



File: EH12-238
Job: 000711121-053

January 14, 2013

518231 B.C. LTD.
c/o Angela Roy
12867 96 Avenue
Surrey, BC V3V 6V9

Dear Licensee:

Re: Licence Number: 034821

WHEELHOUSE INN
12867 96 Avenue
Surrey, BC V3V 6V9

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 January 9, 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. 6(4) Reg. a monetary penalty of \$5000 (Five Thousand Dollars) must be paid by February 8, 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 four (4) business days starting at the opening of business on Saturday, February 2, 2013 until the close of business on Tuesday, February 5, 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 Saturday, February 2, 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 604 586-2649.

Yours truly,

A handwritten signature in black ink, appearing to read 'B. Edmundson', with a stylized, cursive script.

Bruce Edmundson
Deputy General Manager
Compliance and Enforcement

CC: Surrey R.C.M.P.
Clerk/Secretary City of Surrey
Manager of Licensing Rebecca Villa-Arce
Manager of Finance Scott McElroy
Regional Manager Michael Clark
Inspector Ron Carriere

Encl: Appendix A



WAIVER NOTICE

Liquor Control and Licensing Act, RSBC, c.267

File: EH12-238
Job: 000711121-053
Licence: 034821
Contravention Notice: B011582

January 9, 2013

With respect to the Notice of Enforcement Action (NOEA) EH12-238, dated October 30, 2012, this Waiver Notice is an agreement on the part of the licensee as follows.

BETWEEN: 518231 B.C. LTD., c/o
12867 96 Avenue
Surrey, BC V3V 6V9

Alternate: 518231 B.C. LTD., c/o
12867 96 Avenue
Surrey, BC V3V 6V9

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

**RE: LP Licence #034821, Wheelhouse Inn, at 12867 96 Avenue
SURREY, BC V3V 6V9.**

LCLB Waiver Notice

The licensee:

1. Agrees the licensee committed the contravention/s of:
 - a. Overcrowd beyond person capacity more than occupant load, s. 6(4) Reg.as 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 \$5000 (Five Thousand 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.

LCLB Waiver Notice

DATE:	<u>Wednesday</u> (day)	, the <u>09</u> (date)	, day of <u>January</u> (month)	, 20 <u>13</u> (yr.)
SIGNATURE OF LICENSEE	<u>[Signature]</u> (Licensee/Authorized Agent)			
NAME OF LICENSEE	<u>Cedar Hills LTD (Wheelhouse LES)</u> 518 231 BC LTD (Please Print)			
	<u>Director of Operations</u> (Title/Position)			
SIGNATURE OF WITNESS	<u>[Signature]</u>			
NAME OF WITNESS	<u>Len Carriere (Inspector)</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

These documents are not to be
used for any compliance history.

Do not destroy - they must remain on file.

For further info contact:

Mike Clark, Regional Mgr. SRO.

Dec 13/02

Contents:

LPC-A097679

CN-A002190

EAR - dated Aug 13/02

NOEA - dated Aug 27/02

Letter - withdrawing NOEA dated Nov 19/02

Letter from LIC - requesting above file info removed - dated Dec 2/02

Letter from Reg. Mgr, Surrey - dated Dec 9/02



Mr. Ralph Berezan
12867 – 96 Ave.,
Surrey, B.C. V3V 6V9

09 December 2002

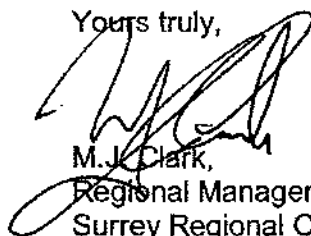
Dear Mr. Berezan,

Re: Wheelhouse Inn – LCLB Enforcement Hearing, License 34821

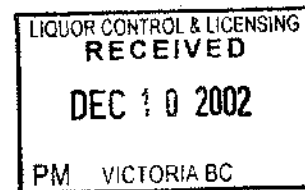
I have been asked to respond to your correspondence of December 02, 2002. In your letter you express a desire to have the record of Contravention Notice A002190 removed from your file. Please be advised that even though the General Manager may chose not to proceed to enforcement action on a specific matter, that information is kept on file as part of the establishment history. The fact that the General Manager does not pursue an action does not in any way suggest that the allegation is groundless or that the information is not of interest.

However, in the case of the circumstances surrounding the issuance of Contravention Notice A002190, the information is not of interest to the Branch and it will be removed from the Wheelhouse Inn establishment file. Please note, this action is of an exceptional nature and specific to this particular instance only. Should you have any questions please feel free to contact the writer at 604-586-2644.

Yours truly,


M.J. Clark,
Regional Manager
Surrey Regional Office
Liquor Control and Licensing Branch

cc. Gary Barker, C & E Victoria



Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

Mailing Address:
Suite 101
9180 King George Highway
Surrey, BC V3V 5V9

Telephone: 604 586-2641
Facsimile: 604 586-2640

Location:
Suite 101
9180 King George Highway
Surrey, BC

www.pssg.gov.bc.ca/lclb

Wheelhouse Inn
12867- 96th Avenue
Surrey, B.C. V3V 6V9
PH: 604-584-9311

December 2, 2002

Gary Barker
Ministry of Public Safety and Solicitor General
PO BOX 9292 Stn Prov Govt
Victoria B.C.
V8W 9J8

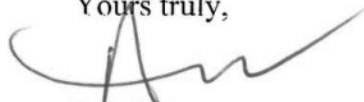
Dear Mr. Barker,

**RE: Wheelhouse Inn – LCLB Enforcement Hearing
“D” (Licence 34821)**

If the decision was not to proceed then I want the “contravention notice (A002190) issued on August 10, 2002,” to be removed from my file.

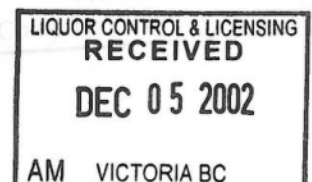
Thank you in advance for your prompt attention.

Yours truly,


Ralph Berezan

cc. Micheal J. Clark, Regional Manager, Vancouver Regional Office
Shirley Martin, A/Case Management Administrator
C&E Data Entry

*12/06/02
Mike to respond
to licensee as
he knows the details
of the file*



Enforcement Action Recommended

Re: Contravention notice number(s): A002190

Inspector's Name: Kane Scott

Date: August 13, 2002

Office Location: Surrey

Submitted To: Michael Clark

Establishment Information:

Establishment Name: Wheelhouse Inn

Establishment Address: 12867 - 96 Avenue, Surrey, V3V 6V9

Licence No: 34821 Licence Class: D Expiry Date:

Licensee Name: 518231 B.C. Ltd

Terms and Conditions noted on licence face:

- 1.
- 2.
- 3.
- 4.
- 5.

Contravention Information:

Date Identified: Saturday, August 10, 2002

Time Identified: 2050 Hr

Contravention Name (e.g. supplying to minors)

1. Minors in Premises
- 2.
- 3.
- 4.
- 5.

Act or Regulation section (e.g. LCLA s.33)

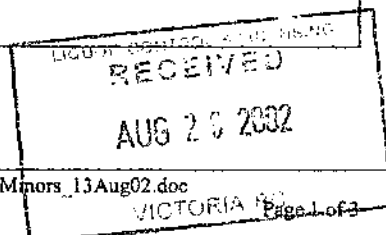
1. Section 35 LCLA
- 2.
- 3.
- 4.
- 5.

Details of Contravention:

On June 16, 2002 Cst. Kassam of the Surrey RCMP Detachment attended at the premises. RCMP file 02-61909 refers. Two males seated in the pub were checked and both were found to have no identification with them. One of the males stated to police he had initially been refused entry but had later "sneaked" in. The other male stated he had not be checked by any staff. Both of the males were determined to be 18 years of age. One was very intoxicated and one was more sober.

Did police attend? ☒ Yes ☐ No If yes, what are their names? Cst. Kassam

What will be the nature of the police evidence? Police will state they checked two males on the premises and identified them as being only 18 years old.



Were there any witnesses

(other than the police)? ☐ Yes ☒ No If yes, what are their names?

What will be the nature of the witness evidence?

n/a

Relevant Liquor Control and Licensing Branch policy names and reference number:

Section 4.2.1 Compliance and Enforcement Policy and Procedures

Section 10.1 Liquor Licensing Operating Manual

Page 10 - Minors - A Guide for Liquor Licensees in British Columbia

Establishment Compliance History:

Overcrowding, December 21, 2001, LAB Decision, 3 day suspension

Licensee Compliance History: no penalty greater than schedule sought

Other File Information: NOEA dated June 18, 2002, as amended July 17, 2002, Overcrowding

Contravention #1 - Minors in premises - Recommended Enforcement Action:

☐ Suspend all or any part of the licensee's licence
[s. 20(2)(d)]

☐ Impose terms and conditions or rescind or amend
existing terms and conditions on licence
[s. 20(2)(b)]

☒ Impose a monetary penalty [s. 20(2)(c)]

☐ Cancel all or any part of the licensee's licence
[s. 20(2)(e)]

Reasons: Police identified two minors on the premises. One of the minors stated no staff had checked his identification. One minor had been denied entry but was found on the premises. Minors on the premises of licensed establishments is a public interest issue.

This establishment meets the C&E criteria as a problem establishment and has served a 3 day suspension for a number of contraventions in February 2002.

Recommended Penalty Regulations provide a monetary penalty range of \$1000.00 to \$3000.00 and a suspension penalty range of 1 to 3 days for a first contravention of this type.

I recommend a monetary penalty of \$1000.00

Reasons:

This is a first contravention of this type. No other contraventions at the time of inspection.

Regional Manager's comments - Contravention #1:

Proceed with recommended enforcement action
for alleged contravention #1?

☒ Yes ☐ No

Proceed with recommended penalty for alleged
contravention #1?

☒ Yes ☐ No ☐ N/A

If recommended enforcement action or recommended penalty for alleged contravention #1 are changed by regional manager, please explain:

If recommendation for enforcement action for alleged contravention #1 is declined by regional manager, please explain:

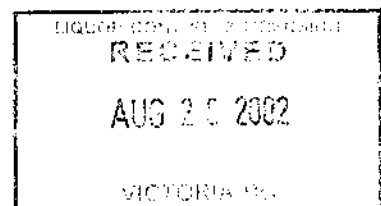
RECEIVED

AUG 28 2002

Regional Manager's name:

M.J. Clark

Date: 2002-08-14





No. A002190

Liquor Control and Licensing Act
and Regulation 608/76

CONTRAVENTION NOTICE

Liquor Control and Licensing Branch, Ministry of Attorney General

Establishment Name: WHEELHOUSE

Establishment Address: 12867-96 Ave, Surrey

V3V 6V9

Licence #: 34831 Date: 11/09/02 Time: 2:52 hr

Licensee Name: 518231 BC LTD

On the date noted above, the following alleged contraventions of the *Liquor Control and Licensing Act* or regulations were identified:

Minors

- ☐ Supplying to minors s. 33
- ☐ Minors in premises s. 35

Criminal or riotous conduct

- ☐ Drunkenness, violent, quarrelsome, disorderly conduct s. 36(2)(a)
- ☐ Permitting unlawful activities/conduct s. 36(2)(b)

Weapons

- ☐ Permit to enter or remain while in possession of a weapon s. 47

Overcrowding

- ☐ Overcrowding beyond BOL Reg. s. 4(7)
- ☐ Licence capacity - Reg.

Service

- ☐ Serve while under suspension s. 20
- ☐ Operating outside class s. 20(1)(d), s. 16
- ☐ Service without food Reg. s. 17(2)
- ☐ Fail to clear 1/2 hour beyond closing Reg. s. 8(1)
- ☐ Allowing to consume 1/2 hour beyond closing - Reg. s. 8(2)
- ☐ Liquor removed from establishment Reg. s. 11(3)
- ☐ Liquor not purchased in establishment Reg. s. 11(2)
- ☐ Fail to comply with RBS Reg. s. 7.1(3)
- ☐ Licensee or employee consume liquor in premises Reg. s. 10
- ☐ Free liquor Reg. s. 12(1)
- ☐ Reduced pricing Reg. s. 12(1)

Entertainment

- ☐ Prohibited entertainment s. 50
- ☐ Dancer prohibited acts s. 50

Other

Details: POLICE LPR # A097679 - JUNE 16/02

Copy attached

Inspector's Name (please print): KANE SGT

Inspector #: 47 Telephone: (248) 2641 Area: Surrey

Management Acknowledgement (Name and Title)

s.22

The 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.

COPY 3: LCLB HEAD QUARTERS COPY (establishment file)

No. A 097679



BRITISH
COLUMBIA

Liquor Control and Licensing Act
and Regulation 608/76

POLICE LICENSED PREMISES CHECK (LPC)

Establishment Name: WHEELHOUSE PUB INN
Establishment Address: 12867-96 Ave, Surrey B.C.
Licence #: 34721 Date: 2002-06-14 Time: 21:30
Licensee Name: 518231 B.C. LTD.

On the date noted above, the following alleged contraventions of the Liquor Control and Licensing Act or regulations were identified:

MINORS

☐ Supplying to minors s. 33 ☒ Minors in premises s. 35

Number and age of minors: 2 x 18 Yrs

I.D. type shown: NONE

Details (e.g. no ID checked at door; inadequate lighting at door) I WAS
REFUSED SNACK INSIDE WAS NOT ASKED FOR ID

OVERCROWDING

☐ Overcrowding beyond Building Occupancy Load (BOL) Reg. s. 4(7) ☐ Overcrowding beyond Licence Capacity Reg.

BOL: _____ Actual: _____ Lic. Cap.: _____ Actual: _____

Details (e.g. how was count conducted; how many times was count done; did staff member verify count; number of door staff; door control; identify public safety issues):

INTOXICATED PATRON

☐ Selling to intoxicated person s. 43(1)
☐ Permitting a person to become intoxicated s. 43(2)(a)
☐ Permitting intoxicated person to remain s. 43(2)(b)

Details (e.g. evidence of intoxication):

☐ **OTHER ALLEGED CONTRAVENTIONS (see flap):**

Details: _____

Police Officer (please print): KASSAM

Badge #: 4389 Dept/Detach: Surrey RCMP

Police Incident/File #: 2002-61909

Management Acknowledgment (Name and Title):
X s.22

A copy of this LPC will be forwarded to the Liquor Control and Licensing Branch. The branch may proceed with enforcement action on the basis of this alleged contravention.

COPY 2: LCLB FIELD OFFICE COPY (forward to LCLB field office)

WHEELHOUSE INN
LIC # 39821

No. A 097679



BRITISH COLUMBIA

Liquor Control and Licensing Act
and Regulation 608/76

POLICE LICENSED PREMISES CHECK (LPC)

Establishment Name: _____

Establishment Address: _____

Licence #: _____ Date: YY / MM / DD Time: _____

Licensee Name: _____

Police Officer (please print): _____

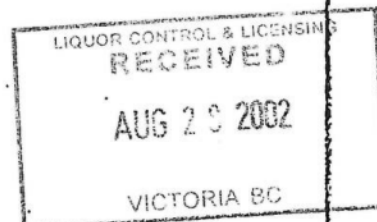
Badge #: _____ Dept./Detach.: _____

Police Incident/File #: 02-61909

Details:

2 males - checked by Herbert + Haldiday.
Seated in area of bar by two sets.
had no Id. with them
I admitted he'd much in
I said he was not checked
I very drunk. I sober driver

OFFICER'S NOTES





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

File: EH12-238
Job: 000711121-053

October 30, 2012

518231 B.C. LTD.
c/o Angela Roy – dba Wheelhouse Inn
12867 96 Avenue
Surrey, BC V3V 6V9

Re: Licence Number: 034821
Licence Type: Liquor Primary
Licence Expiry Date: August 31, 2013
Establishment: Wheelhouse Inn
CN #: B011582

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/lclb>

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.	Overcrowd beyond person capacity more than occupant load, s. 6(4) Reg.	s. 6(4) Reg.	2012-SEP-29 1:00 AM	\$5000 monetary penalty

2. NARRATIVE

The Wheelhouse Inn's Liquor Primary Licence number 034821 is located at 12867, 96th Avenue, Surrey, BC which is in the south-west corner of the City of Surrey, surrounded by commercial businesses to the south and west side of the building and residential homes to the east and north sides. The pub is a single floor establishment located at street level; the patio area is located on the south side of the building at the main entrance.

Licensing information is as follows:

Hours of Sale: 11:00 am to 01:00 am Monday to Thursday

11:00 am to 02:00 am on Fridays & 10:00 am to Midnight on Sundays

Licensed Capacity – Person 01 – 314; Patio 1 – 20

Occupancy Load: 314; Patio 20 (as per Surrey Fire Dept)

On September 29, 2012 (Sunday) at 01:00 hrs (business day of the Saturday the 28th)
s.15

Corporal ORREGAARD and Constable VENSELAAR, conducted a walk through inspection of the Wheelhouse Inn. According to the "Reports" of Corporal ORREGAARD and Constable VENSELAAR, regarding this particular inspection, when the RCMP arrived at the establishment they noticed that the patio area was "packed". Two patrons, who were leaving, commented to the officers "good luck getting through there, it is way over capacity in there." As the members entered the pub Cpl ORREGAARD was barely able to get through the front entry way. Both members reported difficulty trying to get through the bar due to the number of patrons.

Cpl ORREGAARD reported going to the front door to get a count of patrons from the door staff and was advised by the door staff that there was 317 patrons inside the bar. When Cpl ORREGAARD asked to see some proof that they were keeping count, door staff were unable to provide any proof, nor could they produce a counting device.

Corporal ORREGAARD and another RCMP member, Constable JASWAL conducted their own count by sectioning the bar into four quadrants and conducting a head count. Corporal ORREGAARD and Constable JASWAL had 400 and 417 respectively for their counts of occupants.

Cpl. ORREGAARD then asked to speak to the manager and requested that he bring his liquor license with him. After 15 minutes of waiting, the manager arrived with an expired liquor license (August 2010) showing a capacity of 240.

Cpl. ORREGAARD subsequently issued a "Police Licensed Premises Check" (LPC) #B-174504 for Overcrowding beyond License capacity.

3. THE ELEMENTS OF THE ALLEGED CONTRAVENTION(S)

3.1 Overcrowd beyond person capacity more than occupant load, s. 6(4) Reg.

The elements of the contravention are as follows:

- The licensed capacity is: 314 persons; patio 20.
- Occupant load is: 314 persons; 20 patio (as per Surrey Fire Dept.).
- Count results by RCMP Members: 400 & 417.
- Police observed overcrowding upon approach and entry to the establishment.
- Doorman advised Police count was at 317, but could not provide proof, or counting device.

4. REASONS FOR PURSUING ENFORCEMENT

4.1 Overcrowd beyond person capacity more than occupant load, s. 6(4) Reg.

Licensees 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 licensees to exceed their approved capacity effectively negates this community input.

In this case, patrons leaving the establishment remarked to police that the establishment was over capacity.

Cpl. ORREGAARD was obstructed in entering the establishment by persons crowded in the area of the front entrance.

Both police members reported difficulty trying to make their way through the establishment due to crowding of patron.

It was negligent of the licensee to not notice that the establishment was significantly overcrowded in comparison to what their liquor license capacity permits. The Managers at Wheelhouse Inn are professional and experienced and are aware of their capacity. By neglecting to address this situation early on in the evening, it created a public safety issue for patrons and staff as this establishment became seriously overcrowded.

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

5.1 Overcrowd beyond person capacity more than occupant load, s. 6(4) Reg. : \$5000 monetary penalty proposed

For the alleged contravention of overcrowd beyond person capacity more than occupant load, s. 6(4) reg. (Contravention Notice Number B011582), a monetary penalty of \$5,000.00 (Five Thousand Dollars) is proposed. This recommended monetary penalty falls within the penalty range set out in schedule 4, item 15 of the Regulation for a first contravention.

In this case, the Wheelhouse Inn (Licence # 034821) has had no recent contraventions regarding Overcrowding beyond capacity. The last contravention issued to this licensee for Overcrowding was in March 2009 under this LP Licence 034821, but enforcement action was not pursued. The last contravention notice of any kind was issued to this licensee in February 2012 under LP licence 034821 for "Permit unlawful activities or conduct." Therefore, the minimum penalty of \$5000.00 as prescribed in Schedule 4 of Enforcement Actions, will hopefully stress to the Licensee and employees, the importance of being vigilant in emphasize the necessity to remain at or below the allowable person capacity noted on the Liquor License.

The monetary penalty is addressed to the licensee and thereby does not impact employees with a temporary lack of employment and income.

The monetary penalty in addition to stressing to the licensee the importance of controlling capacities also indentifies a training need. The licensee has the opportunity to educate and train staff of their need to participate, and be vigilant in controlling the establishments capacities, thereby bringing the licensee into full compliance with the Liquor Act

6. THE PROCEDURES

The licensee may agree with or dispute the above allegation(s) and proposed enforcement action.

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 what enforcement action will be imposed on the licensee. The general manager 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 enforcement action 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 enforcement action proposed in this NOEA.

Schedule 4 of the Regulation sets out the range of enforcement actions 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 the licensee agrees that the contravention(s) took place and accepts the enforcement action proposed, there is no need for a hearing. In that case, the licensee must sign a document called a waiver. By signing a waiver, the licensee irrevocably

- Agrees that the contravention(s) occurred,
- Accepts the proposed enforcement action,
- Agrees that the contravention(s) and enforcement action will form part of the compliance history of the licensee, and
- Waives 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 604 586-2649 as soon as possible. If you do not sign a waiver, the branch will schedule a pre-hearing conference for you 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,

Ron Carriere
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

Date of Incident	Licence Number	Identifying documents	Finding of Contravention	Enforcement Action
October 19, 2001	LP#034821	CN#A002160	Contravene term & condition - Exceed licence capacity (no occupant load), s. 12 Act	\$1000 monetary penalty
April 21, 2002	LP#034821	CN#A002180	Contravene term & condition - Exceed licence capacity (no occupant load), s. 12 Act	\$3000 monetary penalty

Compliance Meetings

Date	Topic
April 07, 2004	Permit drunkenness or violent, quarrelsome, riotous or disorderly conduct, s. 36(2)(a) Act
December 08, 2008	Operating contrary to primary purpose - Food Primary, s. 20 Act, s. 11 Reg.
December 14, 2004	
March 14, 2012	Prohibition against certain conduct – unlawful activities or conduct, s.36 (2)(b) Act.

Other Factors

No. B011582



BRITISH
COLUMBIA

Liquor Control and Licensing Act
and Regulation 244/2002

CONTRAVENTION NOTICE

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

Establishment name: Wheelhouse Inn
Establishment address: 12867, 96 Avenue,
Surrey, B.C. V3V 6V9
Licensee name: 518231 B.C. Ltd
Licence #: 034821 LP Date CN issued: 10/15/12
Date and time of alleged contravention(s): 01/15/12 01:00 hrs

On the date noted above, the following alleged contravention(s) of the
Liquor Control and Licensing Act or regulation were identified:

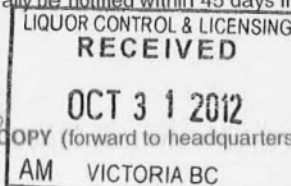
	Contravention	Section	<input type="checkbox"/> Act <input type="checkbox"/> Reg
1	overcrowding beyond person	6(4)	<input type="checkbox"/> Act <input type="checkbox"/> Reg
2	capacity		<input type="checkbox"/> Act <input type="checkbox"/> Reg
3			<input type="checkbox"/> Act <input type="checkbox"/> Reg
4			<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: As a result of an RCMP bar check
and LPC issued for overcrowding
beyond person capacity

Inspector name: Rex Cartier Badge #: 57
Telephone: 604-586-2649 LPC #: B174504

Management acknowledgement (name and title):
s.22

The 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.



COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)

No. B 174504

BRITISH
COLUMBIALiquor Control and Licensing Act
and Regulation 244/2002

POLICE LICENSED PREMISES CHECK (LPC)

Establishment name: Wheelhouse Neighbourhood PubEstablishment address: 12867 ~~522~~ 96 AveSurrey BCLicence #: UnableLicensee name: to produce valid licenseDate and time of alleged contravention(s): 09/29/12 0100On the date noted above, the following alleged contravention(s) of the
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	Overcrowding beyond licence	6(4) <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	Permit unlawful activity	36(2)b <input checked="" 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:

Too many contraventions
to list copy of police
file will be filed

LIQUOR CONTROL & LICENSING
RECEIVED

OCT 15 2012

Police officer: ORREGAARDBadge #: 51005Dept./Detachment: PMRS 12 - Game EnforcementPolice Incident/File #: 12-1364Management acknowledgement (name and title): Act ManagerJames McLaughlin

A copy of this LPC will be forwarded to the Liquor Control and Licensing Branch.
The branch may issue a contravention notice and proceed with enforcement
action as a result of the alleged contravention(s).

Copy 3: LCLB head quarters copy (forward to LCLB field office)

LIC # 034821

COMPLIANCE MEETING

Inspector's Name: RON CARTIER **Date:** March 14, 2012
Office Location: Surrey Regional Office
ESTABLISHMENT INFORMATION:
Establishment Name: Wheelhouse Inn
Establishment Address: 12867, 96th Avenue
Licence No.: 034821, 168427 **Licence Class:** LP, EP **Expiry date:** _____

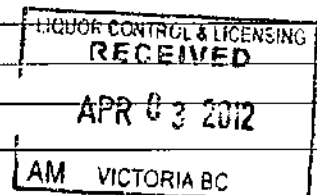
Licensee Name: 518231 B.C. Ltd.
MEETING DETAILS:
Attendees at compliance meeting:

Name: <u>Tracy Blodgett</u>	Association/Position: <u>Director of Operations</u>	Contact No: <u>s.22</u>
Name: <u>Reese Paul</u>	Association/Position: <u>General Manager</u>	Contact No: _____
Name: <u>SIMON WONG</u>	Association/Position: <u>RCMP</u>	Contact No: <u>604 802 8778</u>
Name: <u>Nicole Noonan</u>	Association/Position: <u>RCMP</u>	Contact No: <u>604-834-3037</u>
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____

Reason compliance meeting was convened (cite CN # if relevant): _____

Information reviewed at the meeting:

- ☒ Relevant section(s) of the Liquor Control and Licensing Act 36(2)(b), 16, 20(1)(d)
- ☒ Relevant section(s) of the Liquor Control and Licensing Regulations 1(1)
- ☐ Relevant section(s) of the Compliance and Enforcement Program, Policy and Procedures Manual
- ☐ Relevant section(s) of the Guide to Liquor Licensees
- ☐ Other _____


Commitments made by licensee: staff identify LCLB info signage, to add 1 to 2 security staff to establishment. No drink + drive announcements via RT. ongoing education with staff. To provide copy of QIP policy to LCLB.
Other: _____

Inspector Name: RON CARTIER **Inspector Signature:** [Signature]
Licensee Name: Tracy Blodgett **Licensee Signature:** [Signature]

No. B 007560



BRITISH
COLUMBIA

Liquor Control and Licensing Act
and Regulation 244/2002

CONTRAVENTION NOTICE

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

Establishment name: Wheeler House Inn

Establishment address: 12867, 96 Avenue,
Surrey, BC

Licensee name: 518291 R.C. Ltd

Licence #: 12034821 Date CN issued: MM/DD/YY

Date and time of alleged contravention(s): 02/08/12 10:07 PM

On the date noted above, the following alleged contravention(s) of the
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	Prohibition Against	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg 36(2)(b)
2	Certain Conduct	<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

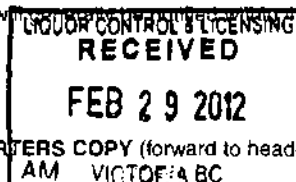
Details: Patrons being allowed to
smoke MARIJUANA within the
the taxed area of patio

Inspector name: Len Carriere Badge #: 57

Telephone: 604-596-2649 LPC #: 1

Management acknowledgement (name and title): X s.22
Bar Manager

The general manager may proceed with enforcement action on the basis of this
contravention notice. The licensee will be notified within 10 days if
enforcement action is proposed.



COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)
AM VICTORIA BC

**CONTRAVENTION NOTICE**Liquor Control and Licensing Branch,
Ministry of Public Safety and Solicitor GeneralEstablishment name: Wheelhouse InnEstablishment address: 12867 96th AveLangley B.C. Surrey BCLicensee name: 518231 B.C. LtdLicence #: 631821 Date CN issued: 03/20/09Date and time of alleged contravention(s): 03/20/09 10:30 PMOn the date noted above, the following alleged contravention(s) of the
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	Overcrowding	564 <input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
2	beyond person	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3	capacity on patio	<input type="checkbox"/> Act <input type="checkbox"/> Reg
4		<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Count on patio = 25
- Second count upon
exit = 24

Inspector name: N. Safavian Badge #: 90Telephone: 582-2657 LPC #: _____Management acknowledgement (name and title):
s.22 _____

The 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.

ENTERED IN POSSE

No. A

097252

BRITISH
COLUMBIALiquor Control and Licensing Act
and Regulation 608/76**POLICE LICENSED PREMISES CHECK (LPC)**

Establishment Name:

Winehouse Inn

Establishment Address:

12867 96 Ave Surrey

Licence #:

34821

Date:

03 / 03 / 07

Time:

2250

Licensee Name:

518231 BC Ltd.

On the date noted above, the following alleged contraventions of the *Liquor Control and Licensing Act* or regulations were identified:**MINORS**☐ Supplying to minors s. 33☐ Minors in premises s. 95

Number and age of minors: _____

I.D. type shown: _____

Details (e.g. no ID checked at door; inadequate lighting at door) _____

OVERCROWDING☐ Overcrowding beyond Building
Occupancy Load (BOL) Reg. s. 4(7)☒ Overcrowding beyond Licence
Capacity Reg.

BOL: _____

Actual: _____

Lic. Cap.: _____

150

Actual: _____

428

Details (e.g., how was count conducted; how many times was count done; did staff member verify count; number of door staff; door control; identify public safety issues): _____

INTOXICATED PATRON

- ☐ Selling to intoxicated person s. 43(1)
- ☐ Permitting a person to become intoxicated s. 43(2)(a)
- ☐ Permitting intoxicated person to remain s. 43(2)(b)

Details (e.g. evidence of intoxication): _____

OTHER ALLEGED CONTRAVENTIONS (see flap):

Details:

None exit / enter east door
(x3) at 2300.

Police Officer (please print):

WIKIFORUK DE CST

Badge #:

47171

Dept./Detach.:

SURREY RCMP

Police Incident/File #:

2003/25110

Management Acknowledgement (Name and Title)

x [Signature] s.22

A copy of this LPC will be forwarded to the Liquor Control and Licensing Branch. The branch may proceed with enforcement action on the basis of this alleged contravention.

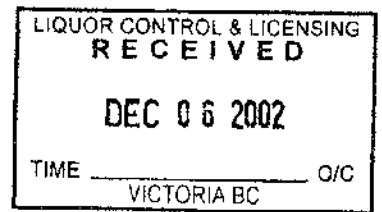
COPY 3: LCLB HEAD QUARTERS COPY (forward to LCLB field office)

Kerry
PCI increase approved
from 100 to 150 seats
Ann

```
!+++++
*      Licence No:34821                      Class:DNO Status:A *
*      Licence Name:WHEELHOUSE INN           *
*      Establishment name:WHEELHOUSE INN      *
#+++++$
!+++++
* Event Date      Event                      Comment      *
*26-FEB-2002 AS  LICENCE NON-PATIO SEA PCI REQUEST AREA 1 FROM 100 TO 150 *
*   Status: P    PENDING                      *
*   Appeal:      *
*               *
*               *
*26-FEB-2002 AS  LICENCE NON-PATIO SEA APPROVE PCI REQUEST *
*   Status: A    APPROVED                      *
*   Appeal:      *
*               *
#+++++$
```

Count: *1

<List><Replace>



Appendix A

Monetary Penalty Payment Tracking Form

To ensure your payment is promptly credited against your monetary penalty, **please include this form with your monetary penalty payment.**

Please forward a cheque or money order payable to the **Minister of Finance and Corporate Relations** to:

**Liquor Control and Licensing Branch
PO BOX 9292 STN PROV GOVT
Victoria, BC
V8W 9J8**

Name: 518231 B.C. Ltd.
c/o Ralph Berezan

Address: 12867 – 96th Avenue
Surrey BC V3V 6V9

Licence number: 34821

Establishment name: Wheelhouse Inn

The enclosed monetary penalty payment is for enforcement action pursuant to:

An enforcement decision dated November 6, 2002, in which the general manager decided that a payment of **\$1,000.00 (one thousand dollars)** will be paid on or before **Friday, December 6, 2002.**

For office use only:
Date payment received: _____
Amount of payment received: _____

3000



November 15, 2002

518231 B.C. Ltd.
c/o Ralph Berezan
12867 – 96th Avenue
Surrey BC V3V 6V9

Dear Owner/Manager:

Re: Licence Number 34821

Wheelhouse Inn

12867 – 96th Avenue
Surrey BC V3V 6V9

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for taking the enforcement action imposed on the above noted licence by an enforcement decision dated November 6, 2002.

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

Enforcement Action

Monetary penalty

A monetary penalty of **\$1,000.00 (one thousand dollars)** must be paid to the general manager by or on **Friday, December 6, 2002.**

The payment should be made 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.

Consequences of non-payment

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

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.

**Ministry of
Public Safety and
Solicitor General**

Liquor Control and
Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: (250) 387-1254
Facsimile: (250) 387-9184

Location:
Second Floor, 1019 Wharf Street
Victoria BC

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

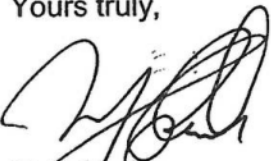
2. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in item 42 of schedule 4 to the Liquor Control and Licensing Regulations.

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, Edwina Nazareth, at (604) 586-2657.

Yours truly,



M.J. Clark
Acting Deputy General Manager
Compliance & Enforcement

Encl: Appendix A

cc: RCMP Surrey Detachment
Clerk/Secretary City of Surrey
Brewers Distributors Ltd.
Liquor Store #241 and #116
A/Manager of Licensing Rebecca Villa-Arce
Regional Manager Mike Clark
Inspector Edwina Nazareth
C & E Data Entry

**THIS IS GENERAL
MANAGER'S ORDER**

NO. 021119



November 13, 2002

518231 B.C. Ltd.
Attention: Mr. Ralph Berezan
12867 96 Avenue
Surrey, BC V3V 6V9

Dear Owner/Manager:

Re: Licence Number 34821

Wheelhouse Inn
12867 96 Avenue
Surrey, BC V3V 6V9

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for taking the enforcement action imposed on the above noted licence by an enforcement decision dated November 6, 2002.

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

Enforcement action

Monetary penalty

A monetary penalty of **\$1,000.00 (one thousand dollars)** must be paid to the general manager by or on **Friday, December 6, 2002.**

The payment should be made 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.

Consequences of non-payment

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

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.

Ministry of
Public Safety and
Solicitor General

Liquor Control and
Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: (250) 387-1254
Facsimile: (250) 387-9184

Location:
Second Floor, 1019 Wharf Street
Victoria BC
<http://www.pssg.gov.bc.ca/lclb/>

VICTORIA BC
Compliance & Enforcement

2. 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 item 42 of 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 Edwina Nazareth at (604) 586-2657.

Yours truly,

M. J. Clark
Acting Deputy General Manager
Compliance & Enforcement

cc: RCMP Surrey Detachment
Clerk/Secretary City of Surrey
Brewers Distributors Ltd.
Liquor Store #241 and #116
A/Manager of Licensing Rebecca Villa-Arce
Regional Manager Mike Clark
Inspector Edwina Nazareth
C & E Data Entry

Encl: Appendix A

November 13, 2002

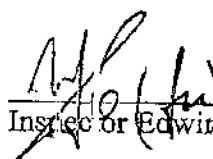
Regional Manager Mike Clark
Inspector Edwina Nazareth

Re: Wheelhouse Inn licence number 34821 - Penalty Letter on Decision EH01-57
November 6, 2002.

Please review and make any changes and/or corrections that are necessary and initial
below.

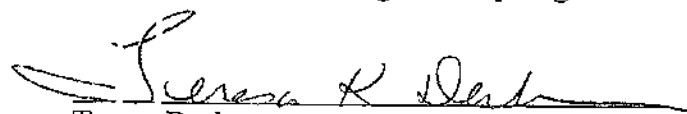
Thanks

Teresa


Inspector Edwina Nazareth

 or
Mike Clark, Regional Manager

Acting Regional Manager Surrey Regional Office


Teresa Derksen

Appendix A

Monetary Penalty Payment Tracking Form

To ensure your payment is promptly credited against your monetary penalty, **please include this form with your monetary penalty payment.**

Please forward a cheque or money order payable to the **Minister of Finance and Corporate Relations** to:

**Liquor Control and Licensing Branch
PO BOX 9292 STN PROV GOVT
Victoria, BC
V8W 9J8**

Name: 518231 BC Ltd.

Address: 12867 96th Avenue
Surrey BC V3V 6V9

Licence number: 34821

Establishment name: Wheelhouse Inn

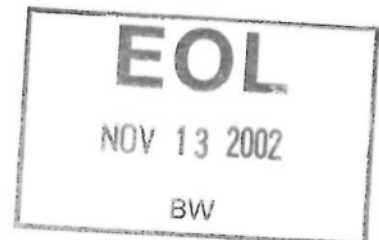
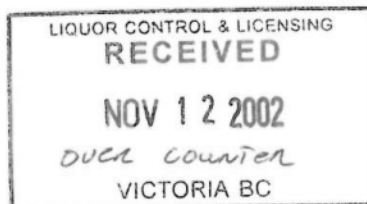
The enclosed monetary penalty payment is for enforcement action pursuant to :

An enforcement action **waiver dated October 16, 2002** in which the general manager decided that a payment of **\$3000.00 (three thousand dollars)** will be paid by **Friday, November 15, 2002.**

For office use only:

Date payment received: 12-Nov-2002

Amount of payment received: \$3000.00



LIQUOR CONTROL AND LICENSING BRANCH
PROVINCE OF BRITISH COLUMBIA

DEPOSIT PAYMENT RECEIPT

Location Code: 775
Deposit Type: COMPLIANCE ENFORCEMENT PENALTY
Class of Licence:
Financial File #:
Licence #:
Expiry Date:
Establishment Name:
Owners Name:
Payee Name: WHEELHOUSE INN-12867 96TH AVE-SURREY

Address 1:
Address 2:
City:
Province:
Postal Code:

DEPOSIT AMOUNT PAID

Cheque/Money Order #: 0373
Cheque/Money Order Date: 08-NOV-2002
Cheque/Money Order Amt: \$3000.00
Cash Amount: \$0.00

Date: 13-NOV-2002
Batch #: 2765



**DECISION OF THE
GENERAL MANAGER
LIQUOR CONTROL AND LICENSING BRANCH**

**IN THE MATTER OF
A hearing pursuant to Section 20 of
The Liquor Control and Licensing Act RSBC c. 267**

Licensee: 518231 B.C. Ltd.
dba Wheelhouse Inn
12867 – 96 Avenue
Surrey, BC

Case Number: EH01-57 . .

Appearances:

For the Licensee Dennis Coates, Q.C.

For the Branch Peter Jones

Enforcement Hearing Adjudicator Suzan Beattie

Date of Hearing August 8, 2002

Place of Hearing Surrey, B.C.

Date of Decision November 6, 2002

**Ministry of Public
Safety and Solicitor
General**

**Liquor Control and
Licensing Branch**

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC
<http://www.ag.gov.bc.ca/lclb/>

INTRODUCTION

The licensee, Wheelhouse Inn, is located at 12867 – 96th Avenue, Surrey, B.C. It holds a Class "D" Neighbourhood Public House Licence #34821 for the sale and consumption of all types of liquor and for off-premises sales.

The hours of the liquor licence are Monday to Saturday from 11:00 A.M. to 1:00 A.M. and Sunday from 10:00 A.M. to 12:00 Midnight. The liquor licence dated August 8, 2001, shows a maximum capacity for area 1 of 100 and for the patio of 20.

ALLEGED CONTRAVENTION AND RECOMMENDED PENALTIES

The Liquor Control and Licensing Branch has alleged that on October 19, 2001, the licensee contravened section 12 of the *Liquor Control and Licensing* by permitting overcrowding beyond the licence capacity, contrary to the *Act*.

For the alleged contravention of section 12, the branch is recommending a monetary penalty of \$1,000.

The relevant statutory provision of the *Liquor Control and Licensing Act* states:

12 Licences

- (1) The general manager, having regard for the public interest, may, on application, issue a licence for the sale of liquor.
- (2) The general manager may, in respect of any licence that is being or has been issued, impose, in the public interest, terms and conditions

ISSUES

1. Whether the licensee permitted overcrowding beyond the licence capacity, contrary to section 12 of the *Liquor Control and Licensing Act*.
2. If so, what is the appropriate penalty in the circumstances?

COMPLIANCE HISTORY

The compliance history as defined in section 1(4) of the *Regulations* for the licensee or the establishment consists of a first contravention found in April, 2001. At that time, the licensee received a one (1) day suspension for overcrowding that occurred in September, 1999, another one (1) day suspension for overcrowding that occurred in October, 1999, and a further one (1) day suspension for overcrowding that occurred in November, 1999. As well, the licensee received a one (1) day suspension for overcrowding that occurred in March, 2000 and a two (2) day suspension for overcrowding that occurred in April, 2000.

When two or more allegations of the same contravention are heard at the same hearing, the allegations are all treated as a first contravention. The first contravention, found in April 2001, was for contraventions between September 1999 and April 2000. The date of the current alleged contravention is October 19, 2001. If found, it will again be the first contravention of the same type in respect of the establishment within a 12-month period.

WITNESSES

The branch called a liquor inspector as its witness.

EXHIBITS

The branch and the licensee presented the following exhibits:

Exhibit 1**Hearing Brief**

Tab 1 Notice of Enforcement Action dated December 5, 2001

Tab 2 Contravention Notice No. A002160, as identified on the above referenced Notice of Enforcement Action letter, and copies of

notes made at the time of the alleged contravention by Liquor Control and Licensing Branch Inspector Kane Scott.

- Tab 3 Enforcement Action Recommended dated November 14, 2002 (sic).
- Tab 4 Liquor Licence Number 34821 dated August 8, 2001, issued to 518231 B.C. Ltd.; premise expiry date August 31, 2002; name Wheelhouse Inn.
- Tab 5 Floor plan of establishment on record with the Liquor Control and Licensing Branch.
- Tab 6 Liquor Control and Licensing Branch Compliance and Enforcement Policy Manual Section 4.8.1 reference to overcrowding beyond licence capacity.
- Tab 7 Liquor Licence Branch Operating Manual Section 6.3 reference to patron capacity.
- Tab 8 Documentation relating to enforcement record of establishment:
1. No Enforcement Action Recommended – intoxication – dated November 19, 2002.
 2. Contravention Notice Number A002163.
 3. Enforcement Action Recommended – liquor removed from establishment and overcrowding – dated November 13, 2001.
 4. Contravention Notice Number A002159
 5. Enforcement Hearing decision letter dated April 24, 2001 (hearing dates January 12, February 23, March 15 and March 22, 2001) in part reference to overcrowding licence suspended for four days
 6. Enforcement Action Recommended – overcrowding – dated February 7, 2001
 7. Contravention Notice A000553
 8. Enforcement Action Recommended – overcrowding – dated April 2, 2001, and Contravention Notice A000558

Exhibit 2 Additional Hearing Brief – supporting materials

- Tab 1 Designated Driver Program Application
- Tab 2 Seating Capacity Increase:
- Peter Jones letter dated April 11, 2002
 - Murray Dinwoodie letter dated July 2, 2002

- Murray Dinwoodie letter dated July 4, 2002

Tab 3 Jo Surich transcription of interview dated July 9, 2002

Tab 4 Compliance and Enforcement Policy & Procedure Manual, Section 4.8.1. "Overcrowding" policy, pages 1 through 8.

EVIDENCE, SUBMISSIONS AND FINDINGS ON CONTRAVENTION

Background

By way of background, it should be noted that on December 4, 2000, the branch received an application from the licensee for a patron capacity increase. At that time its capacity for the patio was 20 and for area 1 was 100. If granted, the patron capacity would increase to 150 patrons in Area 1. The application was received by the City of Surrey on April 18, 2001.

The City of Surrey Planning and Development staff supported the proposed capacity increase and sought comments from the R.C.M. Police, the Engineering Department, the Building Division and the By-Law Enforcement and Licensing Division. Comments from all these referrals were received by the City before September, 2001.

Meanwhile, on July 11, 2001, the branch received an application for the designated driver program. The alleged contravention occurred on October 19, 2001. On November 5, 2001, approval was received from the City of Surrey subject to the licensee submitting a building permit application to demonstrate compliance with the B.C. Building Code and Fire Code. Approval for the patron capacity increase and the designated driver endorsement was granted on February 26, 2002. As of February 26, 2002, the capacity of the patio was 20 patrons, the capacity for Area 1 was 150 patrons, and the designated driver endorsement allowed an additional 15 patrons.

Evidence

The licensee agrees that, on October 19, 2001, the number of patrons in its establishment ranged from 165 – 180. On this date, the liquor inspector attended the establishment and conducted three counts. His first count was 178 patrons and his third was 179 patrons. His second count of 195 patrons is disputed by the licensee.

After completing his three counts, the liquor inspector contacted the on-duty manager and advised him of his counts. The on-duty manager told the liquor inspector he did not believe there were more than 125 patrons in the pub at that time.

The liquor inspector issued a contravention notice and completed an enforcement action recommended form. On the enforcement action recommended form, the inspector recommended a \$3,000.00 monetary penalty. The regional manager changed the recommendation to a \$1,000.00 monetary penalty as the licensee was in the process of obtaining a capacity increase and "there is no reason to assume that approval will not be granted". The liquor inspector agreed that, if the alleged contravention occurred on the date of the hearing, there would be no contravention due to the capacity increase and designated driver endorsement granted February 26, 2002.

Submissions

The licensee disputes the liquor inspector's second count of 195 patrons. It argues the licensee did not have an opportunity to conduct their own count at the time the liquor inspector made his second count. As a result, the licensee argues it did not have an opportunity to rebut the evidence of the count of 195 patrons.

While the licensee agrees that the number of patrons ranged from 165 – 180, it argues that no contravention should be found on these facts. It submits that, with the capacity increase, designated driver endorsement and ten percent factor, the licensee is within its patron capacity.

Findings

The essence of the licensee's first argument in disputing the liquor inspector's second count is administrative fairness. In the circumstances of this case, I find the licensee did have an opportunity to rebut and/or conduct its own count at the conclusion of the liquor inspector's third count. At that time, on the uncontradicted evidence of the liquor inspector, the on-duty manager could have conducted a count when advised by the liquor inspector that his counts indicated the establishment was overcrowded. As a result, I find the process was administratively fair.

Turning now to the licensee's submission that there was no contravention. It is common practice for liquor inspectors to record the results of all counts on the contravention notice. It is also common practice for the liquor inspectors to rely on the lowest recorded count if they are alleging overcrowding. In this case, the licensee agrees the count is between 165 -180 patrons. The lowest recorded count on the contravention notice is 178 patrons.

The question is whether 178 patrons amounts to overcrowding under the *Liquor Control and Licensing Act* in this establishment. I find that it does. As the designated driver endorsement was not granted until February 26, 2002, I am not prepared to consider it at this time. Even assuming the capacity increase to 150 patrons, and ten percent of the licence capacity, the patron count was in excess of the establishment's capacity.

PENALTY SUBMISSIONS AND DECISION

Pursuant to section 20(2) of the *Act*, having found that the licensee has contravened the *Act*, the *Regulations* and/or the terms and conditions of the licence, I have discretion to order one or more of the following enforcement actions:

- impose a suspension of the liquor licence for a period of time
- cancel a liquor licence
- impose terms and conditions to a licence or rescind or amend existing terms and conditions
- impose a monetary penalty
- order a licensee to transfer a licence

Imposing any penalty is discretionary. However, if I find that either a licence suspension or monetary penalty is warranted, I am bound to follow the minimums set out in Schedule 4 of the *Regulations*.

Submissions

The licensee argues that, even though a contravention notice was written there should be no enforcement action in this case. The licensee relies on Section 4.8 in the Compliance and Enforcement Policy and Procedures Manual, which states, in part:

6. No enforcement action recommended – overcrowding more than ten per cent of licence capacity – patron capacity increase applicants.

- (a) If the inspector finds that the percentage of patrons or persons over the licence capacity is more than ten percent, and the number does not exceed the building occupancy load in any given red-lined area, the inspector will not recommend enforcement action if:

- No other contravention was identified at the time of the incident of overcrowding
- The establishment has not been designated as a problem establishment at the time the contravention was identified
- The licensee has applied for a patron capacity increase and the local government staff have advised that the application is likely to be approved, and
- The percentage of overcrowding does not exceed the patron capacity increase that is likely to be approved.

It submits that the regional manager was correct in stating "there is no reason to assume that approval will not be granted". This statement, in the licensee's submission, is the same as "likely to be approved" as that phrase is used in the Compliance and Enforcement Policy and Procedures Manual. Therefore, rather than reducing the penalty to a \$1,000.00 monetary penalty, the licensee says the regional manager ought to have imposed no penalty at all.

DECISION

On October 19, 2001, the patron capacity was 100. As the designated driver endorsement was not granted until February 26, 2002, I am not prepared to consider it at this time. However, as recognized by the regional manager, "there is no reason to assume that approval will not be granted" for the licensee's increased capacity. On this assumption, the patron capacity would be increased to 150. The patron capacity count of 178 patrons means the overcrowding is more than ten percent of the licensed capacity.

Among the considerations in recommending enforcement action is whether an establishment has been designated as a problem establishment. In this case, the establishment has a history, which includes licence suspensions for five findings of

overcrowding between September 1999 and April 2000. The licensee knew or ought to have known that overcrowding was a problem.

There have been no overcrowding allegations between April, 2000 and October, 2001. The fact that overcrowding is again an issue indicates to me that the procedures the licensee established, if any, to ensure compliance with the *Liquor Control and Licensing Act* are no longer effective.

I find this is an appropriate circumstance for enforcement action. I accept the branch's recommendation of a \$1,000.00 (one thousand dollar) monetary penalty.

ORDER

Pursuant to section 20(2) of the *Act*, concerning the Class "D" Neighbourhood Public House Licence #34821, I order as follows:

For the contravention of section 12 of the *Liquor Control and Licensing Act* on October 19, 2001, I impose a monetary penalty of \$1,000.00 (one thousand dollars) to be paid on or before December 6, 2002.



Suzan Beattie
Enforcement Hearing Adjudicator

Date: November 6, 2002

cc: R.C.M. Police Surrey Detachment

Liquor Control and Licensing Branch, Surrey Regional Office
Attention: Michael Clark, Regional Manager

Liquor Control and Licensing Branch, Victoria Office
Attention: Peter K. Jones Advocate



October 23, 2002

518231 BC Ltd.

Attention: Mr. Ralph Berezan
12867 96th Avenue
Surrey BC V3V 6V9

Dear Owner/Manager:

Re: Licence Number 34821

Wheelhouse Inn
12867 96th Avenue
Surrey BC V3V 6V9

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for taking the enforcement action imposed on the above noted licence. You agreed to and accepted the following enforcement action by signing a waiver dated October 16, 2002.

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

Enforcement action

Monetary penalty

A monetary penalty of **\$3000.00 (three thousand dollars)** must be paid to the general manager by **Friday, November 15, 2002.**

The payment should be made 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.

Consequences of non-payment

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

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.

**Ministry of
Public Safety and
Solicitor General**

Liquor Control and
Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8

Telephone: (250) 387-1254
Facsimile: (250) 387-9184

Location:
Second Floor, 1019 Wharf Street
Victoria BC

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

2. 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 item 42 of 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, Edwina Nazareth at 604 586-2657.

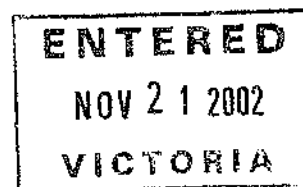
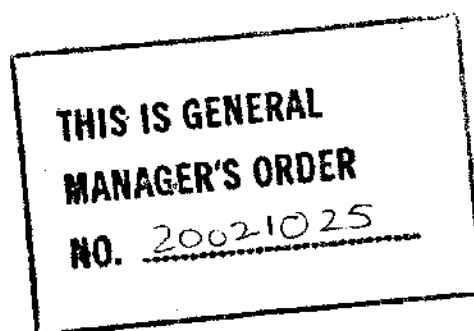
Yours truly,



M. J. Clark
Acting Deputy General Manager
Compliance and Enforcement

cc: RCMP Surrey Detachment
Clerk/Secretary, Municipality of Surrey
Brewers Distributors Ltd.
Liquor Stores #241 and #116
A/Manager of Licensing, Rebecca Villa-Arce
Regional Manager Michael Clark
Inspector Edwina Nazareth
C&E Data Entry

Encl: Appendix A





WAIVER NOTICE

Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267

BETWEEN: 518231 BC Ltd.

12867 96th Avenue
Surrey, BC V3V 6V9

(the "Licensee")

Licensee of: **Wheelhouse Inn**

located at: 12867 96th Avenue
Surrey, BC V3V 6V9

(the "Establishment")

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

(the "General Manager")

RE: Liquor Licence Number 34821

(the "Licence")



The Licensee:

1. agrees that the Licensee committed the contravention of "Overcrowding Beyond Licence Capacity" (s. 12(2) of the Liquor Control and Licensing Act and 38(3)(b) of the Regulations as indicated on Contravention Notice No. A002180 and as set out in the attached notice of enforcement action letter dated August 23, 2002 and its appendices (the "Notice of Enforcement Action letter") and that the information in the Notice of Enforcement Action letter with respect to this contravention is accurate,

2. accepts and agrees to the enforcement action specified in the Notice of Enforcement Action letter for the contravention referenced in paragraph 1 of this Waiver Notice and agrees that: the penalty of \$3000.00 (three thousand dollars) will be paid by the Licensee to the General Manager within 30 days from the date of signing this waiver notice,
3. waives the opportunity to an enforcement hearing in respect of the contravention and the enforcement action referenced in paragraph 1 and 2 of this Waiver Notice and set out in the Notice of Enforcement Action letter,
4. agrees that the contravention and enforcement action referenced in paragraph 1 and 2 of this Waiver Notice and set out in the Notice of Enforcement Action letter will form part of the compliance history of the Licensee,

The Licensee understands and agrees that this waiver notice is irrevocable.

DATE: 16th day of October, 2002.

SIGNATURE OF LICENSEE:


(Licensee/Authorized Agent)

Lawyer
(Title/Position)

SIGNATURE OF WITNESS:



NAME OF WITNESS:

W. GREG B. BOCCISS
(Please print) 02-10-21 12:54:13

Attachment: Notice of Enforcement Action letter, dated August 23, 2002

**Ministry of Public
Safety and Solicitor
General****Fax**

To: LIBBY BSHIRLEY From: LISA
Phone: _____ Pages: 3
Fax: _____ Date: 2002
Re: WATER! Phone: _____
CC: _____ Fax: 604-568-2640

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Material Contained in the fax may be confidential, and should be delivered only to the Addressee. If all pages are not received please call

• Comments:



Page 052 to/à Page 055

Withheld pursuant to/removed as

s.14



November 19, 2002

Ralph Berezan,
518231 B.C. Ltd.
dba Wheelhouse Inn
12867 – 96th Avenue
Surrey BC V3V 6V9

Dear Mr. Berezan:

**Re: Wheelhouse Inn – LCLB Enforcement Hearing
“D” (Licence 34821)**

EH02-86

This is to advise that upon further review the Branch has decided not to proceed with enforcement action for the contravention identified in the Notice of Enforcement Action dated August 27, 2002.

Although the contravention identified on June 14, 2002, will no longer proceed to an enforcement hearing, please be advised that the contravention notice (A002190) issued on August 10, 2002, will remain on your file.

Sincerely,

Gary C. Barker
Assistant Deputy General Manager
Compliance and Enforcement

cc: Michael J. Clark, Regional Manager, Vancouver Regional Office
Shirley Martin, A/Case Management Administrator
C & E Data Entry



November 14, 2002

Ralph Berezan
Wheelhouse Inn
12867 - 96th Avenue
Surrey BC V3V 6V9
Phone: ^{s.22}
Fax: (604) 882-5935

Lisa Field
Branch Advocate
Liquor Control and Licensing Branch
Phone: (604) 586-2649
Fax: (604) 586-4098

Dennis Coates
Counsel for Licensee
Phone: (250) 374-3161
Fax: (250) 374-6992

**Re: Wheelhouse Inn, Surrey, BC
"D" (Licence 34821)**

Case # EH02-86

This records the results of a pre-hearing telephone conference held on Friday, November 8, 2002, attended by:

Mr. Ralph Berezan	Wheelhouse Inn
Mr. Dennis Coates	Counsel, Wheelhouse Inn
Ms. Lisa Field	Advocate, Liquor Control & Licensing
Mr. Ed Owsianski	Observing, Liquor Control & Licensing
Ms. Suzan Beattie	Enforcement Hearing Adjudicator

Hearing

Date and Time: December 10, 2002, at 10:00 A.M.

**Place: Liquor Control & Licensing Branch Office
Suite 101 – 9180 King George Hwy, Surrey, BC**

Alleged Contraventions and Recommended Enforcement Action

Ms. Field summarized the evidence of the alleged contravention as outlined in the Notice of Enforcement Action (NOEA) dated August 27, 2002.

1. The branch alleges that on or about June 16, 2002, the licensee permitted minors in the premises, contrary to section 35 of the *Liquor Control and Licensing Act*.

For this contravention, the branch is recommending a monetary penalty of \$1,000.00 (one thousand dollars).

Issues

1. Whether the licensee permitted minors in the premises on June 16, 2002.
2. If so, is the recommended penalty appropriate?

Evidence

The branch has three R.C.M. Police Officers as its witnesses.

The licensee does not yet know its witness list.

Next Steps

- Ms. Field will telephone Mr. Coates on Tuesday, November 12, 2002, after she interviews her witnesses.

Disclosure

- Ms. Field and Mr. Coates will arrange their own disclosure following the Hearing Rules and Procedures.
- If necessary, either Ms. Field or Mr. Coates will request an additional pre-hearing conference.

Thank you all for your participation and co-operation in the pre-hearing telephone conference. If you have any questions or comments, or if you think further pre-hearing procedures would be of assistance, please notify Shirley Martin, A/Case Management Administrator at (250) 356-0010.

Yours truly,



Suzan Beattie
Enforcement Hearing Adjudicator



September 26, 2002

Ralph Berezan
Wheelhouse Inn
12867-96th Avenue
Surrey BC V3V 6V9
Phone: ^{s.22}
Fax: 604-882-5935

Lisa Field
Branch Advocate
Liquor Control and Licensing Branch
Phone: 604-586-2649
Fax: 604-586-4098

Dennis Coates,
Counsel for Licensee
Phone: 250-374-3161
Fax: 250-374-6992

**Re: Wheelhouse Inn, Surrey, BC
"D" (Licence 34821)**

Case # EH02-86

The purpose of this letter is to inform you that the General Manager will be reviewing whether to take enforcement action for alleged contravention(s) of the *Liquor Control and Licensing Act*, the regulations, and/or the terms and conditions to the licence noted above.

The Enforcement Hearing Adjudicator has requested that this case be set for a Pre-Hearing Telephone Conference (PHC) on:

Pre-Hearing Telephone Conference: November 8, 2002 at 11:00 am *7:11 AM*

Hearing Date & Time: December 10, 2002 at 10:00 am

Hearing Location: Liquor Control & Licencing Office
Suite 101-9180 King George Hwy
Surrey BC

To participate in the November 8, 2002 PHC at 11:00 AM:

Please call (250) 952-6534 at the scheduled time
and when prompted to do so
enter the password **0687#**

Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC
www.pssg.gov.bc.ca/iclb

The procedures for Pre-Hearing Conferences (PHC) and Hearings are outlined later in this letter. If a waiver form is signed, the PHC will be cancelled.

Alleged Contravention(s) and Recommended Enforcement Action(s)

You have received the attached Notice of Enforcement Action from Inspector Scott which sets out the following information:

- alleged contraventions,
- dates of the contraventions,
- the role of the Liquor Control and Licensing Branch,
- the proposed enforcement action,
- your options,
- a summary of the evidence,
- the branch witnesses,
- a list of documents that will be presented,
- the reasons for the proposed penalty, and
- any history of compliance that is relevant.

For your convenience, I have outlined the options available to you as described in Inspector Scott's letter.

Licensee Options

1. You may accept the recommended enforcement action(s) set out in the Notice of Enforcement Action and **waive** (see below) the opportunity for an enforcement hearing. OR
2. You may attend an enforcement hearing for the purpose of:
 - a) contesting the occurrence of the contravention, and/or
 - b) contesting the recommended enforcement action(s).

Option to Waive

You can waive the opportunity for an enforcement hearing and accept the recommended enforcement action(s). If you choose to waive, you must sign a **waiver form** (see below). By signing a waiver form, you **agree**:

- that the licensee has committed the contravention(s);
- to waive the opportunity for an enforcement hearing on these allegations;
- to accept the branch's recommended enforcement action(s); and
- that the findings of the contravention(s) and action(s) will form part of the compliance history of the licensee.

Waiver Forms

If you intend to waive the hearing, please contact your local branch office. The branch will prepare the waiver notice for your signature. You will need to arrange an appointment with the branch to discuss the waiver and sign the waiver form at your earliest convenience.

Pre-Hearing Conference (PHC)

If the licensee does not sign a waiver form, the Enforcement Hearing Adjudicator will convene a telephone conference with the branch representative and the licensee to discuss:

- the issues,
- the procedures leading to the hearing,
- the evidence, including requests for disclosure, and witnesses to be called,
- the length of time required for hearing,
- witness availability,
- date(s) for the hearing,
- the procedures during the hearing, and
- any other procedures or issues that will assist in a timely, fair, and efficient hearing.

The people who will be contacted for the Pre-Hearing Conference (PHC) will be those whose names appear at the top of this letter. They will be contacted at the numbers noted. **If you want alternate, or additional people, added to the PHC, you must notify the Case Management Administrator (CMA) as soon as possible and provide telephone numbers.**

You are required to attend the Pre-Hearing Conference (PHC) and be prepared to discuss the above points. You must bring information about the times your witnesses will be available to attend an enforcement hearing.

At the Pre-Hearing Conference (PHC), the Enforcement Hearing Adjudicator will have the Notice of Enforcement Action, but will not have the attachments.

Enforcement Hearing

The Enforcement Hearing Adjudicator at the hearing will be a General Manager, or delegate, who will decide on the basis of the evidence presented by both sides:

- whether the alleged contravention occurred, and
- what, if any, enforcement action is to be imposed.

You are required to come to the hearing prepared to present evidence and submissions on both aspects.

If you fail to appear at the hearing, the Enforcement Hearing Adjudicator may:

- adjourn the hearing,
- conduct the hearing,
- make findings based on the evidence presented, including findings that the contravention(s) did or did not occur,
- in the event of a finding that the contravention(s) occurred, impose the recommended enforcement action.

Adjournments

In the event you are not available to attend the Pre-Hearing Conference (PHC) at the time indicated, you must apply in writing to the **Case Management Administrator (CMA)** not less than one full day prior to the PHC, requesting an adjournment. In the adjournment request, you must indicate the reasons for not being available and propose alternate times.

In the event you are not available to attend the Enforcement Hearing at the time indicated, you must apply in writing to the CMA not less than fourteen (14) days before the date of the hearing, requesting an adjournment. In the adjournment request you must indicate the reasons for not being available and propose alternate times.

The CMA will refer the application to the Enforcement Hearing Adjudicator who will consider the application, contact the branch representative and the licensee if necessary, and make a determination on whether to grant an adjournment and when to reconvene. Please note that once a **hearing date** has been confirmed, the Enforcement Hearing Adjudicator will not grant adjournments unless there are exceptional circumstances.

If you require additional information on procedures, please contact me at (250) 356-0010.

Yours truly,

A handwritten signature in black ink, appearing to read "Shirley Martin". The signature is fluid and cursive, with the first name "Shirley" being more prominent than the last name "Martin".

Shirley Martin
A/Case Management Administrator

Attachments: Enforcement Hearing Rules
 Related Notice of Enforcement Action(s)



E1401-086

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

August 27, 2002

Amended November 13, 2002

518231 B.C. Ltd
c/o Ralph Berezan
12867 - 96 Avenue, Surrey, B.C., V3V 6V9

Dear Mr. Berezan:

Re: Licence Number(s) 34821

Wheelhouse Inn

12867 - 96 Avenue, Surrey, B.C., V3V 6V9

ALLEGED CONTRAVENTION

The purpose of this letter is to inform you that the general manager will be reviewing whether to take enforcement action for the following alleged contravention(s) of the *Liquor Control and Licensing Act*, the regulations, and/or the terms and conditions of the licence(s) noted above:

No.	Contravention Name	Section of Act/regulation and term and condition of the licence	Date of alleged contravention
1.	Minors in premises	Section 35 LCLA	June 14, 2002
2.			
3.			
4.			
5.			

These alleged contraventions are described in full in the attached Appendix A. The establishment's history of compliance and the compliance history of the licensee are described in the attached Appendix B.

Role of the Liquor Control and Licensing Branch

The role of the Liquor Control and Licensing Branch as the regulator of licensed establishments is to help provide an orderly and problem-free environment for licensed establishments. When an infraction occurs, the general manager of the Liquor Control and Licensing Branch will take whatever enforcement action is necessary:

- to protect the public interest,
- to ensure future compliance with the Act, the regulations, and/or the terms and conditions of a licence, and
- to ensure that licensees, employees, patrons and the community recognize the seriousness of contraventions.

Ministry of
Public Safety and
Solicitor General

Liquor Control and
Licensing Branch

Mailing Address:
Suite 101
9180 King George Highway
Surrey, BC V3V 5V9

Location:
Suite 101
9180 King George Highway
Surrey, BC

Telephone: (604) 586-2641
Facsimile: (604) 586-2640

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

The general manager is responsible for supervising the conduct and operation of every licensed establishment in British Columbia. The enforcement powers of the general manager are expressed in section 20(2) of the *Liquor Control and Licensing Act* as follows:

20 (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)
- 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.

Proposed enforcement action

Monetary penalty falls within penalty schedule.

The general manager may impose a monetary penalty for a contravention of the Act, the regulations, and/or the terms and conditions of the licence(s).

When determining the appropriate penalty for a contravention, the general manager will consider:

- the type of contravention(s),
- the facts of the contravention(s)
- the establishment's history of compliance, and
- the compliance history of the licensee.

The monetary penalty schedule, set out in schedule 4 to the Liquor Control and Licensing Regulations, describes the monetary penalty range for each contravention. A copy of the *Liquor Control and Licensing Act* and Regulations can be obtained on the Liquor Control and Licensing Branch website at <http://www.pssg.gov.bc.ca/lclb/>. While the general manager usually stays within this schedule, if the general manager concludes that it is in the public interest to do so, the general manager may impose a higher penalty than the penalty set out in the penalty schedule.

For the alleged contravention of Minors in premises Contravention Notice A002190 set out in this letter, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a monetary penalty of **\$1000.00 (one thousand)** is warranted.

This proposed monetary penalty falls within the penalty range set out in schedule 4 to the regulations for a first incident of the alleged contravention.

The reasons for this proposed penalty are set out in Appendix A and B.

Licensee options

1. The licensee may accept the proposed enforcement action set out above and waive the opportunity for an enforcement hearing. This process is described in more detail under heading Option to Waive Enforcement Hearing below.
2. The licensee may attend an enforcement hearing for the purpose of contesting the occurrence of the contravention and/or the proposed enforcement action. Please note, at an enforcement hearing the general manager may decline to take any enforcement action, take the proposed enforcement action set out in this letter, or take enforcement action that is less than or greater than the proposed enforcement action set out in this letter.

Option to waive enforcement hearing

The licensee may waive the opportunity for an enforcement hearing and accept the enforcement action(s) proposed in this letter. If the licensee chooses this option, it is necessary to sign a waiver notice. By signing the waiver notice, the licensee expressly and irrevocably:

- agrees that the licensee has committed the contravention(s)
- accepts the enforcement action(s) proposed in this letter
- waives the opportunity to an enforcement hearing on these matters
- waives the right to appeal to the Liquor Appeal Board the finding of contravention and the enforcement action(s) and
- agrees that the finding of the contravention(s) and the specified enforcement action(s) will form part of the compliance history of the licensee.
- If the licensee plans to sign a waiver notice, branch staff will prepare the notice. In most situations, the waiver notice must be signed within 14 days of the date of this letter. If the licensee plans to sign a waiver notice, please contact the writer to arrange an appointment as soon as possible.

Date, time and place of the enforcement hearing

The case management administrator will be contacting the licensee shortly to discuss the hearing process. If the licensee signs a waiver notice, the enforcement hearing will be cancelled.

The case management administrator contact information is:

Bev Biffard, 250-356-0010; e-mail Bev.Biffard@gems7.gov.bc.ca

Contact number

If you have any questions regarding this letter, please contact the writer at 604-586-2657 and/or Kane.Scott@gems6.gov.bc.ca for clarification.

Yours truly,

Kane Scott
Surrey Regional Office

Attachments:

copy of licence #34821
copy of official floor plan
copy of Police LPC A097679
copy of Contravention Notice A002190
copy of Enforcement Recommended report
copy of Cst. Kassam's LPC Officer's Notes
copy of 4.2.1. Compliance and Enforcement Policy Manual, pages 1 - 9
copy of Section 10.1 Liquor Licensing Operating Manual, pages 1 - 10
copy of Page 10 A Guide for Liquor Licensees in British Columbia - Minors
copy of Amended Penalty Letter dated January 23, 2002-08-26
copy of Hearing Rules

APPENDIX A

Licence Information

Licence number: 34821

Licence type: D Neighbourhood Pub

Terms and conditions of licence:

Licence expiry date: August 31, 2003

Alleged Contraventions

The following is a summary of each alleged contravention and the circumstances surrounding each contravention. If the matter proceeds to an enforcement hearing, the general manager will be considering this information when deciding whether each contravention occurred and the penalty, if any, for that contravention.

THE CONTRAVENTION(S)

Contravention #1			
Contravention notice number	Date contravention notice issued	Name of contravention and section of Act or regulations	Re: licence number
LPC #A097679 CN #A002190	August 10, 2002	Section 35 LCLA - Minors in premises	34821
Summary of evidence			
On June 14, 2002 Cst. Kassam, Cst. Halliday and Cst. Hebert of the Surrey RCMP Detachment attended at the premises. RCMP file 02-61909 refers. Two males seated in the pub were checked and both were found to have no identification with them. One of the males stated to police he had initially been refused entry but had later "sneaked" in. The other male stated he had not be checked by any staff. Both of the males were determined to be 18 years of age. One was very intoxicated and one was more sober. On August 10, 2002 when I issued the Contravention Notice to the manager, s.22 he confirmed Cst. Kassam's information by stating that he recalled the incident and that one of the minor males had been denied entry.			

Branch witnesses

If the matter proceeds to an enforcement hearing, the branch will be calling the following witnesses to present evidence of the alleged contravention(s). The following lists the witnesses and a summary of the evidence that they will present.

WITNESSES

	Name	Summary of Evidence
1	Kane Scott - Liquor Inspector	- will present documentary evidence (licence/floor plans)
2	Cst. Kassam - RCMP Surrey	- will state he identified two males on the premises who were minors - will state one male said no ID had been checked and that the other male 'sneaked' into premises after being denied entry - will state one of the minor males was intoxicated
3	Cst. Halliday - RCMP Surrey	
4	Cst. Hebert - RCMP Surrey	
5		

Documentation

The branch will also be presenting the following information. A copy of each of these documents is attached with this notice of enforcement action letter.

ADDITIONAL DOCUMENTATION

	Title of document	Document number and/or date
1	Information from Violation Tickets	June 14, 2002
2		
3		
4		
5		

Reasons for proposed penalty

Police identified two minors on the premises. One of the minors stated no staff had checked his identification. One minor had been denied entry but was found on the premises. Minors on the premises of licensed establishments is a public interest issue.

This establishment meets the C&E criteria as a problem establishment and has served a 3 day suspension for a number of contraventions in February 2002.

Decisions are pending on other non-compliance issues that have been heard before an adjudicator.

APPENDIX B

HISTORY OF COMPLIANCE

This appendix sets out the following information:

- the compliance history of the licensee
- the establishment's history of compliance.

If the matter set out in the notice of enforcement action letter proceeds to an enforcement hearing, the general manager will consider this information when determining the penalty for any contravention of the Act and regulations.

Compliance history of licensee

Compliance history is defined in section 1(4) of the Liquor Control and Licensing Regulations, B.C. Reg. 608/76. The branch records show the following licensee compliance history:

Findings of contravention(s) and enforcement action under the <i>LCLA</i> and regulations			
	Date	Findings of contravention	Enforcement action
1	January 23, 2002	overcrowding proven	3 day suspension
2	December 21, 2001	LAB Appeal - decision of the General Manager April 24, 2001 proving contravention of overcrowding upheld	General Managers decision of a t day suspension reduced to 3 days
3	April 24, 2001	Overcrowding proven	6 day suspension
4			
5			

Offences under the Act and offences prescribed under section 20(3) of the Act			
	Date of the offence	Offences (name offence)	Penalty
1			
2			
3			
4			

Other matters referred to in section 20(1)		
	Date	Other matters
1		
2		
3		

Compliance history of the establishment

The establishment's history of compliance is relevant when determining which level of penalty should be imposed for a contravention. The establishment's history of compliance is comprised of any prior findings of a contravention that relate to the establishment in question (whether by waiver or decision of the general manager) and any prior penalty.

Findings of contravention(s) and enforcement action under the <i>LCLA</i> and regulations			
	Date	Findings of contravention	Enforcement action
1	January 23, 2002	overcrowding proven	3 day suspension
2	December 21, 2001	LAB Appeal - decision of the General Manager April 24, 2001 proving contravention of overcrowding upheld	General Managers decision of a 4 day suspension reduced to 3 days
3	April 24, 2001	Overcrowding proven	6 day suspension

**Ministry of Public
Safety and Solicitor
General****Fax**

To:	Libby C&E	From:	Teresa K Derksen
Phone:		Pages:	5
Fax:		Date:	November 14, 2002
Re:	PENALTY LET – Wheelhouse Inn cliff 200393	Phone:	604-586-2641
CC:		Fax:	604-586-2640

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** **Please Reply** ☐ **Please Recycle**

Material Contained in the fax may be confidential, and should be delivered only to the Addressee. If all pages are not received please call

• **Comments:** attached is copy of letter and review sheet. Please email me when you wish me to print letter for Mike's signature. Thanks

November 13, 2002

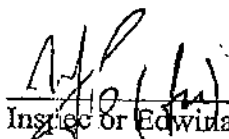
Regional Manager Mike Clark
Inspector Edwina Nazareth

Re: Wheelhouse Inn licence number 34821 - Penalty Letter on Decision EH01-57
November 6, 2002.

Please review and make any changes and/or corrections that are necessary and initial
below.


Thanks

Teresa


Inspector Edwina Nazareth

 or
Mike Clark, Regional Manager

Acting Regional Manager Surrey Regional Office


Teresa Derksen

RICHARD H. JENSEN*
DAVID B. McDOUGALL
DALE W. OSBORNE
LOUISE SCHNEIDER
KENNETH SOMMERFELD†

J. BARRY CARTER
DENNIS P. COATES, Q.C.
DARREN A. PAULSEN
ROBERT G. KASIAN
S. DEV DLEY*

TERRY B. DEPPLE
JAMES A. McCREIGHT
MICHAEL J. SUTHERLAND
VINCENT M. KONG†
THOMAS L. WEISS*

ROBERT C. ADKIN
MARLENE S. HARRISON**
ANTHONY G. VARESI
I. FREDRICK KAATZ†

Associate Counsel
ROBERT C. HUNTER, Q.C.

K. RAFF MAIR (Retired)

700 - 275 LANSDOWNE STREET
KAMLOOPS, B.C. V2C 6H6
CANADA

TELEPHONE:
TOLL FREE:
FAX:

(250)374-3161
1-888-374-3161
(250)374-6992

**(also of the Alta. Bar)*
***(also of the Bermuda Bar)*
† denotes Law Corporation

OUR FILE NO. 11,606-04
REPLY TO: Mr. Coates, Q.C.
LEGAL ASSISTANT: Anita Oelker

DIRECT LINE: 372-4923
DIRECT LINE: 372-4962

email: dpc@mjbblaw.com
email: anita@mjbblaw.com

July 31, 2002

VIA TELEFAX: (250) 387-9184

Ministry of Public Safety
& Solicitor General
Liquor Control & Licensing Branch
Second Floor, 1019 Wharf Street
Victoria, BC V8W 2Y9

Attention: Peter Jones, Advocate

Dear Sirs:

RE: Wheelhouse Inn – Enforcement Issues – Alleged Contravention- October 19, 2001

Further to our conversation yesterday, with respect to the above enforcement matter due to be heard before an adjudicator next Thursday, August 8th, it may be that we can simplify this matter by simply defining the legal issue.

It is my understanding from my own information, and from your April 11th fax, that the capacity increases for this facility were formally granted on February 26th moving the patron capacity to 150 from 100 and the designated driver was also granted on February 26th, based on the capacity of 150, which effectively boosts the capacity to 165.

The reference to the portion of the Compliance and Enforcement Policies and Procedures Manual, and specifically Section 4.8 dealing with overcrowding, and more specifically number 5 which indicates that no enforcement action is to be taken if it is within 10% of capacity, would effectively mean that this facility should not have any enforcement action taken for any capacity up to 180. My review of Appendix A of this Notice of Enforcement Action indicates that the count is within that number. Hopefully, you will agree that if this incident occurred today, that there would be no enforcement action recommended.

Presuming that is correct, then the only issue is what is the treatment of the status of the application as of October 19th, i.e. the effect of 6 of 4.8.1 of the Compliance and Enforcement Manual.

Assuming that I am correct on the above analysis, it would be our position that we do not need to call on the evidence and that we would simply speak to the issue that surrounds that portion of government policy, specifically as was canvassed at the Plaza hearing, and particularly by the evidence that we produced at that hearing through s.22

I will provide to you, in case you do not have it, a transcript of those proceedings. We would ask your permission, and that of the adjudicator, to use that transcript and not produce s.22 as a back-up, if required for our argument relative to number 6 of 4.8.1., and to some extent number 5 of 4.8.1.

Assuming that you concur with this request, it may be that we can simply do this by conference call, and if so, I would be happy to do it next week, based on that format.

I anticipate hearing from you.

Yours truly,

MAIR JENSEN BLAIR

DENNIS P. COATES, Q.C.
DPC/bmk/ministry30(quality)
cc: Suzan Beattie
cc: Peter Jones
cc: Bev Biffard
cc: Ralph Berezan

October 23, 2002

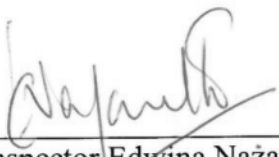
Regional Manager Mike Clark
Inspector Edwina Nazareth

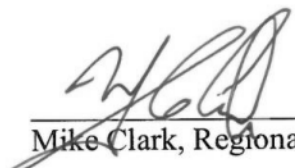
Re: Wheelhouse Inn licence number 34821 - Penalty Letter on Waiver signed Oct
16, 2002.

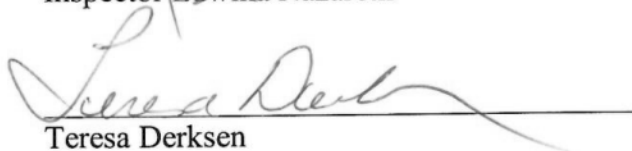
Please review and make any changes and/or corrections that are necessary and initial
below.

Thanks

Teresa


Inspector Edwina Nazareth


Mike Clark, Regional Manager


Teresa Derksen





NOTICE OF ENFORCEMENT ACTION
Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267
As amended August 23, 2002

August 23, 2002 June 18, 2002

518231 B.C. Ltd
c/o Mr. Ralph Berezan
12867 - 96 Avenue, Surrey, B.C., V3V 6V9
Dear Mr. Berezan:
Re: Licence Number(s) 34821

Wheelhouse Inn

12867 - 96 Avenue, Surrey, B.C., V3V 6V9

ALLEGED CONTRAVENTION

The purpose of this letter is to inform you that the general manager will be reviewing whether to take enforcement action for the following alleged contravention(s) of the *Liquor Control and Licensing Act*, the regulations, and/or the terms and conditions of the licence(s) noted above:

No.	Contravention Name	Section of Act/regulation and term and condition of the licence	Date of alleged contravention
1.	Overcrowding Beyond Licence Capacity	Section 12(2) LCLA Regulations and Section 38(3)(b) LCLA	April 21, 2002
2.			
3.			
4.			
5.			

These alleged contraventions are described in full in the attached Appendix A. The establishment's history of compliance and the compliance history of the licensee are described in the attached Appendix B.

Role of the Liquor Control and Licensing Branch

The role of the Liquor Control and Licensing Branch as the regulator of licensed establishments is to help provide an orderly and problem-free environment for licensed establishments. When an infraction occurs, the general manager of the Liquor Control and Licensing Branch will take whatever enforcement action is necessary:

- to protect the public interest,
- to ensure future compliance with the Act, the regulations, and/or the terms and conditions of a licence, and

Ministry of
Public Safety and
Solicitor General

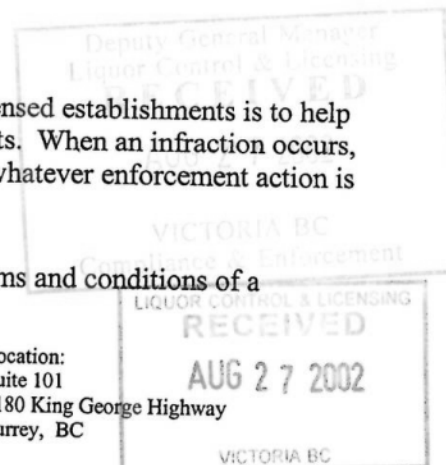
Liquor Control and
Licensing Branch

Mailing Address:
Suite 101
9180 King George Highway
Surrey, BC V3V 5V9

Telephone: (604) 586-2641
Facsimile: (604) 586-2640

Location:
Suite 101
9180 King George Highway
Surrey, BC

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



- to ensure that licensees, employees, patrons and the community recognize the seriousness of contraventions.

The general manager is responsible for supervising the conduct and operation of every licensed establishment in British Columbia. The enforcement powers of the general manager are expressed in section 20(2) of the *Liquor Control and Licensing Act* as follows:

- 20 (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)
 - 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.

Proposed enforcement action

Monetary penalty falls within penalty schedule.

The general manager may impose a monetary penalty for a contravention of the Act, the regulations, and/or the terms and conditions of the licence(s).

When determining the appropriate penalty for a contravention, the general manager will consider:

- the type of contravention(s),
- the facts of the contravention(s)
- the establishment's history of compliance, and
- the compliance history of the licensee.

The monetary penalty schedule, set out in schedule 4 to the Liquor Control and Licensing Regulations, describes the monetary penalty range for each contravention. A copy of the *Liquor Control and Licensing Act* and Regulations can be obtained on the Liquor Control and Licensing Branch website at <http://www.pssg.gov.bc.ca/lclb/>. While the general manager usually stays within this schedule, if the general manager concludes that it is in the public interest to do so, the general manager may impose a higher penalty than the penalty set out in the penalty schedule.

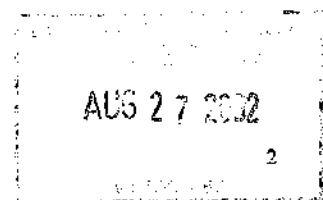
For the alleged contravention of overcrowding beyond licence capacity, Contravention Notice A002180 set out in this letter, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a monetary penalty of **\$3000.00 (three thousand dollars)** is warranted.

This proposed monetary penalty falls within the penalty range set out in schedule 4 to the regulations for a first incident of the alleged contravention.

The reasons for this proposed penalty are set out in Appendix A and B.

Licensee options

1. The licensee may accept the proposed enforcement action set out above and waive the opportunity for an enforcement hearing. This process is described in more detail under heading Option to Waive Enforcement Hearing below.
2. The licensee may attend an enforcement hearing for the purpose of contesting the occurrence of the contravention and/or the proposed enforcement action. Please note, at an enforcement hearing the general manager may decline to take any enforcement action, take the proposed enforcement action set out in this letter, or take enforcement action that is less than or greater than the proposed enforcement action set out in this letter.



Option to waive enforcement hearing

The licensee may waive the opportunity for an enforcement hearing and accept the enforcement action(s) proposed in this letter. If the licensee chooses this option, it is necessary to sign a waiver notice. By signing the waiver notice, the licensee expressly and irrevocably:

- agrees that the licensee has committed the contravention(s)
- accepts the enforcement action(s) proposed in this letter
- waives the opportunity to an enforcement hearing on these matters
- agrees that the finding of the contravention(s) and the specified enforcement action(s) will form part of the compliance history of the licensee.
- If the licensee plans to sign a waiver notice, branch staff will prepare the notice. In most situations, the waiver notice must be signed within 14 days of the date of this letter. If the licensee plans to sign a waiver notice, please contact the writer to arrange an appointment as soon as possible.

Date, time and place of the enforcement hearing

The case management administrator will be contacting the licensee shortly to discuss the hearing process. If the licensee signs a waiver notice, the enforcement hearing will be cancelled.

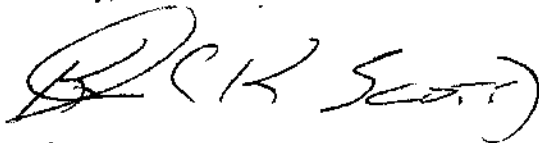
The case management administrator contact information is:

Bev Biffard, 250-356-0010; email Bev.Biffard@gems7.gov.bc.ca

Contact number

If you have any questions regarding this letter, please contact the writer at 604-586-2641 or Kane.Scott@gems6.gov.bc.ca for clarification.

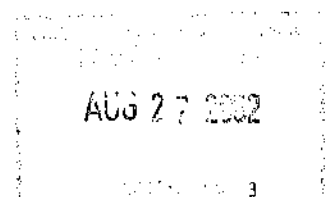
Yours truly,



Kane Scott
Surrey Regional Office

Attachments:

copy of liquor licence 34821
copy of official floor plan
copy of Contravention Notice A002180
copy of Enforcement Action Recommended report dated May 1, 2002
copy of Enforcement Action Recommended report dated May 1, 2002 as amended August 22, 2002
copy of police Licenced Premise Check (LPC) form #A097251
copy of RCMP file 02-0039926 - Cst. Phil Nikiforuk
copy of RCMP file 02-0039926 - Cpl. Walter Dona
copy of notes of Cst. Nikiforuk
copy of notes of Cpl. Dona
copy of Section 4.8.1 C&E Policy Manual, pages 1 - 8
copy of Section 6.3 Liquor Licensing Operating Manual - Patron Capacity, pages 1 - 14
copy of page 10, A Guide for Liquor Licensees in British Columbia - Overcrowding
copy of Amended Penalty Letter dated January 23, 2002
copy of Notice of Enforcement Action dated December 5, 2001
copy of Penalty Letter dated January 21, 2002
copy of Liquor Appeal Board decision dated December 21, 2002
copy of decision of the General Manager dated April 24, 2001
copy of Hearing Rules



APPENDIX A

Licence Information

Licence number: 34821

Licence type: D Neighbourhood Pub

Terms and conditions of licence:

Maximum Capacity Area 1 - 350 Patio - 20

Designated Driver Program in effect

Licence expiry date: August 31, 2002

Alleged Contraventions

The following is a summary of each alleged contravention and the circumstances surrounding each contravention. If the matter proceeds to an enforcement hearing, the general manager will be considering this information when deciding whether each contravention occurred and the penalty, if any, for that contravention.

THE CONTRAVENTION(S)

Contravention #1			
Contravention notice number	Date contravention notice issued	Name of contravention and section of Act or regulations	Re: licence number
A002180	April 21, 2002	Overcrowding beyond licence capacity - Section 12(2) LCLA and Section 38(3)(b) LCLA	34821
Summary of evidence			
<p>On April 21, 2002 I attended at the Wheelhouse Inn pub arriving at 0010 Hr. On my arrival I noted that RCMP members were apparently in attendance. As I entered the pub I saw that it was obviously overcrowded and estimated there were about 200 persons on the premises.</p> <p>Using a mechanical counter I conducted a count of patrons and the counter indicated at least 173 patrons. This count did not include the 30 to 40 patrons on the dance floor. I made a second count and when I had concluded my count the counter indicated 184 patrons. Again I did not include those 30 - 40 patrons on the dance floor</p> <p>I identified myself to the RCMP members in attendance and was advised they had just issued the manager an LPC indicating 225 patrons.</p> <p>Cpl. Dona advised me that the doorman had stated to him that his count was 169 patrons when the RCMP members entered. Cpl. Dona directed Cst's Nikiforuk and Forest to conduct a count while he controlled door access</p> <p>Cst's Forest and Nikiforuk conducted a head count of at least 225 persons in the pub area only. Cst. Nikiforuk indicates that the manager had stated overflow patrons were directed to the 'bistro' until patrons left the pub area in order to maintain proper capacity. Cst. Nikiforuk observed that no apparent access control was maintained between the pub and adjoining bistro areas. He observed patrons moving from the bistro to the main dance floor.</p> <p>I located the manager s.22 and issued him Contravention Notice A002180 and also directed him to immediately clear one of the largest fire exits from the pub which was obstructed by patrons seated at tables directly in front of the exit doors.</p>			

AUG 27 2002

This is a first contravention however an earlier similar type first contravention was presented before an adjudicator on August 8, 2002.

A contravention of this type was found to be proven by the General Manager under legislation prior to amendments which took place in January 2001 in a decision letter dated April 24, 2001 and was upheld on appeal to the Liquor Appeal Board in a decision dated December 21, 2001.

Branch witnesses

If the matter proceeds to an enforcement hearing, the branch will be calling the following witnesses to present evidence of the alleged contravention(s). The following lists the witnesses and a summary of the evidence that they will present.

WITNESSES

	Name	Summary of Evidence
1	Kane Scott - Liquor Inspector	<ul style="list-style-type: none">- will state he estimated about 200 persons on the premises upon entering and that police were just leaving premises- will state conducted two counts of patrons using a mechanical counter. First count at least 173 patrons, second count at least 184 patrons- will state counts did not include patrons on the dance floor- will state estimated 30 - 40 patrons on dance floor
2	Cst. P. Nikofoeruk - Surrey RCMP	<ul style="list-style-type: none">- will state door control staff indicated "the count" was 169 patrons- will state the manager produced the liquor licence indicating a maximum capacity of 150 in Area 1- will state manager indicated approximately 170 patrons- will state he and Cst. Forest counted at least 225 patrons in the pub, excluding the Bistro area- will state no apparent control of access between Pub and Bistro observed- will state observed persons moving freely between Pub and Bistro area
3	Cpl. W. Dona - Surrey RCMP	<ul style="list-style-type: none">- will state he directed Cst.'s Nikiforuk and Forest to conduct a count of patrons- will state he secured access at the main door while the constables conducted their count- will state the doorman advised him of his count being 169- will state the manager advised him they were allowed to be 10% over capacity
4	Cst. Forest - Surrey RCMP	<ul style="list-style-type: none">- will corroborate Cst. Nikiforuk
5		

Documentation

The branch will also be presenting the following information. A copy of each of these documents is attached with this notice of enforcement action letter.

ADDITIONAL DOCUMENTATION

AUS 27 2002

Title of document	Document number and/or date
-------------------	-----------------------------

1		
2		
3		
4		
5		

Reasons for proposed penalty

The premises was found to be more than 30% overcrowded. The premise is a problem establishment with overcrowding being the problem issue. Public safety was compromised by seating patrons at tables directly in front of a fire exit.

Overcrowding is a proven contravention for which the establishment licence was suspended less than three months ago.

Historically overcrowding is an on-going compliance issue at this establishment. Staff and management control to comply with capacity is inadequate. Public safety is put at risk by seating patrons at tables placed so as to obstruct fire exits

AUG 27 2002

2002 39926

No. A 097251



Liquor Control and Licensing Act
and Regulation 608/76

POLICE LICENSED PREMISES CHECK (LPC)

Establishment Name: Wheelhouse Pub / Inn
Establishment Address: 12867 96 Avenue Surrey
Licence #: 34821 Date: 02 / 04 / 00 Time: 0005
Licensee Name: 518231 BC LTD.

On the date noted above, the following alleged contraventions of the Liquor Control and Licensing Act or regulations were identified:

MINORS

- ☐ Supplying to minors s. 33 ☐ Minors in premises s. 35

Number and age of minors: _____

I.D. type shown: _____

Details (e.g. no ID checked at door; inadequate lighting at door): _____

OVERCROWDING

- ☐ Overcrowding beyond Building Occupancy Load (BOL) Reg. s. 4(7) ☒ Overcrowding beyond Licence Capacity Reg.

BOL: _____ Actual: _____ Lic. Cap.: 150 Actual: 225

Details (e.g., how was count conducted; how many times was count done; did staff member verify count; number of door staff; door control; identify public safety issues):

120 mins counted; mgr count 189

INTOXICATED PATRON

- ☐ Selling to intoxicated person s. 43(1)
☐ Permitting a person to become intoxicated s. 43(2)(a)
☐ Permitting intoxicated person to remain s. 43(2)(b)

Details (e.g. evidence of intoxication): _____

☐ **OTHER ALLEGED CONTRAVENTIONS (see flap):**

Details: Claims allowed 10% overage
licence capacity

Police Officer (please print): PIKIEORUK / FOREST 40263

Badge #: 47171 Dept./Detach.: SURREY RCMP

Police Incident/File #: 2002 39926

Management Acknowledgement (Name and Title)
s.22

A copy of this LPC will be forwarded to the Liquor Control and Licensing Branch. The Branch may proceed with enforcement action on the basis of this alleged contravention.

COPY 2: LCLB FIELD OFFICE COPY (forward to LCLB field office)

0007 1118

CONTINUATION REPORT

EVNT 2040765877 OCCUR 20020039926
REGNO 47171 MEMNAME nikiforuk, phil
CREATED 2002/04/21 011830
COMPLAINANT NOTIFIED CONCLUDED Y
DIARY DATE

SUBJECT:
WHEELHOUSE PUB/INN 12867 96 avenue, Surrey

ACTION TAKEN:

2002.04.21 approximately 00:05 hours Cst FOREST and Cst NIKIFORUK attended the above noted location with Cpl DONA for a routine bar walk. Members were greeted by the door staff and inquired about the current patron capacity. The door person stated that the count was 169 patrons at 00:05 hours. Members inquired upon the manager of the establishment as to the capacity. He produce the valid Liquor permit which indicated a maximum capacity inside "area 01" to be 150; and the "patio" to be 20 persons. He believed the current capacity to be approximately 170 patrons. Cpl DONA blocked off the front door and prevented any entry to be gained while Cst FOREST and NIKIFORUK proceeded to do a head count. Members counted a generous 225 occupants at the hours of 00:15 excluding the so called "bistro" area. Four (4) door staff employees were working on the floor on this day. The manager stated that the overflow of persons could wait in the "bistro" area until patrons left the main area to maintain proper capacity. He also claims that he allowed a 10% abeyance licence capacity. No apparent control was maintained, customer's were observed crossing over from the bistro area to the main dance floor with ease. Following the above noted observation, a Police Licensed Premises Check (LPC) was completed and issued to the manager at the time of 00:32 hours. (No. A 097251) LPC faxed to Liquor Inspector Kane SCOTT @ 604-586-2640. FILE CONCLUDED ***** Cst P. FOREST 47383
Cst P. NIKIFORUK 47171 District One SURREY RCMP (Original Completed: 2002-04-21 01:41 PUID: 5b07
REG: 47171)

CONTINUATION REPORT

EVNT 20407558 / F OCCUR 20020039926
REGNO 36947 MEMNAME dona, waiter
CREATED 2002/04/21 001403
COMPLAINANT NOTIFIED CONCLUDED
DIARY DATE

SUBJECT:

File Rev'd by Cpl.W.P.Dona NCO i/c Team 1 District One Surrey R.C.M.P.

ACTION TAKEN:

Member attended to Wheel house pub. Upon entering pub, door man was asked what the count was, He advises 169. Member spoke to Cst.'s Forest and Nikiforuk who advised the licence limit was 150. Member directed Forest and Nikiforuk to conduct head count. At this time, I went back to the door and sealed it off for the purpose of the count. Door man advises that they allow people who want to come in to sit in the Bistro until there is room. Obtained the name of the door man at this time. As I was standing at the door, the manager approached me and asked if there was a problem. I advised him that the door man had told me that the count was 169 and the licence was set for 150. The manager advised that they are allowed 10% overage..and then mumbled something that I couldn't understand. He then stated that there were people who were on the patio as well who had come in. I advised him that the patio count in part of the licence capacity of 150 and not an addition to it. I also advised him that I have been in Surrey for 12 years and that they had been warned of that before. At this time, Cst. Nikiforuk and Forest advised of a conservative head count of 225 persons. Members indicated that a Licence premise check would be submitted. Cpl.W.P.Dona NCO i/c Team 1 District One Surrey R.C.M.P.(Original Completed: 2002-04-21 00:21 PUID: 6b72 REG: 36947)



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada



Cst. Phil NIKIFORUK

Surrey Detachment-Dist. #1 Fraser Surrey Docks Unit
Mail Box # 3783 Pager: (604) 320-9541

Main Office

14355 - 57th Avenue

Surrey, B.C. V3X 1A9

Telephone: (604) 599-8502

Fax: (604) 502-6539

Email: philip.nikiforuk@rcmp-gc.gc.ca

Canada

2355	Wheelhouse Pub.
	Head count: 100 + 90 +.
9	Door guy 169
9	1/2 dance floor (West)
9	35 + = 225
9	
9	Liquor licence 150
9	Patio 20.
0001	Advised over limit
	Ngr advised he
	counted 189;
	STMT OUTSIDE
	Front doors 35



Cst. Phil NIKIFORUK

Surrey Detachment-Dist #1 Fraser Surrey Docks Unit

Mail Box # 3785

Pager: (604) 320-9541

Main Office

14355 - 37th Avenue

Surrey, B.C. V3X 1A9

Telephone: (604) 599-0502

Fax: (604) 502-6539

Email: philip.nikiforuk@rcmp-gcc.gc.ca

Canada

ADVISED COUNT

EST 225. (NOT BISTIO)

NOT QUESTIONED

IF STOP AT s.15,s.16

ADVISED YES. ADVISE

GOING s.15,s.16 s.15,s.16

s.15,s.16

0013 NOT s.22
s.22

600430

BCOL 3195104

3393 198A ST

Langley BC

p s.22

Confirm Licence

399216 INFO. # 34821

ISSUED TO 518231 BC

MAX CAPACITY AREA 01

150 AREA / POTIO 20

0020 Liquor inspectors

Present. (3)

SCOTT, KANE LIQUOR

INSPECTION SRY REG OFF

0032 Served notice

08:55 BREWSTER @ WALKER

DOOR MAN

S.22

CLOTHES 165

08:55 MANAGER APPROACHED ME
ASKED IF THERE WAS A ROOM
A YOUNG, I ASKED THE DOOR

MAN WHAT THE COUNT WAS
AND HE SAID IT WAS 128
AND LATER WAS 150

SO THAT PUTS IT OVER
THE YOUNG, BUT WE ARE ALWAYS
100% ... MINUTES

AND THERE WAS MORE ON
PART 10

08:55 PART 10 IS PART OF 150

NOT AN ADDITION TO

00:05 10-6 DEW

00:10 S.15, S.16

01:30 11:00 AM

02:00 12:00

PART 10

03:10 10:00

PART 10

07:00 OFF SITE

2002 APRIL 21 Sunday

Rio

FINISHED CLEANING

2002 APRIL 22 Monday

Rio

42

CONTINUATION REPORT: 1

EVNT: 020407556 / h

OCCUR: 20020039926

REGNO: 36947

MEMNAME: dona, walter

CREATED: 2002/04/21 001403

COMPLAINANT NOTIFIED:

CONCLUDED:

DIARY DATE:

SUBJECT:

File Rev'd by Cpl.W.P.Dona NCO i/c Team 1 District One Surrey R.C.M.P.

ACTION TAKEN:

Member attended to Wheel house pub. Upon entering pub, door man was asked what the count was. He advises 169. Member spoke to Cst.'s Forest and Nikiforuk who advised the licence limit was 150. Member directed Forest and Nikiforuk to conduct head count.

At this time, I went back to the door and sealed it off for the purpose of the count. Door man advises that they allow people who want to come in to sit in the Bistro until there is room. Obtained the name of the door man at this time.

As I was standing at the door, the manager approached me and asked if there was a problem.

I advised him that the door man had told me that the count was 169 and the licence was set for 150. The manager advised that they are allowed 10% overage..and then mumbled something that I couldn't understand. He then stated that there were people who were on the patio as well who had come in.

I advised him that the patio count is part of the licence capacity of 150 and not an addition to it. I also advised him that I have been in Surrey for 12 years and that they had been warned of that before.

At this time, Cst. Nikiforuk and Forest advised of a conservative head count of 225 persons. Members indicated that a Licence premise check would be submitted.

Cpl.W.P.Dona
NCO i/c Team 1
District One

Surrey R.C.M.P.(Original Completed: 2002-04-21 00:21 PUID: 5b72 REG: 36947)



BRITISH
COLUMBIA

No. A002180

Liquor Control and Licensing Act
and Regulation 608/76

CONTRAVENTION NOTICE

Liquor Control and Licensing Branch, Ministry of Attorney General

Establishment Name: WHEELHOUSE INN

Establishment Address: 12567-98 Ave

Licence #: 34821 Date: 4/12/02 Time: 5:00 PM

Licensee Name: 518231 BA LTD

On the date noted above, the following alleged contraventions of the *Liquor Control and Licensing Act* or regulations were identified:

Minors

- ☐ Supplying to minors s. 33
- ☐ Minors in premises s. 35

Criminal or riotous conduct

- ☐ Drunkenness, violent, quarrelsome, disorderly conduct s. 36(2)(a)
- ☐ Permitting unlawful activities/conduct s. 36(2)(b)

Weapons

- ☐ Permit to enter or remain while in possession of a weapon s. 47

Overcrowding

- ☐ Overcrowding beyond BOL Reg. s. 4(7)
- ☐ Licence capacity - Reg.

Service

- ☐ Serve while under suspension s. 20
- ☐ Operating outside class s. 20(1)(d), s. 16
- ☐ Service without food Reg. s. 17(2)
- ☐ Fail to clear 1/2 hour beyond closing Reg. s. 8(1)
- ☐ Allowing to consume 1/2 hour beyond closing - Reg. s. 8(2)
- ☐ Liquor removed from establishment Reg. s. 11(3)
- ☐ Liquor not purchased in establishment Reg. s. 11(2)
- ☐ Fail to comply with RBS Reg. s. 7.1(3)
- ☐ Licensee or employee consume liquor in premises Reg. s. 10
- ☐ Free liquor Reg. s. 12(1)
- ☐ Reduced pricing Reg. s. 12(1)

Entertainment

- ☐ Prohibited entertainment s. 50
- ☐ Dancer prohibited acts s. 50

Other

Details: 173/124 plus done

Inspector's Name (please print): KARL SCOTT

Inspector #: 44 Telephone: (604) 552-2544 Area: SCOTT

Management Acknowledgement (Name and Title)

s.22

The 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.

COPY 3: LCLB HEAD QUARTERS COPY (establishment file)

Enforcement Action Recommended
As amended August 22, 2002

Re: Contravention notice number(s): A002180

Inspector's Name: Kane Scott

Date: May 1, 2002

Office Location: Surrey

Submitted To: Michael Clark

Establishment Information:

Establishment Name: Wheelhouse Inn

Establishment Address: 12867 - 96 Avenue, Surrey, V3V 6V9

Licence No: 34821 **Licence Class:** D **Expiry Date:** August 31, 2002

Licensee Name: 518231 B.C. Ltd'
c/o Ralph Berezan

Terms and Conditions noted on licence face:

1. Maximum Capacity Area 1 150 Patio 20
2. Designated driver endorsement
- 3.
- 4.
- 5.

Contravention Information:

Date Identified: Sunday, April 21, 2002

Time Identified: 0010Hr

Contravention Name (e.g. supplying to minors)

Act or Regulation section (e.g. LCLA s.33)

1. Overcrowding beyond licence capacity
- 2.
- 3.
- 4.
- 5.

1. Section 12(2) LCLA and Section 38(3)(b) LCLA
- 2.
- 3.
- 4.
- 5.

Details of Contravention:

On April 21, 2002 I attended at the Wheelhouse Inn pub arriving at 0010 Hr. On my arrival I noted that RCMP members were apparently in attendance. As I entered the pub I saw that it was obviously overcrowded and estimated there were about 200 persons on the premises. Using a mechanical counter I conducted a count of patrons and the counter indicated at least 173 patrons. This count did not include the 30 to 40 patrons on the dance floor. I made a second count and when I had concluded my count the counter indicated 184 patrons. Again I did not include those 30 - 40 patrons on the dance floor.

I identified myself to the RCMP members in attendance and was advised they had just issued the manager an LPC indicating 225 patrons.

Cpl. Dona advised me that the doorman had stated to him that his count was 169 patrons when the RCMP members entered. Cpl. Dona directed Cst's Nikiforuk and Forest to conduct a count while he controlled door access.

Cst's Forest and Nikiforuk conducted a head count of at least 225 persons in the pub area only. Cst. Nikiforuk indicates that the manager had stated overflow patrons were directed to the 'bistro' until patrons left the pub area in order to maintain proper capacity. Cst. Nikiforuk observed that no apparent access control was maintained between the pub and adjoining bistro areas. He observed patrons moving from the bistro to the main dance floor.

I located the manager s.22 and issued him Contravention Notice A002180 and also directed him to immediately clear one of the largest fire exits from the pub which was obstructed by patrons seated at tables directly in front of the exit doors.

Did police attend?

☒ Yes ☐ No

If yes, what are their names? Cpl. Walter Dona

Cst. Phil Nikiforuk and Cst. Forest

What will be the nature of the police evidence? as noted above

Were there any witnesses

(other than the police)?

☐ Yes ☒ No

If yes, what are their names?

What will be the nature of the witness evidence?

n/a

Relevant Liquor Control and Licensing Branch policy names and reference number:

Section 4.8.1 C&E Manual - Overcrowding

Section 6.3. Liquor Licensing Operating Manual - Patron Capacity

Page 10 A Guide for Liquor Licensees in British Columbia - Overcrowding

Establishment Compliance History: 3 day Suspension, February 7 - 11, 2002 -

Overcrowding.. LAB decision appealing decision of General Manager April 24, 2001

April 24, 2001 Overcrowding - February 19, 1999

Warning

April 24, 2001 Overcrowding - May 15, 1999

Warning

April 24, 2001 Overcrowding - September 24, 1999

1 day suspension

April 24, 2001 Overcrowding - October 9, 1999

1 day suspension

April 24, 2001 Overcrowding - November 20, 1999

1 day suspension

April 24, 2001 Overcrowding - March 18, 2000

1 day suspension

April 24, 2001 Overcrowding - April 25, 2000

2 day suspension

AUG 2 2002

Licensee Compliance History: no penalty greater than Schedule IV sought

Other File Information: none

Contravention #1 – Overcrowding beyond licence capacity - Recommended Enforcement Action:

Suspend all or any part of the licensee's licence
[s. 20(2)(d)]

☐ Impose terms and conditions or rescind or amend
existing terms and conditions on licence
[s. 20(2)(b)]

X Impose a monetary penalty [s. 20(2)(c)]

☐ Cancel all or any part of the licensee's licence
[s. 20(2)(e)]



Reasons: The premises was found to be more than 30% overcrowded. The premise is a problem establishment with overcrowding being the problem issue. Public safety was compromised by seating patrons at tables directly in front of a fire exit.

Overcrowding is a proven contravention for which the establishment licence was suspended less than three months ago.

Recommended Penalty Schedule IV provides a suspension penalty range of 1 to 3 days for a first contravention or a monetary penalty in the range of \$1000.00 to \$3000.00

I recommend a monetary penalty of \$1000.00

Reasons:

Historically overcrowding is an on-going compliance issue at this establishment. Staff and management control to comply with capacity is inadequate. Public safety is put at risk by seating patrons at tables place so as to obstruct fire exits

Regional Manager's comments - Contravention #1:

Proceed with recommended enforcement action
for alleged contravention #1?

☒ Yes ☐ No

Proceed with recommended penalty for alleged
contravention #1?

☐ Yes ☒ No ☐ N/A

If recommended enforcement action or recommended penalty for alleged contravention #1 are
changed by regional manager, please explain:

Due to the establishment history and the significant degree of overcrowding, the maximum
monetary penalty of \$3000.00 is appropriate for this contravention.

If recommendation for enforcement action for alleged contravention #1 is declined by regional
manager, please explain:

Regional Manager's name: M.J. Clark

Date: 2002-08-23



April 18, 2002

Ralph Berezan
Wheelhouse Inn
12867 - 96th Avenue
Surrey, BC V3V 6V9
Telephone: s.22
Fax: (604) 882-5935

Peter Jones, Branch Advocate
Liquor Control and Licensing Branch

Mr. Dennis Coates, Q.C.
Mair Jensen Blair
708-275 Lansdowne Street
Kamloops, B.C. V2C 6H6
Fax: (250) 374-6992

Re: Wheelhouse Inn, 12867-96th Avenue, Surrey, BC
Class "D" Liquor Licence No. 34821

Case No: EH01-57

This records the results of a pre-hearing telephone conference held on Wednesday, April 17, 2002 attended by:

Mr. Ralph Berezan	Principle, Wheelhouse Inn
Mr. Dennis Coates	Counsel, Wheelhouse Inn
Mr. Peter Jones	Advocate, Liquor Control & Licensing
Ms. Suzan Beattie	Enforcement Hearing Adjudicator

Hearing

Date and Time: August 6, 2002 at 10:00 a.m.
(tentative - subject to confirmation)

Place: 101 - 9180 King George Hwy, Surrey, BC

**Ministry of Public Safety
and Solicitor General**

Liquor Control and
Licensing Branch

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC

www.pssg.gov.bc.ca/clb

Next Steps

1. Mr. Berezan will provide Mr. Coates with copies of all relevant correspondence between the licensee and the City of Surrey.
2. Mr. Coates will forward relevant information to Mr. Jones along with a written request, if appropriate, to Mr. Jones for further action.
3. Mr. Coates will confirm his availability for Tuesday, August 6, 2002.

Thank you all for your participation and cooperation in the pre-hearing telephone conference. If you have any questions or comments, or if you think further pre-hearing procedures would be of assistance, please notify Bev Biffard, Case Management Administrator at (250) 356-0010.

Yours truly,

A handwritten signature in black ink, appearing to read 'Suzan Beattie', with a stylized flourish at the end.

Suzan Beattie
Enforcement Hearing Adjudicator



April 5, 2002

Ralph Berezan
Wheelhouse Inn
12867 - 96th Avenue
Surrey, BC V3V 6V9

Peter Jones, Branch Advocate
Liquor Control and Licensing Branch

Mr. Dennis Coates, Q.C.
Mair Jensen Blair
708-275 Lansdowne Street
Kamloops, B.C. V2C 6H6
Fax: 250-374-6992

Re: Wheelhouse Inn, 12867-96th Avenue, Surrey, BC
Class "D" Liquor Licence No. 34821,

Case No: EH01-57

This records the results of a pre-hearing telephone conference held on Tuesday,
April 2, 2002 attended by:

Mr. Ralph Berezan	Principle, Wheelhouse Inn
Mr. Dennis Coates	Counsel, Wheelhouse Inn
Mr. Peter Jones	Advocate, Liquor Control & Licensing
Ms. Suzan Beattie	Enforcement Hearing Adjudicator

Status:

Second Pre-hearing Conference: April 17, 2002 at 10:00 am

Alleged Contravention and Recommended Enforcement Action

Mr. Jones summarized the evidence of the alleged contraventions as outlined in the
Notice of Enforcement Action (NOEA).

**Ministry of Public Safety
and Solicitor General**

**Liquor Control and
Licensing Branch**

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Victoria BC V8W 9J8
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Location:
Second Floor, 1019 Wharf Street
Victoria BC

www.pssg.gov.bc.ca/clb

The branch alleges that on or about October 19, 2001, the licensee allowed overcrowding beyond the licence capacity contrary to section 12 of the *Liquor Control and Licensing Act*.

The branch is recommending a **monetary penalty of \$1,000.00 (one thousand dollars)**.

Licensee Objection

The licensee objects to this matter proceeding. It alleges that its application for a capacity increase and for the designated driver designation was approved on or before September 2001. If so, it claims the alleged overcrowding contravention fails on the facts.

Next Steps

1. Mr. Coates will provide the branch with a written request to confirm the factual basis of the allegations.
2. Mr. Jones will use his best efforts to ensure the appropriate individuals investigate on or before April 12, 2002.

Thank you all for your participation and cooperation in the pre-hearing telephone conference. If you have any questions or comments, or if you think further pre-hearing procedures would be of assistance, please notify Bev Biffard, Case Management Administrator at (250) 356-0010.

Yours truly,

A handwritten signature in black ink, appearing to read 'Suzan Beattie', with a stylized flourish at the end.

Suzan Beattie
Enforcement Hearing Adjudicator



March 14, 2002

Ralph Berezan
Wheelhouse Inn
12867-96th Avenue
Surrey, BC V3V 6V9
Telephone: s.22
Fax: (604) 882-5935

Peter Jones, Branch Advocate
Liquor Control and Licensing Branch

Re: Wheelhouse Inn, 12867 96th Avenue, Surrey BC
Class "D" Liquor Licence No. 34821, EH01-57

Please be advised that this is to confirm the second scheduled Pre-Hearing Telephone Conference (PHC) date and time has been changed to the following:

Pre-Hearing Telephone Conference: April 2, at 9:00 am

Hearing: (to be discussed at PHC)

Please notify Bev Biffard, Case Management Administrator (CMA) at (250) 356-0010 as soon as possible if you will be having additional people participating in this PHC.

If you have any further questions or concerns please notify the CMA at your earliest opportunity.

Yours truly,

Suzan Beattie
Enforcement Hearing Adjudicator

Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC
www.pssg.gov.bc.ca/lclb



May 7, 2002

Ralph Berezan
Wheelhouse Inn
12867-96th Avenue
Surrey, BC V3V 6V9
Telephone: s.22
Fax: (604) 882-5935

Peter Jones, Branch Advocate
Liquor Control and Licensing Branch

Re: Wheelhouse Inn, 12867 96th Avenue, Surrey BC
Class "D" Liquor Licence No. 34821

EH01-57

Please be advised that this letter is to confirm that the hearing date for the above Licensee has been confirmed as the following:

Hearing Date & Time: August 8th, 2002 at 10:00 am

Hearing Location: Liquor Control and Licensing Branch Office
Suite 101 – 9180 King George Hwy, Surrey, BC

If you have any further questions or concerns please notify Bev Biffard, Case Management Administrator at (250) 356-0010 at your earliest opportunity.

Yours truly,

Suzan Beattie
Enforcement Hearing Adjudicator

Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC

www.pssg.gov.bc.ca/lclb

WHEELHOUSE INN

MEETING WITH GARY BARKER

April 9, 2002

To do:

- Determine date application for capacity increase made and what capacity increase – 50%
- Determine date application for capacity increase approved by Municipality of Surrey
- Determine date application for designated driver program made and how many seats.

APPROVED
Feb. 26/02 / DEC. 1/2000
150
July 11/2001
rec'd in Vic. HCB

15
↓
REC'D
(Surrey) Nov. 13/01
(Vic.) Nov. 18/01

BOL - 227

- information given to Peter Jones.
April 10/02 4:10 pm KTC



MINISTRY OF ATTORNEY GENERAL

2000 May 26

File: 711050-19 / DM27 / WHEⁱ
Occ: 00-0758

Mr. Ralph Berezan
518231 B.C. Ltd.,
dba Wheelhouse Inn
12867 - 96 Avenue
Surrey, BC V3V 6V9

Hand Delivered



Dear Mr. Ralph Berezan:

Re: **Wheelhouse Inn, 12867- 96th Avenue, Surrey BC**
Class "G" Liquor Licence Retail Store - Licence #192089
Warning Letter

This letter is relative to recent telephone discussions with our Branch staff regarding the review of your premises file and compliance record. Circumstances pertaining to your Licensee Retail Store (class G liquor licence) reveal that at the very least, a warning letter is warranted. You shall be notified in due course of what action shall be taken in regards to the other liquor licences you hold on this property.

This office received a Licence Premises Check report dated November 28, 1998, from RCMP, Surrey Detachment, which alleged your licensed premises had not been operating in compliance with the Liquor Control and Licensing Act. RCMP Cpl. M. Harding inspected your Licensed Retail Store at 20:25 hours on November 28, 1998, and reported "three (3) males age sixteen were allowed in your business, one male purchased a four (4) package of *Kalhu Mudslide*. No identification was presented. Liquor was seized and warning given". Permitting minors in licensed premises without meeting prescribed conditions is a violation of Section 35 of the Liquor Control and Licensing Act. Selling liquor to minors is a violation of Section 33 of the same Act, which states:

Supplying liquor to minors

33 (1) A person must not

(a) sell, give or otherwise supply liquor to a minor,

Liquor Control & Licensing Branch Lower Mainland & Region

#101 - 9180 King George Highway, Surrey, BC V3V 5V9
Telephone: (604) 586-2641 Fax: (604) 586-2640

Minors on licensed premises

35 A person who holds a licence under this Act or who sells liquor under the *Liquor Distribution Act*, or the person's employee, must not authorize or permit a minor to enter on or to be on premises where liquor is sold or kept for sale except

- (a) if the minor is accompanied by a parent or guardian on premises where liquor is sold exclusively for consumption off the premises,
- (b) with lawful excuse, or
- (c) in prescribed circumstances.

It is the licensee's responsibility to ensure that all employees understand the circumstances under which a minor may enter you licensed establishment and that they must also be trained in the proper procedures to check documents presented for proof of age.

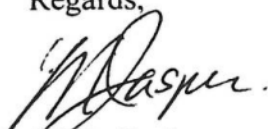
The review of your file indicated that you received a warning letter dated, June 10, 1998, for permitting a minor to enter on or to be on premises where liquor is sold.

The purpose of this letter is to serve as a **warning** that if this office receives further reports of violations relative to this class of licence, the Branch shall request you attend an enforcement hearing which could lead to suspension of your liquor licence.

A copy of the RCMP License Premises Check report dated November 28, 1998 is included with this letter for your reference.

Should you have any questions concerning the contents of this letter or any other matters, please do not hesitate to contact me.

Regards,



Michelle Jasper
Senior Inspector
LCLB- Lower Mainland
& Regional Office

cc: DGM-Regional Operations, LCLB- Victoria(for record keeping purposes only)
Surrey RCMP Detachment, Attn: OIC (District 1) City Centre
City of Surrey By-Law Enforcement

X-REF: 73500-20 / Wheelhouse Inn-GLS- (P) 192089

LRS LICENSE
#192089

ENFORCEMENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	INWL	MEET	EMCL	HEAR	DECL
	Regional Manager				
	Date 06/06/14				



931119677
 ESTABLISHMENT NAME AND ADDRESS
 WHEELHOUSE COLD BEER & WINE STORE
 12911-96 AVE
 SURREY

ROUTINE	CALL	DATE 1998 M/11 028 H 20 M 25	TIME
1 ENTERTAINMENT TYPE N/A		2 SEATING CAPACITY N/A ACTUAL	
4 NO. WAITERS STAFF 2		5 NO. DOORMEN (Not Present)	
6 STAFF IDENTIFIABLE			

7 PATRON ATTITUDE GOOD FAIR POOR		8 CO. OF MGR. STAFF GOOD FAIR POOR	
9 No DRUNKS	10 OVERSERVICE	11 No SLEEPER	
12 No EJECTED	13 No SIPP	14 CRIM CHARGES	
15 TYPE CRIMINAL CHARGES			
16 DOOR CONTROL GOOD FAIR POOR		17 FLOOR CONTROL GOOD FAIR POOR	
18 OUTSIDE CONTROL GOOD FAIR POOR		19 LIGHTING GOOD FAIR POOR	
20 BAR OPENING AND CLOSING GOOD FAIR POOR		21 BUILDING REPAIR GOOD FAIR POOR	
22 BAR CLEANLINESS GOOD FAIR POOR		23 WASHROOM CLEANLINESS GOOD FAIR POOR	
24 ILLICIT DRUGS PRESENT			

No	AGE	APPR AGE	CHARGES
25 MINORS			
26 NAME OF WAITER SERVING MINOR			OCC # 98-2151
27 SERVICE QUALITY			

SECTION No AND COMMENT

3 MALES AGE 16 allowed in business
 - 1 purchased 4 pkg of
 KALHU MUDSLIDE
 - No ID presented
 - LIQUOR SEIZED. WARNING
 GIVEN

- SALES PERSON
 s.15,s.22

POLICE AGENCY SURREY R.C.M.A
 DIST. 1

SUBMITTED BY CP. M.C. HARDING 7811-28
 DATE
 MANAGEMENT ACKNOWLEDGEMENT