



COMPLIANCE MEETING

This document is the record of a meeting between a licensee and the Liquor and Cannabis Regulation Branch [LCRB]. The purpose of the record is to document that concerns about the licensee's non-compliance with the Act, Regulations and or the Terms and Conditions on the licence have been brought to the licensee's attention. This record will also show that licensee is aware of these concerns and has made specific commitments to address those concerns.

Establishment Details:

Establishment Name: Roxy Cabaret
Establishment Address: 932 Granville Street
VANCOUVER, BC V6Z 1L2
Licensee: The Roxy Cabaret Ltd.
Licence #: 016089

Meeting Date and Location:

Wednesday, September 4, 2019 – 11:30 AM – Suite 300 – 1770 Burrard Street, Vancouver B.C.

For the LCRB:

~~Gage Bonneville – Regional Inspector – 778-572-5356 – gage.bonneville@gov.bc.ca~~

Eric Kerlock – Liquor and Cannabis Inspector, 604-862-0940, Eric.Kerlock@gov.bc.ca

For the Licensee:

Bill Degrazio – Director of Operations – 604-290-2229 – ^{s.22}

Sasha Pocekovic – General Manager – 604-790-7085 – sasha@roxyvan.com

Reason for the Meeting:

CN # B020734

One contravention was noted during a public safety inspection conducted by Two Liquor and Cannabis Inspectors. The licensee was not operating in accordance with the Liquor Control and Licensing Legislation and the Terms and Conditions of their Licence. The licensee had a capacity count greater than the patron capacity and occupant load of the establishment.

The capacity of the establishment on average was found to be 315 persons (Inspector 1 – 334, 326 – including staff within the service area, Inspector 2 – 328, 306 – including staff inside the establishment and Staff counts – 285 and 311 – unknown if they included staff within their count). It was discussed with Vic that the establishment was 40 persons over their patron capacity. While conversing with Vic,

around 15 patrons were observed leaving. Vic was asked to have 25 patrons removed from the establishment after the inspectors left.

A licensee it is your responsibility to operate your Licence according to the Liquor Control and Licensing Legislation and the respective Terms and Conditions of your Licence.

The compliance meeting is taking place to give the licensee an opportunity to comply with the Liquor Control and Licensing Legislation and the Terms and Conditions of their Licence. If voluntary compliance is not met, further non-compliance will result in enforcement action.

Section of the Act, Regulation, or T&C Handbook Reviewed at the Meeting:

Licensee - Patron capacity and occupant load for service area exceeded, s. 78(2) 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 apparent when overcrowding occurs. 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 neighborhoods 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.

Capacity requirements

78 (1) If the general manager has established a person capacity for the service area under a licence or endorsement, it is a requirement of the licence that the number of people in the service area at one time must not exceed the following:

- (a) the person capacity;
- (b) if there is an occupant load for the service area, the occupant load.

**Information obtained from: Liquor and Licensing Control Regulations*

Overcrowding

Your liquor licence tells you the maximum number of patrons or the maximum number of people, including staff, that you can have in your liquor primary establishment at one time (see the definitions of "patron capacity" and "person capacity" in the glossary).

It is important for you to know the capacity of your establishment and to make sure you stay within this limit. You must have controls at each entry point to your establishment and you must be able to count the number of people entering and leaving.

Local building/fire authorities also establish a maximum capacity or occupant load that may differ from your liquor licence maximum capacity. If fire and building officials have each calculated an

occupant load for your establishment (or if an engineer or architect has) and the numbers are not the same, the lower number is the one you must use.

**information obtained from: The Liquor Primary Terms and Conditions Handbook – January 2019*

	First Contravention	Second Contravention	Subsequent Contravention
Enforcement Penalties for each proven contravention	Monetary: \$3,000.00 - \$7,000.00 Suspension: 3 - 7 Days	Monetary: \$7,000.00 - \$11,000.00 Suspension: 7 - 11 Days	Monetary: \$11,000.00 - \$15,000.00 Suspension: 11 - 15 Days

A licensee may be permitted to choose one of either a monetary penalty or licence suspension if it is the first proven contravention in a 24-month period. Upon a second contravention within the same 24-month period, the enforcement penalty is chosen by the Liquor and Cannabis Regulation Branch.

Commitment/s made by the Licensee:

- more diligent at the door with smokes at the door.

-
- *I acknowledge the above concerns have been brought to my attention,*
 - *I agree to implement the measures cited above,*
 - *I acknowledge my responsibility to provide on-going training to my staff,*
 - *I acknowledge my responsibility to be fully compliant at all times with the Liquor Control and Licensing Act, the Regulations and the Terms and Conditions on my licence.*

Licensee/Representative:

William Degraw Di of Operations
(print name and position)

Licensee/Rep Signature:

[Signature]

LCRB Representative:

Eric Kerlock, Liquor and Cannabis Inspector
(print name and position)

LCRB Signature:

[Signature]

Attachment/s:

Copy to:

- field file,
- POSSE Docs Tab
- Establishment File
- Licensee

No Enforcement Action Recommended

Re: Contravention Notice Number: B020734

Contravention Notice Date: Aug 14, 2019

Job No: 000696523-197

Inspector: Gage Bonneville

Date

Prepared: Aug 14, 2019

Office Location: Vancouver

Submitted To: Peter Mior

Establishment Information

Establishment Name: Roxy Cabaret

Establishment Address: 932 Granville Street
VANCOUVER, BC V6Z 1L2

Licence No: 016089

Licence Class: Liquor Primary

Expiry Date: Oct 31, 2019

Licensee Name: The Roxy Cabaret Ltd. c/o Culling, Blaine

Terms and Conditions noted on licence face:

Contravention Information:

Contravention Name (e.g. supplying to minors)

Date and Time identified

1. Licensee - Patron capacity and occupant load for service area exceeded, s. 78(2) Reg

1. Aug 04, 2019 11:35 PM
-

Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention

☒ Yes

☐ No

Establishment compliance history

☒ Yes

☐ No

- Number of contravention notices on file: 13
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:
 - *Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) Reg., August 13, 2005, 7 day suspension
 - *Consume liquor while working - Employee, s. 42(3) Reg., January 05, 2004, 7 day suspension
 - *Sell or give liquor to intoxicated person, s. 43(1) Act, January 02, 2004, 4 day suspension

- *Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) Reg., September 13, 2003, 5 day suspension
- Contravene term & condition - Exceed licence capacity (no occupant load), s. 12 Act, February 23, 2002, \$3000 fine

Licensee compliance history	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
• If no, please explain:		
Other file information	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Compliance and Enforcement Program, Policy and Procedures Manual	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Reasons no enforcement action recommended:

On the evening of August 4, 2019, a public safety inspection took place at Roxy Cabaret. During the inspection, six counts were conducted. The counts were as followed:

1st Counts

Bonneville - 334 (including staff within the service area)

Kerluck - 328 (Including staff)

s.22 - 285 (unknown if he counted the staff)

2nd Counts

Bonneville - 326 (including staff within the service area)

Kerluck - 306 (including staff)

s.22 - 311 (unknown if he counted the staff)

The current licence capacity is 275 patrons.

The notice to produce document received identified the following staff members working at the time of inspection:

21 floor staff (Bartenders, waitresses, bar-backs and coat check), 8 security staff, 1 manager, 5 band members and 1 sound tech for a total of 37 staff.

An average count of the establishment 315 persons on the 2nd count. If staff were removed from the count, we would have a total of 278 patrons.

At a result in inconclusive and differing counts, no enforcement action is recommended.

No enforcement action is recommended as:

- The count evidence is inconclusive as to whether or not staff were counted.

-The establishment is being given an opportunity to comply with the relevant legislation and the Terms and Conditions of their licence.

- A compliance meeting is scheduled for September 4, 2019 at 11:30 am

CONTRAVENTION NOTICE

Liquor Control and Licensing Branch

Establishment/Permittee name: ROXY CABARET

Establishment/Permittee address: 932 GRANVILLE STREET,
VANCOUVER, B.C. V6Z 1L2

Licensee/Permittee name: THE ROXY CABARET LTD

License/Permit #: 016809 Date CN issued: 08/14/19

Date and time of alleged contravention(s): 08/04/19 2335 HRS

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

	Contravention	Section
1	PATRON CAPACITY AND OCCUPANT LOAD IN SERVICE ARE EXCEEDED	<input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg <input type="checkbox"/> T&C
2		<input type="checkbox"/> Act <input type="checkbox"/> Reg <input type="checkbox"/> T&C
3		<input type="checkbox"/> Act <input type="checkbox"/> Reg <input type="checkbox"/> T&C

Details: PUBLIC SAFETY INSPECTION IDENTIFIED
AN AVERAGE COUNT OF 315 PERSONS

Inspector name: G. BONNEVILLE Badge #: 620

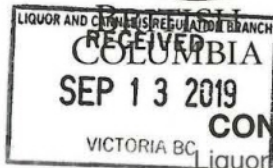
Telephone: 778 572-5356 LPC #: —

Management acknowledgement (name and title): MAILED

The general manager Liquor Control and Licensing Branch 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.



No. **B 020734**



Liquor Control and Licensing Act
and Regulation

CONTRAVENTION NOTICE

Liquor Control and Licensing Branch

Establishment/Permittee name: ROXY CABARET

Establishment/Permittee address: 932 GRANVILLE STREET,
VANCOUVER, B.C. V6Z 1L2

Licensee/Permittee name: THE ROXY CABARET LTD

License/Permit #: 016089 Date CN issued: 08/14/19

Date and time of alleged contravention(s): 08/04/19 2335 HRS

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

	Contravention	Section
1	PATRON CAPACITY AND OCCUPANT LOAD IN SERVICE ARE EXCEEDED	<input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg <input type="checkbox"/> T&C 78(2)
2		<input type="checkbox"/> Act <input type="checkbox"/> Reg <input type="checkbox"/> T&C
3		<input type="checkbox"/> Act <input type="checkbox"/> Reg <input type="checkbox"/> T&C

Details: PUBLIC SAFETY INSPECTION IDENTIFIED
AN AVERAGE COUNT OF 315 PERSONS

Inspector name: G. BONNEVILLE Badge #: 620

Telephone: 778-572-5356 LPC #: —

Management acknowledgement (name and title): MAILED

The general manager Liquor Control and Licensing Branch 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 1: ORIGINAL (leave at establishment or event site)



**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: August 6, 2019

Name of Establishment/Event: Roxy Cabaret
Address of Establishment/Event: 932 Granville Street
VANCOUVER, BC V6Z 1L2

Notice to Produce in relation to:

Licence/Permit No.: 016089
Licensee/Permittee Address: 932 Granville Street
VANCOUVER, BC V6Z 1L2

Dear Sir/Madam:

Re: Licence/Permit No.: 016089

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 p.m. on August 15, 2019.

	DESCRIPTION OF RECORD, LIQUOR SAMPLE OR OTHER THING	SCOPE
1.	Closed Circuit Television (CCTV)	CCTV from 10:50 p.m. to 11:50 p.m. on August 4, 2019.
2.	Staff Schedule	Breakdown of the staff (security, host, bartenders, entertainers, management staff,

		etc.) working on the evening of August 4, 2019.
3.	Incident Log	Incident Log entries for the business day of August 4, 2019.

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: Suite 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.

Roxy Cabaret
Lic # 016089
Date: August 4, 2018
Time in – 2309 hrs
Time out – 2335 hrs

Regional Liquor and Cannabis Inspector Gage Bonneville and Liquor and Cannabis Inspector Eric Kerluck were conducting public safety inspections on the evening of August 4, 2019. While out in the Granville Entertainment District the inspection team walked-up to the Roxy Cabaret. The team was greeted by establishment security s.22 and Vic. The inspection team entered into the front of the establishment where Vic began conversing with BONNEVILLE about the evening. When Vic was asked for the count, he had s.22 provide a count of 264 patrons, that was taken approximately 11 to 12 minutes prior.

BONNEVILLE informed KERLUCK and Vic that an inspection of the establishment would take place. Prior to inspecting the establishment, Vic had s.22 (Security) lead the inspection team from the north end of the establishment to the south end. Upon arrival at the south end of the establishment, the inspection team was greeted by General Manager Sasha POCEKOVIC. POCEKOVIC, Vic and s.22 were informed a count of the establishment would take place. POCEKOVIC and Vic identified that it is easier to count the establishment from south to north (back to front). Vic was asked if the establishment would like to conduct a count. Vic had s.22 conduct a count on behalf of the establishment. Prior to the count, s.22 brought a mechanical counter over to s.22. Inspector KERLUCK left the back room and was going to count the establishment from north to south (Front to Back).

Prior to the first count the mechanical counters were zeroed. The first count began at 11:16 pm. BONNEVILLE began counting with s.22. The south room (back room) was counted first. The count was compared with s.22 prior to completing the count. s.22 had a count of 58 and BONNEVILLE had a count of 51. BONNEVILLE and s.22 continued their count heading east and then north to the dance floor and service bar of the establishment. The count was completed at 11:20 pm. The following counts were obtained: BONNEVILLE – 334 (includes staff within the service area, but not security, the stage or staff behind the bar), KERLUCK – 328 and s.22 – 285. A picture of the inspector counters was taken.

It was decided that a second count was needed. Prior to the second count, Vic was asked if he would like to conduct another count. Vic had s.22 conduct the second count for the establishment. The mechanical counters were zeroed, and the second count began around 11:23 pm. The second count was conducted in the same manner as the first. A count of the back room identified an initial 44 patrons for s.22 and 47 for BONNEVILLE. As s.22 and BONNEVILLE continued their count heading east and then north to the dance floor and service bar of the establishment. The count was completed at 11:29 pm. The following counts were obtained: BONNEVILLE – 326 (includes staff within the service area, but not security, the stage or staff behind the bar), Kerluck – 306 and s.22 – 311. A picture of the inspectors counters was taken

BONNEVILLE conducted his first count in the following manner. BONNEVILLE began in the south room (back room). The back room was counted counter clockwise. Once the back room count was completed the count was compared to the establishment staff. The count proceeded east and then north towards the dance floor and the north west portion of the service area. The dance floor and main area were counted from the pathway between the booths and dance floor. Once the north service bar was reached, the counted proceeded west, where the north west room was counted. Once the room was counted the count continued east and the remaining north half (front entrance) of the establishment was counted.

The second count was completed in the same manner as the first, except the dance floor and seating area behind the dance floor were counted separately. The dance floor was counted after the north west room.

While conducting the counts, Vic had s.22 or s.22 lead the way for BONNEVILLE to facilitate the count. The points where it was difficult to maneuver were near the south service bar, the main pathway and the pathway near the north service bar towards the north west room. The areas identified were shoulder to shoulder and front to back. The establishment security was placing their hands behind the patrons informing them that they were coming through. Heat emanating from the patrons could be felt through BONNEVILLES clothing due to the close proximity of the patrons to each other and to him.

While discussing the count findings with Vic, around 17 people departed the establishment. Vic was informed that an additional 25 patrons would need to be removed from the establishment once the inspectors departed the establishment.

VIC, BONNEVILLE and KERLUCK proceeded outside. While outside, the line-up to enter the establishment was extremely long and it is estimated that there was anywhere from 100-150 patrons waiting to get into the establishment. BONNEVILLE continued discussing with VIC that a CN would be issued for exceeding their capacity. VIC asked what the potential penalties would be. BONNEVILLE informed VIC that the penalty schedule has been updated and for a first contravention that they are given a choice of a monetary fine or suspension. VIC indicated that they would probably be taking the fine.

Once the conversation ended, the inspectors departed the establishment at 11:35 pm.

Attention Gage

RE: Roxy Enforcement August 4, 2019

Enclosed you will find the following.

1. USB stick with requested camera footage. To use open stick, and click on I3-player exe. This will open an app to allow you to look at all the cameras from the Roxy. Once open you will see multiple camera, dbl click on one to expand it, do the same to go back to the multi camera view.
2. Emailed incident log
3. Notes from Roxy internal Incident log for the night of August 4 2019
4. ADP report of all payroll staff that worked on that night
5. Schedule from night that outlines different roles – 21 floor staff (bartenders/waitress) 8 security, 1 manager, 5 band members, 1 DJ, 1 Sound tech = 37 total staff on
6. List of entertainers
7. Because you wrote "Public Safety Inspection" on the contravention. In case we haven't shared this with you before, 2 sealed documents showing what the Roxy occupant load in Vancouver should be = 311 Persons and what it would be outside Vancouver BC Building Code = 410
8. Code compliance drawing showing the current emergency exit capacity of the Roxy at 1036 persons.

Please let me know if you have
any questions

Thank.
S. Ill

604 290 2229

Sunday, August 4th, 2019 – Vic

- One liquor board visit. See Sasha for details.
- Several walkouts with no major issues.

③

Page #1

Aug 4th, 2019 (Sun)

Filled by ^{s.22}

Front Door ^{s.22}

manager ^{s.22}

cover ~~14/15~~

Inside Door ^{s.22}

1, cashier ^{s.22}

Band ^{s.22}

Weather - 17° clear


Incidents

2032 ^{s.22}

- over multiple nights has been warned about harassing female patrons and staff. He repeated his behaviour tonight and given a life time private ban.

2205 - male refused entry for lying to gain entry and then repeatedly attempting to cut to front of the line up.

Name ^{s.22}

- Life time private ban. 

2321 - male w/o for being overly intoxicated.

2330 - Female approached front door staff to explain that a male whom she has a restraining order against for sexual assault was inside. She was requesting that we removed him. She was politely explained to that it is not in our scope of work to be able to make those decisions. She was very persistent and upset. We advised her to speak with VPD, and offered to accompany her while she did so. I walked her to VPD, she explained her situation and police advised her she/they were also not able

* NEXT PAGE →

Aug 4th continued...

Page #2

to remove him. They stated there is no way to prove who entered first. Furthermore, they advised her that she could also consider going to another club.

0000- male w/o too intoxicated

0017- male w/o for smoking inside

0058- 2 males 2 Females refused entry for passing off ID's

0137- male w/o for running inside without paying

0150- Female refused entry for being too intoxicated

0219- Female carried out by a male for being too intoxicated

0232- male w/o for smoking inside

0258- male w/o for rude behaviour to cashier/door staff

0210- male w/o for sexually assaulting a female

Name- ^{S22} Life time ban.

0345- male w/o for jumping on tables

Roxy Camp Sheet



Roxy regulars - 130

Industry before 1200 - 20

Industry after 1200 - 81

Staff guest list - 78

Roxy Party Camps - 32

Birthday Camps - 28



Supervisor Services

Home Group Labour Schedules My Employees

You are here: Group Labour > Timecard Manager > Multiple Employee Timecard Manager

Filter: Default Filter Pay Date 04/08/2019 Find

Preferences

Single Employee View

Select	Employee ID	Name	Date In	Time In	Time Out	Hours	Out Type	Earnings Code
<input checked="" type="checkbox"/>	s.22		04/08/2019	08:00 PM	04:30 AM	8.50		
<input checked="" type="checkbox"/>			04/08/2019	08:00 PM	03:30 AM	7.50		
<input type="checkbox"/>			04/08/2019	09:15 PM	04:30 AM	7.25		
<input type="checkbox"/>			04/08/2019	08:30 PM	04:30 AM	8.00		
<input checked="" type="checkbox"/>			04/08/2019	10:30 PM	04:15 AM	5.75		
<input type="checkbox"/>			04/08/2019	08:00 PM	04:00 AM	8.00		
<input type="checkbox"/>			04/08/2019	09:15 PM	04:30 AM	7.25		
<input type="checkbox"/>			04/08/2019	02:00 PM	10:00 PM	8.00		
<input checked="" type="checkbox"/>			04/08/2019	10:00 PM	04:30 AM	6.50		
<input checked="" type="checkbox"/>			04/08/2019	08:59 PM	04:08 AM	7.25		
<input checked="" type="checkbox"/>			04/08/2019	11:00 PM	04:15 AM	5.25		
<input type="checkbox"/>			04/08/2019	08:30 PM	04:30 AM	8.00		
<input type="checkbox"/>			04/08/2019	10:30 PM	04:15 AM	5.75		
<input checked="" type="checkbox"/>			04/08/2019	08:00 PM	04:15 AM	8.25		
<input type="checkbox"/>			04/08/2019	11:09 AM	05:33 PM	6.25		
<input type="checkbox"/>			04/08/2019	08:11 PM	04:30 AM	8.25		
<input checked="" type="checkbox"/>			04/08/2019	07:45 PM	04:21 AM	8.50		
<input checked="" type="checkbox"/>			04/08/2019	07:41 PM	05:15 AM	9.25		
<input type="checkbox"/>			04/08/2019	08:28 PM	04:30 AM	8.00		
<input checked="" type="checkbox"/>			04/08/2019	07:56 PM	04:23 AM	8.50		
<input type="checkbox"/>			04/08/2019	09:00 PM	04:30 AM	7.50		
<input checked="" type="checkbox"/>			04/08/2019	09:00 PM	05:00 AM	8.00		
<input type="checkbox"/>			04/08/2019	08:30 PM	04:30 AM	7.50		
<input type="checkbox"/>			04/08/2019	09:15 PM	04:30 AM	7.25		
<input checked="" type="checkbox"/>			04/08/2019	11:00 AM	05:30 PM	6.50		
<input checked="" type="checkbox"/>			04/08/2019	07:45 PM	05:15 AM	9.25		
<input type="checkbox"/>			04/08/2019	09:00 PM	04:30 AM	7.50		
<input checked="" type="checkbox"/>			04/08/2019	08:40 PM	04:58 AM	8.00		
<input type="checkbox"/>			04/08/2019	08:30 PM	05:00 AM	8.50		
<input checked="" type="checkbox"/>			04/08/2019	08:35 PM	04:23 AM	7.75		
<input type="checkbox"/>			04/08/2019	10:00 PM	04:30 AM	6.50		
<input checked="" type="checkbox"/>			04/08/2019	10:00 PM	03:00 AM	5.00		
<input type="checkbox"/>			04/08/2019	09:00 PM	04:00 AM	7.00		

Sunday, August 04, 2019



Employee	Sign in #	Category	Scheduled	Actual	Scheduled	Actual	Total Hours
			Start	Start	Finish	Finish	
s.22		Bartender	8:00	9:15	4:30		
		Bartender	8:00		4:30		
		Bartender	8:00	9:15	4:30		
		Bartender	8:00	9:15	4:30		
		Bartender	8:00	9:30	4:30		
		Bartender	8:00	8:15	4:30		
		Bartender	8:00	9:30	4:30		
		Bartender	8:00	9:15	4:30		
		F-Port	7:45		4:30		
		B-Port	7:45		4:30		
		F-Bus	8:30		4:30		
		B-Bus	8:30		4:30		
		M-Bus	9:00		4:30		
		M-Bus	9:00		4:30		
		Runner	9:00		4:30		
		DayDude	11:00		7:00		
		Clean	11:00		7:00		
		Cash	8:00		4:30	4:00	
		Server	9:00		4:30		
		F-Beer	8:00	9:00	4:30	4:00	
		B-Beer	8:00	9:00	4:30		
		Coat	8:00	9:00	4:30		
		Float	10:00 9:00	9:30	4:30		
		Door	7:45		4:30		
		Door	8:00		4:30		
		Door	8:00		4:15		
		Door	8:30		4:15		
		Door	9:00		4:15		
		Door	9:30	10:30	4:15		
		Door	10:30		4:15		
		Door	11:00		4:15		
		DJ					
s.22		Sound					
s.22		Band					
		Locked & Loaded					
		Manager					
s.22							

> Daytime

5

Roxy Contractors – Working on the night on August 4, 2019, but do not appear on the ADP Payroll list.

Band – Fully Loaded – 5 Members

- s.22
-
-
-
-

Sound Tech – s.22

DJ – s.22



November 25, 2016

Mr. Bill Degrazio
Dir. of Operations - Granville Entertainment Group
Suite 512-929 Granville Street
Vancouver, B.C. V6Z 1L3

Dear Mr. Degrazio:

Re: Occupant Load Comparison at 932 Granville St. based on Total Area and Exits

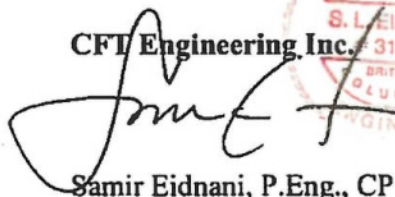
The following table provides a summary comparison based on a limited occupant load for Licensed Beverage Establishment as required by the current 2014 City of Vancouver Building By-law and Fire Department, in comparison to the floor area based on the BC Building Code as per our discussions. The approach to the BC Building Code includes the development of an acceptable solution including a voluntary upgrade to the existing life safety systems.

Floor Occupant Load		Areas (m ²)	Vancouver By-Law @ 1.2 m ² /person	VBBL Proposed varies dependant on use	BCBC varies dependant on use
Net Floor Area	High Density Area	254.7 m ²	@ 1.2 m ² /person = 132	@ 0.95 m ² person = 269	@ 0.75 m ² /person = 340
	Non Fixed - Seating Area	100.6 m ²	@ 1.2 m ² /person = 133	@ 0.95 m ² person = 106	@ 0.95 m ² person = 106
	Staff Area	56.9 m ²	@ 1.2 m ² /person = 21	Count = 21	Count = 21
	Washrooms	43.6 m ²	-	Count = 14	Count = 14
Total Floor Occupant Load		546.2 m ² total w 90.2 m ² excluded	311 Persons	410 Persons	481 Persons

This table is illustrated on the attached sketches.

Regards,

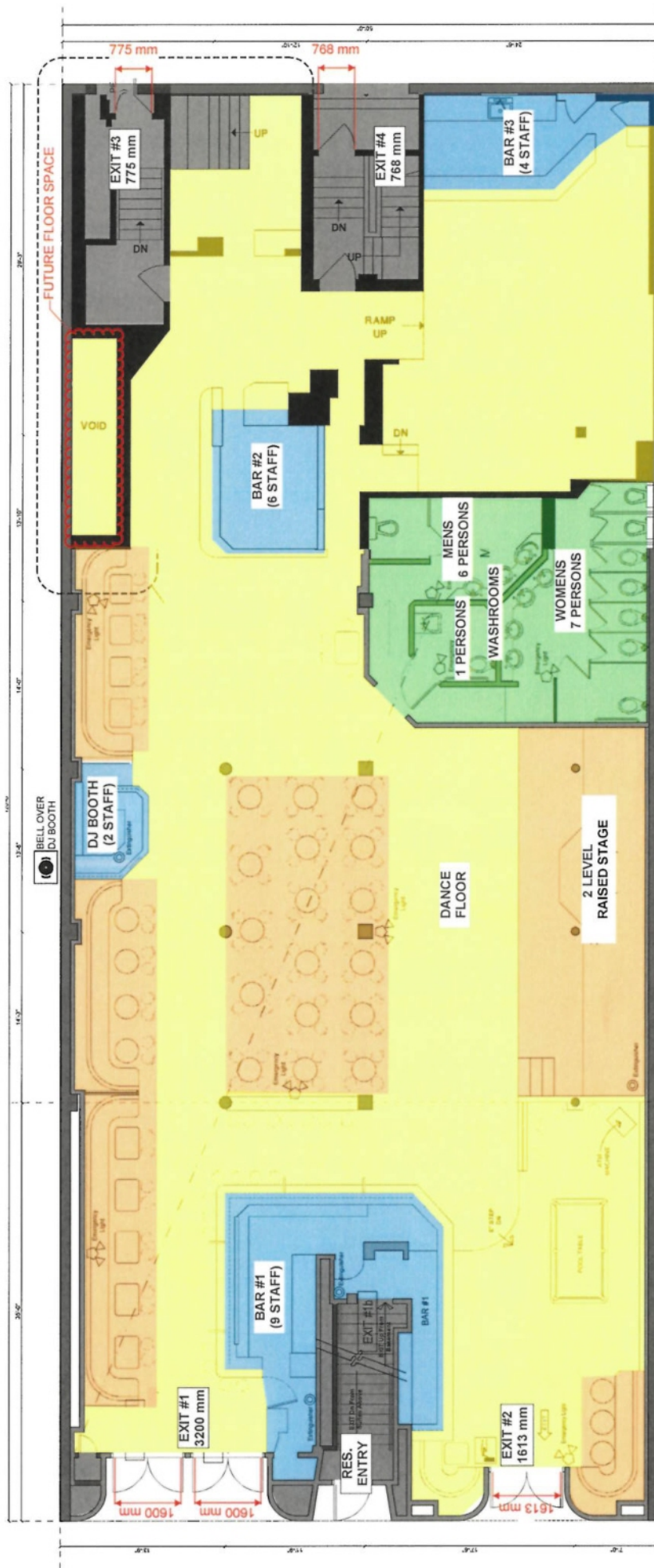
CFT Engineering Inc.


Samir Eidnani, P.Eng., CP



NOV 25 2016

⑦



DRAFT - BCBC

BUILDING AREA : 546 m²

- HIGH DENSITY
- NON-FIXED SEATING
- STAFF ONLY
- AREAS NOT INCLUDED IN CALCULATIONS
- WASHROOMS

OCCUPANT LOAD :

- HIGH DENSITY
- NON-FIXED SEATING
- STAFF COUNT
- WASHROOMS

TOTAL OCCUPANT LOAD:

BASED ON THE CURRENT 8 WOMEN WATER CLOSETS - OCCUPANT LOAD MAY = 400 PEOPLE

260.4 m²
105.6 m²
51.9 m²
87.9 m²
40.2 m²

= 348 PERSONS
= 112 PERSONS
= 21 PERSONS
= 14 PERSONS
= 495 PERSONS

EXIT CAPACITY:

EXIT #1 MAIN ENTRANCE CORRIDOR 2x1600 mm / 6.1 m / PERSON = 520 PERSONS
EXIT #2 EXTERIOR EXIT DOORS 1613 mm / 6.1 mm / PERSON = 264 PERSONS
EXIT #3 EXTERIOR EXIT DOOR 775 mm / 6.1 mm / PERSON = 127 PERSONS
EXIT #4 EXTERIOR EXIT DOOR 768 mm / 6.1 mm / PERSON = 125 PERSONS
TOTAL EXIT CAPACITY: = 1036 PERSONS
(DOUBLE REQUIRED EXIT CAPACITY PROVIDED)

VOLUNTARY LIFE SAFETY UPGRADE

The following items will be upgraded:

1. Fire Alarm System that upon activation, will result in Activation of House
2. Lighting and turn off music/kill power to Live Band; Activation of Visual Signals (Strobes).
3. Improved Emergency Lighting Levels.
4. Repair and Maintenance of Exit Hardware (Panic Hardware).
5. Repair and Maintenance of Existing Fire Separations.

CR Engineering Inc.
4800 - 1901 ROSSER AVENUE,
BURNABY, BC V5C 6R6
PH : 604 684 2384
FAX : 604 684 2402

CODE COMPLIANCE DRAWING
PROJECT # : CS118.02
DRAWN BY : KC
DATE : JULY 30, 2015
REVISED : JUNE 27, 2017





File: EH16-145
Job: 000696523-184

April 4, 2017

The Roxy Cabaret Ltd.
c/o Andrew D. Gay, Q.C.
Gudmunseth Mickelson LLP
2525-1075 West Georgia Street
Vancouver, BC V6E 3C9

Dear Licensee:

Re: Licence Number: 016089

ROXY CABARET
932 Granville Street
Vancouver, BC V6Z 1L2

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 March 31, 2017.

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.

Ministry of Small Business
and Red Tape Reduction
and Responsible for Liquor
Distribution Branch

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

www.gov.bc.ca/liquorregulationandlicensing

Enforcement Action

Monetary Penalty:

Arising from the licensee's non-compliance with section s. 42(3) Reg. a monetary penalty of \$1000 (One Thousand Dollars) must be paid by April 30, 2017..

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.

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 2 of 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.

Suspension:

Arising from the licensee's non-compliance with section s. 12 Act, s. 71(2)(b) Reg., the licence will be suspended for four (4) business days starting at the close of business on Friday, May 12, 2017 until the opening of business on Wednesday, May 17, 2017. "Business day" means a day on which the establishment would normally be opened for business.

Signs satisfactory to the general manager showing that the licence is suspended 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 during the period of suspension.

Suspension procedures:

A Liquor Control and Licensing Branch inspector or police officer will attend your establishment prior to opening time on the first day of the suspension to:

- remove the licence,
- post the signs referenced above.

You should make arrangements with the Liquor Control and Licensing Branch inspector or police officer to obtain your licence at the end of the suspension period.

Responsibility of licensee:

1. You must allow the Liquor Control and Licensing Branch inspector or police officer to post the suspension signs. You must not remove, obscure, or alter the prominence and visibility of those signs during the suspension.
2. You must hand over the licence to the Liquor Control and Licensing Branch inspector or police officer when asked.
3. The establishment must remain closed to the public during the period of suspension.
4. You must not permit the sale, service or consumption of liquor in the establishment while the licence is suspended. The licensee is responsible for ensuring there is no sale, service or consumption of liquor in the establishment during the suspension period.
5. You may not de-licence in order to have another event in your establishment. Any previously approved de-licensing event that occurs during the suspension period is automatically rescinded.
6. The establishment is not eligible to hold any Special Event Permit (SEP) events during the suspension period. Any previously approved SEP that occurs during the suspension period is rescinded.
7. You may purchase liquor from an approved outlet to stock your establishment during the period of the suspension.

There are serious consequences for the service of liquor in the establishment by any party while a licence is under suspension. If liquor is served, consumed, or sold within the establishment while a licence is suspended, the general manager will do one of the following:

- cancel the licence,
- require that the licence be transferred within a specified time period and cancel the licence if it is not transferred within that time period,
- impose a suspension of at least 15 days.

Contact Number

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at 604 775-0240.

Yours truly,

Original signed by

Raymond Tetzel
Deputy General Manager
Compliance and Enforcement

CC: Vancouver Police Dept.
Clerk/Secretary City of Vancouver
Manager of Finance Scott McElroy
Regional Manager Rupi Gill
Inspector Shannan Johnston
Inspector John Orr

Encl: Appendix A



WAIVER NOTICE

Liquor Control and Licensing Act, SBC 2015, c.19

File: EH16-145
Job: 000696523-184
Licence: 016089
Contravention Notice: B016759

March 29, 2017

With respect to the Notice of Enforcement Action (NOEA) EH16-145, dated January 9, 2017, this Waiver Notice is an agreement on the part of the licensee as follows.

BETWEEN: The Roxy Cabaret Ltd., c/o
512 - 929 Granville St
Vancouver, BC V6Z 1L3

Alternate: The Roxy Cabaret Ltd., c/o
512 - 929 Granville St
Vancouver, BC V6Z 1L3

AND: The General Manager,
Liquor Control and Licensing Branch
Ministry Small Business and Red Tape Reduction and
Responsible for Liquor Distribution Branch

**RE: LP Licence #016089, Roxy Cabaret, at 932 Granville Street
VANCOUVER, BC V6Z 1L2.**



Ministry of Small Business
and Red Tape Reduction
and Responsible for Liquor
Distribution Branch

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>

LCLB-Waiver Notice

The licensee:

1. Agrees the licensee committed the contravention/s of:
 - a. *Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s. 71 (2)(b) Reg.
 - b. *Consume liquor while working - Employee, s. 42(3) 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 \$1000 (One 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.

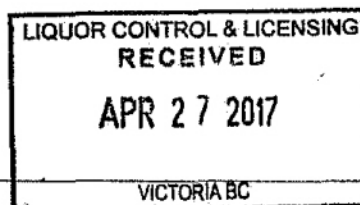
Failure to pay a monetary penalty within 30 days is a breach of s. 20 (2.6) of the Liquor Control and Licensing Act which may result in suspension or cancellation of the licence.

5. Accepts that the licence will be suspended for 4 business days, and
6. Accepts that the suspension will start and be served at the Roxy Cabaret from the close of business on May 12, 2017, to the opening of business on May 17, 2017.
7. Waives the opportunity for a hearing in respect of each of the contravention/s and enforcement action/s cited above.
8. 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.

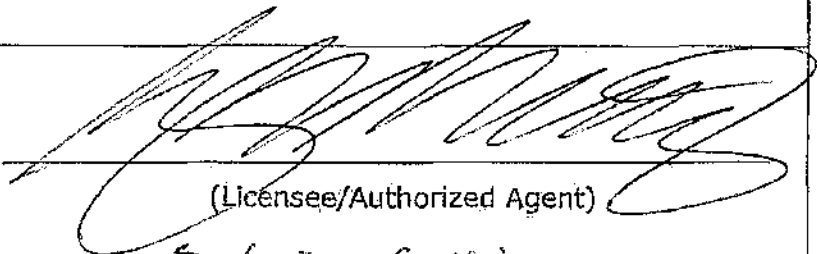
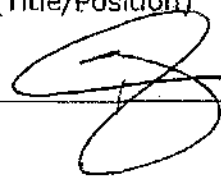
9. Accepts that the finding of contravention/s and specified enforcement action/s will form part of the compliance history of the licensee.

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



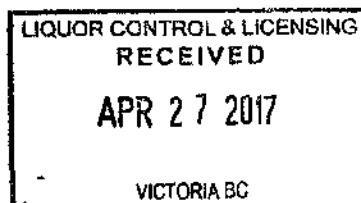
Page 2 of 3

LCLB Waiver Notice

DATE:	<u>Friday</u> (day)	, the <u>31</u> (date)	, day of <u>March</u> (month)	, 20 <u>17</u> (yr.)
SIGNATURE OF LICENSEE				
	(Licensee/Authorized Agent)			
NAME OF LICENSEE	<u>Elaine Culling</u> (Please Print)			
	<u>President</u> (Title/Position)			
SIGNATURE OF WITNESS				
NAME OF WITNESS	<u>Bill Degrazio</u> (Please Print)			

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

Attachment: Notice of Enforcement Action





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

File: EH16-145
Job: 000696523-184

March 29, 2017

The Roxy Cabaret Ltd.
C/o Culling, Blaine
512 - 929 Granville St
Vancouver, BC V6Z 1L3

Re: Licence Number: 016089
Licence Type: Liquor Primary
Licence Expiry Date: October 31, 2017
Establishment: Roxy Cabaret
CN #: B016759

Amended NOEA- Section 5 – last paragraph removed regarding second penalty.

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 are 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 Small Business
and Red Tape Reduction
and Responsible for
Liquor Distribution Branch

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.	Consume liquor while working - Employee, s. 42(3) Reg.	s. 42(3) Reg.	2016-OCT-29 11:50 PM	\$1000 monetary penalty
2.	Overcrowd beyond patron capacity more than occupant load, s. 71(2) Reg, s. 12(2)	s. 71(2) Reg, s. 12(2)	2016-OCT-29 11:50 PM	4 day suspension

2. NARRATIVE

The Roxy Cabaret (license # 016089) is a Liquor Primary establishment located at 932 Granville Street in Vancouver BC within the Granville Entertainment District. This establishment is a popular live music venue in the downtown core. The entrance to the club is mid-block on 900 block of Granville.

Licensing capacity permitted is **275 patrons**

Occupant Load as issued by the Vancouver Fire Department is **300 persons**.

The club is long and narrow upon entry. Outside, at the front door there are stanchions with generally 3-4 doormen stationed to check ID and to control persons gaining access. Just inside the front door is an area for entrance fees and coat check, as well as a portable bar where you can buy a drink immediately after entry. As you enter the liquor primary space the first section on the right side is a long main service bar area. On the left is booth style seating. As you pass this area the establishment opens up and becomes seating throughout. On the far right area is the stage and a dance floor in front of the stage. There is another area that is around directly behind the first long service bar and can only be seen when walking past the dance floor and staying on the right of the stage. There is some other bar service areas in the rear of the premise and another small room with a bar service area. During this inspection the room lighting was dimmed and there was a band on stage playing music.

Alleged Contravention Details: Overcrowding beyond Patron Capacity greater than occupant Load.

On Saturday, October 29th at 11:50 pm Inspectors JOHNSTON and ORR, and Vancouver Police Detective Constable CLARKE approached Roxy Cabaret to conduct a routine inspection. The doormen removed the rope and immediately let us through. The doorman (s.22) indicated the count was 270. The inspection team had prepared their mechanical counters and cleared them to zero in preparation for conducting a

count. As we entered the premise it appeared to be full of patrons. The area in front of the bar service area was congested. The counts were conducted from the rear of the overall room moving forward to the front door. As we moved through the crowds the patrons were moved by the door staff to allow us to do our counts. As I moved through the patrons I had to push my way through the congested areas. I stood at one point on the steps to the stage to gain a visual vantage point to conduct a count of the dance floor. I specifically listened to the music while counting and noted there was one song change that occurred and observed there was no change in patron conduct or migration from the dance floor to ensure an accurate count.

Counts by Inspectors: 429 patrons JOHNSTON / 396 patrons CLARKE

As this night was the Halloween party night in the Granville Entertainment District it was taken into consideration that some staff (servers) may have been on the floor in costumes and may have been mixed into the counts. It was noted by the inspection team that any visible staff member was not counted or that was working behind the bar or as security for the front door, band etc. (28 persons as determined from a staff list provided from establishment)

Counts were conducted by inspector and police while moving through the crowd from the rear of the premise to the front of the premise.

Once my count was completed I returned to the front door where I began to note my count results in my notebook along with inspection team counts. Once the team had reconnected JOHNSTON was informed by ORR that he abandoned his count as a staff member was observed consuming liquor at a service bar.

The inspection team approached Sasha the General Manager who also works the rear bar in the premise. JOHNSTON spoke with Sasha during the inspection two contraventions were been identified, (overcrowding and staff drinking). ORR further explained to Sasha what he needed and took the opportunity to identify the staff member and collect a receipt for the liquor that was consumed. Sasha asked JOHNSTON if they can do their own count. JOHNSTON twice advised that they were welcome to conduct their own count.

At 12:10am Vic, a manager, approached CLARKE and advised that he had done a count and the results were 311 patrons. JOHNSTON heard this report and noted it in her notebook. While waiting for Sasha and ORR to conclude their evidence collecting, CLARKE and JOHNSTON walked through the premise and observed that the numbers had been significantly reduced from when the first count was conducted.

At the front door the inspection team reconvened and Sasha was advised that a contravention notice will be issued for the two contraventions that were observed. He asked for the second time if he can do his own count and again was told certainly he could if he wished to. We exited at this time.

Licensee or Employee Consume Liquor in Premise S 42(3)

During a routine inspection ORR abandoned conducting a count of the premise when he observed a male bartender at the main service bar pour several shots of Fire Ball, a cinnamon whisky. The shots were handed out to the patron who left a shot for the

bartender identified at the time as s.22 however the inspector ORR mistook that name as s.22 took the shot and poured it into a glass with a straw and consumed the shot of liquor. ORR identified himself to s.22 and advised him that he was not allowed to drink while on duty and went to collect Sasha the Manager.

ORR and Sasha spoke with the bartender s.22 s.22 said he "f**** up". A receipt was provided to ORR that was signed by Sasha. Sasha was also shown the liquor bottle by s.22 who used it to pour the liquor from.

Inspectors exit at 12:15 am

Follow up:

The notes of Inspector ORR document a s.22 who in fact is s.22. It was explained that ORR misheard s.22 say his name as he thought he said s.22

On November 1, 2016 an email was received from Bill Degrazzio representing the Licensee Blaine Culling. Bill was providing information about the employee who had been consuming liquor during this inspection. The email identified s.22 s.22 as the employee in question.

The contravention notices were issued and mailed on November 2, 2016 from the Vancouver Regional Office.

A Notice to Produce was sent to Roxy Cabaret on November 9th, 2016 requesting staff list and roles for the night of October 29th, 2016.

The information was provided of the staff list indicating there were 35 persons working inside the premise.

3. THE ELEMENTS OF THE ALLEGED CONTRAVENTION(S)

3.1 Consume liquor while working - Employee, s. 42(3) Reg.

Factors:

Bartender s.22 identified at time of inspection was observed consuming a shot of Fire Ball Liquor which he poured into a cocktail glass with straw to consume.

s.22 was observed working behind the main service bar pouring drinks for

patrons at the time he consumed liquor himself.

s.22 admitted he “f****d up” to ORR and Sasha when approached

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

Factors:

License Capacity permitted by Liquor License is 275 patrons

Occupant Load issued by Vancouver Fire Department is 300

Doorman (s.22) count provided 270 patrons at 11:50pm

Liquor Inspector Counts 429 /396 patrons in premise. + staff 28 persons = 457/424

Note:

Counts by inspectors conducted by mechanical counters that were started at zero. (It was Halloween and many patrons in costumes so counts included all persons appearing to be patrons on the floor. No staff were counted that were behind a bar or door security or in visible staff uniforms) These identified staff positions should be added into the counts to reach the number of persons in the premise that night.

Staff working behind bar and door security not included in counts = 28

Total staff working inside the premise according to staff list = 35 persons

Patron count by Vic the Security Head employee provided at 12:10am (20 minutes after initial count) 311 patrons

4. REASONS FOR PURSUING ENFORCEMENT

4.1 Consume liquor while working - Employee, s. 42(3) Reg.

The licensee must manage and control the behavior of patrons to ensure the safety of staff, patrons and the community. When the licensee and staff drink liquor while working, their judgment and ability to manage and control the establishment are impaired. This creates a public safety risk for other staff, patrons and the community.

In this case, the employee was observed consuming a shot of liquor on shift. The issue of staff drinking has been addressed on a few occasions with the establishment. It is the Licensees responsibility to ensure that the staff understands the seriousness of staff drinking on duty and the impact it can have on their judgment. The staff are an integral part of the working operations and need to stay focused and clear headed as their role is

more than customer service it involves being able to assess patrons that have been served too much liquor, being aware of situations that occur in a nightclub such as the drugging of drinks, sexual assaults, determining situations of aggression before they escalate. The bartenders are part of a larger team and all contribute to the responsible operation of a nightclub.

4.2 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 license is the result of community input during the licensing process. The maximums are set so as to reduce the risk of negative impacts on neighborhoods 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, it is the second serious overcrowding to occur within 12 months (March 12, 2016 was the last noted overcrowding on record and is still waiting for the hearing). The Roxy Cabaret was operating in excess of their permitted licensed capacity and they are operating contrary to the principles of public safety and community standards. This establishment has been in business for years and the staff has been employed as doorpersons for years. They are knowledgeable about the capacity of the premise. The staff controlling the front door, and the management, put the patron's safety at risk by overcrowding the premise. It is the establishment's responsibility to ensure that they are adhering to the Terms and Conditions of the liquor license which indicates the License capacity as determined by the Vancouver Fire Department for the City of Vancouver. During this inspection the licensee blatantly neglected to ensure the public's safety.

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

5.1 Consume liquor while working - Employee, s. 42(3) Reg. : \$1000 monetary penalty proposed

For the alleged contravention of consume liquor while working - employee, s. 42(3) reg. (Contravention Notice Number B016759), a monetary penalty of \$1,000.00 (One Thousand Dollars) is proposed. This recommended monetary penalty falls within the penalty range set out in schedule 4, item 27 of the Regulation for a first contravention.

In this case, the Licensee is responsible to ensure that the staff is complying with the

liquor laws of British Columbia to ensure patrons and staff is safe when attending their nightclub.

I am recommending a monetary penalty as this contravention was conducted by a specific individual of the business who made a poor choice. Ultimately the Licensee is responsible to monitor and ensure staff is conducting themselves in compliance.

5.2 Overcrowd beyond person capacity more than occupant load, s. 6(4) Reg. : four (4) day suspension proposed

For the alleged contravention of overcrowd beyond person capacity more than occupant load, s. 6(4) reg. (Contravention Notice Number B016759), a suspension penalty of four (4) days is proposed. This recommended suspension penalty falls within the penalty range set out in schedule 4, item 15 of the Regulation for a first contravention of this type.

The suspension will be served starting on a Saturday and will continue on successive business days until completed.

In this case, I am recommending a penalty of 4 days suspension. By permitting the premise to become overcrowded it put the patron's safety at risk. The branch takes it very seriously when an establishment exceeds their liquor license capacity and exceeds their occupant load as set by the Vancouver Fire Department. It is expected that the Licensee and the staff will ensure future compliance with the terms and conditions of the liquor license.

I am recommending a suspension versus a monetary penalty as the monetary penalty could be considered by the Licensee just a cost of doing business in this case. I want to impress upon the Licensee, the management, the staff, and the patrons that this establishment was not operating in compliance with the liquor laws and a penalty is being recommended to correct this way of operating in the future.

It should also be noted that the contravention of overcrowding is something that was condoned by the Roxy employees and management. The overcrowding did not occur because just one person neglected to do a count properly. The employees such as the Security Manager, the General Manager, the door persons, the bartenders, the servers, the bus persons, all work in this establishment and should have recognized that the room was filled to over the capacity which created a public safety issue. For this reason I am recommending a suspension instead of a monetary penalty. The establishment and its team of employees need to reassess their operation of this establishment to ensure they are operating to the liquor license capacity as permitted by the British Columbia Liquor Control and Licensing Branch.

6. THE PROCEDURES

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

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

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

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

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

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

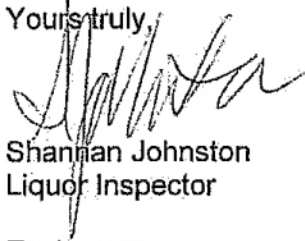
If you (the licensee) agree that the contravention(s) took place and accept the enforcement action proposed, there is no need for a hearing. In that case, you must sign a document called a waiver. By signing a waiver, you irrevocably

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

If you decide to sign a waiver, or if you have any questions regarding this matter, please contact me at 604 775-0240 as soon as possible. If you do not sign a waiver, the branch registrar will provide you with the next steps in the hearing process.

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,



Shannon Johnston
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](http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf))

ENFORCEMENT ACTION

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

Past Enforcement Action Taken

No compliance history found

Compliance Meetings

Licence	Date	Topic
016089	July 13, 2015	Consume liquor while working - Employee, s. 42(3) Reg.
016089	September 16, 2014	Overcrowding beyond patron capacity less than or equal to occupant load, s. 12 Act, Reg. s. 71(2)(b)

Other Factors



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

File: EH16-145
Job: 000696523-184

January 9, 2017

The Roxy Cabaret Ltd.
C/o Culling, Blaine
512 - 929 Granville St
Vancouver, BC V6Z 1L3

Re: Licence Number: 016089
Licence Type: Liquor Primary
Licence Expiry Date: October 31, 2017
Establishment: Roxy Cabaret
CN #: B016759

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 are 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 Small Business
and Red Tape Reduction
and Responsible for
Liquor Distribution Branch

Liquor Control and
Licensing Branch

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

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

Location:
Fourth Floor, 3350 Douglas Street
Victoria BC

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

1. THE ALLEGED CONTRAVENTION(S):

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and time of Contravention(s)	Proposed Enforcement Action
1.	Consume liquor while working - Employee, s. 42(3) Reg.	s. 42(3) Reg.	2016-OCT-29 11:50 PM	\$1000 monetary penalty
2.	Overcrowd beyond patron capacity more than occupant load, s. 71(2) Reg, s. 12(2)	s. 71(2) Reg, s. 12(2)	2016-OCT-29 11:50 PM	4 day suspension

2. NARRATIVE

The Roxy Cabaret (license # 016089) is a Liquor Primary establishment located at 932 Granville Street in Vancouver BC within the Granville Entertainment District. This establishment is a popular live music venue in the downtown core. The entrance to the club is mid-block on 900 block of Granville.

Licensing capacity permitted is **275 patrons**

Occupant Load as issued by the Vancouver Fire Department is **300 persons**.

The club is long and narrow upon entry. Outside, at the front door there are stanchions with generally 3-4 doormen stationed to check ID and to control persons gaining access. Just inside the front door is an area for entrance fees and coat check, as well as a portable bar where you can buy a drink immediately after entry. As you enter the liquor primary space the first section on the right side is a long main service bar area. On the left is booth style seating. As you pass this area the establishment opens up and becomes seating throughout. On the far right area is the stage and a dance floor in front of the stage. There is another area that is around directly behind the first long service bar and can only be seen when walking past the dance floor and staying on the right of the stage. There is some other bar service areas in the rear of the premise and another small room with a bar service area. During this inspection the room lighting was dimmed and there was a band on stage playing music.

Alleged Contravention Details: Overcrowding beyond Patron Capacity greater than occupant Load.

On Saturday, October 29th at 11:50 pm Inspectors JOHNSTON and ORR, and Vancouver Police Detective Constable CLARKE approached Roxy Cabaret to conduct a routine inspection. The doormen removed the rope and immediately let us through. The doorman (s.22) indicated the count was 270. The inspection team had prepared their mechanical counters and cleared them to zero in preparation for conducting a

count. As we entered the premise it appeared to be full of patrons. The area in front of the bar service area was congested. The counts were conducted from the rear of the overall room moving forward to the front door. As we moved through the crowds the patrons were moved by the door staff to allow us to do our counts. As I moved through the patrons I had to push my way through the congested areas. I stood at one point on the steps to the stage to gain a visual vantage point to conduct a count of the dance floor. I specifically listened to the music while counting and noted there was one song change that occurred and observed there was no change in patron conduct or migration from the dance floor to ensure an accurate count.

Counts by Inspectors: 429 patrons JOHNSTON / 396 patrons CLARKE

As this night was the Halloween party night in the Granville Entertainment District it was taken into consideration that some staff (servers) may have been on the floor in costumes and may have been mixed into the counts. It was noted by the inspection team that any visible staff member was not counted or that was working behind the bar or as security for the front door, band etc. (28 persons as determined from a staff list provided from establishment)

Counts were conducted by inspector and police while moving through the crowd from the rear of the premise to the front of the premise.

Once my count was completed I returned to the front door where I began to note my count results in my notebook along with inspection team counts. Once the team had reconnected JOHNSTON was informed by ORR that he abandoned his count as a staff member was observed consuming liquor at a service bar.

The inspection team approached Sasha the General Manager who also works the rear bar in the premise. JOHNSTON spoke with Sasha during the inspection two contraventions were been identified, (overcrowding and staff drinking). ORR further explained to Sasha what he needed and took the opportunity to identify the staff member and collect a receipt for the liquor that was consumed. Sasha asked JOHNSTON if they can do their own count. JOHNSTON twice advised that they were welcome to conduct their own count.

At 12:10am Vic, a manager, approached CLARKE and advised that he had done a count and the results were 311 patrons. JOHNSTON heard this report and noted it in her notebook. While waiting for Sasha and ORR to conclude their evidence collecting, CLARKE and JOHNSTON walked through the premise and observed that the numbers had been significantly reduced from when the first count was conducted.

At the front door the inspection team reconvened and Sasha was advised that a contravention notice will be issued for the two contraventions that were observed. He asked for the second time if he can do his own count and again was told certainly he could if he wished to. We exited at this time.

Licensee or Employee Consume Liquor in Premise S 42(3)

During a routine inspection ORR abandoned conducting a count of the premise when he observed a male bartender at the main service bar pour several shots of Fire Ball, a cinnamon whisky. The shots were handed out to the patron who left a shot for the

bartender identified at the time as s.22 however the inspector ORR mistook that name as s.22 s.22 took the shot and poured it into a glass with a straw and consumed the shot of liquor. ORR identified himself to s.22 and advised him that he was not allowed to drink while on duty and went to collect Sasha the Manager.

ORR and Sasha spoke with the bartender s.22 s.22 said he "f***** up". A receipt was provided to ORR that was signed by Sasha. Sasha was also shown the liquor bottle by s.22 who used it to pour the liquor from.

Inspectors exit at 12:15 am

Follow up:

The notes of Inspector ORR document a s.22 who in fact is s.22. It was explained that ORR misheard s.22 say his name as he thought he said s.22.

On November 1, 2016 an email was received from Bill Degrazzio representing the Licensee Blaine Culling. Bill was providing information about the employee who had been consuming liquor during this inspection. The email identified s.22 s.22 as the employee in question.

The contravention notices were issued and mailed on November 2, 2016 from the Vancouver Regional Office.

A Notice to Produce was sent to Roxy Cabaret on November 9th, 2016 requesting staff list and roles for the night of October 29th, 2016.

The information was provided of the staff list indicating there were 35 persons working inside the premise.

3. THE ELEMENTS OF THE ALLEGED CONTRAVENTION(S)

3.1 Consume liquor while working - Employee, s. 42(3) Reg.

Factors:

Bartender s.22 identified at time of inspection was observed consuming a shot of Fire Ball Liquor which he poured into a cocktail glass with straw to consume.

s.22 was observed working behind the main service bar pouring drinks for

patrons at the time he consumed liquor himself.

s.22 admitted he “f*****d up” to ORR and Sasha when approached

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

Factors:

License Capacity permitted by Liquor License is 275 patrons

Occupant Load issued by Vancouver Fire Department is 300

Doorman (s.22) count provided 270 patrons at 11:50pm

Liquor Inspector Counts 429 /396 patrons in premise. + staff 28 persons = 457/424

Note:

Counts by inspectors conducted by mechanical counters that were started at zero. (It was Halloween and many patrons in costumes so counts included all persons appearing to be patrons on the floor. No staff were counted that were behind a bar or door security or in visible staff uniforms) These identified staff positions should be added into the counts to reach the number of persons in the premise that night.

Staff working behind bar and door security not included in counts = 28

Total staff working inside the premise according to staff list = 35 persons

Patron count by Vic the Security Head employee provided at 12:10am (20 minutes after initial count) 311 patrons

4. REASONS FOR PURSUING ENFORCEMENT

4.1 Consume liquor while working - Employee, s. 42(3) Reg.

The licensee must manage and control the behavior of patrons to ensure the safety of staff, patrons and the community. When the licensee and staff drink liquor while working, their judgment and ability to manage and control the establishment are impaired. This creates a public safety risk for other staff, patrons and the community.

In this case, the employee was observed consuming a shot of liquor on shift. The issue of staff drinking has been addressed on a few occasions with the establishment. It is the Licensees responsibility to ensure that the staff understands the seriousness of staff drinking on duty and the impact it can have on their judgment. The staff are an integral part of the working operations and need to stay focused and clear headed as their role is

more than customer service it involves being able to assess patrons that have been served too much liquor, being aware of situations that occur in a nightclub such as the drugging of drinks, sexual assaults, determining situations of aggression before they escalate. The bartenders are part of a larger team and all contribute to the responsible operation of a nightclub.

4.2 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 license is the result of community input during the licensing process. The maximums are set so as to reduce the risk of negative impacts on neighborhoods 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, it is the second serious overcrowding to occur within 12 months (March 12, 2016 was the last noted overcrowding on record and is still waiting for the hearing). The Roxy Cabaret was operating in excess of their permitted licensed capacity and they are operating contrary to the principles of public safety and community standards. This establishment has been in business for years and the staff has been employed as doorpersons for years. They are knowledgeable about the capacity of the premise. The staff controlling the front door, and the management, put the patron's safety at risk by overcrowding the premise. It is the establishment's responsibility to ensure that they are adhering to the Terms and Conditions of the liquor license which indicates the License capacity as determined by the Vancouver Fire Department for the City of Vancouver. During this inspection the licensee blatantly neglected to ensure the public's safety.

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

5.1 Consume liquor while working - Employee, s. 42(3) Reg. : \$1000 monetary penalty proposed

For the alleged contravention of consume liquor while working - employee, s. 42(3) reg. (Contravention Notice Number B016759), a monetary penalty of \$1,000.00 (One Thousand Dollars) is proposed. This recommended monetary penalty falls within the penalty range set out in schedule 4, item 27 of the Regulation for a first contravention.

In this case, the Licensee is responsible to ensure that the staff is complying with the

liquor laws of British Columbia to ensure patrons and staff is safe when attending their nightclub.

I am recommending a monetary penalty as this contravention was conducted by a specific individual of the business who made a poor choice. Ultimately the Licensee is responsible to monitor and ensure staff is conducting themselves in compliance.

5.2 Overcrowd beyond person capacity more than occupant load, s. 6(4) Reg. : four (4) day suspension proposed

For the alleged contravention of overcrowd beyond person capacity more than occupant load, s. 6(4) reg. (Contravention Notice Number B016759), a suspension penalty of four (4) days is proposed. This recommended suspension penalty falls within the penalty range set out in **schedule 4, item 15 of the Regulation for a first contravention of this type.**

The suspension will be served starting on a Saturday and will continue on successive business days until completed.

In this case, I am recommending a penalty of 4 days suspension. By permitting the premise to become overcrowded it put the patron's safety at risk. The branch takes it very seriously when an establishment exceeds their liquor license capacity and exceeds their occupant load as set by the Vancouver Fire Department. It is expected that the Licensee and the staff will ensure future compliance with the terms and conditions of the liquor license.

I am recommending a suspension versus a monetary penalty as the monetary penalty could be considered by the Licensee just a cost of doing business in this case. I want to impress upon the Licensee, the management, the staff, and the patrons that this establishment was not operating in compliance with the liquor laws and a penalty is being recommended to correct this way of operating in the future.

It should also be noted that the contravention of overcrowding is something that was condoned by the Roxy employees and management. The overcrowding did not occur because just one person neglected to do a count properly. The employees such as the Security Manager, the General Manager, the door persons, the bartenders, the servers, the bus persons, all work in this establishment and should have recognized that the room was filled to over the capacity which created a public safety issue. For this reason I am recommending a suspension instead of a monetary penalty. The establishment and its team of employees need to reassess their operation of this establishment to ensure they are operating to the liquor license capacity as permitted by the British Columbia Liquor Control and Licensing Branch.

On March 12, 2016 an inspection was conducted. The inspection alleged that the establishment was *Overcrowded beyond Patron capacity greater than Occupant Load S 12(2) or S 71(2) Reg.* A hearing has been scheduled for spring of 2017. The March 12, 2016 inspection is awaiting a hearing outcome with a penalty recommendation for a first contravention. The inspection from October 29th is being submitted as a first contravention at this time. I request that the penalty for the October 29th inspection be

considered a second level penalty recommendation if the first hearing outcome determines the licensee was not operating in compliance on this same contravention.

6. THE PROCEDURES

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

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

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

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

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

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

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

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

If you decide to sign a waiver, or if you have any questions regarding this matter, please contact me at 604 775-0240 as soon as possible. If you do not sign a waiver, the branch registrar will provide you with the next steps in the hearing process.

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,

Shannan Johnston
Liquor Inspector

Enclosures

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

ENFORCEMENT ACTION

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

Past Enforcement Action Taken

No compliance history found

Compliance Meetings

Licence	Date	Topic
016089	July 13, 2015	Consume liquor while working - Employee, s. 42(3) Reg.
016089	September 16, 2014	Overcrowding beyond patron capacity less than or equal to occupant load, s. 12 Act, Reg. s. 71(2)(b)

Other Factors



File: EH16-037
Job: 000696523-179

April 4, 2017

The Roxy Cabaret Ltd.
c/o Andrew D. Gay, Q.C.
Gudmunseth Mickelson LLP
2525-1075 West Georgia Street
Vancouver, BC V6E 3C9

Dear Licensee:

Re: Licence Number: 016089

ROXY CABARET
932 Granville Street
Vancouver, BC V6Z 1L2

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 March 31, 2017.

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.

Ministry of Small Business
and Red Tape Reduction
and Responsible for Liquor
Distribution Branch

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

www.gov.bc.ca/liquorregulationandlicensing

Enforcement Action

Monetary Penalty:

Arising from the licensee's non-compliance with section s. 12 Act, s. 71(2)(b) Reg. a monetary penalty of \$7000 (Seven Thousand Dollars) must be paid by April 30, 2017.

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 seven (7) days starting at the opening of business on Friday, April 21, 2017 until the close of business on Thursday, April 27, 2017.

Posting of Signs:

A Liquor Control and Licensing Branch inspector or police officer will attend your establishment prior to opening time on Friday, April 21, 2017 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 2 of the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

Contact Number

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at 604 775-0240.

Yours truly,

Original signed by

Raymond Tetzel
Deputy General Manager
Compliance and Enforcement

CC: Vancouver Police Dept.
Clerk/Secretary City of Vancouver
Manager of Finance Scott McElroy
Regional Manager Rupi Gill
Inspector Shannan Johnston
Inspector John Orr

Encl: Appendix A



WAIVER NOTICE

Liquor Control and Licensing Act, SBC 2015, c.19

File: EH16-037
Job: 000696523-179
Licence: 016089
Contravention Notice: B013312

March 27, 2017

With respect to the Notice of Enforcement Action (NOEA) EH16-037, dated April 27, 2016, this Waiver Notice is an agreement on the part of the licensee as follows.

BETWEEN: The Roxy Cabaret Ltd., c/o
512 - 929 Granville St
Vancouver, BC V6Z 1L3

Alternate: The Roxy Cabaret Ltd., c/o
512 - 929 Granville St
Vancouver, BC V6Z 1L3

AND: The General Manager,
Liquor Control and Licensing Branch
Ministry Small Business and Red Tape Reduction and
Responsible for Liquor Distribution Branch

**RE: LP Licence #016089, Roxy Cabaret, at 932 Granville Street
VANCOUVER, BC V6Z 1L2.**

Ministry of Small Business,
and Red Tape Reduction
and Responsible for Liquor
Distribution Branch

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.pssc.gov.bc.ca/cib>

LCLB Waiver Notice

The licensee:

1. Agrees the licensee committed the contravention/s of:
 - a. *Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) 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 \$7,000 (Seven 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.

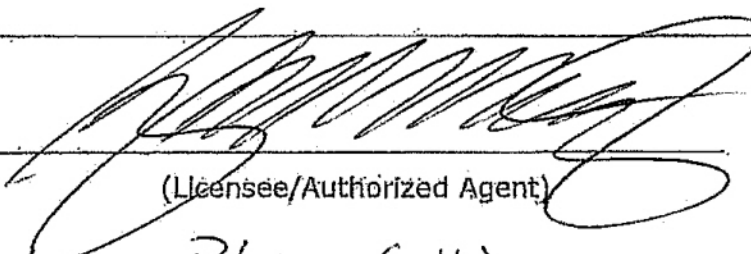
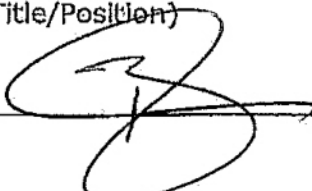
5. Waives the opportunity for a hearing in respect of each of the contravention/s and enforcement action/s cited above.
6. Accepts that signs satisfactory to the General Manager referencing the enforcement action/s cited above will be placed by the police or Branch staff in prominent locations in the 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>Friday</u> (day)	, the <u>31</u> (date)	day of <u>March</u> (month)	, 20 <u>17</u> (yr.)
SIGNATURE OF LICENSEE				
	(Licensee/Authorized Agent)			
NAME OF LICENSEE	<u>Blaine Culling</u> (Please Print)			
	<u>President</u> (Title/Position)			
SIGNATURE OF WITNESS				
NAME OF WITNESS	<u>Bill Dequazio</u> (Please Print)			

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

Attachment: Notice of Enforcement Action



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

File: EH16-037
Job: 000696523-179

March 29, 2017

The Roxy Cabaret Ltd.
C/o Culling, Blaine
512 - 929 Granville St
Vancouver, BC V6Z 1L3

Re: Licence Number: 016089
Licence Type: Liquor Primary
Licence Expiry Date: October 31, 2016
Establishment: Roxy Cabaret
CN #: B013312

Amended NOEA – penalty change.

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 are 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 Small Business
and Red Tape Reduction
and Responsible for
Liquor Distribution Branch

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/klb>

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.	Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) Reg.	s. 12 Act, s. 71(2)(b) Reg.	2016-MAR-12 12:45 AM (business day of Friday March 11, 2016)	\$7000 monetary penalty

2. NARRATIVE

The Roxy Cabaret is a licensed Liquor Primary License # 016089 and is located at 932 Granville Street in Vancouver BC within the Granville Entertainment District. This establishment is a popular live music venue in the downtown core. The entrance to the club is mid-block on 900 block of Granville.

Licensing capacity permitted is 275 patrons

Occupant Load as issued by the Vancouver Fire Department is 300 persons

The club is long and narrow upon entry. Outside, at the front door there is stanchioning and are generally 3-4 doormen stationed to check ID and to control persons gaining access. Just inside the front door is an area for entrance fees and coat check, as well as a portable bar where you can buy a drink immediately after entry. As you enter the liquor primary space the first section on the right side is a long main service bar area. On the left is booth style seating. As you pass this area the establishment opens up and becomes seating throughout. On the far right area is the stage and a dance floor in front of the stage. There is another area that is around directly behind the first long service bar and can only be seen when walking past the dance floor and staying on the right of the stage. There is some other bar service areas in the rear of the premise and another small room with a bar service area. During this inspection the room lighting was dimmed and there was a band on stage playing music.

Alleged Contravention Details: Overcrowding beyond Patron Capacity greater than occupant Load.

On Saturday, March 12, 2016 at 12:45am (business day of Friday March 11/16) Inspector Johnston and Orr approached Roxy Cabaret to conduct a routine inspection. The doormen removed the rope and immediately let us through. The doorman (s.22 s.22) indicated the count was 276 "I think". Both inspectors had prepared their mechanical counters and cleared them to zero. As we entered the premise appeared full. The area in front of the bar service area was busy. As we moved through the crowds the patrons were moved by the door staff to allow us to do our counts. As I moved through the patrons I had to push my way passed in congested areas. I stood at one

point on the steps to the stage to gain a visual vantage point to conduct a count of the dance floor. I specifically listened to the music and waited to ensure that there was not large movement of patrons to ensure an accurate count.

Counts by Inspectors: 373 Johnston / 376 Orr (including staff)

Counts were conducted by inspectors while moving through the crowd from the rear of the premise to the front of the premise.

Once my count was completed I returned to the front door and spoke with s.22 who said he was in charge of security on this evening. s.22 was offered the opportunity to conduct his own count.

s.22 returned to the front door and stated his count was 320 patrons. He was asked how many staff working and he replied 30. I asked if he include the staff in his count. He stated he did not. So s.22 count would total 320 patrons + 30 staff = 350 persons in premise.

s.22 was advised a contravention would be issued. He was advised to reduce number to the permitted license capacity right away.

Inspectors exit at 1am

3. THE ELEMENTS OF THE ALLEGED CONTRAVENTION(S)

3.1 Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2) (b) Reg.

Factors:

License Capacity permitted by Liquor License is 275 patrons

Occupant Load issued by Vancouver Fire Department is 300

Liquor Inspector Counts 373/376 persons in premise.

Counts by inspectors conducted by mechanical counters that were started at zero.

Security counts by s.22 320 patrons + 30 staff not counted = 350 persons in premise

4. REASONS FOR PURSUING ENFORCEMENT

4.1 Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2) (b) 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 neighborhoods 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, the Roxy Cabaret was operating in excess of their permitted licensed capacity and they are operating contrary to the principles of public safety and community standards. This establishment has been in business for years and the staffs have been employed as doorpersons for years. They are knowledgeable about the capacity of the premise. The staff controlling the front door and the management put the patron's safety at risk by overcrowding the premise. It is the establishment's responsibility to ensure that they are adhering to the Terms and Conditions of the liquor license. During this inspection the licensee neglected to ensure the public's safety.

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

5.1 Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) Reg. : \$7000 monetary penalty recommended

For the alleged contravention of overcrowding beyond patron capacity more than occupant load, s. 12 act, s.71 (2)(b) reg. (Contravention Notice Number B013312), a monetary penalty of \$7000 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 of this type.

In this case, I am recommending a penalty, and the Licensee requested a monetary penalty in this case. By permitting the premise to become overcrowded it put the patron's safety at risk. The branch takes it very seriously when an establishment exceeds their liquor license capacity and exceed their occupant load as set by the Vancouver Fire Department. It is expected that the Licensee and the staff will ensure future compliance with the terms and conditions of the liquor license.

6. THE PROCEDURES

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

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

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

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

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

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

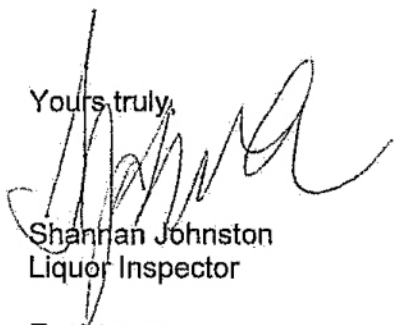
If you (the licensee) agree that the contravention(s) took place and accept the enforcement action proposed, there is no need for a hearing. In that case, you must sign a document called a waiver. By signing a waiver, you irrevocably

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

If you decide to sign a waiver, or if you have any questions regarding this matter, please contact me at 604 775-0240 as soon as possible. If you do not sign a waiver, the branch registrar will provide you with the next steps in the hearing process.

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,

A handwritten signature in black ink, appearing to read 'Shanahan Johnston', written over the typed name.

Shanahan Johnston
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](http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf))

ENFORCEMENT ACTION

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

Past Enforcement Action Taken

No compliance history found

Compliance Meetings

Licence	Date	Topic
016089	July 13, 2015	Consume liquor while working - Employee, s. 42(3) Reg.
016089	September 16, 2014	Overcrowding beyond patron capacity less than or equal to occupant load, s. 12 Act, Reg. s. 71(2)(b)

Other Factors



File: EH16-037
Job: 011686317-028

March 27, 2017

The Roxy Cabaret Ltd.
c/o Andrew D. Gay
2525-1075 Georgia Street
Vancouver, BC V6E 3C9

Dear Mr. Andrew Gay:

Re: Roxy Cabaret, Vancouver BC
Licence Number: 016089
Case: EH16-037

The purpose of this letter is to inform you of amendments to the proposed penalty in the Notice of Enforcement Action Letter dated April 27, 2016 involving case EH16-037.

The proposed penalty for case EH16-037 of a four (4) day license suspension has been amended to \$7,000 monetary penalty.

The Branch considers this monetary penalty sufficient in achieving voluntary compliance.

Sincerely,

Original signed by

Raymond Tetzl
Deputy General Manager
Compliance and Enforcement Division
Liquor Control and Licensing Branch

cc: Donna Lister, Regional Manager
Shannan Johnston, Inspector

Ministry of Small Business and
Red Tape Reduction

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

www.gov.bc.ca/liquorregulationandlicensing



October 26, 2016

Andrew D. Gay
Gudmundseth Mickelson
adg@lawgm.com

Hugh Trenchard
Branch advocate
hugh.trenchard@gov.bc.ca

Re: Ruling to adjourn Hearing of The Roxy Cabaret Ltd. EH16-037

This hearing was set for October 26 and 27, 2016 in Vancouver. On July 13, 2016, the general manager of the branch referred this matter to me as the hearing delegate. Here are my written reasons for my ruling late in the day on October 25, 2016 that this hearing be adjourned.

At 5:00 p.m. on October 25, 2016, the Registrar of the branch sent me a letter addressed to him from Andrew D. Gay requesting an adjournment of this matter. The Registrar asked if I wished to make a decision immediately or to hear from both the licensee and the branch on the morning of October 26, 2016 before making a decision.

Because of the lateness of the application and the need to notify witnesses as to whether this would be proceeding, I reviewed the letter from Mr. Gay and, based on the submissions in that letter, made a decision to grant the adjournment. I did not ask for a submission from the branch advocate and did not receive one. I told the Registrar I would provide written reasons today for granting the adjournment.

I have relied on the information presented by Mr. Gay in making the decision to grant the adjournment. I have accepted the facts stated in his letter. The facts behind the request are:

1. The Roxy Cabaret Ltd. (the "licensee") retained Mr. Gay to represent it in this hearing on Friday, October 21, 2016.
2. Despite retaining Mr. Gay, the licensee continued to be represented by its former counsel, Dennis Coates of Mair Jensen Blair, in its discussions with the branch.
3. Dennis Coates, on behalf of the licensee, was in discussions with the branch on October 24 and 25, 2016, with a view to reaching an agreement on penalty. The recommended penalty in the Notice of Enforcement Action dated April 27, 2016 is a four day suspension of the licence.
4. At 2:40 p.m. on October 25, 2016, the branch advocate advised that there had been no agreement and that the hearing would proceed as scheduled.
5. According to Mr. Gay, as a result of the licensee's belief that there had been a resolution and the hearing was not going to proceed, one of the licensee's witnesses had committed himself to another matter.
6. A second witness of the licensee is out of the country and will not be returning prior to the hearing date, something the licensee was not aware of until late last week.
7. Because of the absence of this second witness, the licensee was considering seeking an adjournment earlier this week but did not do so as it believed that the discussions between Mr. Coates and the branch would resolve the matter.
8. Mr. Gay has received instructions, on a without prejudice basis, to continue discussions with the branch to attempt to resolve this issue on the basis of a waiver, but replacing a fine for the recommended suspension. Mr. Gay is of the opinion that the concerns expressed by the branch advocate to Mr. Coates can be easily remedied.
9. Mr. Gay indicates that, if the licensee does not sign a waiver, he has available dates in both December and January for this matter to be heard, and agreed to an immediate conference call with the Registrar and the branch advocate to arrange new dates.

Reasons for Granting Adjournment

The licensee applied for the adjournment on the day before the date set for the hearing, outside the 14 days required under Enforcement Hearing Rule 9(3). Although the hearing had not yet commenced, the Registrar made the decision to refer the application for adjournment to me as the hearing delegate. Under Rule 12(2)(i), I have the authority to adjourn a hearing. I have considered Rule 15, and the factors set out there, in granting the adjournment.

15.

(1) Once the hearing has commenced, the hearing delegate may adjourn a hearing on his or her own initiative or upon application.

(2) The hearing delegate will not grant an adjournment of a hearing unless there are exceptional circumstances to justify an adjournment.

(3) In determining whether to grant an adjournment the hearing delegate may consider, but is not limited to, the following factors:

- (a) the reasons for the request and any objections to the adjournment
- (b) the number of postponements or adjournments that have already been granted
- (c) whether the adjournment will needlessly delay or impede the conduct of the hearing
- (d) whether the purpose for which the adjournment is sought will contribute to the resolution of the matter
- (e) whether the adjournment is required to ensure a fair opportunity to be heard and
- (f) the degree to which the need for the adjournment arises out of intentional actions or the neglect of the applicant, and
- (g) whether the branch and the licensee agree to the adjournment.

The change in legal counsel is not in itself a sufficient reason for granting an adjournment. Licensees are obliged to ensure their legal counsel, if they retain one, is available on the dates set for a hearing. The unavailability of the licensee's witnesses is not in itself sufficient reason for granting an adjournment. Again, it is the responsibility of a licensee to ensure its witnesses are available for the hearing dates as agreed upon. The attempts to resolve this matter with the branch by requesting a different penalty is not in itself a sufficient reason. I do not agree with Mr. Gay's submission that "the circumstances relating to the

attempted resolution of the case, and the fact that all parties appear to have believed a resolution had been reached, makes this case exceptional.”

I note this is the first postponement sought by the licensee. I further note that the delay for setting a new hearing will be short. Although I have made this decision without the benefit of a submission from the branch advocate, I see no clear prejudice to the branch. The hearing was to be held in Vancouver, where the branch witnesses work.

I also note that the purpose for which the adjournment is sought will contribute to the resolution of the matter. Mr. Gay has indicated he will continue to hold discussions with the branch to reach a resolution without having to proceed to hearing. He also indicates his willingness to set early hearing dates as soon as possible.

I agree that I must consider principles of procedural fairness when granting adjournments. Again, I emphasize that failure to retain legal counsel in a timely manner and/or failure to ensure witnesses are available for scheduled hearing dates are not sufficient reasons to grant adjournments and cannot then be used to argue lack of procedural fairness. However, all the circumstances together led me to grant the adjournment.

In the context of all the above facts as set out in Mr. Gay’s letter, I find that an adjournment was necessary in this case to ensure a fair hearing and the possibility of a resolution without a hearing.

I expect the Registrar will be arranging a conference call as soon as possible to set new hearing dates.

Original signed by

Nerys Poole
General Manager’s Delegate

Date: October 26, 2016



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

File: EH16-037
Job: 000696523-179

April 27, 2016

The Roxy Cabaret Ltd.
C/o Culling, Blaine
512 - 929 Granville St
Vancouver, BC V6Z 1L3

Re: Licence Number: 016089
Licence Type: Liquor Primary
Licence Expiry Date: October 31, 2016
Establishment: Roxy Cabaret
CN #: B013312

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 are 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 Small Business
and Red Tape Reduction
and Responsible for
Liquor Distribution Branch

Liquor Control and
Licensing Branch

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

Location:
Fourth Floor, 3350 Douglas Street
Victoria BC

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

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.	Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) Reg.	s. 12 Act, s. 71(2)(b) Reg.	2016-MAR-12 12:45 AM (business day of Friday March 11, 2016)	4 day suspension

2. NARRATIVE

The Roxy Cabaret is a licensed Liquor Primary License # 016089 and is located at 932 Granville Street in Vancouver BC within the Granville Entertainment District. This establishment is a popular live music venue in the downtown core. The entrance to the club is mid-block on 900 block of Granville.

Licensing capacity permitted is 275 patrons

Occupant Load as issued by the Vancouver Fire Department is 300 persons

The club is long and narrow upon entry. Outside, at the front door there is stanchioning and are generally 3-4 doormen stationed to check ID and to control persons gaining access. Just inside the front door is an area for entrance fees and coat check, as well as a portable bar where you can buy a drink immediately after entry. As you enter the liquor primary space the first section on the right side is a long main service bar area. On the left is booth style seating. As you pass this area the establishment opens up and becomes seating throughout. On the far right area is the stage and a dance floor in front of the stage. There is another area that is around directly behind the first long service bar and can only be seen when walking past the dance floor and staying on the right of the stage. There is some other bar service areas in the rear of the premise and another small room with a bar service area. During this inspection the room lighting was dimmed and there was a band on stage playing music.

Alleged Contravention Details: Overcrowding beyond Patron Capacity greater than occupant Load.

On Saturday, March 12, 2016 at 12:45am (business day of Friday March 11/16) Inspector Johnston and Orr approached Roxy Cabaret to conduct a routine inspection. The doormen removed the rope and immediately let us through. The doorman (s.22 s.22) indicated the count was 276 "I think". Both inspectors had prepared their mechanical counters and cleared them to zero. As we entered the premise appeared full. The area in front of the bar service area was busy. As we moved through the crowds the patrons were moved by the door staff to allow us to do our counts. As I moved through the patrons I had to push my way passed in congested areas. I stood at one

point on the steps to the stage to gain a visual vantage point to conduct a count of the dance floor. I specifically listened to the music and waited to ensure that there was not large movement of patrons to ensure an accurate count.

Counts by Inspectors: 373 Johnston / 376 Orr (including staff)

Counts were conducted by inspectors while moving through the crowd from the rear of the premise to the front of the premise.

Once my count was completed I returned to the front door and spoke with s.22 who said he was in charge of security on this evening. s.22 was offered the opportunity to conduct his own count.

s.22 returned to the front door and stated his count was 320 patrons. He was asked how many staff working and he replied 30. I asked if he include the staff in his count. He stated he did not. So s.22 count would total 320 patrons + 30 staff = 350 persons in premise.

s.22 was advised a contravention would be issued. He was advised to reduce number to the permitted license capacity right away.

Inspectors exit at 1am

3. THE ELEMENTS OF THE ALLEGED CONTRAVENTION(S)

3.1 Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2) (b) Reg.

Factors:

License Capacity permitted by Liquor License is 275 patrons

Occupant Load issued by Vancouver Fire Department is 300

Liquor Inspector Counts 373/376 persons in premise.

Counts by inspectors conducted by mechanical counters that were started at zero.

Security counts by s.22 320 patrons + 30 staff not counted = 350 persons in premise

4. REASONS FOR PURSUING ENFORCEMENT

4.1 Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2) (b) 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 neighborhoods 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, the Roxy Cabaret was operating in excess of their permitted licensed capacity and they are operating contrary to the principles of public safety and community standards. This establishment has been in business for years and the staffs have been employed as doorpersons for years. They are knowledgeable about the capacity of the premise. The staff controlling the front door and the management put the patron's safety at risk by overcrowding the premise. It is the establishment's responsibility to ensure that they are adhering to the Terms and Conditions of the liquor license. During this inspection the licensee neglected to ensure the public's safety.

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

5.1 Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) Reg. : four (4) day suspension proposed

For the alleged contravention of overcrowding beyond patron capacity more than occupant load, s. 12 act, s.71 (2)(b) reg. (Contravention Notice Number B013312), a suspension penalty of four (4) days is proposed. This recommended suspension penalty falls within the penalty range set out in schedule 4, item 15 of the Regulation for a first contravention of this type.

The suspension will be served starting on a Saturday and will continue on successive business days until completed.

In this case, I am recommending a penalty of 4 days suspension By permitting the premise to become overcrowded it put the patron's safety at risk. The branch takes it very seriously when an establishment exceeds their liquor license capacity and exceed their occupant load as set by the Vancouver Fire Department. It is expected that the Licensee and the staff will ensure future compliance with the terms and conditions of the liquor license.

I am recommending a suspension versus a monetary penalty as the monetary penalty could be considered by the Licensee just a cost of doing business in this case. I want to impress upon the Licensee, the staff, and the patrons that this establishment was not operating in compliance with the liquor laws and a penalty is being served to correct this way of operating in the future.

6. THE PROCEDURES

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

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

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

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

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

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

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

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

If you decide to sign a waiver, or if you have any questions regarding this matter, please contact me at 604 775-0240 as soon as possible. If you do not sign a waiver, the branch registrar will provide you with the next steps in the hearing process.

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,

Shannan Johnston
Liquor Inspector

Enclosures

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

ENFORCEMENT ACTION

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

Past Enforcement Action Taken

No compliance history found

Compliance Meetings

Licence	Date	Topic
016089	July 13, 2015	Consume liquor while working - Employee, s. 42(3) Reg.
016089	September 16, 2014	Overcrowding beyond patron capacity less than or equal to occupant load, s. 12 Act, Reg. s. 71(2)(b)

Other Factors

No. **B017197**



**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: Roxy Cabaret

Establishment address: 932 Granville St
Vancouver BC V6Z 1L2

Licensee name: The Roxy Cabaret Ltd.

Licence #: 016089 Date CN issued: 07/15/15

Date and time of alleged contravention(s): 06/30/15 4:00pm.

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

	Contravention	Section
1	Licensee or employee consumed liquor in	S 12 <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	premise	<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

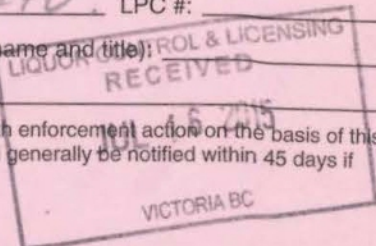
Details: 2 covert inspectors observed
3 staff member's consuming
liquor while working behind
bar service area.

Inspector name: S Johnston Badge #: 97

Telephone: 604-775-0240 LPC #:

Management acknowledgement (name and title):

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 Enforcement Action Recommended

Re: Contravention Notice Number: b017197

Contravention Notice Date: Jul 13, 2015

Job No: 000696523-174

Inspector: Shannan Johnston

Date

Prepared: Jul 09, 2015

Office Location: Victoria

Submitted To: Donna Lister

Establishment Information:

Establishment Name: Roxy Cabaret

Establishment Address: 932 Granville Street
VANCOUVER, BC V6Z 1L2

Licence No: 016089

Licence Class: Liquor Primary

Expiry Date: Oct 31, 2015

Licensee Name: Private Corporation: The Roxy Cabaret Ltd. c/o Culling, Blaine

Terms and Conditions noted on licence face:

Contravention Information:

Contravention Name (e.g. supplying to minors)

Date and Time identified

1. Consume liquor while working -
Employee, s. 42(3) Reg.

1. Jun 26, 2015 11:55 PM
-

Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Establishment compliance history	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<ul style="list-style-type: none">• Number of contravention notices on file: 10• Number of contravention notices in past 12 months: 0• Name, date(s) of any proved contravention(s) and the enforcement action taken:<ul style="list-style-type: none">• Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) R August 13, 2005, 7 day suspension• Consume liquor while working - Employee, s. 42(3) Reg., January 05, 2004, 7 day susp• Sell or give liquor to intoxicated person, s. 43(1) Act, January 02, 2004, 4 day suspensic• Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) R September 13, 2003, 5 day suspension• Contravene term & condition - Exceed licence capacity (no occupant load), s. 12 Act, F 2002, \$3000 fine		
Licensee compliance history	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<ul style="list-style-type: none">• If no, please explain:		
Other file information	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Compliance and Enforcement Program, Policy and Procedures Manual	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Reasons no enforcement action recommended:

A compliant had been received about staff drinking. A covert was conducted using two unknown liquor inspectors. They attended the premise on June 26, 2015 and observed three staff members including the s.22 consuming liquor while working. Shots with Jack Daniels were consumed by staff.

A compliance meeting is being conducted on July 13, with Licensee. It is expected that staff issues will be addressed and future follow up will be conducted. It is expected that the Licensee will comply and provided further training and policies to the staff about expectations about NO drinking while working.

No Enforcement Action Recommended

Re: Contravention Notice Number:

Contravention Notice Date:

Job No: 000696523-174

Inspector: Shannan Johnston

Date

Prepared: Jul 09, 2015

Office Location: Victoria

Submitted To: Donna Lister

Establishment Information:

Establishment Name: Roxy Cabaret

Establishment Address: 932 Granville Street
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Licence No: 016089

Licence Class: Liquor Primary

Expiry Date: Oct 31, 2015

Licensee Name: Private Corporation: The Roxy Cabaret Ltd. c/o Culling, Blaine

Terms and Conditions noted on licence face:

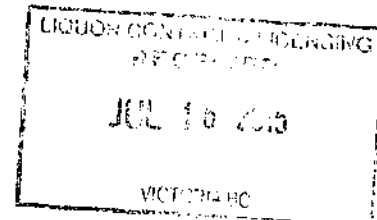
Contravention Information:

Contravention Name (e.g. supplying to minors)

Date and Time identified

1. Consume liquor while working -
Employee, s. 42(3) Reg.

1. Jun 26, 2015 11:55 PM
-



Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention

☒ Yes☐ No

Establishment compliance history

☒ Yes☐ No

- Number of contravention notices on file: 10
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:
 - Overcrowding beyond patron capacity more than occupant load, s. 12 Act, s.71 (2)(b) R August 13, 2005, 7 day suspension
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 - Contravene term & condition - Exceed licence capacity (no occupant load), s. 12 Act, F 2002, \$3000 fine

Licensee compliance history

☒ Yes☐ No

- If no, please explain:

Other file information

☒ Yes☐ No

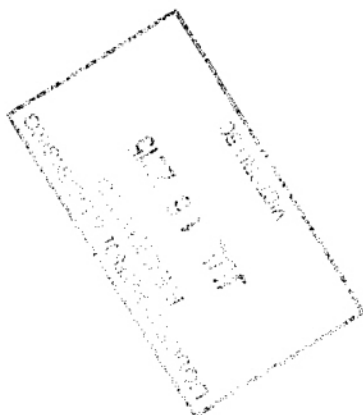
Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes☐ No

Reasons no enforcement action recommended:

A complaint had been received about staff drinking. A covert was conducted using two unknown liquor inspectors. They attended the premise on June 26, 2015 and observed three staff members including the s.22 consuming liquor while working. Shots with Jack Daniels were consumed by staff.

A compliance meeting is being conducted on July 13, with Licensee. It is expected that staff issues will be addressed and future follow up will be conducted. It is expected that the Licensee will comply and provided further training and policies to the staff about expectations about NO drinking while working.





COMPLIANCE MEETING

This document is the record of a meeting between a licensee and the Liquor Control and Licensing Branch [LCLB]. The purpose of the record is to document that concerns about the licensee's non-compliance with the Act, Regulations and or the Terms and Conditions on the license have been brought to the licensee's attention. This record will also show that licensee is aware of these concerns and has made specific commitments to address those concerns.

Establishment Details:

Establishment Name: Roxy Cabaret
Establishment Address: 932 Granville Street
VANCOUVER, BC V6Z 1L2
Licensee: The Roxy Cabaret Ltd.
Licence #: 016089

Meeting Date and Location:

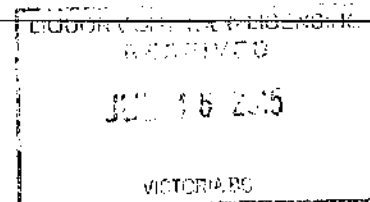
July 13, 2015

For the LCLB:

Shannan Johnston, Liquor Inspector
Bruce Clark, Regional Liquor Inspector

For the Licensee:

Bill Degrasio
Ron Orr



Reason for the Meeting:

CN # B017197

Multiple complaints received alleging serious allegations of staff drinking liquor on duty and intoxication issues with the staff while working, taking female patrons downstairs to drink with the staff.

A covert was conducted by the LCLB where in two unknown Liquor inspectors attended the Roxy Cabaret and observed the staff conduct. The findings were consistent with the complaint regarding staff drinking on shift.

Section of the Act, Regulation, or T&C Guide Reviewed at the Meeting:

Consume liquor while working - Employee, s. 42(3) Reg.

The licensee must manage and control the behavior of patrons to ensure the safety of staff, patrons and the community. When the licensee and staff drink liquor while working, their judgment and ability to manage and control the establishment are impaired. This creates a public safety risk for other staff, patrons and the community.

Minimum Monetary and/or the Minimum Suspension for a first contravention of the above cited section of the Act or Regulation is 1-3 days suspension or \$1000 to \$3000

Commitment/s made by the Licensee:

Staff Mtg called - reviewed policies
further inspections by a secret shopper
to ensure staff conduct is in compliance.

4

-
- I acknowledge the above concerns have been brought to my attention,
 - I agree to implement the measures cited above,
 - I acknowledge my responsibility to provide on-going training to my staff,
 - I acknowledge my responsibility to be fully compliant at all times with the Liquor Control and Licensing Act, the Regulations and the Terms and Conditions on my licence.

Licensee/Representative:

Bill Dearazio

(print name and position)

Licensee/Rep Signature:

LCLB Representative:

S Johnston

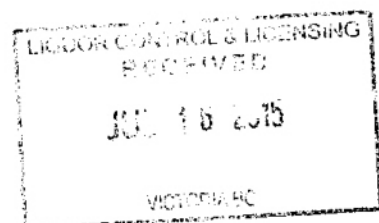
(print name and position)

LCLB Signature:

Attachment/s:

Copy to:

- field file,
- POSSE Docs Tab
- Establishment File
- Licensee





Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

COMPLIANCE MEETING

This document is the record of a meeting between a licensee and the Liquor Control and Licensing Branch [LCLB]. The purpose of the record is to document that concerns about the licensee's non-compliance with the Act, Regulations and or the Terms and Conditions on the license have been brought to the licensee's attention. This record will also show that licensee is aware of these concerns and has made specific commitments to address those concerns.

Establishment Details:

Establishment Name: Roxy Cabaret
Establishment Address: 932 Granville Street
VANCOUVER, BC V6Z 1L2
Licensee: The Roxy Cabaret Ltd.
Licence #: 016089

Meeting Date and Location:

September 16, 2014
Vancouver Regional Office

For the LCLB:

Shannan Johnston, Liquor Inspector
Ed Osei-Appiah, Liquor Inspector
Bruce Clark, Regional Inspector

For the Licensee:

attended by Bill Degrazio



GRANVILLE ENTERTAINMENT GROUP

Blaine Culling
PRESIDENT

ph: 604.331.7823
fx: 604.331.7801
e: blainec@granvillevan.com

www.granvillevan.com

512-929 Granville Street
Vancouver, BC, Canada
V6Z 1L3

Reason for the Meeting:

On September 13, 2014 (business night of Saturday) Inspector Johnston and Osei-Appiah conducted a routine inspection of Roxy Cabaret. The premises were overcrowded. Vic the manager indicated they had just done a count and were aware their numbers were at 315.

We spoke with Vic outside and asked him to reduce the numbers immediately and we would return.

Upon return the numbers were reduced. A discussion with Vic was held and explained that numbers of patrons on the liquor license is 275 and it is their responsibility to manage it to ensure overcrowding does not occur. Vic continued to refer to the transition time that occurs and seems to believe that it is or has been acceptable to overcrowd during this period of time.

A compliance meeting is required to discuss the liquor license capacity with the Licensee. It is our goal to work with the licensee to ensure voluntary compliance is gained and to put procedures in place to ensure that there is no future overcrowding.

Licensing Information:

Liquor Primary indicates establishment is licensed for 275 Patrons
Occupant Load permits 300 persons

Section of the Act, Regulation, or T&C Guide Reviewed at the Meeting:

Liquor Control and Licensing Regulations – definitions

"occupant load", in relation to an establishment or event site, means the lesser of the following:

- (a) the maximum number of persons allowed in the establishment or event site under Provincial building regulations;
- (b) the maximum number of persons allowed in the establishment or event site under the *Fire Services Act* and British Columbia Fire Code Regulation;
- (c) the maximum number of persons allowed in the establishment or event site under any other safety requirements enacted, made or established by the local government, first nation or treaty first nation for the area in which the establishment is located;

"patron capacity", in relation to an establishment, means the maximum number of patrons allowed by the general manager in the area of the establishment designated by the general manager under section 12 (3) (b) of the Act as the area where liquor may be sold or served;

"person capacity", in relation to an establishment, means the maximum number of persons allowed by the general manager in the establishment;

Capacity

6 (1) Before the general manager

(a) approves the issuance of a licence,

the general manager must set the person capacity of the establishment, having regard to the public interest and the views of a local government or first nation if provided under section 10 or 53 of this regulation.

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

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

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

[am. B.C. Regs. 44/2013, s. 3;
48/2013, Sch. 1, s. 2 and Sch. 2,
s. 2.]

Licence categories, terms and conditions and endorsements

71 (2) The following apply to a licence converted under subsection (1) unless and until rescinded or amended by the general manager:

(b) the hours of liquor service and the patron or person capacity of the licensed establishment in effect immediately before December 2, 2002;

Liquor Control and Licensing Act Sec 12 (2)

Licences

12 (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

(a) that **vary the terms and conditions** to which the licence is subject under the regulations, or

(b) that are in addition to those referred to in paragraph (a).

Terms and Conditions Guide – Liquor Primary – Page 33

Overcrowding:

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

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

If an inspector visits your establishment and is uncertain as to whether it is overcrowded, the inspector will count, as accurately as possible, the number of patrons/persons in your establishment.

If the count indicates that your establishment is overcrowded, the inspector will, if possible, do a second count. If you receive a Contravention Notice (please see the section on Inspections for more on this), it will include both the first and second count.

Compliance and Enforcement Manual

SECTION 18: OVERCROWDING

18.0 Introduction

A liquor licence sets out either the maximum number of patrons permitted within the areas where liquor may be consumed (patron capacity) or the maximum number of persons allowed in the establishment, including both patrons and staff (person capacity).

All licences issued after December 2, 2002 set out a maximum person capacity and this capacity is equal to the occupant load for the establishment. Licences issued prior to December 2, 2002 may state either a person or patron capacity. This capacity may be less than the occupant load.

The penalty schedule includes two contraventions for overcrowding in a licensed establishment:

- ☐ exceeding the person or patron capacity and the number of persons is less than or equal to the occupant load, and
- ☐ exceeding the person or patron capacity and the number of persons is greater than the occupant load.

Overcrowding that exceeds the occupant load presents a greater risk to public safety than overcrowding that does not exceed the occupant load, and this is reflected in the penalty schedule. However, policies and procedures for identifying these contraventions are the same and are grouped together in this section under the following heading:

- ☐ Overcrowding Beyond the Person or Patron Capacity.

18.1 Overcrowding Beyond the Person or Patron Capacity

Policy Rationale

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.

Policy

18.1.1 Definition of patron capacity

Patron capacity means the maximum number of patrons that may be in the red-lined area of the establishment.

The red-lined area is designated by the general manager under section 12(3)(b) of the Act as the area where liquor may be sold, served and consumed.

[Liquor Control and Licensing Regulation, section 1(1)] Compliance and Enforcement Reference Manual

SECTION 18 – OVERCROWDING Page 2

18.1.2 Definition of person capacity

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

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

18.1.3 Definition of occupant load

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

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

18.1.7 Licensee procedures to prevent overcrowding

A responsible licensee will implement procedures to ensure that overcrowding does not occur. Procedures may include:

- ☐ having one or more door staff

- ☐ monitoring back entrances
- ☐ ensuring all door staff have counters
- ☐ ensuring all staff are clearly aware of the licensed capacity of the establishment,
- ☐ ensuring that, in establishments with multiple points of entry, procedures are in place to monitor the number of patrons entering and exiting.

The general manager may impose procedures to prevent overcrowding as terms and conditions on a licence. The terms and conditions may include any or all of the procedures described above.

Minimum Monetary and/or the Minimum Suspension for a first contravention of the above cited section of the Act or Regulation is

Patron capacity is less than occupant load – Suspension 1-3 days /or \$1000 to \$3000

Patron capacity more than occupant load – Suspension 4-7 days / or \$5000 to 7000

Commitment/s made by the Licensee:

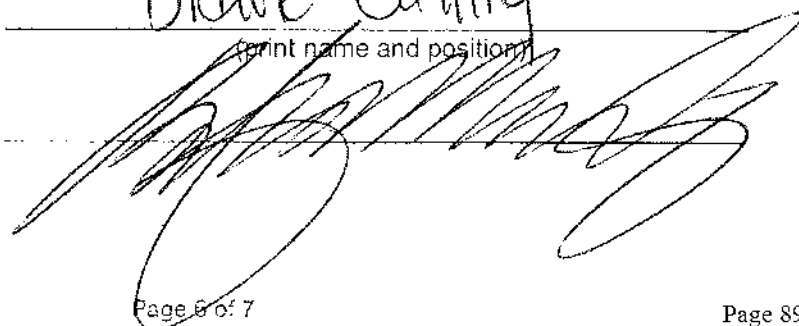
- Will operate to licensing capacity
- Will hold a staff meeting to educate.

- I acknowledge the above concerns have been brought to my attention,
- I agree to implement the measures cited above,
- I acknowledge my responsibility to provide on-going training to my staff,
- I acknowledge my responsibility to be fully compliant at all times with the Liquor Control and Licensing Act, the Regulations and the Terms and Conditions on my licence.

Licensee/Representative:

Blaine Culling
(print name and position)

Licensee/Rep Signature:

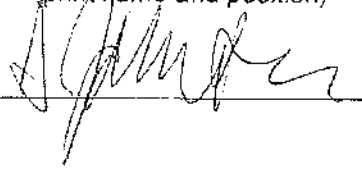


LCLB Representative:

Stonustol

(print name and position)

LCLB Signature:



Attachment/s:

Copy to: field file, POSSE Docs Tab / Establishment File /Licensee

Johnston, Shannan JAG:EX

From: Brown, Tim [tim.brown@vancouver.ca]
Sent: Tuesday, September 16, 2014 12:34 PM
To: Johnston, Shannan JAG:EX
Subject: 932 Granville Street

Hi Shannon,

The occupant load issued from the VF&RS June 18, 1997 for the Roxy Cabaret, 932 Granville Street was 300 persons.

Tim Brown
Captain, Special Events & Assemblies
Fire Prevention Division
Vancouver Fire & Rescue Services
#306 - 456 W. Broadway
Vancouver, B.C. V5Y 1R3
Tel: 604-873-7860
Fax: 604-873-7872
"PEOPLE WHO CARE ABOUT YOU"

Applications for fire fighter positions being accepted August 15th – September 12th

www.vancouver.ca/firejobs
PEOPLE PURPOSE PASSION

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Liquor Primary Licence #016089

Expires on October 31, 2014

Establishment Name: **Roxy Cabaret**
Licence Name: **Roxy Cabaret**
Location Address: **932 Granville Street**
VANCOUVER, BC V6Z 1L2
Issued to: **The Roxy Cabaret Ltd.**
Resident Manager: **Culling, Blaine Clifford**

TERMS AND CONDITIONS

HOURS OF SALE

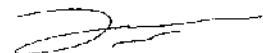
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
Close	3:00 AM	3:00 AM	3:00 AM	3:00 AM	3:00 AM	3:00 AM	3:00 AM

CAPACITY

Patron01	275			
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- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'A Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Subject to terms and conditions specified in the restriction or approval letter(s). A copy of restriction or approval letter(s) to be kept with current liquor licence.

April 07, 2014



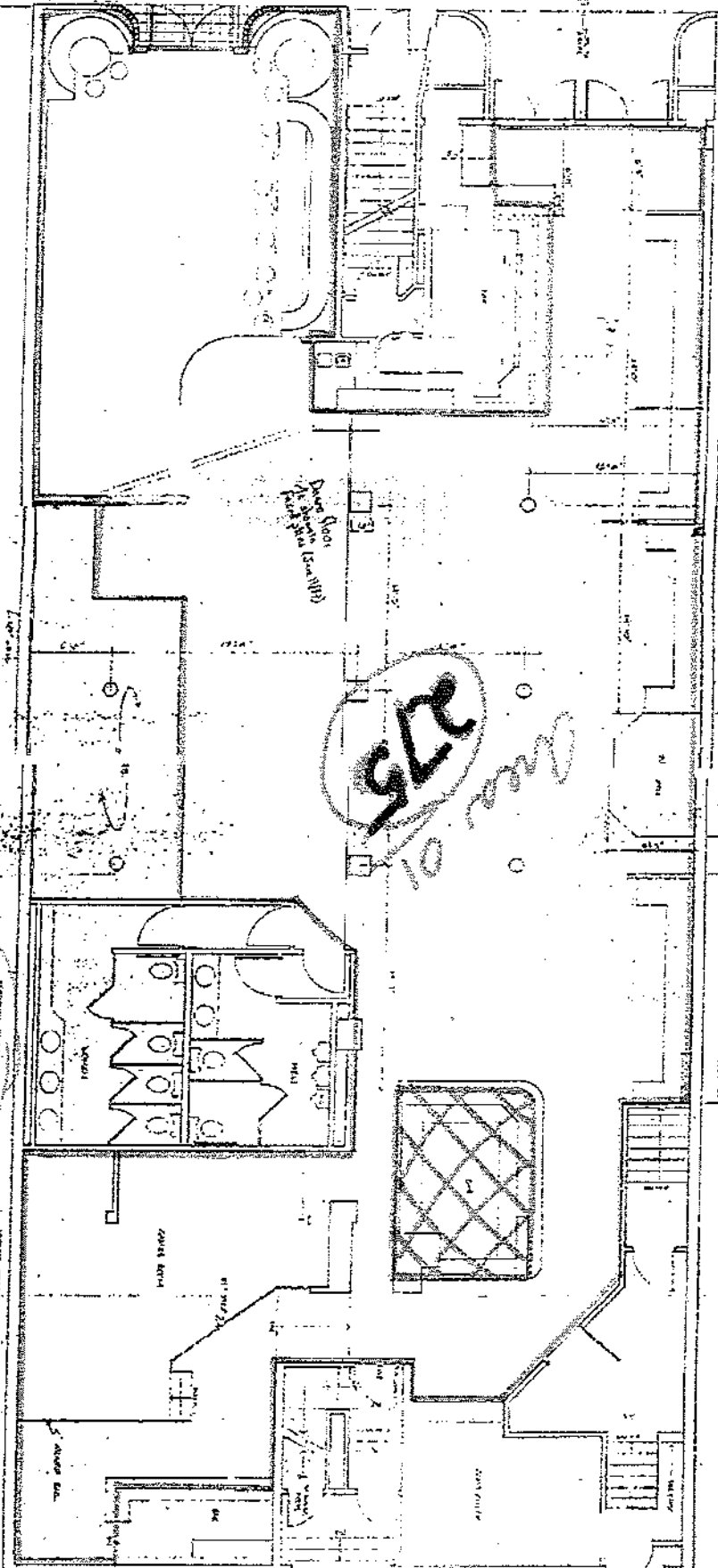
06/07 (RNO)

160891-2

2011-01-11

160891-2

PLAN FLOOR PLAN (EXISTING)



LCLB OFFICIAL PLAN
MUST BE KEPT WITH LIQUOR LICENCE AND
AVAILABLE FOR INSPECTION AT ALL TIMES
Date Issued: Jan 11, 2011
General Manager

LOCAL BY-LAW
160891-2

LIQUOR LICENCE
160891-2

STAMP
160891-2