



**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, R.S.B.C. 1996, c. 267***

Licensee:	Mustangs Bar & Grill Ltd. dba Mustangs Bar & Grill 7 - 3227 - 264 Street Aldergrove, B.C. V4W 2X3
Case:	EH06-069
For the Licensee:	Jagroop (Jack) Dhaliwal
For the Branch:	Shahid Noorani
Enforcement Hearing Adjudicator:	Edward W. Owsianski
Date of Hearing:	July 24, 2006
Place of Hearing:	Surrey, B.C.
Date of Decision:	August 22, 2006

## INTRODUCTION

The licensee, Mustangs Bar & Grill Ltd. operates an establishment known as Mustangs Bar & Grill. It is located at 7 - 3227 - 264 Street, Aldergrove, B.C. It holds Liquor Primary Licence No. 301357 that is the subject of this decision. The hours of sale are from 11:00 a.m. to 1:00 a.m., seven (7) days per week. The licence permits a maximum capacity of 287 persons in the licensed area. The licence is subject to the terms and conditions contained in the publication 'Guide for Liquor Licensees in British Columbia'.

The maximum occupant load as noted on the approved floor plan is 287 persons.

## ALLEGED CONTRAVENTION AND RECOMMENDED ENFORCEMENT ACTION

The Liquor Control and Licensing Branch's (the branch) allegations and recommended enforcement actions are set out in the Notice of Enforcement Action (the "NOEA") dated July 10, 2006. The branch alleges that three contraventions took place on March 31, 2006.

1. That the licensee contravened Section 6(4) of the *Liquor Control and Licensing Regulation* by permitting more persons in the licensed establishment than the person capacity set by the general manager, and the number of persons in the licensed establishment was more than the occupant load. The recommended enforcement action is a seven (7) day suspension of the liquor licence (item 15 of Schedule 4, *Regulation*).
  2. That 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. The recommended enforcement action is a seven (7) day suspension of the liquor licence (item 11 of Schedule 4, *Regulation*).
  3. That the licensee contravened Section 42(4) of the *Liquor Control and Licensing Regulation* by allowing liquor to be taken from the licensed establishment. The recommended enforcement action is a two (2) day suspension of the liquor licence (item 29, Schedule 4 of the *Liquor Control and Licensing Regulation*).
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Schedule 4, items 11 and 15 of the *Liquor Control and Licensing Regulation*, provides a range of licence suspensions and monetary penalties for contraventions one and two. For a first contravention of this type the penalty range is a four (4) to seven (7) day licence suspension and a five thousand (\$5,000) to seven thousand (\$7,000) monetary penalty. For a second contravention the penalty range is a ten (10) to fourteen (14) day licence suspension. For subsequent contraventions the penalty range is a eighteen (18) to twenty (20) day licence suspension.

Schedule 4, item 29 of the *Liquor Control and Licensing Regulation*, provides a range of licence suspensions and monetary penalties for contravention three. For a first contravention of this type the penalty range is a one (1) to three (3) day licence suspension and a one thousand (\$1,000) to three thousand (\$3,000) monetary penalty. For a second contravention the penalty range is a three (3) to six (6) day licence suspension. For subsequent contraventions the penalty range is a six (6) to nine (9) day licence suspension.

The owner of the property housing the licensed establishment represented the licensee. The licensee disputes the allegations.

**Section 43 of the Act states as follows:**

**Drunkenness**

- 43(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.

**Sections 6 and 42 of the Regulation to the Act state as follows:**

**Capacity**

- 6(1) Before the general manager
    - (a) approves the issuance of a licence,
    - (b) approves a structural alteration of or a change to the size of any area of a licensed establishment,
    - (c) approves a transfer of a licence under section 21 (3) of the Act, or
    - (d) approves an application for an increase in the person capacity of a licensed establishment,
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the general manager must set the person capacity of the establishment, having regard to the public interest and the views of a local government or first nation if provided under section 10 or 53 of this regulation.

- (2) Once the general manager has set the person capacity of an establishment in accordance with subsection (1), the general manager must refuse to issue, amend or transfer a licence for that establishment if the occupant load of the establishment is not equal to the person capacity.
- (3) Despite subsection (2), if the occupant load of an establishment is less than the person capacity of the establishment set under subsection (1), the general manager may issue, amend or transfer the licence for that establishment after reducing the person capacity to equal the occupant load.
- (4) It is a term and condition of a licence that there must not be, in the licensed establishment at any one time, more persons than the person capacity set under subsection (1) or (3).
- (5) This section does not apply to a U-Brew, U-Vin, licensee retail store, distillery, brewery or a winery without a winery lounge endorsement.

### **Consumption of liquor in licensed establishments**

- 42(1)** A person must not consume liquor in a licensed establishment unless that liquor has been purchased from or served by the licensee of that licensed establishment.
- (2) A licensee must not allow consumption in the licensed establishment of liquor that was not purchased from or served by the licensee.
- (3) A licensee, and the employees of the licensee, must not consume liquor while working in the licensed establishment.
- (4) All liquor sold or served in a licensed establishment must be consumed there, and the licensee must not allow liquor, other than the following, to be taken from the licensed establishment:
  - (a) a bottle of wine that is unfinished by a patron and sealed by the licensee before being taken by that patron from the licensed establishment;
  - (b) liquor that is sold for consumption off premises in accordance with the Act, this regulation and the terms and conditions of the licence.
- (5) A licensee who seals an unfinished bottle of wine in accordance with subsection (4)
  - (a) must inform the patron of the requirements of section 44 of the Act.
- (6) This section does not apply to a U-Brew or U-Vin.

### **Issues**

1. Whether the licensee contravened the *Act* and *Regulation* as alleged by the branch.
  2. If so, what penalties, if any, are appropriate?
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**EXHIBITS**

1. Book of Documents
2. Letter of June 29, 2006, from the Township of Langley to Mr. Jack Dhaliwal
3. Letter of July 6, 2006, from the Township of Langley to Mr. Jack Dhaliwal
4. Letter of July 4, 2006, from Pioneer Consultants Ltd. to the Township of Langley
5. Undated letter from Rock It Boy Entertainment
6. Letter of April 28, 2006, from Points West Architecture to Jack Dhaliwal
7. Unaddressed letter of June 24, 2006, from Jagroop Dhaliwal
8. E-mail dated June 22, 2006, to Jack Dhaliwal
9. E-mail dated June 21, 2006, to Jack Dhaliwal

**EVIDENCE - THE LIQUOR CONTROL AND LICENSING BRANCH**

**Witness #1** testified that he is the Manager with the Township of Langley. He is aware that the Township council has set restrictions for the occupant load for the liquor primary area of Mustangs Bar and Grill (Mustangs) at 275 patrons in the main area, 25 patrons on the patio and 12 staff, giving a total occupant load of 312 persons. This occupant load was established through public hearings in July 2004 and was made part of the development permit issued at that time. Should the property owner wish to increase the occupant load he would have to apply for a development variance permit. Until such time as the application is made and considered the occupant load remains at 312 persons. He testified that the Township's position was made clear to the property owner in a letter of June 29, 2006 (Exhibit 2) and again on July 6, 2006, (Exhibit 3) following receipt of a letter dated July 4, 2004, from consultants acting on behalf of the owner of the property. He confirmed that the approved floor plan (Exhibit 1, tab 6) contained the notation made by the Township building inspector/plan checker that the occupant load for the main area was 275, plus 12 staff for a total of 287 persons. This does not include the patio area.

**Witness #2**, a branch compliance and enforcement officer (C & E officer) testified that he has been employed as a C & E officer for the past several years. During the course of his employment he has conducted thousands of inspections of licensed

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establishments. He has received training in identifying and dealing with intoxicated persons and has dealt with hundreds of persons in various states of intoxication. He is familiar with Mustangs and the terms and conditions of its liquor license.

He testified that on March 31, 2006, he was working with Langley Detachment R.C.M. Police officers conducting inspections of licensed establishments in the Langley area during the evening/early morning hours. Mustangs was on the list of establishments to be inspected. They were aware that a well-known band was playing and information had been received that there had been 500 tickets pre-sold for their performance. The liquor licence for the establishment (Exhibit 1, tab 4) restricts the capacity to 287 persons, it does not have a licensed patio. He arrived at the establishment with six police officers at approximately 10:55 p.m. Upon arrival he noted two males who he believed were just leaving the establishment. One was in the process of just putting on his jacket and carried an open bottle of beer that he hid under his jacket upon seeing the uniformed police officers. The C & E officer asked the male if he was bringing the beer from inside the establishment. The male replied "yes" and said that he was with the band and was on a cigarette break. The C & E officer believed that the male was a "roady" i.e. a band support member who assists in setting up and taking down the equipment but is not a performer.

Prior to entering the establishment the C & E officer asked the doorman how many persons were inside. The doorman had a mechanical counter indicating 303 persons. At this point the C & E officer encountered the licensee (principal of the corporate licensee). He advised him of the male carrying the beer and was told that the band had a clause in their contract providing them with free beer.

Upon entering the establishment the C & E officer found it to be very crowded with several of the patrons exhibiting signs of intoxication, slurred speech, bloodshot eyes, staggering. He counted 157 patrons in one part of the establishment but was unable to count the number in the remaining area due to the "wall" of persons shoulder to shoulder watching the band perform. He spoke with a male whom he knows to be

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associated with the promoter of the event. He described this person as being "really drunk", slurring his words, staggering, bloodshot eyes.

He was accosted by an intoxicated patron who was angry at his presence and that of the police. The person was belligerent and argumentative. He was staggering and slurring his words when speaking to him. The C & E officer motioned to the doorman to have the person cut-off from further liquor sales and made to leave the establishment. This was not done as he saw the person approximately 30 – 45 minutes later in the establishment consuming a beer. He saw one patron passed out on the floor resulting in an ambulance attending. The C & E officer was told by a police officer that this individual had told the police officer, "I had way too much to drink".

The C & E officer held a meeting outside with the property owner, the licensee, the manager and a police officer to determine a plan of action to deal with the problems. It was recognized that any attempt to immediately shut down the event would lead to a riotous situation. Any attempt to evict intoxicated patrons would lead to fights with the bouncers. It was agreed that liquor sales would be terminated and that this would likely lead to patrons slowly leaving. This was done. Things got violent with patrons pushing and shoving and then fighting with the bouncers who were attempting to deal with the problems. The bouncers evicted several patrons who were dealt with by the police officers once outside.

The C & E officer advised the licensee to instruct the band to end the set and not to play any encores. The licensee attempted to have the instructions carried out. The sound person for the band refused to comply and the band continued performing until approximately 1:00 a.m. The lights were then turned on and patrons commenced leaving via the front doors. The C & E officer conducted a count of persons leaving the establishment. At 1:30 a.m. a total of 447 patrons were counted. This did not include approximately 50 who left during the interim period.

The police officers expressed concern to the C & E officer over the number of officers and length of time they were tied up and unable to deal with other problems in the

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community. At this point there were approximately 15 – 20 police officers on site to deal with the problems occurring outside of the establishment.

The C & E officer prepared contravention notices, which were given to the licensee (Exhibit 1, tab 2). The licensee advised the C & E officer that the promoter was responsible for ticket sales, including how many would be sold.

The witness testified that as the C & E officer responsible for the geographical area in which the establishment is located he is responsible for keeping the branch files for the establishment. The licence (Exhibit 1, tab 4) is subject to the terms and conditions found within the "Guide" in effect at the time of the inspection (Exhibit 1, tab 5) and is also subject to the term and condition: "Liquor may only be sold, served and consumed within the areas outlined on the official plan, unless otherwise endorsed or approved by the Liquor Control and Licensing Branch". The approved floor plan is found at Exhibit 1, tab 6. An interview was conducted with the licensee on February 22, 2005, (Exhibit 1, tab 7) and the liquor licence was issued on March 1, 2005 (Exhibit 1, tab 8).

He is aware of other problems occurring at the establishment and referred to copies of documents from branch files:

- April 1, 2005 CN issued for failing to request two pieces of identification (Exhibit 1, tab 9);
  - June 26, 2005 CN issued for permitting an intoxicated person to remain on the premises and permitting a person to become intoxicated (Exhibit 1, tab 10);
  - July 10, 2005 CN issued for permitting an intoxicated person to remain on the premises and for selling liquor to an intoxicated patron (Exhibit 1, tab 12);
  - July 15, 2005 Compliance meeting held by a branch C & E officer with the licensee, the property owner, the general manager of the establishment and two police officers regarding the need to control the establishment to prevent disturbances, overservice and intoxicated patrons (Exhibit 1, tab 11).
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The C & E officer testified that he recommended that enforcement action be taken as a result of his observations on March 31, 2006, and he completed a NOEA on July 10, 2006, which was mailed to the licensee:

- For the contravention of overcrowding he recommended a seven (7) day suspension which is the maximum suspension penalty for a first contravention of that type. He was concerned that the establishment operates with a lack of control and a lack of knowledge on the part of the licensee despite previous conversations with the licensee. The establishment was grossly overcrowded. It is his belief that if it continues to operate in this fashion people will be hurt.
- For the contravention of permitting an intoxicated person to remain on the premises he recommended a seven (7) day suspension which is the maximum suspension penalty for a first contravention of that type. This problem has been brought to the attention of the licensee on three previous occasions. He was concerned with the number of intoxicated patrons and their level of intoxication.
- For the contravention of permitting liquor to be removed from the establishment he recommended a two (2) day suspension which is a mid range suspension penalty for a first contravention of this type. While this has not been a problem in the past he was concerned that a mid range penalty be levied to ensure that the licensee knows that he must exert control over the operation of the establishment.

#### **EVIDENCE - THE LICENSEE**

**Witness #3** testified that he is the owner of the property housing the licensed establishment. He lives close to the establishment and was present at the establishment at the time of the alleged contraventions. He agreed that the establishment was over the maximum licensed capacity and agreed that 447 patrons had been counted exiting but disagreed with the evidence of the C & E officer, that approximately 50 patrons had left prior to the count. He testified that he counted only 18 patrons leaving prior to that point. In addition to the patrons there were 14 staff on duty, bringing the total number of person inside the establishment to 479.

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He testified that he was not aware of what occupant load had been set for the establishment and found the differences between the occupant load and the licensed capacity confusing. In 2004, when the licensee applied for this licence, he had a floor plan that identified the occupant load as being 485. That plan cannot now be located. At that time an application was made for a capacity of 350, however, because there was insufficient paved parking the building inspector told him to proceed with a lower number of 312, which he would recommend for approval by the Township council. The drawings that he received from the Township of Langley had not been marked with the occupant load. Following the incident of March 31, 2006, he contacted Township officials about the occupant load for the building and was told to submit a consultant's report, which he did on two separate occasions. The report dated April 28, 2006, provided an occupancy figure of 485 (Exhibit 6) and the report dated July 4, 2006, provided an occupant load of 500. These were acknowledged by Township officials in emails of June 21, 2006, (Exhibit 9) and June 22, 2006, (Exhibit 8) and correspondence dated June 29, 2006, (Exhibit 2) and July 6, 2006 (Exhibit 3). He testified that the end result has been confusion over what is the current occupant load for the establishment.

He testified that he disagreed with the C & E officer's evidence concerning intoxicated patrons in the establishment. The C & E officer told them that persons were getting to the point of intoxication so a decision was made to cut-off liquor sales. Had the officer pointed out any intoxicated patrons, action would have been taken to deal with them. The patrons described as intoxicated and fighting were not intoxicated, but angry due to the cessation of liquor sales. This resulted in them jumping up and down and demanding their money back. There were only two fights and both occurred on the parking lot and not inside the establishment. One was a patron fighting with the licensee as a result of being refused a refund on his ticket. The other was a person fighting with a police officer. He testified that he understood that the person who collapsed inside had been affected by the strobe lights. That person was not intoxicated.

The witness testified that he disagreed with the C & E officer's evidence concerning the male found carrying a beer outside of the establishment. The C & E officer did not see

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the person exiting the establishment. Had the male attempted to exit with a beer he would have been prevented from doing so by doorstaff who were located at all of the exits. As part of the contract with the band he had purchased a case of 24 beer and left it in the office in the establishment for the band to consume at the end of the night. He checked following the incident and all of the beer remained in the case. He received a letter from the promoter advising that the beer was not taken from inside the establishment nor was it being consumed by anyone performing in the band (Exhibit 5).

### **LICENSEE SUBMISSIONS**

The licensee provided a written submission (Exhibit 7) in addition to making a *viva voce* submission.

He agreed that the establishment with 479 persons counted was over the liquor licensed capacity of 287 persons but submitted that the licensee was under the impression that the occupant load for the establishment as set by the Township was 485 persons. Further, the consultant's report indicated that the building occupancy is 500 persons. The Township officials have confirmed this. Thus, there was no safety issue.

He submitted that the problems occurring that night resulted from the closure of liquor sales which was done as a result of the problems with the numbers of persons in attendance. Had the C & E officer pointed out any intoxicated persons they would have been removed.

He submitted that the C & E officer did not see the person with the beer exiting from the establishment. Had the person attempted to do so a doorman would have stopped him. It is possible that the person obtained the beer from somewhere other than the establishment and was walking through the parking lot with it.

He submitted that the maximum penalty of a seven (7) day licence suspension for the overcrowding was not warranted as the number of persons in the establishment did not

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exceed the occupancy number for the building and did not represent a safety issue. Further, the police told the local newspaper that the liquor licence was revoked and that they were closed for business. This was reported in the paper and had the effect of decreasing their business in half. This should serve to mitigate the penalty.

## **REASONS AND DECISION**

Whether the licensee contravened the *Act* and *Regulation* as alleged?

### 1. Overcrowding

The C & E officer and the licensee agree that 447 patrons were counted exiting at the time that the establishment shut down. There is some dispute over the number of patrons counted leaving prior to that time. The C & E officer estimated approximately 50 while the licensee gives the count as being 18. Added to either figure were 14 staff. Thus, we have general agreement that there were between 479 and 511 persons in the establishment at the time of the inspection.

It is acknowledged that the licensed capacity for the establishment is 287 persons.

The licensee would have us believe that there is some confusion over the occupant load for the establishment. With this, I disagree. The occupant load for the establishment is clearly stated on the approved floor plan as being 287 persons. I am satisfied that this figure was made known to the licensee both at the time that the liquor licence was issued and during its currency.

I find that on March 31, 2006, at the time of the inspection there were more persons in the licensed establishment than the person capacity set by the general manager and the number of persons in the licensed establishment was more than the occupant load.

### 2. Intoxication

The licensee and the C & E officer differ in their assessment of the condition of the patrons coming to their attention at the time of the inspection. I prefer the evidence of

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the C & E officer. He has considerable experience and has received training in identifying and dealing with intoxicated persons. Upon entering the establishment he noted several patrons exhibiting obvious signs of intoxication. He spoke with a person known to him to be an employee of the promoter of the event. This person was noted to be exhibiting obvious signs of intoxication and was described as being "really drunk". The C & E officer was accosted by a patron who was exhibiting signs of intoxication. He motioned to the doorman to have the person dealt with. This was not done and the person remained in the establishment. One patron passed out, required emergency care and told a police officer, "I had way too much to drink".

I find that on March 31, 2006, intoxicated persons were permitted to remain in that part of the licensed establishment where liquor is sold, served or otherwise supplied.

### 3. Liquor removed from the establishment

The evidence is somewhat ambiguous. The C & E officer did not see the person with the beer actually exiting the establishment. On the basis of his observations, he concluded that the person had just exited the establishment because the individual was in the process of putting on his jacket and he said that he was with the band and was taking a cigarette break.

The licensee produced a letter from the promoter stating that to the best of his knowledge the beer was not taken from the club nor was it being consumed by anyone performing in the bands that night. This is not particularly illuminating in that the promoter in his letter failed to address whether the person identified by the C & E officer by name, which he provided to the licensee, was associated with any of the bands or was known to have taken the beer outside the establishment while on a break.

While it may be possible that the person with the beer did not bring it outside from the establishment and was just walking through the parking lot, considering the whole of the evidence, I am satisfied that on a balance of probabilities liquor was allowed to be taken from the licensed establishment.

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## Due Diligence

The licensee is entitled to a defence to the allegations of the contraventions, if it can be shown that it was duly diligent in taking reasonable steps to prevent the contraventions from occurring. The licensee must not only establish procedures to identify and deal with problems, it must ensure that those procedures are consistently acted upon and problems dealt with. I am not satisfied that that has occurred in this instance. The licensee has offered little in evidence of measures taken to prevent the contravention from occurring. There is evidence that there were doormen on duty. We were not told of the nature of the duties nor of what instructions they had been given. The evidence indicates that they were certainly ineffective, as was the licensee himself, in dealing with the challenges facing them. In the result I am satisfied that the defence of due diligence has not been made out by the licensee.

Thus, I find that the licensee "permitted" the contraventions as alleged.

In conclusion, I find that on March 31, 2006, the licensee contravened Section 6(4) and 42(4) of the *Liquor Control and Licensing Regulation* and Section 43(2)(b) of the *Liquor Control and Licensing Act*.

## **PENALTY**

Pursuant to Section 20(2) of the *Act*, having found that the licensee has contravened the *Act*, the *Regulation* 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.
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Imposing any penalty is discretionary. However, if I find that either a licence suspension or monetary penalty is warranted, I am bound to follow the minimums set out in Schedule 4 of the *Regulation*. I may impose higher penalties when it is in the public interest to do so. I am not bound to order the penalty proposed in the Notice of Enforcement Action.

There is no record of prior proven contraventions, offences or enforcement actions of the same type for this licensee or this establishment within the year preceding these incidents. Pursuant to *Liquor Control and Licensing Regulation*, Schedule 4, Section 1(1)(b), the branch has treated the allegations as first contraventions.

The branch's primary goal in bringing enforcement action is achieving voluntary compliance. Some factors that are considered in determining whether a penalty should be imposed and the nature of the penalty are whether there is a past history of warnings by the branch and/or the police, the seriousness of the contravention, the threat to the public safety and the well being of the community.

In considering whether a penalty is necessary I note that June 26 and July 10, 2005, CNs were issued to the establishment for permitting an intoxicated person to remain on the premises and permitting a person to become intoxicated (Exhibit 1, tabs 10 and 12). These did not proceed to enforcement and are not considered as proven contraventions. They do, however, indicate that the branch has brought problems to the attention of the licensee on two previous occasions. Further, on July 15, 2005, a Compliance Meeting was held by the branch with the licensee, the property owner and the general manager of the establishment regarding the need to control the establishment to prevent disturbances, overservice and intoxicated patrons (Exhibit 1, tab 11). This did not prove adequate to bring about voluntary compliance on the part of this licensee.

In the circumstances, I am satisfied that a suspension penalty is necessary to ensure future voluntary compliance:

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### 1. Overcrowding

The range for a first contravention for this type of contravention is four (4) to seven (7) day licence suspension, and/or \$5,000 to \$7,000 monetary penalty. The branch has recommended a seven (7) day suspension penalty. This is the maximum suspension penalty for a first contravention of this type. The licensee submitted that the maximum penalty of a seven-day licence suspension for the overcrowding was not warranted as the number of persons in the establishment did not exceed the occupancy number for the building and did not represent a safety issue. Further, the police told the local newspaper that the liquor licence was revoked and that they were closed for business. This was reported in the paper and had the effect of decreasing their business in half. This should serve to mitigate the penalty.

Given the wilful and gross exceeding of the licensed capacity and occupant load and given that the licensee abrogated its responsibility to control the number of patrons to the promoter (who oversold the tickets for the event), I am satisfied that the maximum seven (7) day suspension penalty is warranted and appropriate. I am not satisfied that there are reasons sufficient to mitigate the penalty.

### 2. Intoxication

The range for a first contravention for this type of contravention is four (4) to seven (7) day licence suspension, and/or \$5,000 to \$7,000 monetary penalty. The branch has recommended a seven (7) day suspension penalty. This is the maximum suspension penalty for a first contravention of this type. Given, the number of intoxicated patrons permitted to remain in the establishment, the ensuing problems which required an extraordinarily large police presence as well as an attendance by ambulance personnel, I am satisfied that the maximum seven (7) day suspension penalty is warranted and appropriate.

### 3. Liquor removed from the establishment

The range for a first contravention for this type of contravention is one (1) to three (3) day licence suspension, and/or \$1,000 to \$3,000 monetary penalty. The branch has recommended a two (2) day suspension penalty. This is a mid-range suspension

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penalty. In the circumstances of this case, I am satisfied that the minimum one (1) day suspension is warranted and appropriate. While it indicates a lack of control by the licensee it was not widespread nor did it lead to larger problems.

## **ORDER**

Pursuant to Section 20(2) of the *Act*, concerning Liquor Primary Licence No. 301357, I suspend the liquor licence for a total of fifteen (15) days starting as of the close of business Thursday, September 21, 2006, and continuing on successive business days until the suspension is completed. "Business Day" means a day on which the licensee's establishment would normally be open for business (Section 67(1) of the *Regulation to the Liquor Control and Licensing Act*.)

Since I do not know whether the establishment would normally be open seven (7) days per week as of September 21, 2006, I do not know what the "business days" will be. To ensure that this order is effective, I direct that the liquor licence be held by the branch or the R.C.M.Police from the close of business Thursday, September 21, 2006, until the licensee has demonstrated to the branch's satisfaction that the licensed establishment has been closed for fifteen (15) business days. A suspension sign notifying the public shall be placed in a prominent location by a branch C & E officer or a police officer.

[ ORIGINAL SIGNED ]

Edward W. Owsianski  
Enforcement Hearing Adjudicator

Date: August 22, 2006

cc: R.C.M.Police Langley Detachment

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

Liquor Control and Licensing Branch, Surrey Regional Office  
Attention: Shahid Noorani, Branch Advocate

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