

Northwest Territories Liquor Licensing Board

IN THE MATTER of Bullock's Bistro, Licensed Premises, and Licence # 2013-B-11

AND IN THE MATTER of the *Liquor Act* S.N.W.T. 2007, c.15 ("the Act") and the *Liquor Regulations*, R-069-2008 ("the Regulations");

AND IN THE MATTER a hearing before the Liquor Licensing Board;

REGARDING:

Bullock's Bistro Ltd	Licence Holder
Carrying on business as	
Bullock's Bistro	Licensed Premises

The Liquor Licensing Board, having conducted a hearing on the 13th day of February 2015 in the City of Yellowknife, has found:

The Licence Holder has failed to comply with:

Section 55(4) of the Liquor Act Regulations; "No holder of a premises licence shall allow the number of persons in the licensed premises to exceed the occupant load determined by the Board."

ORDER

IT IS HEREBY ORDERED pursuant to section 30 of the Act:

The Licence Holder shall pay a compliance penalty of \$750.00 on or before the 13th day of March, 2015.

Dated at the City of Yellowknife, this 10th day of March, 2015.



Colin Baile, Chairperson, on behalf of and with the concurrence of the other panel members.

Northwest Territories Liquor Licensing Board

IN THE MATTER of Bullock's Bistro, Licensed Premises, and Licence # 2013-B-11

AND IN THE MATTER of the *Liquor Act* S.N.W.T. 2007, c.15 ("the Act") and the *Liquor Regulations*, R-069-2008 ("the Regulations");

AND IN THE MATTER a hearing before the Liquor Licensing Board;

REGARDING:

Bullocks' Bistro Ltd

Licence Holder

Carrying on business as

Bullock's Bistro

Licensed Premises

Reasons for Decision

Liquor Licensing Board Case #: 2015-002

Date of Inspection: September 26th, 2014

Heard at Yellowknife, NT on the 13th day of February, 2015

Appearances:

Karen Lajoie – Counsel for the Government of the Northwest Territories

Garth Wallbridge – Counsel for the Licence Holder

Panel Board Members:

Colin Baile, Wayne Smith, Albert Monchuk, Adelle Guigon

Agreed Statement of Facts

At Hearing Counsel for Enforcement submitted an Agreed Statement of Facts. The Statement is summarized as including the following:

- Bullock Bistro Ltd is a holder of a current Class B- Food Primary Liquor Licence.
- On Friday, September 26, 2014, Liquor Inspector Quentin Deering attended at Bullock's Bistro for the purpose of conducting a Liquor Inspection.

- Inspector Deering counted 40 persons within the licensed premises. 37 patrons and 3 staff were counted. He conducted the count a second time as confirmation.
- The licensed premise has a capacity load of 35 persons. The premise's liquor licence hangs directly next to the cash register by the main entranceway.
- The licensed premise had 35 chairs. Inspector Deering informed the on-site supervisor that the occupancy load includes staff. If there were three staff, there could be no more than 32 patrons in the licensed premise.
- Inspector Deering had the impression staff did not know the licensed premise was over the occupancy limit prior to being informed by him.
- The supervisor was cooperative at all times and accepted Inspection Report #3441 as presented.
- Three chairs have since been removed allowing for only 32 seated patrons.
- This Licence Holder has a limited disciplinary record. It previously appeared before the Board in October 2013. At that time it was found to be in violation of the *Liquor Act* on two counts, one of which was being over the occupancy load.

No further evidence or submissions were provided.

Analysis

We find the charge of non-compliance is made out.

Section 55(4) of the Liquor Act Regulations states; "No holder of a premises licence shall allow the number of persons in the licensed premises to exceed the occupant load determined by the Board."

The Licence Holder has confirmed the number of persons in the licensed premises exceed the occupant load of 35 on September 26, 2014.

PENALTY

Summary of Joint Submissions

- The appropriate penalty is \$750 for this violation.
- The Licence Holder has declined to show cause and saved the time and effort of holding a hearing.
- The Licence Holder has been cooperative throughout this process.
- The Licence Holder has a limited disciplinary record. It previously appeared before the Board in October 2013. At that time it was found to be in violation of the *Liquor Act* on two counts, one of which was being over the occupancy load. A non-compliance penalty of \$500 was ordered on each count.

- This violation stems from a staff misunderstanding that staff must be included in determining the total number of persons within the licensed premises.
- Three chairs have since been removed allowing for only 32 seated patrons.
- The Licence Holder has accepted responsibility for the incident. It has taken steps to inform staff about the occupancy load requirements.

Penalty Analysis

We have considered the mitigating factors as submitted by counsel.

This is the second violation of occupancy load requirements for this Licence Holder. We consider this violation impacts public safety and must be addressed as a serious matter. It is appropriate to impose a non-compliance penalty greater than the \$500 penalty of October 2013. As such the Licence Holder shall pay a compliance penalty of \$750.00 on or before the 13th day of March, 2015.

Dated at the City of Yellowknife, this 10th day of March, 2015.



Colin Baile, Chairperson,
on behalf of and with the concurrence of the other panel members.