

Licensing Jobs

Criteria

Job Number:

Licence Number:

Job Type:

Status:

Created:

Issued:

Completed:

Keywords:

Result:

Save Retrieve New New Subjob Delete Reports Remember

Inspections on:
FP Lic #024414

Created Date:
Completed Date:

C & E Inspection

Processes Notes Lic. Summary Establishment Docs

New

Process Type	Complete	Assigned To	Outcome	Scheduled Start Date	Date Completed	Description		
Conduct Inspection	✓	John Orr	Compliance Deficiency Noted	Mar 31, 2017	Apr 24, 2017 08:47:17	Nonna's Table FP Lic #024414	✗	
Conduct Inspection	✓	John Orr, Shannan Johnston	No Contravention	Oct 31, 2016	Oct 31, 2016 15:45:36	Nonna's Table FP Lic #024414	✗	
Conduct Inspection	✓	John Orr	Attempted	Sep 30, 2016	Sep 30, 2016 10:01:13	Nonna's Table FP Lic #024414	✗	
Conduct Inspection	✓	John Orr	Compliance Deficiency Noted	Sep 30, 2016	Sep 30, 2016 09:12:51	Nonna's Table FP Lic #024414	✗	
Conduct Inspection	✓	Bruce Clark	No Contravention	Jan 18, 2016	Jan 18, 2016 09:17:44	Nonna's Table FP Lic #024414	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Oct 5, 2015	Oct 5, 2015 13:38:29	Lic #024414 FP Establishment:Nonn...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Oct 5, 2015	Oct 5, 2015 13:32:00	Lic #024414 FP Establishment:Nonn...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Aug 17, 2015	Aug 17, 2015 08:23:48	Lic #024414 FP Establishment:Nonn...	✗	
Conduct Inspection	✓	McKenzie Castle, Michelle Trelen...	No Contravention	Feb 4, 2015	Feb 4, 2015 20:52:43	Lic #024414 FP Establishment:Nonn...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Nov 12, 2014	Nov 12, 2014 16:10:59	Lic #024414 FP Establishment:Nonn...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Jul 21, 2014	Jul 21, 2014 13:02:10	Lic #024414 FP Establishment:Nonn...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	May 9, 2014	May 9, 2014 13:57:01	Lic #024414 FP Establishment:Wald...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 1, 2012	Feb 1, 2012 12:18:52	Lic #024414 FP Establishment:WAL...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Oct 31, 2011	Oct 31, 2011 17:14:54	Lic #024414 FP Establishment:WAL...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Aug 2, 2011	Aug 2, 2011 11:13:17	Lic #024414 FP Establishment:WAL...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	May 18, 2011	May 18, 2011 09:36:56	Lic #024414 FP Establishment:WAL...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 1, 2011	Feb 1, 2011 11:24:11	Lic #024414 FP Establishment:WAL...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	Contravention(s) Identified	Aug 9, 2010	Aug 9, 2010 13:29:05	Lic #024414 FP Establishment:WAL...	✗	

Licensing Jobs

Criteria

Search Clear

Job Number:

Licence Number:

191412

Job Type:

Status:

Created:

mmmm d, yyyy To: mmmm d, yyyy

Issued:

mmmm d, yyyy To: mmmm d, yyyy

Completed:

mmmm d, yyyy To: mmmm d, yyyy

Keywords:

Result

1 of 1 Text Search...

Job #:002297067-001 LRS - Lic.#:191412
Status:Licence Approved Approved:1967-07-02 00:00:00 Licence Name:T...

Save Retrieve New New Subject Delete Reports Remember

Inspections on:

LRS Lic #191412

Created Date: Feb 22, 2003

Expiry Date: Sep 30, 2017

Completed Date: mmmm d, yyyy

Processes Notes Lic. Summary Establishment Docs

New

Process Type	Complete	Assigned To	Outcome	Scheduled Start Date	Date Completed	Description		
Conduct Inspection	✓	John Orr	Compliance Deficiency Noted	Mar 16, 2017	Apr 12, 2017 11:41:18	The Bottle Shop Liquor Store LRS Li...	✗	
Conduct Inspection	✓	John Orr	No Contravention	Sep 12, 2016	Sep 16, 2016 16:45:28	The Bottle Shop Liquor Store LRS Li...	✗	
Conduct Inspection	✓	John Orr	Attempted	Sep 12, 2016	Sep 12, 2016 11:48:22	The Bottle Shop Liquor Store LRS Li...	✗	
Conduct Inspection	✓	Bruce Clark	No Contravention	Jan 18, 2016	Jan 18, 2016 09:13:41	The Bottle Shop Liquor Store LRS Li...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Oct 5, 2015	Oct 5, 2015 13:30:06	Lic #191412 LRS Establishment:The...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Aug 17, 2015	Aug 17, 2015 08:14:31	Lic #191412 LRS Establishment:The...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Apr 28, 2015	Apr 28, 2015 13:09:02	Lic #191412 LRS Establishment:The...	✗	
Conduct Inspection	✓	McKenzie Castle, Michelle Trelen...	No Contravention	Feb 4, 2015	Feb 4, 2015 20:50:25	Lic #191412 LRS Establishment:The...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Nov 12, 2014	Nov 12, 2014 16:03:45	Lic #191412 LRS Establishment:The...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Jul 21, 2014	Jul 21, 2014 12:50:31	Lic #191412 LRS Establishment:The...	✗	
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Apr 21, 2014	May 7, 2014 11:01:37	Lic #191412 LRS Establishment:Wal...	✗	
Conduct Inspection	✓	Doug Dyck	Contravention(s) Identified	May 21, 2013	May 21, 2013 11:49:12	Lic #191412 LRS Establishment:WA...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 1, 2012	Feb 1, 2012 12:21:25	Lic #191412 LRS Establishment:WA...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Oct 31, 2011	Oct 31, 2011 17:18:51	Lic #191412 LRS Establishment:WA...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Aug 2, 2011	Aug 2, 2011 11:15:00	Lic #191412 LRS Establishment:WA...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	May 31, 2011	May 31, 2011 08:48:21	Lic #191412 LRS Establishment:WA...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	May 18, 2011	May 18, 2011 09:36:05	Lic #191412 LRS Establishment:WA...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Mar 7, 2011	Mar 7, 2011 11:19:22	Lic #191412 LRS Establishment:WA...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 1, 2011	Feb 1, 2011 11:22:11	Lic #191412 LRS Establishment:WA...	✗	
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Aug 9, 2010	Aug 9, 2010 13:26:38	Lic #191412 LRS Establishment:WA...	✗	



File: EH13-118
Job: 002297067-027

June 19, 2013

Waldorf Hotel Ltd. & Zagora Holdings Ltd.
c/o Puharich, Marko
1489 E Hastings St
Vancouver, BC V5L 1S4

Dear Licensee:

Re: Licence Number: 191412

WALDORF HOTEL
1489 E Hastings St
Vancouver, BC V5L 1S4

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice dated June 17, 2013.

It is important to note that you are responsible for the actions of your employees. You should ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

Liquor Control and
Licensing Branch

Mailing address:
PO Box 9292 Stn Prov Gov
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111
Telephone: 250 952-5787

Location:
Fourth Floor, 3350 Douglas Street
Victoria BC

<http://www.pssg.gov.bc.ca/lclb>

Enforcement Action

Monetary Penalty:

Arising from the licensee's non-compliance with section S. 33(1)(a) Act a monetary penalty of \$7500 (Seven Thousand Five Hundred Dollars) must be paid by July 17, 2013.

The payment must be made to the Minister of Finance and sent to Liquor Control and Licensing Branch headquarters at the address indicated in Appendix A. It is important to attach the accompanying Appendix A so that the payment can be correctly recorded on your file.

Signs satisfactory to the general manager showing that a monetary penalty has been imposed will be placed in a prominent location in the establishment by a Liquor Control and Licensing Branch inspector or a police officer, and must remain in place for ten (10) business days starting at the opening of business on Thursday, July 4, 2013 until the close of business on Saturday, July 13, 2013. "Business day" means a day on which the establishment would normally be opened for business.

Posting of Signs:

A Liquor Control and Licensing Branch inspector or police officer will attend your establishment prior to opening time on Thursday, July 4, 2013 to post the signs referenced above. You must allow the Liquor Control and Licensing Branch inspector or police officer to post the monetary penalty signs. You must not remove, obscure, or alter the prominence and visibility of those signs during the time they are required to be posted.

Consequences of non-payment:

There are serious consequences for non-payment of the full amount of a monetary penalty by the due date.

1. The general manager may refuse to renew or transfer a licence if a monetary penalty has not been fully paid by the due date.
2. The general manager may refer an unpaid penalty to the Ministry of Finance for collection.
3. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in schedule 4 to the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

Contact Number

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at 604 775-0059.

Yours truly,

A handwritten signature in cursive script, appearing to read "B Edmundson".

Bruce Edmundson
Deputy General Manager
Compliance and Enforcement

CC: Vancouver Police Dept. – Cst. Alex Clarke
Clerk/Secretary City of Vancouver
Manager of Licensing Rebecca Villa-Arce
Manager of Finance Scott McElroy
Regional Manager Donna Lister
Inspector Edward Osei-Appiah
Inspector Doug Dyck

Encl: Appendix A



WAIVER NOTICE

Liquor Control and Licensing Act, RSBC, c.267

File: EH13-118
Job: 002297067-027
Licence: 191412
Contravention Notice: B016804

June 11, 2013

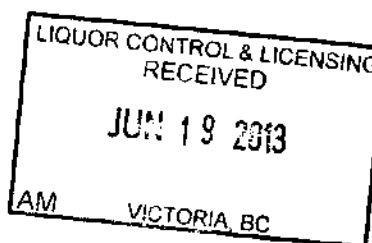
With respect to the Notice of Enforcement Action (NOEA) EH13-118, dated May 30, 2013, this Waiver Notice is an agreement on the part of the licensee as follows.

BETWEEN: WALDORF HOTEL LTD. & ZAGORA HOLDINGS LTD., c/o
1489 HASTINGS ST E
VANCOUVER, BC V5L 1S4

Alternate: WALDORF HOTEL LTD. & ZAGORA HOLDINGS LTD., c/o
1489 E HASTINGS ST
VANCOUVER, BC V5L 1S4

AND: The General Manager,
Liquor Control and Licensing Branch
Ministry of Public Safety and Solicitor General

**RE: LRS Licence #191412, WALDORF HOTEL, at 1489 E HASTINGS ST
VANCOUVER, BC V5L 1S4.**



Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

Mailing address:
PO Box 9292 Stn Prov Gov
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111
Telephone: 250 952-5787

Location:
Fourth Floor, 3350 Douglas Street
Victoria BC

<http://www.pssg.gov.bc.ca/lcib>

The licensee:

1. Agrees the licensee committed the contravention/s of:
 - a. Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Actas set out in the attached NOEA, and
2. Accepts the enforcement action/s as set out in the attached NOEA for the contravention/s referenced in paragraph 1.
3. Accepts the monetary penalty of \$7500 (Seven Thousand Five Hundred Dollars)
4. Accepts that the monetary penalty referenced above must be paid in full within 30 days of the date this Waiver Notice is signed by the licensee.

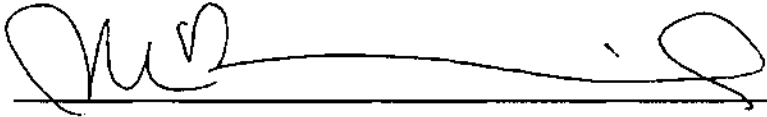

Failure to pay a monetary penalty within 30 days is a breach of s. 20 (2.6) of the Liquor Control and Licensing Act which may result in suspension or cancellation of the licence.

5. Waives the opportunity for a hearing in respect of each of the contravention/s and enforcement action/s cited above.
6. Accepts that signs satisfactory to the General Manager referencing the enforcement action/s cited above will be placed by the police or Branch staff in prominent locations in the establishment.

You must not obscure, alter or in any manner diminish the prominence of the sign/s. Failure to allow posting of these signs is a serious contravention that could lead to an extended licence suspension, cancellation or transfer of your liquor licence.

7. Accepts that the finding of contravention/s and specified enforcement action/s will form part of the compliance history of the licensee.

The licensee understands and agrees that this Waiver Notice is irrevocable.

DATE:	<u>Monday</u> <u>17th</u> (day)	, the	<u>17th</u> (date)	, day of	<u>JUNE</u> (month)	, 20	<u>13</u> (yr.)
SIGNATURE OF LICENSEE							
	(Licensee/Authorized Agent)						
NAME OF LICENSEE	<u>MARKO PUHARICH</u>						
	(Please Print)						
	<u>OWNER</u>						
	(Title/Position)						
SIGNATURE OF WITNESS							
NAME OF WITNESS	<u>Doty Dyck</u>						
	(Please Print)						

Your liquor inspector will require the original for the Branch's records. You may photocopy this document or request a copy from your liquor inspector for your own records.

Attachment: Notice of Enforcement Action



NOTICE OF ENFORCEMENT ACTION
Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267

File: EH13-118
Job: 002297067-027

May 30, 2013

WALDORF HOTEL LTD. & ZAGORA HOLDINGS LTD.
c/o WALDORF HOTEL LTD. & ZAGORA HO
1489 HASTINGS ST E
VANCOUVER, BC V5L 1S4

Re: Licence Number: 191412
Licence Type: Licensee Retail Store
Licence Expiry Date: September 30, 2013
Establishment: WALDORF HOTEL
CN #: B016804

The purpose of this notice is to inform you that pursuant to section 20 of the *Liquor Control and Licensing Act* (the Act), the general manager is pursuing enforcement action against the licensee.

This Notice of Enforcement Action (NOEA) will:

1. Set out the branch's allegation(s) of non-compliance with the Act, and or the *Liquor Control and Licensing Regulation* (the Regulation) and or the terms and conditions of the licence,
2. Provide a narrative of events,
3. Describe the evidentiary basis for the elements of each alleged contravention,
4. Provide reasons why the branch is pursuing enforcement,
5. Provide reasons why the branch believes the particular enforcement action (i.e. penalty) proposed is warranted, and
6. Outline the licensee's options and the branch procedures that will be followed depending on whether or not the licensee disputes what is being alleged.

Included with this NOEA is the licensee's enforcement history and an explanation of how that history will be applied in any hearing decision of the general manager.

Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

Mailing address:
PO Box 9292 Stn Prov Gov
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111
Telephone: 250 952-5787

Location:
Fourth Floor, 3350 Douglas Street
Victoria BC

<http://www.pssg.gov.bc.ca/clcb>

1. THE ALLEGED CONTRAVENTION(S):

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and time of Contravention(s)	Proposed Enforcement Action
1.	Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act	S. 33(1)(a) Act	2013-MAY-16 5:40 PM	\$7500 monetary penalty

2. NARRATIVE

In 2011, the Liquor Control and Licensing Branch (LCLB) undertook a "Minors as Agents Program" (MAP). MAP inspections are used to ensure compliance with the Liquor Control and Licensing Terms and Conditions against the selling of liquor to persons under the age of 19 years (minors). The Liquor Control and Licensing Act has been amended to allow the Branch to employ minors as agents to test compliance with the Liquor Control and Licensing Act's prohibition against selling liquor to minors. The Act requires licensees to inspect 2 pieces of identification in order to verify age of any patron who may be under the age of 19 years. Earlier this year, industry associations and licensees were notified of this program by way of a letter from the General Manager of the Liquor Control and Licensing Branch.

Therefore, the LCLB has hired 17 & 18 year old minors as agents to carry out these compliance inspections. The minors have been provided training regarding the Liquor Control and Licensing Act, making and documenting observations and safety issues...

On May 16, 2013, MAP inspections were conducted to test compliance at several Liquor stores, Restaurants and pubs in Vancouver, British Columbia. Inspectors Doug Dyck, Bruce Clark and Edward Osei-Appiah were the LCLB personnel accompanying Minor agent #44 on this date (the inspection team). At the start of the shift, the agent was photographed and identification was viewed to confirm the agent to be 17 years of age. The identification of the agent was also photographed.

For the purpose of this report, the agent will now be known as Minor Agent #44.

The Waldorf Liquor Store is located at 1489 East Hastings in Vancouver, BC.

This establishment has a valid "Licensee Retail Store License", number 191412, expiry date of September 30th, 2013. The hours of operation are Monday to Sunday 9:00am – 11:00 pm.

On May 16th, 2013 at approx. 17:34 hours, I (Inspector Doug Dyck - writer of this report) entered the establishment approx. 30 seconds ahead of agent #44. Once inside, agent #44 walked to the beer cooler in the middle of the store and chose a 6 pack of 'Colt 45 Beer', walked to the counter and placed it in front of the clerk behind the counter. The clerk greeted #44 with a "Hi" and then read out that the product total was \$11.25. #44 handed the clerk a \$20 bill and as she handed #44 the change, she asked if he would like a bag and #44 replied "Yes Please". The clerk placed the product in the bag and #44 walked out of the store with the product. The clerk did not ask for I.D. to verify #44's age. Agent #44 departed the store at approx. 17:37 with Dyck leaving just seconds behind. Inspector Dyck was standing approx. 10 – 12 feet away by the wine products in clear view of agent #44 and the clerk and observed the transaction between the clerk and agent #44.

The clerk later identified as s.22 is described as a s.22 with s.22 and wearing glasses. Her height was difficult to tell as the floor behind the counter is up 1 or 2 steps from the retail space floor. She was not wearing a name tag.

Upon returning to the vehicle, minor agent #44 completed the LCLB observation sheets regarding the purchase of liquor from the establishment and completed a written statement regarding the incident. Dyck made notes in his note book.

Inspector Dyck then took possession of the product which was photographed and initialed by Dyck and agent #44. The product was seized as evidence and subsequently deposited in the Vancouver Regional Office exhibit room.

At approx. 17:48 hours Inspector Dyck re-entered the liquor store with Inspector Osei-Appiah. Osei-Appiah and Dyck identified themselves and informed the clerk that she had sold to a Minor Agent approx. 10 minutes earlier and also asked if they could speak to the Manager. Osei-Appiah spoke to both Manager s.22 and the clerk s.22 while Dyck completed Contravention Notice B016804 for -"Selling Liquor to Minors". Osei-Appiah explained the enforcement process and Dyck issued the contravention notice which the Manager signed and a copy was left with her. The Manager looked upset and apologized for the sale to the minor agent. Osei-Appiah and Dyck departed at approx. 17:59 hours.

3. THE ELEMENTS OF THE ALLEGED CONTRAVENTION(S)

3.1 Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act

The person in question is a minor.

A minor is an individual under the age of 19

The agent hired by the LCLB is 17 years of age as confirmed by viewing and photographing her government issued photo identification as primary identification. A second piece of identification was also viewed and photographed to support the primary piece of identification.

The minor was in possession of liquor.

The agent was able to enter the store and purchase a pack of six cans of Colt 45 Beer. The product was then removed from the store by the minor agent and delivered to LCLB Inspectors.

The licensee directly or by way of its staff sold or supplied the liquor to the minor.

The liquor was sold to the agent by the sales clerk who is an employee of the licensee. The clerk did not ask the agent to produce 2 pieces of I.D. to verify that he was 19 years or older.

4. REASONS FOR PURSUING ENFORCEMENT

4.1 Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act

Selling, giving or supplying liquor to minors is a significant public safety issue because of:

- the effects of alcohol on growing bodies and developing minds
- the effects on individuals and society of irresponsible drinking behavior learned at an early age
- a minor's lack of capacity to metabolize alcohol in the same manner as an adult; therefore, liquor has a more intoxicating effect on minors, and
- liquor is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault and theft.

In this case:

Licensed Retail Stores are establishments that sell liquor products to the general public for their personal consumption. These establishments are regulated to sell products to persons over the age of 19 years. Should the customer appear to be under the age of 19 years, two pieces of authorized identification must be produced to the clerk, prior to the sale of liquor.

The Liquor Control and Licensing Branch have the authority to inspect and enforce any

contravention that should occur within Liquor Retail Stores of British Columbia. "As well, Licensee Retail Stores were notified of the Minors as Agents Program in following manner:

- July 2010: a government press released announced changes to the *Liquor Control and Licensing Act* allowing the use of minors as agents for the purposes of checking compliance with the Act.
- February 7th, 2011: the general manager of the LCLB wrote to all Licensee Retail Store licensees and advised them that "Beginning later in February, and on an on-going basis, minors will visit public and private stores, under the close supervision of a liquor inspector, and will attempt to buy alcohol."
- February 25th, 2011: the *Publican*, a periodical for all members of the Alliance of Beverage Licensees of British Columbia, published an article by the general manager describing the Minors as Agents Program and further advising of the program's implementation.
- March 14th, 2011: the LCLB issued its first edition of the LCLB Newsletter. This newsletter was mailed to all licensees in the province and contained an article titled "Hiring Minors to Monitor Retail Compliance."
- On November 15, 2011, Inspector Dyck conducted a meeting with the Licensee and staff about the terms and conditions of both the Pub and Liquor Store licenses including issues with the sale of liquor to Minors.

Therefore, in the interest of public safety, the contravention of selling liquor to a minor on May 16th, 2013 at app 17:37 hours will proceed via enforcement.

5. REASONS FOR THE PROPOSED ENFORCEMENT ACTION (i.e. penalty)

- 5.1 Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act : \$7500 monetary penalty proposed

For the alleged contravention of minor - sell, give or otherwise supply liquor to minor, s. 33(1)(a) act (Contravention Notice Number B016804), a monetary penalty of \$7,500.00 (Seven Thousand Five Hundred Dollars) is proposed. This recommended monetary penalty falls within the penalty range set out in schedule 4, item 2 of the Regulation for a first contravention.

In this case:

The monetary penalty of \$7500 is considered appropriate to reinforce the seriousness of selling liquor to minors and the potential consequences which could occur. It is hoped that this Licensee will take ownership of his responsibilities regarding the serving and selling of liquor to minors by way of this monetary penalty.

6. THE PROCEDURES

You (the licensee) may agree with or dispute the above allegation(s) and proposed penalty.

If there is a dispute, the general manager will decide if the contravention(s) occurred and what enforcement action, if any, is warranted. A hearing may be scheduled for that purpose.

If the general manager decides that enforcement action is warranted, the general manager will determine the enforcement action to be imposed on the licensee and may:

- Impose a suspension of the liquor licence for a period of time
- Impose a monetary penalty
- Cancel the liquor licence
- Rescind, amend or impose new terms and conditions on the licence
- Order a transfer of the licence

Imposing any penalty is discretionary. Where the general manager finds that a suspension or monetary penalty is warranted the general manager must follow the minimums set out in Schedule 4 of the Regulations. The general manager is not bound by the maximums and may impose a higher suspension or monetary penalty when it is in the public interest to do so. The general manager is not bound to order the penalty proposed in this NOEA.

Schedule 4 of the Regulation sets out the range of enforcement actions for when a contravention occurs in an establishment within a 12 month period of a contravention of the same type. It is the date that the contravention occurred that is used for the purpose of determining if a contravention is a first, second or subsequent contravention for penalty purposes.

If you (the licensee) agree that the contravention(s) took place and accept the enforcement action proposed, there is no need for a hearing. In that case, you must sign a document called a waiver.. By signing a waiver, you irrevocably

- Agree that the contravention(s) occurred,
- Accept the proposed penalty,

- Agree that the contravention(s) and penalty will form part of the compliance history of the licensee, and
- Waive the opportunity for an enforcement hearing.

If you decide to sign a waiver, or if you have any questions regarding this matter, please contact me at 604 775-0097 as soon as possible. If you do not sign a waiver, the branch will schedule a pre-hearing conference for you (the licensee) to discuss the hearing process with the branch registrar and the branch advocate.

For further information about the hearing and waiver process please visit our website at http://www.pssg.gov.bc.ca/lclb/comp_enforce/index.htm

Yours truly,

Doug Dyck
Liquor Inspector

Enclosures

*Copy of Liquor Control and Licensing Branch Enforcement Process –
Information for Liquor Licensees* (located at <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>)

ENFORCEMENT ACTION

If the general manager determines that the licensee has committed the above alleged contravention(s), the general manager may consider the following when determining what enforcement action, if any, is warranted pursuant to section 20(2) of the Act:

Past Enforcement Action Taken

No compliance history found

Compliance Meetings

Date	Topic
November 09, 2005	
December 10, 2007	Operating contrary to primary purpose - Food Primary, s. 20 Act, s. 11 Reg.
February 07, 2011	Overcrowd beyond person capacity more than occupant load, s. 6(4) Reg.
March 01, 2012	Overcrowd beyond person capacity less than or equal to occupant load, s. 6(4) Reg.
May 16, 2006	Permit person to become intoxicated, s. 43(2)(a) Act
November 26, 2008	Permit gambling, s. 36(2)(a) Act

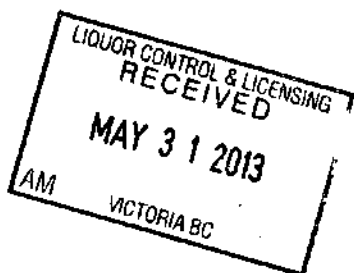
Other Factors

**CONTRAVENTION NOTICE**Liquor Control and Licensing Branch,
Ministry of Public Safety and Solicitor GeneralEstablishment name: WALDOLF HOTELEstablishment address: 1489 E. HASTINGS ST.
VANCOUVER, BC V5L 1S4Licensee name: WALDOLF HOTEL LTD. + 2 AGXAL HOLDINGS LTD.Licence #: 191412 Date CN issued: 05/16/13Date and time of alleged contravention(s): 05/16/13 17:00On the date noted above, the following alleged contravention(s) of the
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	SELL TO MINOR	33(1)(a) <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2		<input type="checkbox"/> Act <input type="checkbox"/> Reg
3		<input type="checkbox"/> Act <input type="checkbox"/> Reg
4		<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: _____

Inspector name: D. DICK Badge #: 67Telephone: 775-0097 LPC #: _____Management acknowledgement (name and title) _____
s.22The general manager may proceed with enforcement action on the basis of this
contravention notice. The licensee will generally be notified within 45 days if
enforcement action is proposed.



Licensing Jobs

C & E Inspection

Criteria

Job Number:

Licence Number:

Job Type:

Status:

Created:

Issued:

Completed:

Keywords:

Result

Search

Clear

1 of 1

Text Search...

Job #:000698654-001 LP- Lic.#:024435

Status: Licence Approved Approved:1962-02-15 00:00:00 Licence Name:T...

Save

Retrieve

New

New Subjob

Delete

Reports

Remember

Inspections on:

LP Lic #024435

Created Date:

Dec 3, 2002

Expiry Date:

Sep 30, 2017

Completed Date:

mmm d, yyyy

Processes

Notes

Lic Summary

Establishment

Docs

New

Process Type	Complete	Assigned To	Outcome	Scheduled Start Date	Date Completed	Description		
Conduct Inspection	✓	John Orr	Compliance Deficiency Noted	Nov 28, 2016	Nov 28, 2016 09:22:19	Tiki Bar LP Lic #024435		✗
Conduct Inspection	✓	John Orr	No Contravention	Sep 30, 2016	Sep 30, 2016 09:59:44	Tiki Bar LP Lic #024435		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Oct 5, 2015	Oct 5, 2015 13:40:22	Lic #024435 LP Establishment:Tiki Bar		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Apr 28, 2015	Apr 28, 2015 13:12:17	Lic #024435 LP Establishment:Tiki Bar		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Mar 14, 2015	Mar 30, 2015 08:51:21	Lic #024435 LP Establishment:Tiki Bar		✗
Conduct Inspection	✓	McKenzie Castle, Michelle Trelen...	No Contravention	Feb 4, 2015	Feb 4, 2015 20:55:00	Lic #024435 LP Establishment:Tiki Bar		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Jan 27, 2015	Jan 27, 2015 15:40:35	Lic #024435 LP Establishment:Tiki Bar		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Nov 12, 2014	Nov 12, 2014 13:40:26	Lic #024435 LP Establishment:Tiki Bar		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Oct 8, 2014	Oct 8, 2014 14:00:12	Lic #024435 LP Establishment:Tiki Bar		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Jul 21, 2014	Jul 21, 2014 12:58:41	Lic #024435 LP Establishment:Tabu		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	May 9, 2014	May 9, 2014 14:04:38	Lic #024435 LP Establishment:Wald...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 1, 2012	Feb 1, 2012 12:20:16	Lic #024435 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Oct 31, 2011	Oct 31, 2011 17:16:18	Lic #024435 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Aug 2, 2011	Aug 2, 2011 11:14:10	Lic #024435 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	May 18, 2011	May 18, 2011 09:37:56	Lic #024435 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 1, 2011	Feb 1, 2011 11:23:23	Lic #024435 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Aug 9, 2010	Aug 9, 2010 13:28:17	Lic #024435 LP Establishment:WAL...		✗



Ministry of Public Safety and Solicitor General
Liquor Control & Licensing Branch

Mailing Address:
PO Box 9292 Stn. Prov. Govt
Victoria, BC V8W 9J8
Telephone: 250-387-1254
Fax: 250-387-9184

No. _____

COMPLIANCE MEETING

Inspector's Name: **Edward Osei-Appiah**

Date: February 7th, 2011

Office Locations: **100 - 133 East 8th Avenue, Vancouver, BC V5T 1R8**

ESTABLISHMENT INFORMATION:

Establishment Name: **WALDORF HOTEL**

Establishment Address: **1489 HASTINGS ST E
VANCOUVER, BC V5L 1S4**

Licensee No.: **024435** License Class: **FP** Expiry Date: **July 31, 2009**

Licensee Name: **WALDORF HOTEL LTD. & ZAGORA HOLDINGS LTD.**

MEETING DETAILS:

Attendees at compliance meeting:

Name: **Edward Osei-Appiah** - Association/Position: **Liquor Inspector** Contact No.: **(604) 775-0059**

Name: **Charlie Wager** - Association/Position: **Liquor Inspector** Contact No.: **(604)**

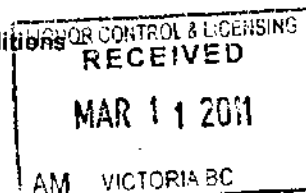
Name: **ERNESTO GOMEZ** - Association/Position: **DIRECTOR HOSPITALITY** Contact No.: **604-222-0573**

Name: **Thomas Anselmi** - Association/Position: **DIRECTOR ARTS + ENTERTAINMENT** Contact No.: **604 339 6279**
s.22 s.22

Name: _____ - Association/Position: **General Manager** Contact No.: _____

Name: _____ - Association/Position: _____ Contact No.: _____

Licensee provided a copy of Updated November 2010 - Liquor Primary Terms and Conditions
Appendix One - Penalty Schedule Four



Reason compliance meeting was convened to discuss:

This is a follow-up to a routine inspection conducted at your establishment on January 16th, 2011 regarding: **Overcrowding beyond person capacity less than or equal to occupant load.**

Capacity

Policy Rationale

As with other conditions pertaining to licensed premises, the capacities of the licensed areas within establishments must be considered in the context of effective management of the licensed areas, potential impacts on the local community and public safety concerns.

Section 6(1) of the Liquor Control and Licensing Regulations requires the general manager to set the person capacity of an establishment, "... having regard to the public interest and the views of a local government or first nation". It is under the authority of this section, therefore, that the general manager exercises discretion in connection with the capacity of licensed establishments. When doing so, the general manager, in keeping with the duty to "supervise the conduct and operation of licensed establishments", will place considerable emphasis on the relationship between capacity and the ability of the licensee and staff to manage the licensed area. The numbers must allow for the observation of patron behaviour, and the ability of staff to observe behaviour may be affected by activities such as entertainment involving patron participation.

Public interest issues that commonly arise in making decisions about capacity include safety concerns and potential impacts on the community. From a fire safety perspective, consideration must be given to the minimum amount of space per person that will allow safe movement within, and exit from, the building in the event of fire. Here again, the kinds of activities taking place in the establishment will obviously be a significant factor. The B.C. Fire Code, B.C. Building Code, and local rules or bylaws such as the Vancouver Building Bylaw establish "occupant loads", representing the maximum number of persons that can safely occupy a building or part of a building at any given time. The allowable "person capacity"⁶⁰ with which establishments are licensed by the Liquor Control and Licensing Branch conform to these occupant load standards. Indeed, under section 6(2) of the Liquor Control and Licensing Regulations, "... the general manager must refuse to issue, amend or transfer a licence ... if the occupant load of the establishment is not equal to the person capacity".

The presence of a licensed establishment may have significant impacts upon nearby residents and businesses. A local community will be concerned with parking and traffic flows, and with any noise or nuisance issues that may arise with particular premises or types of establishments. Because of the implications capacity can have for a local community, sections 10(3) and 53(4) of the regulations stipulate that a local government or First Nation must take these issues into account in considering the person capacity of a liquor primary establishment or a winery lounge or in the case of a winery special event area the size of that area. There are, in addition, a range of other factors the general manager may consider in the public interest — largely those factors which address the licensee's ability to comply with the terms and conditions of the licence.

The policies below detail these considerations as well as the technical requirements of setting person capacity for new and existing licences. They also outline the way in which licence amendment policies apply in respect of temporary or permanent changes in person capacity.⁶¹

Policies

6.3.1. General considerations in setting person capacity

The general manager must set the person capacity⁶² for liquor primary, liquor primary club, and food primary licensed establishments and winery lounges and interior special event areas⁶³. The person capacity of a licensed establishment shall be equal to the occupant load of the establishment, which is the least of the number of persons permitted in the establishment⁶⁴ determined under:

- the Provincial building regulations
- the *Fire Services Act* and British Columbia Fire Code Regulation, and
- any other safety requirement enacted, made or established by the local government or First Nation for the area in which the establishment is located.

the Provincial building regulations
the *Fire Services Act* and British Columbia Fire Code Regulation, and
any other safety requirement enacted, made or established by the local government or First Nation for the
area in which the establishment is located.

[Liquor Control and Licensing Regulations, sections 1 and 6; Liquor Control and Licensing Branch Policy]

6.3.2. Factors considered in the public interest in setting person capacity

In setting the person capacity of a licensed establishment, for new and existing licences, the factors considered will include those considered by a local government or First Nation in relation to a licence amendment~~s~~ as follows:

the potential for noise if the proposed person capacity is approved, and
the impact on the community if the proposed person capacity is approved.

Additional factors that may be considered in the public interest include:

whether the number of persons implied by the capacity figures allows the licensee to maintain effective
management and control of the licensed area
location of the licensed establishment
capacities of nearby licensed establishments
licensee's compliance history, and
establishment's history of compliance.

Outdoor Patios

Policy Rationale

Policies concerning outdoor patios flow from earlier capacity policies and address the same public interest concerns of potential over-service and over-consumption, as well as effective management of a licensed area. Similar public interest considerations to those that relate to the initial building assessment phase of the original licence application process also apply to applications for outdoor patio endorsements. These considerations include health and safety concerns, and the ability of the licensee and staff to maintain control throughout the establishment. Staff supervision of access and egress points for a patio is of particular concern — especially as it relates to the possibility of access to the licensed area by minors.

Liquor service on an outdoor patio may significantly impact facilities, businesses and residents in the immediate vicinity of the establishment. Because of this, licence conditions such as hours of operation, capacity, and entertainment will have a bearing on whether or not an outdoor patio will be considered. These factors are all relevant in assessing noise and other effects likely to be felt by surrounding neighbours.

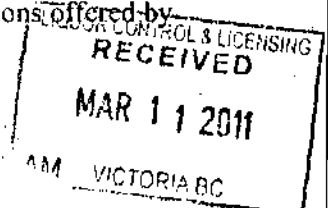
Concerns about health, safety and community impact are, therefore, paramount in considering outdoor patio service for liquor primary licensed establishments. Section 53 of the regulations governing licence amendment processes, and the following policies reflect this by requiring that the views of local government and First Nations be considered on applications for outdoor patios. By contrast, the primary operating purpose of a food primary licensed restaurant is to serve food, with liquor service available only as a complement to a meal. As such, a food primary establishment may have patios provided local building and zoning bylaws permit them.

Patios are not considered for licensee retail stores, which are licensed only for the sale of packaged liquor. Consumption is not permitted on the premises, with the exception of product demonstrations offered by manufacturers and their agents.

Policies

6.4.1. General considerations in outdoor patio applications

Subject to considerations in the public interest, the general manager may designate outdoor areas of a licensed establishment where liquor may be sold and served. In determining whether to designate the outdoor patio of a



liquor primary or liquor primary club licensed establishment or a winery lounge or special event area as an area of the establishment in which liquor will be consumed, the factors considered will include those considered by a local government or First Nation in relation to a licence amendment as follows:

- the potential for noise if the patio is approved, and
- the impact on the community if the patio is approved.

Additional factors that may be considered in the public interest include:

- whether the licensee can maintain effective management and control of the outdoor patio area
- whether the size and location of the outdoor patio negatively impacts surrounding residents and businesses;
- and
- such other factors as may be relevant in the public interest.

[*Liquor Control and Licensing Act*, section 12(3)(b); *Liquor Control and Licensing Regulations*, section 53(4); *Liquor Control and Licensing Branch Policy*]

☒ **Relevant section(s) of the Liquor Control and Licensing Act:**

12 (1) The general manager, having regard for the public interest, may, on application, issue a licence for the sale of liquor.

- (b) designate the areas of an establishment, both indoor and outdoor, where liquor may be sold and served,**
- (d) designate the areas within an establishment where minors are permitted,**
- (f) exempt a class or category of licensee from requirements with respect to serving food and non-alcoholic beverages in an establishment,**
- (l) Control signs used in or for an establishment.**

Action against a licensee

20 (1) In addition to any other powers the general manager has under this Act, the general manager may, on the general manager's own motion or on receiving a complaint, take action against a licensee for any of the following reasons:

- (a) the licensee's contravention of this Act or the regulations or the licensee's failure to comply with a term or condition of the licence;**
- (b) the conviction of the licensee of an offence under the laws of Canada or British Columbia or under the bylaws of a municipality or regional district, if the offence relates to the licensed establishment or the conduct of it;**
- (c) the persistent failure to keep the licensed establishment in a clean and orderly fashion;**

(c.1) a failure by the licensee to take reasonable measures to ensure that the operation of the establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment;

(d) the existence of a circumstance that, under section 16, would prevent the issue of a licence;

(e) the suspension or cancellation of a municipally, regionally, provincially or federally granted licence, permit or certificate that the licensee is required to hold in order to operate the licensed establishment.

(2) If the general manager has the right under subsection (1) to take action against a licensee, the general manager may do any one or more of the following, with or without a hearing:

(a) [Repealed 1999-36-13.]

(b) impose terms and conditions on the licensee's licence or rescind or amend existing terms and conditions on the licence;

(c) impose a monetary penalty on the licensee in accordance with the prescribed schedule of penalties;

(d) suspend all or any part of the licensee's licence in accordance with the prescribed schedule of licence suspensions;

(e) cancel all or any part of the licensee's licence;

(f) order the licensee to transfer the licence, within the prescribed period, to a person who is at arm's length from the licensee.

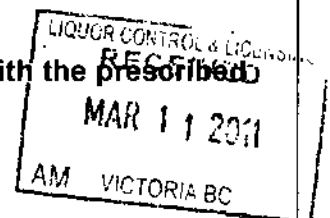
(2.1) The general manager may, if he or she is satisfied that it is in the public interest to do so,

(a) impose a monetary penalty under subsection (2) (c) that is greater than the amount provided for in the prescribed schedule of penalties, or

(b) suspend a licensee's licence under subsection (2) (d) for a period longer than that provided for in the prescribed schedule of suspensions.

attend before the general manager and answer on oath, unless the general manager directs otherwise, all questions touching the subject matter of the hearing, and produce all documents, writings, books, deeds and papers in accordance with the summons.

(4.3) When the general manager exercises a power under subsection (4.1), a person who



fails or refuses to comply with subsection (4.2) is liable, on application to the Supreme Court, to be committed for contempt as if in breach of an order or judgment of the Supreme Court.

(5) [Repealed 1999-36-14.]

☒ **Relevant section(s) of the Liquor Control and licensing Regulations:**

Consumption of liquor in licensed establishments

42 (1) A person must not consume liquor in a licensed establishment unless that liquor has been purchased from or served by the licensee of that licensed establishment.

(2) A licensee must not allow consumption in the licensed establishment of liquor that was not purchased from or served by the licensee.

(3) A licensee, and the employees of the licensee, must not consume liquor while working in the licensed establishment.

(4) All liquor sold or served in a licensed establishment must be consumed there, and the licensee must not allow liquor, other than the following, to be taken from the licensed establishment:

(a) a bottle of wine that is unfinished by a patron and sealed by the licensee before being taken by that patron from the licensed establishment;

(b) liquor that is sold for consumption off premises in accordance with the Act, this regulation and the terms and conditions of the licence.

Capacity

6 (1) Before the general manager

(a) approves the issuance of a licence,

(b) approves a structural alteration of or a change to the size of any area of a licensed

establishment,

(c) approves a transfer of a licence under section 21 (3) of the Act, or

(d) approves an application for an increase in the person capacity of a licensed establishment, the general manager must set the person capacity of the establishment, having regard to the public interest and the views of a local government or first nation if provided under section 10 or 53 of this regulation.

(2) Once the general manager has set the person capacity of an establishment in accordance with subsection (1), the general manager must refuse to issue, amend or transfer a licence for that establishment if the occupant load of the establishment is not equal to the person capacity.

(3) Despite subsection (2), if the occupant load of an establishment is less than the person capacity of the establishment set under subsection (1), the general manager may issue, amend or transfer the licence for that establishment after reducing the person capacity to equal the occupant load.

(4) It is a term and condition of a licence that there must not be, in the licensed establishment at any one time, more persons than the person capacity set under subsection (1) or (3).

(5) This section does not apply to a U-Brew, U-Vin, licensee retail store, distillery, brewery or a winery without a winery lounge endorsement.

Structural alterations

Structural alteration of or change to the size of any area of a licensed establishment, except for U-Brews and U-Vins, must not be made without the written authorization of the general manager.

Liquor primary licences and liquor primary club licences

8 (1) A liquor primary licence in respect of an establishment may be issued, renewed or transferred if the primary purpose of the business carried on in the establishment is beverage service, entertainment or hospitality.

(2) For the purposes of subsection (1), the primary purpose of the business carried on in the following establishments is not beverage service, entertainment or hospitality:

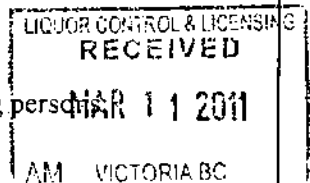
(a) a facility frequented predominantly by or directed at minors and other young persons

(b) a theatre as defined in the *Motion Picture Act*;

(c) a restaurant;

(d) a take-away service;

(e) a motor vehicle;



(f) a video games arcade.

(3) A liquor primary club licence may be issued, renewed or transferred only in respect of a club.

(4) Neither a liquor primary licence nor a liquor primary club licence may be transferred from one establishment to another unless the new establishment is considered by the general manager to be

(a) located within a reasonably close distance from the existing establishment, and

(b) within the same community as the existing establishment.

[am. B.C. Reg. 406/2003, s. 1.]

Terms and conditions for liquor primary or liquor primary club licences

9 The following terms and conditions apply to liquor primary licences and liquor primary club licences:

(a) minors are not allowed in the licensed establishment unless

(i) they are employed or retained as entertainers to entertain in the establishment,

(ii) they are allowed to be in the establishment by the general manager in the public interest, or

(iii) the establishment is a stadium, concert hall, convention centre, train, aircraft, motor vessel, airport or any other establishment the primary purpose of which is not the service of liquor and minors are allowed by the general manager to be in the establishment;

(b) subject to limitation by the general manager, hours of liquor service must start no earlier than 9:00 a.m. and end no later than 4:00 a.m. the next day;

(c) unless exempted by the general manager, food and non-alcoholic beverages must be available at reasonable prices to the patrons

☒ **Relevant section(s) of the Compliance and Enforcement Program, Policy and Procedures Manual:**

Overcrowding Beyond the Person or Patron Capacity

Policy Rationale

Licenses that exceed their capacity by overcrowding are operating contrary to the public interest. Specifically, they are operating contrary to the principles of public safety and community standards.

The issue of public safety is most apparent when the overcrowding exceeds the occupant load. Getting out of a building safely during a fire or other threat is difficult in a place where liquor is served, loud music is playing and lighting is dim. The risk of death or serious injury is greater when the building is overcrowded.

The public interest in community standards is also relevant to the contravention of overcrowding. The maximum capacity established for a liquor-primary licence is the result of community input during the licensing process. The maximums are set so as to reduce the risk of negative impacts on neighbourhoods and communities. These negative impacts include late night disturbances, parking problems and traffic flow problems. Allowing licenses to exceed their approved capacity effectively negates this community input.

Definition of person capacity

Person capacity means the maximum number of persons allowed in the establishment by the general manager.

[Liquor Control and Licensing Regulation, section 1(1)]

Definition of occupant load

Occupant load means the least number of persons allowed in an establishment under:

- the provincial building regulations
- the Fire Services Act and British Columbia Fire Code Regulation, and
- any other safety requirements enacted, made or established by the local government or First Nation for the area.

[Liquor Control and Licensing Regulation, section 1(1)]

Permitting Removal of Liquor

Policy Rationale

To ensure that the licensee is able to monitor the consumption of liquor sold in the establishment, the situations in which patrons may take liquor outside of the establishment or the red-lined area are restricted. In order to minimize the risk of tampering with unattended drinks, patrons are permitted to

take drinks into washrooms, so long as licensees have procedures in place to supervise activities occurring there.

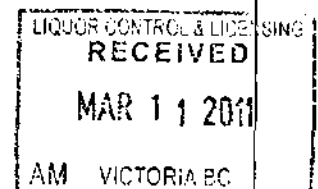
Policy

Prohibition against permitting removal of liquor from the establishment

A licensee must not allow liquor sold or served in a licensed establishment to be taken from the establishment, other than:

- an unfinished bottle of wine that is sealed by the licensee, or
- liquor that is sold for consumption off premises in accordance with the Act, regulation and terms and conditions of the licence.

[Liquor Control and Licensing Regulation, section 42(4)]



Prohibition against permitting removal of liquor from the red-lined area

A licensee must not permit patrons to consume liquor outside of the red-lined area or to take liquor from the red-lined area into other parts of the establishment, unless the patron is taking liquor into a washroom that is adjacent to the red-lined area and:

- the patron does not walk through an unlicensed area (such as a hotel lobby) to do so, and
- the licensee has policies in place to supervise activities in the washroom.

[Liquor Control and Licensing Act, section 12; Liquor Control and Licensing Branch Policy]

☒ **Relevant section(s) of the Guide to Liquor Licensees Provided a Copy of: June 2007 edition – Terms and conditions and RBS responsibilities.**

Where customers may consume liquor

Customers may not bring their own bottles of liquor to consume in your establishment, and you may only sell and serve liquor in the licensed area of your establishment (commonly referred to as the red-lined area" of your floor plans).

You may not permit customers to consume liquor outside of the red-lined area, or to take liquor from the red-lined area to other parts of your establishment, except Patrons may take liquor into the washroom as long as they are not walking through an unlicensed area (such as a hotel lobby), and you are properly supervising the washrooms.

Overcrowding

Your liquor licence tells you the maximum number of patrons or the maximum number of persons (patrons and staff) that you may allow in your premises at one time (see the definitions of "patron capacity" and "person capacity" at the beginning of this guide).

It is important for you to know the type of capacity for which your establishment is licensed, and to make sure you stay within this limit. You must have controls at each entry point to your establishment, and you must be able to count the number of people entering and leaving. Local building/fire authorities also establish a maximum capacity or occupant load that may differ from your liquor licence maximum capacity. (In most cases, the occupant load maximum capacity will be greater than the liquor licence maximum capacity.) You may apply to the branch to increase your liquor licence maximum capacity so that it matches the occupant load maximum capacity set by building and/or fire authorities. If fire and building officials have each calculated an occupant load for your establishment, or if an engineer or architect has, and the numbers are not the same, the lower number is the one you must use.

Preventing disturbances

You must take reasonable measures to make sure your business is not operating contrary to the public interest and does not disturb people near your establishment.

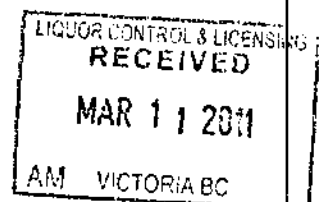
Examples of reasonable measures include installing adequate lighting outside your establishment and in the parking lot, supervising your parking areas, adding sound proofing, making approved structural changes to allow indoor line-up areas, and posting signs at the exit doors asking your patrons not to disturb your neighbours. (Please see *Appendix 2* for further examples of reasonable measures.)

Employee conduct-Liquor consumption

You and your employees may not consume liquor in your establishment during working hours. This includes breaks, meal periods and between shifts on the same day. After work, you and your employees may consume liquor, provided:

- You do not offer liquor to employees at a reduced price, or in lieu of wages or as a bonus.
- Your employees are of legal drinking age.
- You are serving and consuming the liquor during the hours of sale indicated on the face of your licence.
- You — as the licensee — are not treated differently from a regular patron.

Entertainers may not consume liquor during a performance or while on stage in view of patrons.



Hours of sale

You may sell liquor only during the hours indicated on the face of your licence. All liquor (in bottles or glasses) must be removed from the tables within half an hour of liquor service ending (i.e., the time specified on your licence). You may not serve liquor after midnight, unless you apply for, and the general manager approves, late night hours. The only exception is New Year's Eve, when you may serve liquor until 4:00 a.m. on January 1 regardless of your normal closing hour (and provided food is available to customers), unless the general manager has directed otherwise or local bylaws prohibit it.

Licensed Establishments

Branch liquor inspectors conduct regular, unannounced inspections of licensed establishments to make sure licensees are following the Act and Regulations and their licence terms and conditions, and to make sure there are timely consequences when they don't. In addition, a liquor inspector may conduct an inspection:

- in response to a complaint from a member of the public, another licensee, a local government/First Nation, police or any other agency, or
- to follow-up on a Licensed Premises Check (LPC) issued by a police officer.

Minors

Minors (in B.C., that is anyone under 19 years of age) are allowed in food-primary establishments on their own, and in a restaurant lounge if accompanied by an adult. However, it is against the law for you or your employees to sell, serve, or supply liquor to a minor. We expect you and your staff to put effective systems in place to meet this obligation. Minors employed in food-primary establishments who are 16 or older may serve liquor but may not open bottles, pour or mix liquor. Minors serving liquor must be under the supervision of adult staff.

ID requirements

You must demonstrate that you are preventing minors from obtaining liquor. When you verify a customer's age, you and your employees must ask for **two** pieces of identification.

The first piece of identification must:

- be issued by a government agency (e.g. a passport or driver's licence), and
- include the person's name, signature, birth date and picture.

The second piece must:

- include an imprint or the holder's name (e.g. a credit card or Care Card), and
- include the person's signature and/or picture.

If the person cannot produce two pieces of acceptable identification that proves they are 19 or older, you must refuse service. You must cooperate with a liquor inspector if the inspector asks you or your staff to determine whether a person is a minor. You are encouraged (but not required) to retain identification that is clearly false and to turn it over to your liquor inspector. Where possible, the inspector will return the identification to the agency that issued it. (If the patron insists you return the ID, you should do so, but we encourage you to take a photocopy of it first to give to your liquor inspector.)

Entry of Liquor Inspectors and Police Officer

You must give liquor inspectors and police officers immediate access to all areas of your establishment on request. It is a serious contravention to refuse or delay providing access to an inspector or police officer.

Compliance Meeting

A compliance meeting is a meeting between you and the inspector – and possibly others, such as members of your staff, local police, government and fire officials. The purpose of the meeting is to promote voluntary compliance with the liquor licensing rules and to assist you in anticipating, and creating solutions for, potential problems. The inspector will prepare a written record of what is discussed including any procedures you intend to put in place to deal with the problem, and when they will come into effect. Once you and the inspector have signed it, you will receive a copy, and a second copy will be placed in your establishment's file. Compliance meetings are not required step before the branch takes enforcement action.

Contravention Notice

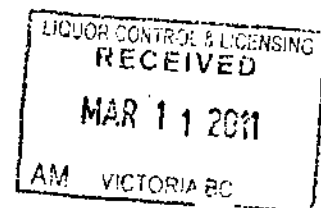
If a liquor inspector believes that you or your staff are contravening the Act, its Regulations or the terms and conditions of your licence, the inspector must issue a Contravention Notice to you, that identifies the alleged contravention. The inspector will then review the evidence and circumstances of the contravention in conjunction with the Liquor Control and Licensing Branch's file for your establishment. Based on that review, the inspector will decide whether to recommend that the general manager take enforcement action against you, as the licensee. If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's file on your establishment, and may require you to attend a Compliance Meeting.

Action

If the adjudicator decides the contravention occurred, they may • suspend the liquor licence for a period of time

- impose a monetary penalty
- cancel a liquor licence
- impose, rescind or amend the terms and conditions of a licence, and
- order a licensee to transfer a licence.

If the adjudicator finds that either a licence suspension or monetary penalty is warranted, they may not impose a penalty less than the minimums set out in Schedule 4 of the Regulation. They may impose higher penalties when it is in the public interest to do so. They are not bound by the penalties proposed in the Notice of Enforcement Action. The type of enforcement action imposed will depend on a number of factors, including the nature of the contravention, the circumstances of the contravention, your establishment's compliance history, and your compliance history as a licensee. Any enforcement action imposed will form part of the compliance history of the licence and the licensee.



APPENDIX 1

Penalty Schedule

Schedule 4

14	Permitting more persons in the licensed establishment than the patron or person capacity set by the general manager and the number of persons in the licensed establishment is less than or equal to the occupant load
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1 st offence	2 ^d offence	3 rd offence	Monetary Penalty
1-3 days	3-6 days	6-9 days	\$1000-3000

29-A breach of section 42(4) of this regulation by permitting liquor sold in the licensed establishment to be taken from the establishment

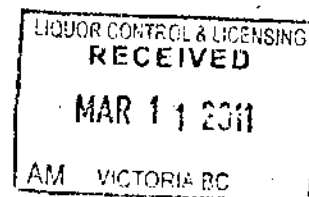
1 st offence	2 ^d offence	3 rd offence	Monetary Penalty
1-3 days	3-6 days	6-9 days	\$1000-3000

Licensee Commitments:

- **Must post valid liquor license and red line floor plan in every licensed area.**
- Licensee must ensure all staff are clearly aware of the licensed capacity of the various licensed areas, and ensure that, in areas with multiple points of entry, procedures are in place to monitor the number of patrons entering and exiting(utilizing counters)
- Licensee must ensure that liquor is not removed from licensed area to unlicensed area; i.e. - Tiki bar to Nuba restaurant. **Failure to do so will ensure future enforcement action.**
- Licensee must ensure that all separate licensed areas are not overcrowded. **Failure to do so will ensure future enforcement action.**

☒ Other:

Inspector Name: Edward Osei-Appiah Edward Osei Appiah Inspector Signature: [Signature]
Licensee Name: ERNESTO GOMEZ Licensee Signature: [Signature]



Licensing Jobs

Criteria

Job Number:

Licence Number:

Job Type:

Status:

Created: To:

Issued: To:

Completed: To:

Keywords:

Result

Inspections on:
LP Lic #119584

Created Date: Expiry Date:
Completed Date:

Process Type	Complete	Assigned To	Outcome	Scheduled Start Date	Date Completed	Description		
Conduct Inspection	✓	John Orr	No Contravention	Apr 10, 2017	Apr 10, 2017 10:24:22	Tabu LP Lic #119584		✗
Conduct Inspection	✓	John Orr	No Contravention	Apr 1, 2017	Apr 10, 2017 10:22:52	Tabu LP Lic #119584		✗
Conduct Inspection	✓	John Orr	Attempted	Apr 1, 2017	Apr 1, 2017 11:30:34	Tabu LP Lic #119584		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Apr 28, 2015	Apr 28, 2015 13:16:13	Lic #119584 LP Establishment:Tabu		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Mar 30, 2015	Mar 30, 2015 08:52:58	Lic #119584 LP Establishment:Tabu		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Jan 27, 2015	Jan 27, 2015 15:38:58	Lic #119584 LP Establishment:Tabu		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Nov 12, 2014	Nov 12, 2014 13:33:17	Lic #119584 LP Establishment:Tabu		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Oct 7, 2014	Oct 7, 2014 13:34:08	Lic #119584 LP Establishment:Tabu		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	Jul 21, 2014	Jul 21, 2014 12:56:12	Lic #119584 LP Establishment:Tiki Bar		✗
Conduct Inspection	✓	Michelle Trelenberg	No Contravention	May 9, 2014	May 9, 2014 14:11:04	Lic #119584 LP Establishment:Wald...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 1, 2012	Feb 1, 2012 12:20:30	Lic #119584 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Oct 31, 2011	Oct 31, 2011 17:17:47	Lic #119584 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	May 18, 2011	May 18, 2011 09:38:42	Lic #119584 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 22, 2011	Feb 22, 2011 09:25:41	Lic #119584 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Feb 1, 2011	Feb 1, 2011 11:22:26	Lic #119584 LP Establishment:WAL...		✗
Conduct Inspection	✓	Edward Osei-Appiah	No Contravention	Aug 9, 2010	Aug 9, 2010 13:27:56	Lic #119584 LP Establishment:WAL...		✗