



Lasqueti Island Local Trust Committee

Regular Meeting Addendum

Date: September 18, 2017
Time: 11:00 am
Location: Judith Fisher Centre
#1 China Cloud Bay Road
Lasqueti Island, BC

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10. APPLICATIONS AND REFERRALS	
10.1 LA-LCB-2017.1 (<i>Lasqueti Island Hotel (447615 BC Ltd.) Staff Report</i>)	2 - 10
13. NEW BUSINESS	
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13.2 <i>Meeting with Powell River Regional District (PRRD)</i>	



File No.: LA-LCB-2017.1
(Lasqueti Island Hotel)

DATE OF MEETING: September 11, 2017
TO: Lasqueti Island Local Trust Committee
FROM: Sonja Zupanec, Island Planner
Northern Office
SUBJECT: Application to change an existing liquor licence
Applicant: Kathy Bond
Location: 1 Weldon Road, Lasqueti Island – Lasqueti Island Hotel

RECOMMENDATION

1. That the Lasqueti Island Local Trust Committee request staff to inform the Liquor Control and Licensing Branch (LCLB) that it has considered application LA-LCB-2017.1 (Lasqueti Hotel) for a ‘Liquor Primary Structural Change Application’ and will not be providing comments.
2. That the Lasqueti Island Local Trust Committee request staff to prepare an amendment to the Lasqueti Island Fees Bylaw No. 85 to set a fee for reviewing Liquor Control Licensing Branch applications.

REPORT SUMMARY

The Liquor Control and Licensing Branch (LCLB) have requested the owners/operators of ‘The Lasqueti Hotel’ to apply for an application for a structural change liquor primary application. The requested change to the existing licence allows for an increase in the occupant load to the pub and outdoor patio. This is a result of an audit by the LCLB that discovered the liquor licensing did not accurately reflect the stated and potential occupancy. The Hotel has hosted numerous events and been in operation without the adequate occupancy limits reflected in their license. As per Section 11.1 of the [Liquor Control and Licensing Act](#), local governments are notified of and requested to provide comments on liquor licence applications (including changes to existing liquor licences).

BACKGROUND

The LCLB became aware of the limitations of The Hotel’s existing liquor licence during an audit. The liquor inspector identified that the existing liquor licence (maximum occupancy 30 in the pub and 35 on the patio) was insufficient. The request is for a maximum of 161 occupants in the pub and 155 on the patio.

The document *“Local Governments and First Nations Roles and Responsibilities in the Provincial Liquor Licensing Process: Guide for Local Governments and First Nations”*¹ (*“The Guide”*) characterizes the role of local government in the application process as follows (**emphasis added**):

¹ *“The Guide”*: <http://www.pssg.gov.bc.ca/lclb/docs-forms/PSSG-LocalGovt-Fst-Nation.pdf>

*Local governments are responsible for addressing issues at the local or community level and often regulate areas such as **noise, parking and fire safety surrounding licensed establishments**. As they address issues at the local level, local governments ... are best situated to understand the potential impact of a licensed establishment on a community. Accordingly, the local government ...role in the licensing process is designed to allow local governments ... to **consider the impact of the licence application on their community and to provide comments in the form of a resolution.***

Despite the wide breadth of regulatory criteria that may be considered for new liquor licence applications, this application is required to consider a select few regulatory criteria since it is **change to an existing licence**. In evaluating liquor-primary licensing, “*The Guide*” requires local governments to provide a resolution within 90 days after receiving notification. The local government must provide a resolution that includes:

- Comments on both points in the regulatory criteria (potential for noise if the application is approved, and the impact on the community if the application is approved);
- Indication of whether or not the views of residents were gathered (and why if not gathered);
- The views of residents, if they were gathered;
- The method used to gather the views of residents;
- Comments and recommendations with respect to the views of residents;
- Recommendations as to whether the application should be approved; and
- The reasons for its recommendations.

The regulatory criteria for amendments to existing liquor licences require only two considerations: the potential for noise and the impact on the community. The Powell River Regional District Board reviewed the application on August 24th and passed the following resolution:

“THAT the Board concur with the recommendation of the Planning Committee to forward the Lasqueti Island hotel Structural Change Liquor Primary Application to the Islands Trust so they may provide the required comments to the provincial Liquor Control and Licensing Branch and confirm that the occupancy load inspection was authorized by the Powell River Regional District.”

Consultation:

The Guide for Local Government and First Nations requests comment on a broad range of topics, including whether the views of residents were gathered and, if they weren’t gathered, why not. Staff does not find a substantive reason for such consultation as the occupancy loads have been exceeded for some time and the Lasqueti Island Local Trust Committee (LTC) Fees Bylaw does not list an application fee for LCLB referrals to accurately reflect the cost of a planning analysis and consultation. Despite this, the LTC may still wish to undertake some consultation with nearby residents and/or business owners and may exercise discretion in determining the desired method of gathering the views of residents.

ALTERNATIVES

When provided liquor licence referrals such as these, the LTC has 3 options:

1. Choose to opt out of comment;
2. Provide comment if proposed establishment is anticipated to affect nearby residents; or
3. Provide comment if proposed establishment is not anticipated to affect nearby residents

Option 1: Opt out of comment on this individual application

Staff recommend the LTC opt out of providing comment altogether for this application, but still provide a resolution stating such. The LCLB will then:

- Gather the views of residents if issuing or amending a licence that may affect them; and
- Consider the regulatory criteria by requesting additional information from the local government or First Nation.

If this option is chosen, the LTC would pass the resolution as per page 1 of this staff report. Staff recommends the LTC also update the Fees Bylaw No. 85 to accurately reflect the cost of processing such applications in the future. All other fees bylaws in the Islands Trust Federation have a LCLB application processing fee ranging between \$750 and \$825 (consistent with the model fees bylaw). This is intended to reflect the actual cost of staff time to process the application, provide the LTC with an analysis, necessary background information and undertake community consultation where necessary.

Option 2: Provide comment if the proposed establishment is anticipated to affect the community

If the proposed establishment is anticipated to adversely affect the community, staff should be directed to undertake a consultation process to gather the views of the residents and business owners who may be affected by the liquor licence expansion in accordance with “The Guide” and to report back to the LTC once this consultation process has concluded.

“THAT the Lasqueti Island Local Trust Committee request staff to notify residents and property owners within 500 metres of the subject property located at 1 Weldon Road, that The Hotel’s application to the Liquor Control and Licensing Branch has been referred to the Local Trust Committee for consideration, and of their opportunity to provide comments to the Local Trust Committee on this referral.”

Option 3: Provide comment if the proposed establishment is not anticipated to affect nearby residents

If the proposed establishment is anticipated to not adversely affect the community, staff should be directed to undertake an analysis of the land use planning issues to support such a resolution.

Rationale for Recommendation:

The LCLB will undertake community consultation prior to issuing the license to increase in occupancy loads for the pub and patio. Staff recommends that the LTC support the resolution on page one of the report.

NEXT STEPS

Staff will forward a copy of this staff report and the resolution of the LTC to the LCLB to comply with section 53 of the *Liquor Control and Licencing Regulation*.

Submitted By:	Sonja Zupanec, RPP Island Planner	September 12, 2017
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	September 13, 2016

Attachments:

1. LCLB Application
2. Letter from Powell River Regional District



Liquor Control and Licensing Branch
 4th Floor, 3350 Douglas St, Victoria, BC V8W 2J8
 Mail: PO Box 9282 Stn Provincial Govt, Victoria, BC V8W 9J8
 Phone: 250-952-5767 Fax: 250-952-7055

LIQUOR PRIMARY AND LIQUOR PRIMARY CLUB STRUCTURAL CHANGE APPLICATION

Liquor Control and Licensing Form LCLB012A

What is a Structural Change?

It is defined as a change to the existing approved service area(s), including but not limited to:

- a change in the position of a wall or partial height divider (pony wall) or fixed planters used as separation between/within a service area
- new construction
- the removal or addition of permanent display cabinets, stages or dance floors
- a change to the food and liquor service bar location or size
- in the position of access and exit points leading to or from a licensed service area
- the removal of a service area from the liquor licence
- addition of a new outdoor patio or the removal or expansion of an existing patio
- change to capacity (occupant load) of a licensed establishment with or without changes to the licensed service area(s)
- such other construction or changes the general manager considers may affect patron routing, capacity, or the line of sight between a staff control point and the service area of the establishment.

If you are making changes to the current approved floor plan, other than cosmetic changes, a structural change application is required. If your liquor primary licence overlaps a food primary licence (aka dual licence), a structural change application is also required for the food primary. **Note:** This does not include cosmetic changes such as changes to existing flooring, wallpaper, reconfiguring tables and chairs, countertops, painting, or changing the type of material used in the perimeter bounding of an outdoor patio.

If you have any questions about this application, call the Liquor Control and Licensing Branch toll-free at 1 866 209-2111.

Licence Information

Please check if licence is currently dormant. Licence # affected: 136 809
 If yes, attach a letter signed by the licensee requesting the licence to be reactivated if this application is approved.
 Do you currently hold other licences at this location? Food Primary (Licence #) 081577
 Liquor Primary (Licence #) _____ Licensee Retail Store (Licence #) _____ UBrew/UVin or Other (Licence #) _____

Licensee name (as shown on licence): 447615 BC Ltd.

Establishment name (as shown on licence): LASQUETI ISLAND HOTEL

Establishment Location address: 1 WELDON Rd LASQUETI ISLAND BC V0R 2J0
(as shown on licence) Street City Province Postal Code

Business Tel with area code: 250 333-8503 Business Fax with area code: 250-333-8512

Business e-mail: Kathy Board 62@yahoo.ca

Business Mailing address: 1 WELDON Rd LASQUETI ISLAND BC V0R 2J0
(if different from above) Street City Province Postal Code

Contact Name: KATHY BOARD Title/Position: MANAGER
last / first / middle

Type of Change Requested

Please check appropriate box(es) below: Sub- Job Number Office use only

Part 1	<input type="checkbox"/> Addition of a New Outdoor Patio	Outdoor Patio (C3-LIC)
Part 2	<input checked="" type="checkbox"/> Alteration/Renovation	Structural - capacity change (C3-LIC)
	<input type="checkbox"/> Removal of an existing service area	Structural - no capacity change (C4-LIC)
	<input checked="" type="checkbox"/> Other	

205-600-081

Application Contact Person

This applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: KATHY BOND Phone number: 250-792-5000
Fax number: 250-333-8512 E-mail address: kathybond62@yahoo.ca

Part 1: Addition of New Outdoor Patio

Fee: \$440 C3 - LIC

Provide the following information:

1. Attach one 11" x 17" copy of the proposed patio floor plan (see Appendix I on page 6 for floor plan instructions).

The branch requires an occupant load (patrons plus staff) for the proposed patio area(s) which must be marked/stamped and dated on the plan you submit. Do not submit this application if you do not have the occupant load calculation stamped on your patio plans.

2. What is the occupant load calculation for the new patio(s)?

Patio #1: Patio #2: Patio #3:

3. If the patio(s) is already constructed, attach a photo.

4. Describe the height and composition of the patio perimeter or bounding (i.e. railings, fencing, planters, hedging, etc.). A patio must be bounded by fixed and immovable physical separation in order to control patrons and liquor within the service area.

5. Describe the location of the patio in relation to the licensed interior - the patio must be immediately adjacent to the interior area.

6. Describe how staff will manage and control the patio from the interior service area.

7. Specify if liquor service to the patio is from: (a) fixed bar located on the patio, (b) portable bar for the patio, (c) licensed interior.

8. Do servers have to carry liquor through any unlicensed areas to get to the patio? Explain:

Note: Patios on grass, earth or gravel require a permit from the local Health Authority. Sidewalk patios require a permit from LG/FN.

A resolution from your Local Government/First Nation is required. Part 3 of this form must be completed by Local Government/First Nation.

You must also complete Parts 4 and 5.

Part 2: Structural Changes

Fee: \$440 C3 - Cap Ch.
C4 - No Cap Ch.

(Excluding construction of new patios)

Provide the following information:

1. Describe in full detail the reason for this application and what the changes are that you want considered.

Pub- original plans NOT correct - correct plans attached.
Patio- Replaced structure- plans attached.

2. If you are applying to remove the interior area and create a stand-alone patio, describe the location of the patio in relation to the unlicensed permanent structure. A stand-alone patio must adjoin a permanent structure (affixed to a foundation) which is plumbed and wired, and which the applicant owns or leases.

[Empty box for description of patio location]

3. Attach one 11" x 17" copy of the proposed floor plan or patio plan (if creating a stand-alone patio). See Appendix I on page 6 for floor plan instructions.

4. Current total of all service areas (as shown on the liquor licence):

30 - Pub
35 - Patio

5. By making these alterations, the total occupant load will:

- Decrease to: [] (patrons plus staff)
- Stay the same: [] (patrons plus staff)
- Increase to: *161 - Pub*
155 - Patio (patrons plus staff)

If there is an increase to occupant load, a resolution from your Local Government/First Nation (LG/FN) is required. Take your application and floor plan to LG/FN. Part 3 of this form must be completed by LG/FN.

Part 3: Local Government/First Nation Resolutions: Confirmation Receipt of Application

If you are applying for a new patio (Part 1) or a proposed change that increases the occupant load (Part 2) then public interest factors may be affected by the structural change(s). This section is to be filled out by the LG/FN prior to submitting this application to the Branch.

Local Government/First Nation (name): []

Name of Official: [] Title/Position: []

Phone: [] E-mail: []

Date: []
(Day/Month/Year)

Signature of Official: _____

Check here if the LG/FN will not be providing comment: Yes, opting out of comment.

Note: The LG/FN cannot provide comment for their own application.

Is this establishment located on Treaty First Nation land? No Yes

Instructions for Local Government/First Nation (LG/FN)

This serves as notice that an application for a structural change to a liquor primary (LP) licence is being made within your community. The Branch requests that you consider this application (application form and floor plan) and provide the Branch with resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comment.

- The applicant will bring their completed Structural Change application form and floor plan to LG/FN.
- If there are any major issues LG/FN may hold off signing the application until the issues are resolved or they have a plan to deal with the issues.
- When LG/FN is comfortable with the application proceeding, LG/FN staff will sign Part 3 of the application form and return it to the applicant. LG/FN will keep a copy of the signed application form and all supporting documents.
- The applicant will submit the signed application package (with all required documents) to the Branch.

To provide a resolution or comment:

- Gather public input for the community within the immediate vicinity of the establishment.
- Consider these factors which must be taken into account when providing resolution/comment:
 - The location of the establishment.
 - The person capacity and hours of liquor service of the establishment.
- Provide a resolution/comment with comments on:
 - The impact of noise on nearby residents.
 - The impact on the community if the application is approved.
 - The view of residents and a description of the method used to gather views.
 - The LG/FN recommendations (including whether or not the application be approved) and the reasons on which they are based.
- Provide any reports that are referenced in, or used to determine, the resolution/comment.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If you have any questions, or the establishment is located on Treaty First Nation land, please call the Branch toll-free at 1-866-209-2111.

Part 4: Declaration of Signing Authority Including Valid Interest

My signature, as applicant, indicates, with respect to the establishment:

- I am the owner of the business to be carried on at the establishment or the portion of the establishment to be licensed.
- I am the owner or lessee of the establishment or portion of the establishment that is licensed.
- I understand the general manager has the right to request documentation supporting valid interest at any time and I agree to provide the requested documentation in a timely manner upon request.
- I understand loss of valid interest at any time while holding a licence is reason for the general manager to consider cancelling the licence.
- I understand I must advise the Branch immediately if at any time the potential exists to lose valid interest either during the licensing process or once a licence has been issued.
- I understand the name(s) on documentation demonstrating valid interest must be identical to the applicant name(s).
- As the licensee, I am accountable for the overall operation of, and for all activities within, the establishment. I will not allow another person to use the licence without having first obtained a written approval from the general manager.
- I understand a licence can only be renewed if I am the owner of the business carried on at the licensed establishment and I am the owner or lessee of the licensed portion of the establishment.

Note: An agent, lawyer, or third party operator may not sign the declaration on behalf of the applicant.

Signature: _____

Authorized signatory of the applicant

Name: _____

MORRIS KEITH
(last / first / middle)

Position: _____

OWNER
(if not an individual)

Date: _____

2017/07/20
(Day/Month/Year)

This form should be signed by an appropriate individual who has the authority to bind the applicant. The applicant is responsible for ensuring that the individual who signs this form is authorized to do so. Typically, an appropriate individual will be as follows:

- If the applicant is an sole proprietor, the individual himself/herself
- If the applicant is a corporation, an officer or, in some cases, a director
- If the applicant is a general partnership, one of the partners
- If the applicant is a limited partnership, the general partner of the partnership
- If the applicant is a society, a director or a senior manager (as defined in the Societies Act)

If an authorized signatory has completed the Add, Change or Remove Licensee Representative form (LCLB101) and they have specifically permitted a licensee representative to sign this form on the applicant's behalf, the branch will accept the licensee representative's signature.

Section 57(1)(c) of the Liquor Control and Licensing Act states: "A person commits an offence if the person (c) provides false or misleading information in the following circumstances: (i) when making an application referred to in section 12; (ii) when making a report or when required and as specified by the general manager under section 59."

False declaration of valid interest is reason for the general manager to consider terminating the licence application and/or cancelling the licence.

Part 5: Application Fees - Payment Options

Total Fee Submitted: \$ 440.00

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check (X) one):

Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a \$30 fee will be charged)

Money order, payable to Minister of Finance

Credit card: VISA MasterCard AMEX

I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

I am submitting my application by mail and have given my credit information in the space provided at the bottom of the page.

Note: To ensure legibility, do not submit by fax.

Part 6: Submit Application Package

Once signed by local government/First Nation (if applicable), submit your complete application package to:

Liquor Control and Licensing Branch
Courier: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1
Mail: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8
E-mail: liquor.licensing@gov.bc.ca

If you have any questions, contact us toll-free at 866-209-2111 or email us at liquor.licensing@gov.bc.ca. Visit our website for more information: www.gov.bc.ca/liquorregulationandlicensing

The information requested on this form is collected by the Liquor Control and Licensing Branch under Section 26 (a) and (c) of the Freedom of Information and Protection of Privacy Act and will be used for the purpose of liquor licensing and compliance and enforcement matters in accordance with the Liquor Control and Licensing Act. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GOVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.

LCLB012A

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LPI/LPC Application for Structural Change

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card): KATHY BOND

Credit card number: Expiry date: /
(Month) (Year)

Signature: 



POWELL RIVER REGIONAL DISTRICT

#202 - 4675 Marine Avenue, Powell River, BC V8A 2L2
Telephone: 604-485-2260 Fax: 604-485-2216
Email: administration@powellriverrd.bc.ca
Website: www.powellriverrd.bc.ca

"Genetically Engineered Free Crop Area"

August 28, 2017

Sonja Zupanec, Island Planner
Islands Trust
Salt Spring Office
1 500 Lower Ganges Road
Salt Spring Island, BC V8K2N8

Via Email Only
szupanec@islandstrust.bc.ca

Dear Ms. Zupanec,

Re: Lasqueti Island Hotel Structural Change Liquor Primary Application

The Powell River Regional District received a Structural Change Liquor Primary application from Lasqueti Island Hotel. It was presented to the Regional District's Planning Committee for review with a recommendation to the Regional Board. At the August 24, 2017 Powell River Regional District Board meeting the following resolution was adopted:

THAT the Board concur with the recommendation of the Planning Committee to forward the Lasqueti Island Hotel Structural Change Liquor Primary Application to Islands Trust so they may provide the required comments to the provincial Liquor Control and Licensing Branch and confirm that the occupancy load inspection was authorized by the Powell River Regional District.

Included in this email is the completed application including site drawings and occupancy load. Please note the Powell River Regional District did authorize an occupancy load inspection to be completed in conjunction with the application

As Islands Trust is the planning authority for Lasqueti Island this application has been forwarded to you to provide comment directly to the provincial Liquor Control and Licensing Branch.

Please do not hesitate to contact our office should you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda Paquin".

Brenda Paquin
Manager of Administrative Services