

Northwest Territories Liquor Licensing Board

IN THE MATTER of 994401 NWT Ltd, The Raven's Pub Licensed Premises, and Licence #2014-A-03

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:

994401 NWT Ltd

Licence Holder

Carrying on business as

The Raven's Pub

Licensed Premises

The Liquor Licensing Board, having conducted a hearing on the April 23, 2015 in the City of Yellowknife has found:

The Licence Holder has failed to comply with:

Count #1: Section 32(2) of the Liquor Regulations; "*The holder of a premises licence shall not, at any time, serve a patron more than one drink in addition to a drink being consumed by the patron.*"

ORDER

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

1. Regarding Count #1, the Licence Holder shall pay a compliance penalty of \$100 on or before May 15, 2015.

Dated at the City of Yellowknife on the 27 day of April, 2015.



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

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Reasons for Decision

Liquor Licensing Board Case #: 2015-006

Date of Inspection: February 22, 2015

Heard at: Yellowknife, NT on April 23, 2015.

Appearances:

Christopher Buchanan – Counsel for Liquor Enforcement

Mike Enns – Representative for the Licence Holder

Cases Considered:

Panel Board Members:

Colin Baile, Wayne Smith, Albert Monchuk, Adelle Guigon

Preliminary Matters

The Notice of Hearing was amended at hearing to reflect the charge before the Board was made under section 32(2) of the Liquor Regulations, not section 32(1). The Licence Holder voiced no objection to the change.

Agreed Statement of Facts

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

- The Licence Holder operates the Raven's Pub at 5030 – 50th St Yellowknife, NT under a Class A (Liquor Primary) premises licence.
- On February 22, 2015, Liquor Inspector Bard conducted an inspection of the licensed premises in question.
- Inspector Bard observed the bartender serve a patron three bottles of beer at the bar. The patron was observed returning to a table and giving two of the three beer bottles to two other patrons seated at a table. Also observed were three bottles of beer on the table in addition to the three delivered by the patron.
- The bartender later advised Inspector Bard that he knew the patron was not drinking all three beers. He also advised that he had taken *Server Training* several times.

Analysis

We find the Licence Holder failed to comply with section 32(2) of the *Liquor Regulations*.

The Licence Holder agreed with the joint submission on fact.

PENALTY

Liquor Enforcement's Submissions

- The Licence Holder is considered a "good" Licence Holder.
- The Licence Holder has not been before the Board for a number of years. They have been compliant and have been cooperative with Inspectors.
- Mr. Enns has been cooperative throughout this process.
- A lighter penalty is appropriate in the \$100 to \$200 range.

Licence Holder Submissions

- The Licence Holder works hard to comply with all the liquor regulations.
- This would seem to have been the bartender's interpretation of the regulations. He has since been informed of the regulations.
- A number of staff meetings have been held to go over the regulations. Additionally, signs have been posted at the bar regarding this particular regulation.
- A dismissal or a small fine is appropriate.

Penalty Analysis

We have taken note of the mitigating factors submitted by the parties. The nature of this offence is considered minor on the spectrum of circumstances governed by section 32(2) of the *Liquor Regulations*.

As such, the penalty should reflect the severity of the offence.

The Licence Holder shall pay a compliance penalty of \$100 on or before May 15, 2015.

Dated at the City of Yellowknife on the 1st day of May, 2015.

A handwritten signature in black ink, appearing to be 'Colin Baile', written in a cursive style.

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