



November 18, 2010

Brian Sullivan  
Vice-President, Students  
Office of the President  
The University of British Columbia  
6328 Memorial Road  
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Dear Brian Sullivan:

The purpose of this letter is to advise the University of British Columbia (UBC) faculty and students of recent amendments to the *Liquor Control and Licensing Act* (the Act) and the Regulations.

As you are aware, the Liquor Control and Licensing Branch is responsible for the supervision of all liquor licensed establishments in the province. This includes Special Occasion Licences (SOL). The UBC generates greater than 500 SOLs annually. While the Branch does not specifically track the number of SOLs issued per community, this number of SOLs for any particular community is significant.

SOL licenses are issued to a broad range of campus organizations, from faculty based groups to student clubs and various UBC sanctioned organizations. The licensed events cover a broad range of activities. These may be events where the service of alcohol is a peripheral adjunct to other activities or events which draw large numbers and the service of alcohol is a focal point to such an extent that event organizers present the service of alcohol as critical to an event's success.

Licence fees to obtain an SOL are relatively inexpensive; a private event is \$25 and a public event SOL is \$100. The licence fee for obtaining a food primary (restaurant) licence or liquor primary (bar/pub) licence is directly related to the administrative costs of the regulatory framework and the volume of liquor purchased, and is considerably higher than SOL fees. The Branch's annual budget is generated solely by fees paid by licensees. For several years, industry organizations have presented a case that SOLs receive an unbalanced focus of the Branch's resources in relation to the level of fees paid to obtain an SOL.

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**Ministry of Public Safety  
and Solicitor General**

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Hospitality industry associations have also pointed out that while they are subject to a broad range of penalties that may arise from non-compliance with the Act or Regulations, SOLs, because they expire after a day or two, are *de facto* exempt from the penalty schedule. One element of fairness in the application of the law is the consistency of penalties, where similar behaviour regardless of licence class results in similar consequences. Accordingly, government in recognition of this imbalance has amended the Act and Regulations as follows:

- 1) Schedule 1 of the Regulation, Fees, has been amended to include an SOL additional fee where the general manager determines a liquor inspector's attendance at the event is required. This fee is \$330 per day per inspector plus reasonable travel expenses.

SOL events where a liquor inspector is required will be given, where possible, advance notice of the fee, and will be billed for the costs prior to the issuance of an SOL. It is anticipated that a liquor inspector's attendance will generally be required only at large public events.

- 2) An amendment to the Act will come into force, anticipated in January, which will bring SOL licensees into the penalty schedule that now applies to all other licensees.

This means that enforcement action on SOLs may result in monetary penalties. Any enforcement action will apply to the organization which has obtained the SOL, rather than the individual who obtained the SOL on behalf of an organization.

Examples of the current monetary penalty range for first contraventions as set out in Schedule 4 of the Regulation are:

- Selling liquor to minors: \$7500 to \$10,000.
- Minors on licensed premises: \$5000 to \$7500.
- Permitting a person to become intoxicated: \$5000 to \$7000.
- Permitting more persons than allowed by the occupant load: \$5000 to \$7000.
- A failure to take reasonable measures to ensure that the operation of the licensed establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment: \$7500 to \$10,000.

Schedule 4 of the Liquor Control and Licensing Regulation prescribes the entire penalty regime under the Act. It is available on numerous public websites and is an Appendix to all the Terms and Conditions Guides for Liquor Licensees which is available on the Branch's website at [www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb).

Another noteworthy amendment to the Act is the ability of the Branch to use minors as agents. This means that the Branch, under strict conditions and control, will be having minors attempting to enter licensed establishments and purchase alcohol. This applies to all types of liquor licences including SOLs. Previous compliance projects focussed on identification checking at licensed establishments has resulted in an overall provincial compliance rate of 29%. Supplying liquor to minors and permitting minors to consume liquor are significant public safety issues because of:

- the effects of alcohol abuse on growing bodies and developing minds,
- the effects on individuals and society of irresponsible drinking behaviour learned at an early age,
- a minor's lack of capacity to metabolize alcohol in the same manner as an adult; therefore, liquor has a more intoxicating effect on minors, and
- liquor is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault and theft.

A regulatory amendment has enabled liquor inspectors and police to issue Violation Tickets to servers and patrons who contravene the Act in areas such as service to minors and minors in licensed premises. Ticket amounts are generally \$230.00.

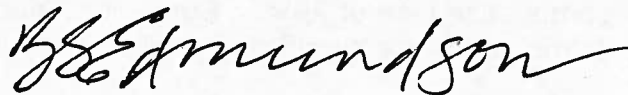
There are 10,000 licensed establishments in the province and approximately 25,000 SOLs are issued annually. The Branch promotes and expects voluntary compliance. Voluntary compliance is largely based on education, licensee accountability and social responsibility. Where voluntary compliance is unsuccessful, enforcement action may be taken. Examples of enforcement actions are available on the Branch website as cited above. The Branch undertakes on average 140 such enforcement actions annually.

The UBC is relatively unique in size and demographics. Because of this and the number of SOLs issued annually, the Branch felt that being proactive in communicating these regulatory changes would assist the Branch's focus on matters of public safety and community impact and assist the UBC administration in any activities it is undertaking with respect to the operation of its licensed establishments and the issuance of campus based SOLs. We also believe that education and awareness are significant tools in the promotion of compliance. All stakeholders, which includes all licensees and all parties within a community where licensed events occur, are partners in the pursuit of the safe and responsible use of alcohol.

Please feel free to share the above with the UBC community. For example, the above may be of interest to those student and faculty organizations that apply to obtain SOLs. Alternatively, the Branch supports the UBC sharing the above with local media or other outlets that would best enable the sharing of this information.

If there is anything the Branch can do to assist the UBC to distribute any of the above information, please feel free to contact us directly.

Yours truly,



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Liquor Control and Licensing Branch  
Ministry of Public Safety and Solicitor General

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