



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

IN THE MATTER OF

A hearing pursuant to Section 20 of

The Liquor Control and Licensing Act RSBC c. 267

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| Licensee: | 532871 B.C. Ltd. dba Urban Well 1516 Yew Street Vancouver, BC |
| Case Number: | EH03-055 |
| Appearances: | |
| For the Licensee | David Stewart |
| For the Branch | Shahid Noorani |
| Enforcement Hearing Adjudicator | Suzan Beattie |
| Date of Hearing | October 2 and 3, 2003 |
| Place of Hearing | Vancouver, BC |
| Date of Decision | May 5, 2004 |

**Ministry of Public
Safety and Solicitor
General**

Liquor Control and
Licensing Branch

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INTRODUCTION

The licensee, 532871 B.C. Ltd., doing business as Urban Well, is located at 1516 Yew Street, Vancouver, BC. It holds a Food Primary Licence No. 169305 with hours of operation in which liquor may be sold, purchased and consumed being 11:00 A.M. to 1:00 A.M. on Mondays and Tuesdays, 12:00 Noon to 2:00 A.M. Wednesday to Saturday, and 11:00 A.M. to 12:00 Midnight on Sundays. The licence permits patron non-participation entertainment other than games within the premises on Monday and Tuesday only.

The licence permits 82 patrons in Area 1, 16 patrons in Area 2 and 24 patrons in the patio.

ALLEGED CONTRAVENTION AND RECOMMENDED PENALTIES

The Liquor Control and Licensing Branch alleges that on March 14, 2003, the licensee contravened section 43(2)(b) of the *Liquor Control and Licensing Act* by permitting an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied, contrary to the *Act*.

The Liquor Control and Licensing Branch further alleges that on March 14, 2003, the licensee contravened section 50 of the *Liquor Control and Licensing Act* by permitting prohibited entertainment, contrary to the *Act*.

Schedule 4 of the *Liquor Control and Licensing Regulations*, provides a range of licence suspensions and monetary penalties for each contravention. For the alleged contravention of section 43(2)(b), the penalty range is a four (4) to seven (7) day licence suspension or five thousand (\$5,000) to seven thousand (\$7,000) dollar monetary penalty for the first contravention. In this case, the branch is recommending the minimum licence suspension of four (4) days.

With respect to the alleged contravention of section 50, the licensee has received three one (1) day suspension penalties for a total of a three (3) day suspension for contraventions which occurred on February 22-23, 2002, March 1-2, 2002, and March 16-17, 2002 (see: *Urban Well* February 20, 2003). The licensee was also found to have contravened section 50 on October 18, 2002, but no penalty was imposed for that contravention (see: *Urban Well*, May 6, 2003).

Pursuant to the Regulations, the current contravention, if proved, would be considered a 'subsequent' contravention and the penalty range is a six (6) to nine (9) day licence suspension. In this case, the branch is recommending the minimum licence suspension for a subsequent contravention of six (6) days.

The branch is also recommending, pursuant to Section 12 of the *Act*, that the terms and conditions of the licence be varied by changing the hours to end liquor sales at 12:00 Midnight.

The relevant statutory provisions of the *Liquor Control and Licensing Act and Regulations* state:

43 Drunkenness

- (1) A person must not sell or give liquor to an intoxicated person or a person apparently under the influence of liquor.
- (2) A licensee or the licensee's employee must not permit:
 - (a) a person to become intoxicated, or
 - (b) an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied.

50 Entertainment

- (1) If entertainment is permitted under the regulations or the terms and conditions of a licence, a municipality or regional district may restrict or prohibit any or all of the types of entertainment permitted.
 - (2) Without limiting section 12, the general manager may, at the time of the issue of a licence or at any time during the term of the licence, impose as a condition of it the restrictions and limitations that the
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general manager considers necessary on any type or form of entertainment performed or carried on in the establishment for which the licence is issued.

12 Licences

- (3) The general manager, having regard for the public interest, may, on application, issue a licence for the sale of liquor.
- (4) 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).
- (5) Without limiting subsection (2), the terms and conditions referred to in that subsection may:
 - (a) limit the type of liquor to be offered for sale,
 - (b) designate the areas of an establishment, both indoor and outdoor, where liquor may be sold and served
 - (c) limit the days and hours that an establishment is permitted to be open for the sale of liquor,

ISSUES

1. Whether the licensee contravened section 43(2)(b) of the *Liquor Control and Licensing Act* by permitting an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied.
2. Whether the licensee contravened section 50 of the *Liquor Control and Licensing Act* by permitting prohibited entertainment; and
3. If so, are the recommended penalties appropriate in the circumstances?

WITNESSES

The branch called three liquor inspectors as its witnesses. The witness for the licensee was its President.

EXHIBITS

The branch and the licensee presented the following exhibits:

Exhibit 1**Book of Documents**

- Tab 1 Notice of Enforcement Action letter dated May 13, 2003
- Tab 2 Enforcement Action Recommended Report dated July 7, 2003
- Tab 3 Contravention Notice B004-481 dated March 14, 2003
- Tab 4 Handwritten notes of Inspector XXXXXXXX
- Tab 5 Handwritten notes of Inspector XXXXXXXXXX
- Tab 6 Food Primary Liquor License dated February 24, 3003
- Tab 7 Red-lined floor plans stamped dated January 1996

Exhibit 2**Book of Documents**

- Tab 1 Application for a Liquor License dated Jan. 22/97
 - Tab 2 VPD Miscellaneous and Supplementary Report - Mar 13, 1997
 - Tab 3 Warning letter dated March 21, 1997A
 - Tab 4 Inspection and Interview Report dated May 30, 1997
 - Tab 5 Letter from XXXXX to XXXXX - June 19, 1997
 - Tab 6 Permits & Licenses Dept., Inspection Report - July 16, 1997
 - Tab 7 Letter from XXXXX to XXXXX - July 21, 1997
 - Tab 8 Permits & Licenses Dept. Inspection Report - Oct. 5, 1997
 - Tab 9 Application for a permanent change to Liquor License -October 10, 1997
 - Tab 10 Permits & Licenses Dept. Inspection Report dated Sept. 18, 1998
 - Tab 11 VPD Miscellaneous and Supplementary Report -March 12, 1999
 - Tab 12 Letter from XXXXX to XXXXX dated Mar. 23, 1999
 - Tab 13 Police LPC dated July 23, 1999
 - Tab 14 Police LPC dated August 21, 1999
 - Tab 15 Warning letter dated Oct. 20, 1999
 - Tab 16 LPC dated May 13, 2000 & LPC dated April 21, 2000
 - Tab 17 VPD LPC dated Dec. 12, 2001 and LPC dated June 24, 2001
 - Tab 18 Warning Letter dated Feb. 26, 2001
 - Tab 19 Contravention Notice A0000452 dated March 16, 2001
 - Tab 20 Application for Permanent Change to Liquor Licence - May 7, 2001
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| Exhibit 3 | Food-Primary Licence Terms and Conditions |
| Exhibit 4 | April 5, 2002 Decision of General Manager re: Urban Well |
| Exhibit 5 | Feb. 20, 2003 Decision of General Manager re: Urban Well |
| Exhibit 6 | May 6, 2003 Decision of General Manager re: Urban Well3 |
| Exhibit 7 | Floor Plan of Urban Well |
| Exhibit 8 | Letter from Rising Tide Consultants dated June 23, 2003 |
| Exhibit 9 | Letter from Rising Tide Consultants dated September 3, 2003 |
| Exhibit 10 | Executive summary and letter of intent re: application for liquor primary licence by Urban Well |

EVIDENCE, SUBMISSIONS AND FINDINGS ON CONTRAVENTIONS

Evidence

The evidence in this matter, which was ultimately not seriously contested, is summarized as follows.

Branch

On March 14, 2003, three liquor inspectors were involved in a routine inspection of the establishment. The first liquor inspector to testify (Inspector 1) explained that all three inspectors entered the premises, separated, and conducted their respective inspections. On his inspection, Inspector 1 walked through the restaurant, and noted the Disc Jockey and the DJ machine at the back rear of the bussing stations. No dancing was taking place at that time. Inspector 1 continued his inspection into the kitchen and then returned to the dining area.

Section 43(2)(b)

With respect to the alleged intoxicated patron, Inspector 1 noted that this patron was leaning against a pony wall with his arms around two other patrons who were holding him up. Inspector 1 was approximately four feet away and could not smell the odour of liquor. However, Inspector 1 was able to note that the patrons head was bobbing, he

was unsteady on his feet and his eyes were droopy, opening and closing. The patron had liquid down the front of his shirt and a glass of water in his hand. His motor skills were impaired and he had a hard time getting the glass of water to his mouth.

All three inspectors saw staff walk directly in front of, around and past this patron. Inspector 1 was specifically watching to see if any staff would approach the patron and give assistance to remove him safely from the premises.

Section 50

As Inspector 1 was heading toward the dining area he was stopped by an acquaintance. He crouched down to speak to this individual. When he stood up after 3-4 minutes he made eye contact with Inspector 2. It was at that time that Inspector 1 noted four people dancing on the dance floor.

All three Inspectors testified they observed the patrons dancing. Inspector 1 testified that no staff attempted to stop the dancing, there was no announcement by the Disc Jockey to stop dancing and no signage indicating that dancing was not permitted. Inspector 2 explained that the area used as the dance floor is wood while the remainder of the establishments' floor is carpeted. As well, there are no tables or chairs in the area where patrons were dancing.

Inspector 3 explained that changing from a food primary licence to a liquor primary licence is a rigorous process. An application for a liquor primary licence is initially submitted and reviewed in Victoria and then reviewed by the local government. The review process by local governments may include a public hearing process. Inspector 3 explained that a patron participation designation would be appropriate if the licensee wants to have dancing in the establishment.

After observing the alleged intoxicated patron, Inspector 1 spoke to the manager on duty. He pointed out the alleged intoxicated patron and the four patrons dancing.

Inspector 1 requested that the dancing stop and that the alleged intoxicated patron be removed. He observed the manager speak to the patrons dancing and then to a server. In discussions with Inspector 1, the manager said he was unaware that dancing was not allowed in the establishment. However, he was aware the licensee was dealing with the branch about the issue of dancing.

Licensee

The licensee's witness explained that there have been various operator's in the same location since 1984. The licensee has operated in the location since early 1997. The licensee is a full service restaurant facility operating with a vibrant adult atmosphere in a geographical location that is populated with 25 – 45 year old residents.

Section 43(2)(b)

With respect to the alleged intoxicated patron, the manager told the licensee that he was aware a patron was in the washroom under the care of his friends. He believed this patron was in the process of being moved out of the restaurant when observed by the three inspectors. In the licensee's opinion, the manager was acting in the best interest of the intoxicated patron by not letting him onto the street.

Section 50

With respect to the evening of March 14, 2003, the licensee explained that the manager on duty was on a "semi-contract" basis as he was potentially interested in purchasing the establishment. The manager reported to the licensee that he had not noticed a patron dancing until it was brought to his attention by Inspector 1. The manager then dealt with the issue by asking the dancers to stop. The licensee acknowledges that there have been two other incidents of patrons dancing but, in its opinion, these situations did not impact the public safety or the community. In an effort to ensure compliance in the future the licensee has retained a consultant to assist it in applying for a liquor primary license in order to have patron participation entertainment.

The licensee admitted it was aware it could apply for an entertainment endorsement on this licence, but that would reduce its hours of sale for liquor. The licensee stated it tells patrons not to dance, just as it tells patrons not to smoke. While it does not employ staff to just watch for smoking or dancing, both issues are dealt with as soon as they are brought to management's attention.

The licensee admitted that the Disc Jockey is not instructed to advise patrons not to dance. However, if he sees dancing, he will change the music to something no one will dance to. This instruction is communicated verbally to the Disc Jockey. There are no written instructions regarding the possibility of patrons dancing.

Submissions

The licensee submits it should not be penalized for permitting a person alleged to be intoxicated to remain in that part of its licensed establishment where liquor is sold, served or otherwise supplied. It bases its argument on the fact that a patron should be allowed to stay for a few minutes to compose and correct themselves. If the licensee feels patrons are not able to drive they will keep them in the restaurant until they can arrange for their transportation. It does not feel it must immediately remove such patrons from its premises (see: *Hotel Douglas* October 2, 2001). Each situation should be looked at individually and, in this case, the licensee feels it has exercised its duty of care.

Specifically, with respect to the dancing on March 14, 2003, the licensee argues that there is nothing to say that its staff would not have stopped the dancing. The licensee states there are steps taken every day to discourage and prevent dancing in the establishment. First, its manager is instructed to ask patrons not to dance. Secondly, the licensee has volunteered to post a sign and maintain its diligence in asking patrons not to dance. It maintains it works diligently to ensure that dancing does not occur in its premises and that it is in compliance with its licence. In summary, it emphasizes that every effort is made to ensure that dancing does not happen.

Findings

Section 43(2)(b)

I find that there was an intoxicated patron on the premises on March 14, 2003. I base this finding on the evidence of Inspector 1 that the patrons head was bobbing; he was unsteady on his feet and the Inspector's observations that the patron's eyes were droopy, opening and closing. As well, the patron had liquid down the front of his shirt and a glass of water in his hand. His motor skills were impaired and he had a hard time getting the glass of water to his mouth.

I also find that the licensee permitted this intoxicated patron to remain in that part of its licensed establishment where liquor is sold, served or otherwise supplied contrary to section 43(2)(b) of the *Act*. The facts in this case are distinctly different than those in the *Hotel Douglas* case cited by the licensee.

In *Hotel Douglas*, which dealt with permitting a minor to enter on or be on the premises, the adjudicator specifically found that the evidence was insufficient to demonstrate that the licensee authorized or permitted a minor to be present. In addition, the adjudicator noted that the licensee had policies to deal with minors, the licensee was usually vigilant and there were no prior contraventions, enforcement actions or offences.

None of these factors are present in the evidence before me. Rather in this case the evidence of Inspector 1 was that he was watching to see the reaction of staff to the intoxicated patron. On the evidence, the staff was walking in front of, around and past the intoxicated patron. No steps were taken to remove the intoxicated patron until Inspector 1 spoke to the manager. Nor was there any evidence of a policy for staff dealing with intoxicated patrons. As a result, I find the licensee did permit an intoxicated person to remain in that part of its licensed establishment where liquor is sold, served or otherwise supplied contrary to section 43(2)(b).

Section 50

Further, I find on the evidence before me and the licensee's admissions, that there was dancing in the establishment on March 14, 2003. As a result, I find that prohibited entertainment occurred contrary to section 50 of the *Act*.

In this case, the evidence is that the manager of the establishment was not aware that dancing was prohibited entertainment and contrary to the *Act*. In this circumstance it is not possible for me to conclude that every effort was made by the licensee to comply with the terms of its license.

PENALTY SUBMISSIONS AND DECISION

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

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

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

Compliance History

The branch's file indicates a number of complaints and contraventions during the period from 1997 to the present. Of interest to this hearing are the following extracts from the branch's file:

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| - March 21, 1997 | Warning letter re: patrons dancing and other allegations |
| - Oct. 5, 1997 | City of Vancouver Inspection Report - patron dancing |
| - March 12, 1999 | Vancouver Police Department report re: patron dancing and other allegations |
| - April 21, 2000 | Vancouver Police Department report re: patron dancing and other allegations |
| - May 13, 2000 | License Premises Check from "Flying squad" re patron dancing and other allegations. |
| - Feb. 23, 2002 | Proven Contravention of prohibited entertainment. One (1) day suspension penalty. |
| - March 1, 2002 | Proven Contravention of prohibited entertainment. One (1) day suspension penalty imposed. |
| - March 1, 2002 | Proven Contravention of allowing an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied. Four (4) day suspension penalty imposed. |
| - March 8, 2002. | Contravention notice issued re: prohibited entertainment. No enforcement recommended |
| - Mar. 16/17,2002 | Proven contravention of prohibited entertainment - one (1) day penalty suspension. |
| - April 20, 2002 | Contravention notice issued re: prohibited entertainment. No enforcement recommended |
| - April 27, 2002 | Contravention notice issued re: prohibited entertainment. No enforcement recommended |
| - October 18, 2002 | Proven contravention of prohibited entertainment – No penalty imposed. |

Submissions

In support of its position for no penalty, the licensee relies on the decision of *Baja Grill* (December 20, 2001), where overcrowding was found to be beyond the control of the licensee. It also relies on the decision of *Whistler Mountain Ski Corporation* in support of its argument that the financial ramifications of the suspension penalties would be devastating.

With respect to the prohibited entertainment or patrons dancing, the licensee first submits that there are no issues of rowdiness, criminal behaviour, noise complaints, or anything that would have an adverse impact on the community. The licensee feels that, to put tables and chairs on the wooden dance floor would adversely affect access to the washrooms and possibly egress and dispersal. The licensee also submits it has put steps in place to ensure dancing does not occur.

Lastly, the licensee says that, changing the terms and conditions of the establishment to close at Midnight would effectively put its employees out of work and take a valuable asset out of the community.

Decision

The branch's primary goal in determining the appropriate penalty along the scale is achieving voluntary compliance. Among the factors that are considered in determining the appropriate penalty is whether there is a past history of warnings by the branch and/or the police, the seriousness of the contravention, the threat to public safety and the well being of the community.

Section 43(2)(b)

With respect to the contravention of permitting an intoxicated person to remain in that part of its licensed establishment where liquor is sold, served or otherwise supplied contrary to section 43(2)(b) of the *Act*, I have not accepted the licensee's argument that

it exercised due diligence. There was no evidence of a policy for dealing with intoxicated patrons and no evidence that the licensee was in the process of dealing with the intoxicated patron.

I note that this licensee had a previous contravention notice in March 2002 for permitting an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied. This indicates to me that voluntary compliance has not been achieved.

On these facts, I find the recommended minimum suspension penalty of a four (4) day suspension for a first contravention is appropriate.

Section 50

I do not find the *Baja Grill* (December 20, 2001) assists the licensee in its argument for no penalty for the contravention of prohibited entertainment. The *Baja Grill* decision dealt with an overcrowding contravention. It was found that the overcrowding was created as an “unusual occurrence”, was handled sensitively, and there were extenuating circumstances warranting no penalty.

In this case, there are no extenuating circumstances. I note the licensee has a wooden dance floor distinct from the carpeted restaurant, which is an invitation to patrons dance. They also have a DJ playing music, and no signage posted indicating that dancing is prohibited. Finally, I note that the licensee has had previous contravention notices for prohibited entertainment, which would have alerted the licensee to this issue.

In all these circumstances, I find a penalty is required. The branch is recommending the minimum penalty of a six (6) day suspension for a subsequent contravention. In this case it has been three (3) days less than 12 months since the first proven contravention of prohibited entertainment from a contravention notice issued March 17, 2002. It has been five (5) months since the second proven contravention of prohibited entertainment from a contravention notice issued October 18, 2002. In these circumstances, given the

evidence of a lack of voluntary compliance, the minimum six (6) days suspension for a subsequent contravention is appropriate.

Changes to the terms and condition of the licence.

The next question is whether the facts before me are sufficient to impose as a term and condition of the license that the hours to end liquor sales be changed from 1:00 A.M. Monday and Tuesday, 2:00 A.M. Wednesday to Saturday and Midnight Sunday to midnight Monday to Sunday.

This is not the first time such a remedy has been sought. In *Urban Well* (May 6, 2003), there was a proven contravention of prohibited entertainment. In determining that a contravention occurred, the following was stated at page 8:

In finding that the licensee permitted the prohibited activity I took into consideration that the licensee, whilst made aware by way of the previously issued Contravention Notices that patrons dancing was not allowed and that greater supervision was necessary, did not take all reasonable steps to prevent the activity from occurring. For example, there was neither carpeting nor tables placed on the stage area to discourage patrons from dancing, none of the employees on duty advised the patrons that dancing was not allowed until requested to do so by the liquor inspectors. Further, employing a disc-jockey to play danceable musical at a level about a normal background level, if not encouraging the activity certainly enables it.

I pause to note, that in this hearing, the evidence disclosed the same factors mentioned above were still present in the establishment. On the evidence there was still no carpeting nor tables and chairs on the wood floor to discourage dancing, no employees advised the four patrons that dancing was not allowed until the manager was requested to do so by Inspector 1, and the disc-jockey was still playing danceable music.

In rendering the May 2003 decision, the adjudicator was not aware that in a decision dated February 20, 2003, an adjudicator had made findings of prohibited entertainment on February 22 - 23, 2002, March 1-2, 2002 and March 16 - 17, 2003 and imposed a

one (1) day licence suspension for each contravention (a total of a three (3) day licence suspension). As a result, the contravention found in May 2003 was, in fact, a second contravention.

The May 2003 decision treated the contravention as a first contravention. As well, in the pre-hearing conference prior to the May 2003 hearing the recommendation of a change in terms and conditions of the license was initially overlooked as forming part of the recommended enforcement action in that hearing. These factors distinguish that award from the case before me.

In this case, the licensee also submits, that to end its hours of sale at Midnight on Monday to Sunday would effectively put it out of business. The evidence supporting this submission compared the difference in revenue and expenses between the current operating hours and a 12 Midnight closing. This evidence suggests a twenty-five percent (25%) loss of revenue if the establishment closes at Midnight. I also note that the licensee was well aware of how to apply for a patron participation endorsement and has chosen not to apply. A patron participation endorsement would require the licensee to stop any approved patron participation at Midnight. However, the establishment could continue to operate according to its approved hours in which liquor may be sold, purchased and consumed. A patron participation endorsement also requires input from the municipality or regional district.

The requirement of municipal approval before granting a patron participation endorsement is designed to meet public safety and public interest concerns. By continuing to operate in a manner that attracts contraventions and license suspensions, this licensee is ignoring the public interest that the branch is mandated to protect.

The licensee's evidence is that, as of September 3, 2003, it has applied for a liquor primary license. That application will be dealt with in due course. However, an application made in September 2003 is not persuasive in dealing with the recommended penalty for contraventions that occurred in March 2003.

On balance, this licensee has repeatedly contravened the terms and conditions of its food primary license. In doing so it has put at risk public safety and public interest concerns. The licensee submits that there are no issues of rowdiness, criminal behaviour, noise complaints, or anything that would have an adverse impact on the community. In keeping with the spirit of the *Act* and *Regulations*, a penalty may be imposed upon a finding of a contravention both as recognition of the risks created by the contravention as well as deterrence to others. Harm need not actually have occurred.

As well, the licensee is aware of how to engage the public interest and apply for a patron participation endorsement. It has, by its evidence, demonstrated an economic advantage to not making such an application. The licensee has not responded to the branch's attempts to educate it as to the terms and conditions of its licence. Nor has it voluntarily complied with the terms and conditions of its licence.

For these reasons I find that the recommended change in terms and conditions to the license is warranted.

ORDER

Pursuant to section 20(2) of the *Act*, concerning Licence No. 169305 B.C. Ltd., I order as follows:

For the contravention of section 43(2)(b) of the *Liquor Control and Licensing Act* on March 14, 2003, I order a suspension of the liquor licence for four (4) days.

For the contravention of section 50 of the *Liquor Control and Licensing Act*, I order a suspension of the liquor licence for six (6) days. And, for the contravention of section 50 of the *Liquor Control and Licensing Act*, I order the terms and conditions of the licence be changed to end liquor sales at 12:00 Midnight, Monday to Sunday.

I order the licence suspension to take effect as of the close of business on Friday, May 28, 2004, and to continue on each successive "business day" until the ten (10) day licence suspension is completed.

I further order the terms and conditions of the licence be changed, effective Friday, May 28, 2004, to end liquor sales at 12:00 Midnight Monday to Sunday.

I direct that the liquor licence be held by the branch from the close of business, Friday, May 28, 2004, until the licensee has demonstrated to the branch's satisfaction that the licensed establishment has been closed for ten (10) business days.

The suspension sign notifying the public shall be placed in a prominent location by a liquor inspector. A liquor inspector will attend the premises, take possession of the liquor licence and hold it in safekeeping during the term of the suspension.

Original signed by

Suzan Beattie
Enforcement Hearing Adjudicator

Date: May 5, 2004

cc: Vancouver Police Department

Liquor Control and Licensing Branch, Vancouver Office
Attention: Lee Murphy, Regional Manager

Liquor Control and Licensing Branch Surrey Office
Attention: Shahid Noorani
