

File #: 121813

Date: March 14, 2019

s.22

Dear s.22

By email to: s.22

On December 21, 2018 you wrote to the Liquor and Cannabis Regulation Branch wherein you made allegation(s) against The Portside Pub. On January 8, 2019 I wrote to you and advised you that I had assigned your complaint to a liquor and cannabis inspector to investigate.

The Inspector has concluded their investigation and the branch has taken appropriate action to ensure compliance by the licensee.

Should you have any further questions please email them to [complaints.lclb@gov.bc.ca](mailto:complaints.lclb@gov.bc.ca).

Yours truly,

Gage Bonneville  
Regional Manager  
Liquor and Cannabis Regulation Branch

Cc: Liquor and Cannabis Inspector Eric Kerluck, Vancouver



**Ministry of  
Attorney General**  
Liquor and Cannabis Regulation  
Branch

**Compliance and Enforcement  
Division**  
**INVESTIGATION REPORT**

**ACT:** *Liquor Control and Licensing Act (LCLA)*

**INVESTIGATOR:** Liquor Inspector and Special Provincial Constable (SPC) Heather Lahoda

**DATE INVESTIGATION ASSIGNED:** 2019-01-08 09:41:26

**DATE INVESTIGATION CONCLUDED:** 2019-02-27 13:54:58

**COMPLAINT SOURCE:** General Public

**COMPLAINT TYPE:** Disorderly or Unlawful Conduct

**LICENCE CATEGORY:** Liquor Primary

**SUBJECT OF COMPLAINT:**

Name: The Portside Pub  
Licence No: 121813  
Category: Liquor Primary  
Expiry Date: January 31, 2020  
Address: 7 Alexander St  
VANCOUVER, BC  
V6A 1B2

Phone: 7877232  
Email: ddesousa@lowtideproperties.com

**COMPLAINANT:**

Name: s.22  
Address:

Phone:  
Email:

**RELATED PARTY**

Name:	Constable Alex Clarke – Liquor Coordinator
Address:	2120 Cambie Street, Vancouver BC
Phone:	604-717-3335
Email:	alex.clarke@vpd.ca

## BACKGROUND:

I was not present during this incident. The story is what was relayed to me by one of the victims. His story to me is what he remembers before losing consciousness and what he was told after by others in his group.

A group of approximately 15, mostly Doctors and Nurses, entered the pub after being out for dinner. While entering, and in the process of checking coats, the group was assaulted by the bouncers. One male was sucker punched from behind leaving him unconscious, he may also have been pushed down the stairs. One woman was punched in the face. Another thrown down some stairs causing a broken ankle. Treatment was provided at the scene by other medical staff in the group. Ambulance was called and injured were taken to hospital. Police were called and a case number was provided VA18-250028. Apparently there is some CCTV of the incident because mention of it was made by the VPD. I don't know if it was seized. I am not aware of any follow up investigation by the VPD.

## ALLEGED CCONTRAVENTION(S):

Licensee - Allow violent, quarrelsome, riotous or disorderly conduct in an establishment, s. 61(2)(b)(iii) Act

INVESTIGATION LOGS	
Log Type: Occurrence Date: Details:	Communication with Other Party January 8, 2019 Contacted complainant by email to find out when this incident occurred as I don't see a date and time in his complaint.
Log Type: Occurrence Date: Details:	Communication with Other Party January 8, 2019 Emailed VPD to find out information in regards to file # mentioned in the complaint
Log Type: Occurrence Date: Details:	Communication with Other Party January 15, 2019 Email received from Cst Alex Clarke in regards to police complaint filed
Log Type: Occurrence Date: Details:	Communication with Licensee February 4, 2019 Reviewed communication received from licensee GM <sup>s.22</sup> that had been requested by Gage Bonneville. Documents uploaded. Have recieved CCTV footage as well and will review as soon as possible.
Log Type: Occurrence Date: Details:	Research / Analysis February 5, 2019 reviewed CCTV and statement rec'd from licensee in regards to the incident in question. Video in inconclusive but statement contradicts statement received from complainant. It should be noted that complainant was not at the pub on

	the night in question and only received 3rd hand information.
Log Type: Occurrence Date: Details:	Research / Analysis February 6, 2019 Reviewed CCTV footage and statement by licensee, I conclude that the incident is as reported by the licensee, no further action required.

#### **WITNESS STATEMENTS:**

N/A

#### **EXHIBITS:**

*Exhibit 1:* CCTV video from the night of December 08, 2018 obtained by Regional Inspector Bonneville

#### **ENFORCEMENT ACTION PURSUED:**

No enforcement action taken, the complaint was not substantiated.

#### **CONCLUSION:**

Liquor and Cannabis Inspector Kerluck found the complaint unsubstantiated. The establishment was cooperative and willing to work with the Liquor and Cannabis Regulation Branch. No further action is required from this complaint.

#### **REGIONAL MANAGER COMMENTS:**

Review of this investigation supports the Inspectors decision to close-out the complaint as unsubstantiated, with no further action required.

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#### Sources:

- *Liquor Control and Licensing Act* and regulation
- Terms and Conditions Handbook
- LCRB C&E Procedures Manual

**From:** CLARKE, Alex  
**To:** Lahoda, Heather LCLB:EX  
**Subject:** RE: Portside Pub Complaint  
**Date:** January 15, 2019 1:47:54 PM  
**Attachments:** image001.jpg

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Hi Heather,

So here is the report:

GO 2018-250028

Police received a call from the Complainant, s.22 on 2018-12-08 at approx. 2259 hrs. s.22 and s.22 alleged that the doormen at portside "beat him up" and dragged him outside for no reason. Two other friends claimed that staff assaulted them too. Police viewed video and spoke with witnesses. There was no evidence that an assault occurred. s.22

There was no other follow up

I know its limited, but that is it.

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**From:** Lahoda, Heather LCLB:EX  
**Sent:** Tuesday, January 08, 2019 11:12 AM  
**To:** CLARKE, Alex  
**Subject:** Portside Pub Complaint

Hi Alex,

I have been assigned a complaint in regards to The Portside Pub. There's a VPD incident # of VA-18-250028. Apparently this occurred on December 8<sup>th</sup>. Can you please provide me with any details you have?

Thank you

~H~

**Heather Lahoda**

Liquor Inspector SPC #662  
Compliance and Enforcement Division  
Liquor & Cannabis Regulation Branch  
Ministry of the Attorney General  
300 - 1770 Burrard St  
Vancouver, BC  
V6J 3G7

📠 604 775 0071

📠 604 775 0044

Cel 604 842 3750

Additional Resource Material:

Licensing Help Desk Phone: 1 866 209 2111

SOLO Help Desk Phone: 1 855 999 7656

🌐 <https://www2.gov.bc.ca/gov/content/employment-business/business/liquor-regulation-licensing>



*Due to security concerns, and to protect your privacy, Liquor Control and Licensing Branch will not accept electronically transmitted applications containing credit card information.*

File #: 121813

Date: January 8, 2019

s.22

Dear s.22

By email to: s.22

The Deputy General Manager, Compliance and Enforcement Division, Liquor and Cannabis Regulation Branch (branch) has been delegated responsibility by the General Manager for the regulation of both the liquor and cannabis industries in British Columbia in matters of compliance and enforcement mandated under the Liquor Control and Licensing Act (LCLA) and the Cannabis Control and Licensing Act (CCLA). As a Regional Manager, I have responsibility to manage complaints that relate to the above named Acts.

I acknowledge your complaint against The Portside Pub on December 21, 2018. Within your complaint you allege:

- Licensee - Allow violent, quarrelsome, riotous or disorderly conduct in an establishment, s. 61(2)(b)(iii) Act

Please be advised that your complaint has been assigned to Liquor and Cannabis Inspector (Heather Lahoda) who may contact you for further information. Where the branch may determine that a contravention by a licensee or permittee may or may not have occurred, the subject of the investigation has the legislated option of disputing the alleged contravention at a hearing and the contravention is not proven until that process has concluded. Pursuant to the Freedom of Information and Protection of Privacy Act, the branch is unable to comment on the findings or actions in the investigation of a complaint. You will however, be informed when the investigation into your complaint has been concluded.

Should you have any questions or additional information, you may email the branch at [complaints.lclb@gov.bc.ca](mailto:complaints.lclb@gov.bc.ca).

Thank you for taking the time to submit your concerns to the branch.

Yours truly,

McKenzie Castle  
Regional Manager  
Liquor and Cannabis Regulation Branch

Cc: Liquor and Cannabis Inspector Heather Lahoda, Vancouver



**ACT:** *Liquor Control and Licensing Act (LCLA)*

**INVESTIGATOR:** Liquor Inspector and Special Provincial Constable (SPC) Heather Lahoda

**DATE INVESTIGATION ASSIGNED:** 2019-01-08 09:41:26

**DATE INVESTIGATION CONCLUDED:**

**COMPLAINT SOURCE:** General Public

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VANCOUVER, BC  
V6A 1B2  
  
Phone: 7877232  
Email: ddesousa@lowtideproperties.com

**COMPLAINANT:**

Name: s.22  
Address:

Phone:  
Email:

WITNESSES	
Name: Address: Phone: Email:	

RELATED PARTY	
Name: Address:	Alex Clarke

Phone:	
Email:	alex.clarke@vpd.ca
Name:	s.22
Address:	
Phone:	
Email:	

**BACKGROUND:** I was not present during this incident. The story is what was relayed to me by one of the victims. His story to me is what he remembers before losing consciousness and what he was told after by others in his group.

A group of approximately 15, mostly Doctors and Nurses, entered the pub after being out for dinner. While entering, and in the process of checking coats, the group was assaulted by the bouncers. One male was sucker punched from behind leaving him unconscious, he may also have been pushed down the stairs. One woman was punched in the face. Another thrown down some stairs causing a broken ankle. Treatment was provided at the scene by other medical staff in the group. Ambulance was called and injured were taken to hospital. Police were called and a case number was provided VA18-250028. Apparently there is some CCTV of the incident because mention of it was made by the VPD. I don't know if it was seized. I am not aware of any follow up investigation by the VPD.

**ALLEGED CCONTRAVENTION(S):**

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Log Type:	Research / Analysis



Occurrence Date: Details:	February 5, 2019 reviewed CCTV and statement rec'd from licensee in regards to the incident in question. Video in inconclusive but statement contradicts statement received from complainant. It should be noted that complainant was not at the pub on the night in question and only received 3rd hand information.
Log Type: Occurrence Date: Details:	Research / Analysis February 6, 2019 Reviewed CCTV footage and statement by licensee, I conclude that the incident is as reported by the licensee, no further action required.

**WITNESS STATEMENTS: N/A**

**EXHIBITS:**

**Exhibit 1:** CCTV video from the night of December 08, 2018 obtained by Regional Inspector Bonneville

**ENFORCEMENT ACTION PURSUED:**

No enforcement action taken, the complaint was not substantiated.

**CONCLUSION:**

**Liquor and Cannabis Inspector Kerluck found the complaint unsubstantiated. The establishment was cooperative and willing to work with the Liquor and Cannabis Regulation Branch. No further action is required from this complaint.**

**REGIONAL MANAGER COMMENTS:**

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Sources:

- *Liquor Control and Licensing Act* and regulation
- Terms and Conditions Handbook
- LCRB C&E Procedures Manual



**Ministry of  
Attorney General**  
Liquor and Cannabis Regulation  
Branch

**Compliance and Enforcement  
Division**

**NOTICE TO PRODUCE**

Pursuant to section 42 of the *Liquor Control and Licensing Act*, you are required, upon receipt of this notice, to produce for inspection, the below listed record(s), liquor sample or other thing that is required by the general manager or is otherwise related to the inspection.

**This Notice to Produce is a time sensitive document.**

Date: December 19, 2018

Name of Establishment/Event: The Portside Pub  
Address of Establishment/Event: 7 Alexander St  
VANCOUVER, BC V6A 1B2

Notice to Produce in relation to:

Licence/Permit No.: 121813  
Licensee/Permittee Address: 600 – 21 Water Street  
VANCOUVER, BC V6B 1A1

Dear Sir/Madam:

**Re: Licence/Permit No.: 121813**

Pursuant to sections 42 of the *Liquor Control and Licensing Act* (the Act) (attached) the general manager or their designate may require the licensee or permittee to produce records, liquor samples or other things that are required under the Act or by the terms and conditions of a licence or permit to be kept by the licensee or permittee.

Section 80 of the *Liquor Control and Licensing Regulation* (the Regulation), sets out the prescribed records for all licensees, except U-Brew and U-Vin licensees. Section 51 of the Regulation prescribes the records that must be kept by a licensee who holds a U-Brew and U-Vin licence. In addition to the record-keeping requirements in Section 80 of the Regulation, licensed manufacturers must also keep the records outlined in Section 31 of the Regulation.

I am a designate of the general manager and I am requesting you to produce the record(s), liquor sample or other thing(s) set out in the table below no later than 4:00 pm on Wednesday, January 2, 2019.

	DESCRIPTION OF RECORD, LIQUOR SAMPLE OR OTHER THING	SCOPE
1.	Closed Circuit Television (CCTV) Footage	CCTV From 8:00 pm on December 7, 2018 to 5:00 am on December 9, 2018
2.	Staff Schedule/Records	A positional breakdown of staff working on December 7, 8 and 9, 2018.

3.	Security Certifications	Security certifications for staff working on December 7, 8 and 9, 2018
4.	Incident Log	A copy of your incident log book records from December 1, 2018 to December 17, 2018

Failure to provide all the items outlined in the table above by the date specified in this notice may be considered a contravention of section 43(a)(iii) of the Act. The prescribed penalty for this contravention, as set out in Item 29 of Schedule 2 of the Regulation, is a 10 to 15 day suspension and/or a \$7500 to \$10,000 monetary penalty for the first contravention.

Please direct all the required items to:

Liquor Inspector Name: Gage Bonneville  
Address: 300 – 1770 Burrard Street, Vancouver B.C., V6J 3G7  
Email: Gage.Bonneville@gov.bc.ca  
Fax: 604-775-0044

Please be advised that pursuant to sections 51 to 53 of the Act, the general manager may take action against licensees, former or deemed licensees, permittees and former permittees where all the required records/items are not provided by the above date.

If you have any questions, you may contact Liquor Inspector Name, phone and email

Yours truly,



Gage Bonneville  
Liquor Inspector/Special Provincial Constable  
Liquor and Cannabis Regulation Branch

cc. Regional Manager

Attachments: *Liquor Control and Licensing Act*, sections 42 and 43

## **Section 42 Liquor Control and Licensing Act**

### **Inspections**

*42 (1) For the purpose of the administration of this Act or the regulations, the general manager may*

*(a) require a licensee or permittee to produce records that are required under this Act or by the terms and conditions of a licence or permit to be kept by the licensee or permittee,*

*(b) require a person to produce records that may contain information relating to goods or liquor transported or received for transport in British Columbia,*

*(c) inspect one or more of the following:*

*(i) records referred to in paragraphs (a) and (b);*

*(ii) an establishment or event site and the operations carried on there;*

*(iii) a person's premises that are used for the storage of liquor or ethyl alcohol and the operations carried on there;*

*(iv) records found in an establishment, at an event site or on the premises referred to in subparagraph (iii), which records are associated with the operation of the establishment, event site or premises or are otherwise related to the inspection,*

*(d) require a licensee or permittee to provide information relating to the inspection, and*

*(e) require an employee or patron of, or a person retained by, a licensee or permittee to produce identification.*

*(2) The general manager may remove the records referred to in subsection (1) for the purposes of inspection or making copies or extracts.*

*(3) In conducting an inspection under subsection (1), the general manager*

*(a) may*

*(i) take samples of liquor for testing or analysis, or*

*(ii) inspect and remove for inspection, or for the purposes of testing and analysis, other things found in an establishment, at an event site or on the premises referred to in subsection (1) (c) (iii), which other things are associated with the operation of the establishment, event site or premises or are otherwise related to the inspection,*

*(b) must carry, and present on request, identification in a form the general manager establishes, and*

*(c) may request and receive the assistance of a peace officer.*

*(4) If the general manager retains records, removes records or things or takes a liquor sample, the general manager must*

*(a) give a receipt for the records or things removed or the liquor samples taken, and*

*(b) return the records or things removed within a reasonable time.*

## **Section 43 Liquor Control and Licensing Act**

### **Licensee or permittee must cooperate**

*43 For the purposes of section 42, a licensee or permittee*

*(a) must cooperate with the general manager by*

*(i) allowing the general manager to immediately enter and inspect an establishment or event site,*

*(ii) facilitating the inspection of a premises referred to in section 42 (1) (c) (iii), and*

*(iii) promptly producing and allowing inspection and removal of the records, liquor samples and things the general manager is entitled to inspect or remove under section 42, and*

*(b) must not obstruct the general manager or withhold, destroy, conceal or refuse to provide information or produce a record, liquor sample or other thing that is required by the general manager or is otherwise related to the inspection.*

## Bonneville, Gage LCLB:EX

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**From:** s.22  
**Sent:** Wednesday, January 2, 2019 11:17 AM  
**To:** Bonneville, Gage LCLB:EX  
**Cc:** s.22  
**Subject:** Lic # 121813 - The Portside Pub - Notice to Produce  
**Attachments:** Dec 7,8 and 9 staff list.xlsx; Dec 8th log statement.pdf

Hey Gage,

Here's the information you have requested. Staff list of who was working Dec 7,8 and 9. BST#s of security working those nights. I don't have any logs during the time period Dec 1-17 only the statement logged for this incident on Dec 8th that was given to police. Also here is a breakdown of the video footage that was given to VPD shortly after the incident took place.

-The lobby file #1 where it shows the patron being verbally abusive to the stamp checker, then stamp checker asking him to leave but instead the customer continues upstairs.

-File #2 is upstairs footage is hard to see due to distance and people in the way, but the footage shows 2 stamp checkers follow patron and ask him to leave again when at this point becomes violent and the 2 guys try to get him to the front but is too much for them to handle, Patron is shown putting his fists in the air after they give up. More doorman are brought upstairs to help remove patron.

-File #3 is lobby again shows patron and my bar manager tumbling down the stairs and doorman trying to get him out the front. Meanwhile the females that were with the patron are making the situation much worse by grabbing doorman from behind. Making it very hard to remove this guy. He stops fighting after him and one doorman fall down again and we get him outside.

-File #4 is outside, just him being removed from the building. File #5,#6 is more footage from outside. #7 is patron getting up and leaving after laying on the ground outside for nearly 30 minutes.

I will be dropping off the video footage later this afternoon with s.22

See you then

s.22

Portside General Manager  
s.22



Virus-free. [www.avast.com](http://www.avast.com)

Saturday December 8/2018.

The Portside Pub.

Guy came into the lobby being stand off and rude. After he was at the desk and then turned to go downstairs, he was asked to see his ~~st~~ stamp. He showed it but said "you watched me get my stamp". The staff replied that there are many people we check everyone. He came back upstairs seconds later. He continued being rude, walked over to the upstairs entrance, when asked for stamp he kept walking by. ~~The staff~~ The was rude to that staff too. The girl he was with ushered him up the stairs. Staff followed him up, tapped him on the shoulder to address his attitude.

He swung an elbow ~~at~~ at the staff member. Then he turned around and started throwing punches. He ~~was~~ hit the staff and another staff stepped in. Other Staff grabbed him to hold him from hitting people and staff. But he got ~~was~~ loose. He tried to grab a stool but ~~the~~ the staff made him drop it. Other staff noticed he was struggling and went to help. 3rd staff member came up the stairs. The bartender was holding back at this point. ~~The~~ The guy started ~~to~~ to throw punches at the 3rd staff member. 3rd staff grabbed his arms and him and the bartender started down the stairs. We all tripped and fell to the bottom. He was lying on his back, still throwing punches at staff members. He was making it hard for us to get him to his feet. His friends, the girls were interfering with staff efforts. We finally were able to pick him up by the arms and get him out the front door. He made it to the ground, was rolling around, ~~an~~ with no apparent injuries, but then he continued to lay on the ground for half an hour. One of the girls were screaming at the staff for their actions. We explained to her that he hit or attempted to hit multiple staff members; and that he is drunk and

disorderly. One girl said ~~that~~ "I hope you guys come to the hospital so we can deny you service." So in conclusion, the guy was verbally abusive and rude, ~~assaulted and punched~~ assaulted and punched multiple staff members, and made it very difficult for the staff to escort him out. His friend called the cops and an ambulance. The guy got up about 30 minutes later, with no apparent injury. We are lucky none of our staff got injured because he was exhibiting ~~extreme~~ violent behavior in this situation.

s.22

s.22

	BST#	worked
manager		7,8,9
GM		7,8,9
bartender		8,9
bar back		7,8,9
bartender		7,8,9
bartender		7,8,9
bartender		7,8
bartender		7,8,9
bar back		7,8,9
bartender		
bartender		7,8
bartender		7,8,9
bar back		7,8,9
bartender		7,8,9
Busser		7,8,9
washroom att		7,8,9
front door	s.22	7,8,9
Security		7,8,9
front door		7,8,9
inside door		7,8,9
security		
security		
inside door		7,8,9
stamp checker		8,9
stamp checker		8,9
kitchen		7,8





Liquor and Cannabis Regulation Branch  
400-645 Tye Road, Victoria, BC VV9A 6X5  
Mail: PO Box 9292 Stn Provincial Govt, Victoria, BC V8W 9J8  
Phone: 1 866 209-2111 Fax: 250-952-7066

## COMPLAINT RELATED TO AN ESTABLISHMENT OR EVENT

Liquor and Cannabis Regulation Form LCRB127

### INSTRUCTIONS:

Complete all applicable fields then submit this form to [complaints.lclb@gov.bc.ca](mailto:complaints.lclb@gov.bc.ca). Your complaint will be forwarded to the compliance and enforcement division and a liquor inspector will be investigating this concern. Your name and contact information will be withheld from the licensee and its staff. If the inspector requires more information, you may be contacted at the below email/phone number.

### Part 1: Complainant Contact Information

Complainant's Name:

Complainant's address:

Street City Province Postal Code

Contact Phone:  Email:

Date (day/month/year):  If you are a licensee, please provide your licence number:

If we have trouble reaching you, may we leave a message at the above phone number? ☒ Yes ☐ No

**Note:** If more details are required to properly investigate this complaint and the branch is unable to contact you within a month of filing, the complaint will be considered closed and no further action will be taken.

### Part 2: Complaint

1) Please provide the name and address of the establishment or the event you are submitting a complaint about.

Name of establishment or event:

Address:

Street City

2) Please provide as much detail about the incident as possible, including any witness information, and action you may have already taken. Attach another page if necessary.

Date of incident (day/month/year):  Time of Incident:  ☐ a.m. ☐ p.m.

I was not present during this incident. The story is what was relayed to me by one of the victims. His story to me is what he remembers before losing consciousness and what he was told after by others in his group.

A group of approximately 15, mostly Doctors and Nurses, entered the pub after being out for dinner. While entering, and in the process of checking coats, the group was assaulted by the bouncers. One male was sucker punched from behind leaving him unconscious, he may also have been pushed down the stairs. One woman was punched in the face. Another thrown down some stairs causing a broken ankle. Treatment was provided at the scene by other medical staff in the group. Ambulance was called and injured were taken to hospital. Police were called and a case number was provided VA18-250028. Apparently there is some CCTV of the incident because mention of it was made by the VPD. I don't know if it was seized. I am not aware of any follow up investigation by the VPD.

The information requested on this form is collected by the Liquor and Cannabis Regulation Branch under Section 26 (b) and (c) of the Freedom of Information and Protection of Privacy Act and will be used for the purpose of liquor licensing and compliance and enforcement matters in accordance with the Liquor Control and Licensing Act. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.