

Tobacco Control Act

ADMINISTRATIVE PENALTY NOTICE

To: Kelland Foods Ltd.
DBA Quality Foods
Attn: Lyall Woznesensky
Director of Strategic Planning and Professional Development
1581 Alberni Highway
Errington BC V0R 1V0

On January 19 and 20, 2016, Adjudicator Hugh McCall, acting as my delegate, conducted a hearing and determined that the franchise, Kelland Foods Ltd., (DBA Quality Foods) has contravened the following provisions of the *Tobacco Control Act* or the Tobacco Control Regulation:

Section 2(2) of the Act, "A person must not sell, offer for sale, provide or distribute tobacco to an individual who has not reached the age specified by regulation under section 11 (2) (g)." As provided by this section in the regulation, "The age for the purposes of section 2 (2) of the Act is 19 years."

Pursuant to section 6.1 of the *Tobacco Control Act*, it is hereby ordered that:

1.
 - a) Quality Foods, Nanoose location, 1-2443 Collins Crescent, Nanoose Bay, BC V0R 2R0, must pay a monetary penalty in the amount of **\$3000.00**, no later than 30 days after the date of this Order.
 - b) Quality Foods, Nanaimo location, 100-530 5th Street, Nanaimo, BC V9R 1P1, must pay a monetary penalty in the amount of **\$1000.00**, no later than 30 days after the date of this Order.
 - c) Quality Foods, Langford location, 113-977 Langford Parkway, Victoria BC V9B 0A5, must pay a monetary penalty in the amount of **\$1000.00**, no later than 30 days after the date of this Order.
 - d) Quality Foods, Comox location, 2275 Guthrie Road, Comox, BC V9M 4A6, must pay a monetary penalty in the amount of **\$1000.00**, no later than 30 days after the date of this Order.
 - e) Quality Foods, Nanaimo location, 5800 Turner Road, Nanaimo BC V9T 6J4, must pay a monetary penalty in the amount of **\$1000.00**, no later than 30 days after the date of this Order.

You may pay by cheque or money order, payable to the Minister of Finance, mailed to the administrator at the following address:

Attention: Lee Scalzo
Tobacco Control Program
PO Box 9646 Stn Prov Gov't
Victoria BC V8W 9P1

2.

- a) Quality Foods, Nanoose location, 1-2443 Collins Crescent, Nanoose Bay, BC V0R 2R0, must not sell or offer to sell tobacco at retail for a period of **60 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business June 4, 2016.
- b) Quality Foods, Nanaimo location, 100-530 5th Street, Nanaimo, BC V9R 1P1, must not sell or offer to sell tobacco at retail for a period of **30 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business May 5, 2016.
- c) Quality Foods, Langford location, 113-977 Langford Parkway, Victoria BC V9B 0A5, must not sell or offer to sell tobacco at retail for a period of **30 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business May 5, 2016.
- d) Quality Foods, Comox location, 2275 Guthrie Road, Comox, BC V9M 4A6, must not sell or offer to sell tobacco at retail for a period of **30 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business May 5, 2016.
- e) Quality Foods, Nanaimo location, 5800 Turner Road, Nanaimo BC V9T 6J4, must not sell or offer to sell tobacco at retail for a period of **30 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business May 5, 2016.
- f) Quality Foods, Nanaimo location, #7-2220 Bowen Road, Nanaimo, BC must not sell or offer to sell tobacco at retail for a period of **20 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business April 25, 2016.
- g) Quality Foods, Nanaimo location, University Village Mall, 548 Fifth Street, Nanaimo, BC V9R 1P1, must not sell or offer to sell tobacco at retail for a period of **20 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business April 25, 2016.
- h) Quality Foods, Qualicum Beach location, 705 Memorial Avenue, Qualicum Beach, BC V9K 1T3, must not sell or offer to sell tobacco at retail for a period of **20 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business April 25, 2016.

- i) Quality Foods, Port Alberni location, 2943 10th Avenue, Port Alberni, BC V9Y 2N8, must not sell or offer to sell tobacco at retail for a period of **20 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business April 25, 2016.
- j) Quality Foods, Parksville location, 319 Island Highway East, Parksville, BC V9P 2G3, must not sell or offer to sell tobacco at retail for a period of **20 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business April 25, 2016.
- k) Quality Foods, Courtenay location, #1002-2751 Cliffe Avenue, Courtenay, BC V9N 2L8, must not sell or offer to sell tobacco at retail for a period of **20 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business April 25, 2016.
- l) Quality Foods, Campbell River location, 465 Merecroft Road, Campbell River, BC V9W 6K6, must not sell or offer to sell tobacco at retail for a period of **20 consecutive calendar days**. Suspension period is from start of business April 6, 2016 until end of business April 25, 2016.

Dated: February 12, 2016

Signature of Administrator



