

IN THE MATTER OF the *Liquor Control Act*, R.S.N.S. 1989, c. 260, as amended

- and -

IN THE MATTER OF ALLEGED VIOLATIONS OF
NOVA SCOTIA LIQUOR LICENSING REGULATIONS

44(1) and 45(2)(a)(b) of the *Nova Scotia Liquor Licensing Regulations*
Oasis Pub & Eatery Dining Room Inc.

AGREED STATEMENT OF FACTS

1. Oasis Pub & Eatery Dining Room Inc. is a body corporate, incorporated under the laws of the Province of Nova Scotia. Oasis Pub & Eatery Dining Room Inc. is the holder of Eating Establishment Liquor License No. 003752 and Lounge Liquor License No. 003160 (hereinafter "the licensee").
2. Oasis Pub & Eatery Dining Room Inc. conducts business within the Province of Nova Scotia and is the owner and operator of Oasis Pub and Eatery Lounge, which is located at 5675 Spring Garden Road, Halifax, Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulations 44(1) and 45(2)(a)(b) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
4. The circumstances of the violation of regulations are as follows:
 - a. On April 2, 2021, Compliance Officer Kris Hebert ("CO Hebert") working with and for Alcohol, Gaming, Fuel and Tobacco ("AGFT") was contacted by Constable Brad Benjamin ("Cst. Benjamin") of the Halifax Regional Police ("HRP").
 - b. Cst. Benjamin reported to CO Hebert that HRP had been called to respond to an incident at the licensed premises on April 1, 2021, involving minors who had been served alcohol and were under the influence of alcohol.
 - c. On April 3, 2021, CO Hebert entered the licensed premises to conduct a routine inspection. Routine inspections of licensed premises form part of the regular employment duties of a Compliance Officer with AGFT.
 - d. CO Hebert spoke with Danny Mullock ("Mullock") the bar manager and requested a copy of the video surveillance recording from April 1, 2021, between 2200 hours until 0000 hours.
 - e. On October 27, 2021, CO Hebert received the HRP report regarding the April 2, 2021, incident.

- f. The HRP report identified two female patrons and established that they were both under the age of 19 years. SH date of birth June 23, 2002, and AW date of birth September 25, 2002, attended the licensed premises on April 1, 2021, between the hours of approximately 2250 hours and 2340 hours.
 - g. The HRP report established that both females were served and consumed alcohol at the licensed premises on April 1, 2021.
 - h. On November 2, 2021, Compliance Officer Stephen Seney ("CO Seney") assisting with the investigation, reviewed the video surveillance. The surveillance corroborated information in the HRP report that the females entered the licensed premises at approximately 2250 hours and left at approximately 2336 hours.
 - i. On November 4, 2021, CO Seney spoke with Mullock who indicated that he recalled the females were in the licensed premises approximately 45 minutes and consumed 2 pitchers of beer. Mullock also advised CO Seney that he would look for and send any available incident reports or further information.
 - j. On November 10, 2021, CO Seney received a security incident report from security officer Chloe Sussey ("Sussey") who was working at the licensed premises on April 1, 2021. Sussey reported that the females were showing signs of intoxication, one attempting to lay on the bar. Sussey reported that she advised the females that it was time to leave. The females indicated that they were taking a bus that arrived at 2340 hours and asked if they could remain in the licensed premises until then. Sussey reported that the females exited the licensed premises at approximately 23:37 hours.
 - k. By email on November 23 and 24, 2021 CO Seney confirmed with David Poste, Senior Business Analyst of the Ministry of Transportation, Ontario the identity and date of birth of SH.
 - l. On February 1, 2022, CO Seney received a Can Say statement from Constable Michelle Oakley ("Cst. Oakley") with HRP. Cst. Oakley established the identity of SH and AW, their date of birth, and their attendance at the licensed establishment on April 1, 2021.
 - m. On November 12, 2021, Senior Compliance Officer Katherine Williams ("SCO Williams) and CO Seney entered the licensed premises to conduct a routine inspection.
 - n. SCO Williams observed two patrons who appeared young. MA, date of birth July 29, 2003, was identified. MA used a piece of identification to gain access to the licensed premises which did not belong to her. SCO Williams observed that the photo did not resemble MA, noting the difference in jawline, hair colour, hair type and eyebrows.
5. These matters have been brought before the Executive Director of AGFT for the imposition of a penalty with respect to the licensee's violation of regulations 44(1) and 45(2)(a)(b) of the *Nova Scotia Liquor Licensing Regulations*.
 6. The licensee and AGFT jointly recommend that:

Eating Establishment Liquor License No. 003752 and Lounge Liquor License No. 003160 will be suspended for a period of 2 days, to take place on August 7 and 8, 2022.

Video Lottery Registration Certificate VL003160 will also be suspended during the 2 day suspension of the liquor licenses and the video lottery terminals will not be played.

In accordance with sections 83(1) and (2) of the Nova Scotia Liquor Licensing Regulations a Suspension Notice will be posted at the licensed premises stating that the Liquor Licenses have been suspended. The suspension does not prevent the licensee from providing the sale of food or other non-liquor related services.

The Licensee agrees to have all bartenders and staff involved in the administration of the liquor license attend a Staff Instruction, provided by the AGFT within thirty (30) days from the date of settlement.

7. ENTIRE AGREEMENT

This Agreed Statement of Facts contains the entire agreement between the parties. There are no undertakings or representations expressed or implied, other than those contained in this agreement.

Oasis Pub & Eatery Dining Room Inc.



Licensee, Oasis Pub & Eatery Dining Room Inc.

Aug 1/22

Date

On behalf of the AGFT:



Jennifer Price Hudson
Director, Investigation & Enforcement, AGFT
Service Nova Scotia

August 2, 2022

Date

Notice of Proposed Disciplinary Action

To: Oasis Pub & Eatery Dining Room Inc.
Operator of Oasis Pub and Eatery Lounge
5675 Spring Garden Road, Halifax, Nova Scotia
Eating Establishment Liquor License #003752 and
Lounge License #003160

From: John R. MacDonald, Executive Director
Alcohol, Gaming, Fuel and Tobacco, SNSIS

Date: August 2, 2022

Subject: Notice of Disciplinary Action
Oasis Pub & Eatery Dining Room Inc.
Operator of Oasis Pub and Eatery Lounge
5675 Spring Garden Road, Halifax, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on August 2, 2022, wherein the licensee acknowledged violation of sections 44(1) and 45(2)(a)(b) of the Nova Scotia Liquor Licensing Regulations, relating to violations which took place on April 1, 2021.

Duty to prevent liquor being sold to, served to or consumed by minors

44(1) A licensee must ensure that a person who is under 19 years old is not sold, supplied or given liquor in their licensed premises.

When minor may be in tavern, lounge, beverage room or class A cabaret

45(2) Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a licensed premises to which this Section applies until 10:00 p.m. if 1 of the following conditions is met:

- (a) the person is accompanied by a parent, legal guardian or spouse who is 19 years old or older;
- (b) the person is employed by the licensee, at work on premises and under adult supervision.

The licensee has agreed on the following penalty:

Eating Establishment Liquor License No. 003752 and Lounge Liquor License No. 003160 be suspended for a period of two (2) days to be served on August 7 and 8, 2022.

Video Lottery Registration Certificate VL003160 will also be suspended during the 2-day suspension of the liquor licenses and the video lottery terminals will not be played.

The following shall be attached as conditions of Eating Establishment Liquor License No. 003752 and Lounge Liquor License No. 003160:

- 1. The Licensee agrees to have all bartenders and staff involved in the administration of the liquor license attend a Staff Instruction, provided by the AGFT within thirty (30) days from the date of settlement.***

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia and Internal services, has considered the matter and issued a Notice of Disciplinary Action on August 2, 2022, pursuant to section 47B of the *Nova Scotia Liquor Control Act*.

Objection Process

The licensee may object in writing to the above proposed action in accordance with section 81A subsections (3) and (4) of the *Nova Scotia Liquor Licensing Regulations*. To object to a proposed action, the permanent licensee on whom the notice of proposed action was served must file a written notice of objection with the Executive Director **prior to 4:30 pm on Friday, August 5, 2022.**

A notice of objection may be in any form, but it must be in writing and include all of the following:

- (a) the name, address and phone number of the permanent licensee;
- (b) a copy of the notice of proposed action; and
- (c) the reason the permanent licensee objects to the proposed action.

After considering any objection to a notice of proposed action, the Executive Director must do one of the following:

- (a) take the proposed action;
- (b) rescind the notice of proposed action;
- (c) vary the proposed action, but only if the action taken is permitted by clause 47(1)(b), (c) of the *Liquor Control Act*; or
- (d) refer the matter to the Review Board in accordance with subsection 47B(1)(b) of the Act.



Service Nova Scotia and Internal
Services

Alcohol, Gaming, Fuel & Tobacco

Torrington Place
2nd Floor
780 Windmill Road
PO Box 545
Dartmouth, NS
B2Y3Y8

902.424.6160 T
TOLL FREE IN NS
1.877.565.0556
902.424.6313 F

Notice of Action

The office of the Executive Director, Alcohol, Fuel and Tobacco, Service Nova Scotia and Internal Services has concluded that a two (2) day suspension of Oasis Pub & Eatery Dining Room Inc., 5675 Spring Garden Road, Halifax, Nova Scotia. Eating Establishment Liquor License #003752 and Lounge License #003160 shall be served at the request of the licensee on August 7 and 8, 2022.

In accordance with sections 83(1) and (2) of the *Nova Scotia Liquor Licensing Regulations* a Suspension Notice will be posted at the premises stating that the Liquor Licenses have been suspended. This suspension does not prevent the business from providing the sale of food or other non-liquor related services.

John R. MacDonald, Executive Director
Alcohol, Gaming, Fuel and Tobacco
Service Nova Scotia and Internal Services

