

Halifax Regional Council
October 28, 2003

TO: Mayor Peter Kelly and Members of Regional Council

SUBMITTED BY: 
Wayne Anstey, Q.C., Director of Legal Services

DATE: October 22, 2003

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 September 1, 2003 up to September 30, 2003.

COURT APPEARANCE	PROPERTY	OWNER/DEFENDANT	VIOLATION	STATUS
<p>Hearing to Set a Trial Date September 9/2003 Halifax Provincial Ct., C.R.#2</p>	<p>84 Golf Links Road Bedford</p>	<p>Gerald Bonang Diane Bonang Bernie Furey Truro Professional Group Ltd.</p>	<p>Town of Bedford Land Use By-law, Part 6, use of a parking lot for the storage and display of motor vehicles by a motor vehicle sales business and Part 5, s. 21(a), infilling within fifty feet of a watercourse</p>	<p>Adjourned Hearing Sept. 22/2003 @ 2:00 p.m. Halifax Provincial Court, C.R.#1</p>
<p>Trial September 11/2003 Halifax Provincial Ct., C.R.#2</p>	<p>25 Feldspar Drive Halifax</p>	<p>Deborah MacDougall Matthew MacDougall</p>	<p>HRM By-law D-100, Dogs 1. s. 11(1)(a) running at large; 2. s. 11(1)(b) attacked or injured a person or animal; 3. s. 11(1)(c) fierce and dangerous (3 counts)</p>	<p>Count #1 Crown offered no evidence Count #2 Plead guilty fined \$200.00 Count #3 Crown offered no evidence Charges withdrawn against Matthew MacDougall</p>
<p>Hearing to Set a Trial Date September 22/2003 Halifax Provincial Court, C.R.#2</p>	<p>84 Golf Links Road Bedford</p>	<p>Gerald Bonang Diane Bonang Bernie Furey Truro Professional Group Ltd.</p>	<p>Town of Bedford Land Use By-law, Part 6, use of a parking lot for the storage and display of motor vehicles by a motor vehicle sales business and Part 5, s. 21(a) infilling within fifty feet of a watercourse</p>	<p>Resummons Nov. 18/2003 @ 1:30 p.m. Halifax Provincial Ct., C.R.#1</p>

COURT APPEARANCE	PROPERTY	OWNER/DEFENDANT	VIOLATION	STATUS
<p>Trial September 22/2003 Dartmouth Provincial Ct., C.R.#2</p>	<p>Old Lookout Hill Rd. North Preston, Dartmouth</p>	<p>Preston C & D Recycling Incorporated and Ivan Willis</p>	<p>National Fire Code of Canada, 1995, (9 counts) s. 3.3.2.3(2)(a); maintaining a clear space of not less than thirty meters between stored products and brush or forested areas, s. 3.3.2.3(2)(b); maintaining a clear space of not less than six meters between stored products and uncontrolled grass or weeds, s. 3.3.2.9(1); no fire safety plan in place, s. 3.3.2.10; no portable extinguisher in any building located in an outdoor storage area, s. 3.3.2.10(2); no portable extinguisher in each motorized vehicle operating in an outdoor storage area, s. 3.3.2.11(1); maintain a storage site in a level manner and with solid ground or pavement with asphalt, concrete or other hard surface materials, s. 3.3.2.15(1); fail to have sufficient fire protection given the increased height and size of individual storage areas, s. 3.3.3.2(1); fail to maintain a six meter clear space around each individual storage area, and s. 3.3.2.6(1)(a)(b)(c); fail to have a firmly anchored fence around an outdoor storage area</p>	<p>Guilty plea for counts 1, 6, 8 & 9 - Fined \$500.00 on each count for a total of \$2,000 - Crown offered no evidence on remaining counts and offered no evidence against Ivan Willis.</p>