTION OF A BUILDING WITHOUT A BUILDING PERMIT WHICH IS CONTRARY TO SECTION 8 OF THE BUILDING CODE ACT OF NOVA SCOTIA CONSTRUCTION OF A BUILDING WITHOUT A DEVELOPMENT PERMIT CONTRARY TO SECTION 1(2) OF THE HALIFAX MAINLAND LAND USE BY-LAW	ADJOURNED TO MAY 16, 2006 FOR ELECTION &/OR PLEA
Trial Apr 18/2006 8099 HALIFAX PROVINCIAL COURT	5-1357 BIRMINGHAM ST HALIFAX	LEWIS MATTHEW RUDDERHAM	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	DISMISSED - NO EVIDENCE OFFERED
Arraignment Apr 18/2006 8192 DARTMOUTH PROVINCIAL COURT	15 JOSEPH YOUNG ST DARTMOUTH	AHMED TAHA AFIFI	BY-LAW S-600 WITH RESPECT TO SOLID WASTE - OWNER OF COMMERCIAL PREMISES FAILING TO ENSURE COMMERCIAL CONTAINERS AVAILABLE TO ACCOMMODATE SOURCE SEPARATED WASTE	Trial: Aug 24/2006@10:00 DARTMOUTH PROVINCIAL COURT
Trial Apr 19/2006 8120 HALIFAX PROVINCIAL COURT	1675 LARCH ST HALIFAX	MACKENZIE FRANK MARSHALL	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	CONVICTION - FINE \$445.00

Court Appearance	Address	Owner/Defendant	Violation	Status
Trial Apr 20/2006 8154 HALIFAX PROVINCIAL COURT	22 KINGSLEY CL HALIFAX	JEFFREY B. DOOKS	COUNTY OF HFV BY-LAW WITH RESPECT TO ANTI-DUMPING - DUMPING FURNITURE, HOUSEHOLD ARTICLES IN THE DRIVEWAY	WITHDRAWN - CHARGE NOT VALID
Trial Apr 20/2006 8157 HALIFAX PROVINCIAL COURT	3440 DUTCH VILLAGE RD HALIFAX	CESAR MARIUS ZOROGOLE	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$445.00
Trial Apr 20/2006 8119 HALIFAX PROVINCIAL COURT	1694 VERNON ST HALIFAX	CHERYL ELAINE JOYCE	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	ACQUITTED - COURT FOUND THE ACCUSED ACTED WITH DUE DILLIGENCE
Trial Apr 21/2006 6749 DARTMOUTH PROVINCIAL CT.	16 SHALIMAR CRES COLE HARBOUR	ANGUS STEWART	COLE HARBOUR/WESTPHAL LAND USE BY-LAW - S.4.11(II) NO ACCESSORY BUILDING IN ANY RESIDENTIAL ZONE SHALL BE GREATER THAN 15 FEET IN HEIGHT FROM THE ESTABLISHED GRADE TO THE HIGHEST POINT OF THE ROOF NOR GREATER THAN 750 SQUARE FEET IN AREA	ADJOURNED PLEA SEPT. 22/2004 CONTINUATION DEC. 12/05 CONTINUATION FEB. 7/06 TRIAL COMPLETED FEB. 7/06 - DECISION APRIL 4/06 CONVICTION - FINE \$100.00 - JUDGE REDUCED TO \$50.00 Trial: Oct 31/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 21/2006 8194 HALIFAX PROVINCIAL COURT	12-3 GLENORA AVE HALIFAX	CASSY LEE SAUNDERS	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$243.75
Trial Apr 24/2006 8098 HALIFAX PROVINCIAL COURT	1550 VERNON ST HALIFAX	KATHERINE E. CZERNIK	BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	IN ABSENCE CONVICTION - FINE \$243.75
Arraignment Apr 25/2006 8114 HALIFAX PROVINCIAL COURT	3218 HEMLOCK ST HALIFAX	VANCE FRASER JOUDREY	VIOLATION OF SECTION 19(1)(B) BUILDING CODE ACT FAILING TO COMPLY WITH AN ORDER GIVEN IN ACCORDANCE WITH SEC.2.5.1.2(1)(A), OF THE NOVA SCOTIA BUILDING CODE REGULATIONS	Trial: Sep 21/2006@1:30 HALIFAX PROVINCIAL COURT

Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment Apr 25/2006 HALIFAX PROVINCIAL COURT 8115	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 MAY 16, 2006 - WARRANT ISSUED FOR B. GIBSON
Arraignment Apr 25/2006 HALIFAX PROVINCIAL COURT 8198	5653 FENWICK ST HALIFAX	DONALD CUMMINGS	BY-LAW S-600 WITH RESPECT TO SOLID WASTE - OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE COLLECTIBLE WASTE IS PLACED FOR COLLECTION IN ACCORDANCE WITH BY-LAW	Adj. Arraignment: Jun 27/2006 HALIFAX PROVINCIAL COURT
Arraignment Apr 25/2006 HALIFAX PROVINCIAL COURT 8199	6328 JUBILEE RD HALIFAX	GERALD RENO	BY-LAW S-600 WITH RESPECT TO SOLID WASTE - PLACING COLLECTIBLE WASTE OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M. THE DAY PRIOR TO COLLECTION DAY	Trial: Jun 30/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 25/2006 HALIFAX PROVINCIAL COURT 8200	1447 BRENTON ST HALIFAX	ROBERT G. LAVERS	BY-LAW S-600 WITH RESPECT TO SOLID WASTE - OWNER OF ELIGIBLE PREMISES FAILING TO ENSURE COLLECTIBLE WASTE IS PLACED FOR COLLECTION IN ACCORDANCE WITH BY-LAW	Trial: Jun 30/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 25/2006 HALIFAX PROVINCIAL COURT 8202	1362 QUEEN ST HALIFAX	KEVIN DORAN	BY-LAW S-600 WITH RESPECT TO SOLID WASTE - PLACING COLLECTIBLE WASTE OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M. THE DAY PRIOR TO COLLECTION DAY	Trial: Jun 30/2006@9:30 HALIFAX PROVINCIAL COURT
Arraignment Apr 25/2006 HALIFAX PROVINCIAL COURT 8205	5239 TOBIN ST HALIFAX	LISA DAWN SCOTT	BY-LAW S-600 WITH RESPECT TO SOLID WASTE - PLACING COLLECTIBLE WASTE OUT FOR MUNICIPAL COLLECTION BEFORE 7:00 P.M. THE DAY PRIOR TO COLLECTION DAY	Adj. Arraignment: Jun 13/2006 HALIFAX PROVINCIAL COURT

May 17/2006

Court Appearance	Address	Owner/Defendant	Violation	Status
<p>Trial Apr 27/2006 DARTMOUTH PROVINCIAL COURT</p> <p>8087</p>	<p>70 WINDMILL RD DARTMOUTH</p>	<p>MANSHIP HOLDINGS LIMITED</p>	<p>DOWNTOWN DARTMOUTH LAND USE BY-LAW FAILING TO COMPLY WITH REQUIREMENTS FOR HOME BUSINESSES: BY HAVING IN THEIR EMPLOY MORE THAN ONE EMPLOYEE WHO WAS NOT LIVING IN THE DWELLING; BY HAVING MORE THAN 25% GROSS FLOOR AREA OF THE DWELLING FOR BUSINESS USE; BY UNLAWFULLY HAVING MORE THAN ONE SIGN ADVERTISING A HOME BUSINESS; BY UNLAWFULLY HAVING A SIGN ADVERTISING A HOME BUSINESS THAT EXCEEDED 2 SQ. FT. IN AREA.</p>	<p>JUNE 29, 2006 - DECISION</p>
<p>Trial Apr 27/2006 HALIFAX PROVINCIAL COURT</p> <p>8173</p>	<p>6297 ALLAN ST HALIFAX</p>	<p>ZDENA CERNY</p>	<p>BY-LAW S-600 WITH RESPECT TO 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</p>	<p>Adj. Trial: Jul 5/2006 HALIFAX PROVINCIAL COURT</p>
<p>Arraignment Apr 28/2006 HALIFAX PROVINCIAL COURT</p> <p>8203</p>	<p>1013-1991 BRUNSWICK ST HALIFAX</p>	<p>JOHN MICHAEL BRAY</p>	<p>BY-LAW N-200 WITH RESPECT TO NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD</p>	<p>Trial: Oct 12/2006@1:30 HALIFAX PROVINCIAL COURT</p>