

IN THE MATTER of an application made to the Northwest Territories Liquor Licensing Board (the Board) for a Liquor Licence renewal and exemption of an offence,

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) as amended,

Regarding:

The Black Knight Pub Ltd.

Carrying on Business as

The Black Knight Pub

Applicant/Licence Holder

ORDER

1. Pursuant to paragraph 12(3)(b) of the Regulations, the Board exempts the offence for which a conviction was entered against the Applicant's Shareholder on June 27, 2017.
2. Pursuant to subsection 13(6) of the Act, the Board approves the renewal of the Class A Liquor Licence to The Black Knight Pub Ltd. effective April 1, 2021, with an expiry date of March 31, 2022, with the same terms and conditions that appear in Liquor Licence #2020-A-88, and with the addition of the following condition:
 - (a) Pursuant to subsection 11(4) of the Act, the Licence Holder must provide proof that all serving staff have obtained their NWT Server Training Certification within the 24-month period immediately preceding the March 31, 2022, expiry date of this Liquor Licence.

Dated at the city of Yellowknife in the Northwest Territories this 15th day of March 2021.



Adelle Guigon
A/Chairperson

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REASONS FOR DECISION

On March 12, 2021, the Board convened pursuant to subsection 11(1) and subsection 13(5) of the Act to consider an application to renew a Class A (Liquor Primary) Liquor Licence made by The Black Knight Pub Ltd. (the Licence Holder). The Licence Holder also applied under subsection 12(3) of the Regulations for an exemption to an offence for which one of their shareholders was convicted.

The Board met by teleconference with the following appearances:

Adelle Guigon, A/Chairperson
Linda Martin, Board Member
Wayne Smith, Board Member
June Tobin, Board Member
Jaimie Graham, Executive Secretary to the Board

Having declared a conflict, Board Member Heather Bourassa did not participate in the meeting.

Background

The Licence Holder currently holds a Class A (Liquor Primary) Liquor Licence #2020-A-88 for an establishment located in Yellowknife. The Liquor Licence was issued April 24, 2020, and expires March 31, 2021. It includes approval for an Off-Premises Extension and for a seasonal sidewalk patio.

The Licence Holder provided updated lists of directors, executive officers, and shareholders, and notified the Board that it had come to the Licence Holder's attention that one of their shareholders had been convicted in June 2017 for the subsection 145(3) *Criminal Code* offence of breaching a condition of an undertaking or recognizance. The Shareholder has yet to produce a certified criminal record, but the Licence Holder's inquiries about the Shareholder's criminal record discovered no other convictions and the Shareholder's lawyer confirmed there are no outstanding charges.

Considerations

The Licence Holder confirmed by written communication that the Shareholder was removed as a Director, Officer, and employee of the Corporation in August and September 2016, and that the Shareholder is in no position of authority or control of the licenced establishment other than as a minority shareholder. The Shareholder's removal as a Director of the Corporation is confirmed in the Notice of Change of Directors form filed under the *Business Corporations Act*, a notarized copy of which was provided to the Board.

Another aspect of any renewal application is the requirement to provide proof that staff has received their Server Training Certification within the 24 months prior to the renewal application being made. The Licence Holder confirmed by written communication that there were six serving staff who had not taken the Server Training Course as of February 2020 when the last renewal application was made. Shortly thereafter the Server Training Course ceased to be available due to the COVID-19 pandemic and is only coming back on line now. As a result, the Licence Holder has not yet been able to secure the required training for their serving staff, and the training program has a backlog that is not expected to be resolved until some time in September or October 2021.

Decision

While breaching a court order is a serious administrative offence in and of itself, it appears that the Shareholder has not been convicted for violent offences and as a result the Board is satisfied that renewing the Liquor Licence will not create an undue risk of harm to the public, in particular to the patrons of the establishment. The Licence Holder's application to exempt the offence for which the Shareholder was convicted is granted.

With respect to the Server Training Certificates, the Board determined that while a condition that the Licence Holder's serving staff participate in the Server Training Program is necessary, given the pandemic circumstances and this Licence Holder's documented efforts to comply with the requirements of the Act, the Regulations, and the Board in every other aspect, it would be fair to extend the due date for that training to coincide with the expiry date of the Liquor Licence. The Board will consider the consequences of failing to obtain the necessary Server Training Certificates by that expiry date when the Board considers the Licence Holder's next renewal application.

Given the Board is satisfied that all requirements of the renewal application have been met, and given the Board has granted the exemption of the Shareholder's conviction, the Board authorizes the renewal of the Licence Holder's Class A Liquor Licence effective April 1, 2021, with an expiry date of March 31, 2022, with the same conditions that appear on Licence #2020-A-88, and with the addition of the condition that the Licence Holder must provide proof that their serving staff have taken the NWT Server Training Program within the 24-month period immediately prior to the Liquor Licence expiry date of March 31, 2022.



Adelle Guigon
A/Chairperson