



Service Nova Scotia
Alcohol, Gaming, Fuel & Tobacco
Investigation and Enforcement

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

-and-

IN THE MATTER OF an alleged violation of Sections 44(1)&(2), 45(2), 61(1)&(2) and 64(1) of the Liquor Licensing Regulations by 3343502 Nova Scotia Limited carrying on business as Shoebox Cantina.

AGREED STATEMENT OF FACTS

- I. 3343502 Nova Scotia Limited is the holder of Eating Establishment Liquor License #006781 and Lounge Liquor License #006782 (hereinafter, the "Licensee").
- II. 3343502 Nova Scotia Limited is a body corporate, incorporated under the laws of the Province of Nova Scotia and carries on business under the business name Shoebox Cantina ("The Licensee").
- III. Shoebox Cantina is located at 84 Provost Street, New Glasgow, NS (hereinafter, the "Licensed Premises").
- IV. The Licensee acknowledges that it has violated Sections 44(1)&(2), 45(2), 61(1)&(2) and 64(1) of the Liquor Licensing Regulations and accepts responsibility for the violations.
- V. The circumstances of the violations which occurred on July 27, August 3 and August 4 of 2024 are as follows:

Incident 1 – July 27, 2024 - Violation of section 45(2) of the Liquor Licensing Regulations

- a. On August 7, 2024, Compliance Officer Chris Kelly (CO Kelly) was contacted by New Glasgow Police Services (NGPS) advising that a minor (LH) was charged with underage drinking. Sargeant Kelly Reid (Sgt Reid) advised that LH had been ticketed after an assault outside Shoebox Cantina & that he had been inside the licensed premises prior. Sgt Reid described LH as being unsteady & having blood shot eyes.
- b. On August 12, 2024, LH's Provincial Identification was provided by policing services, confirming that he was under the age of 19 years old at the time.
- c. On August 15, 2024, Sgt Reid stated to CO Kelly via telephone that LH was inside the licensed premises & described him as "hammered" during their interaction.

- d. On August 16, 2024, CO Kelly confirmed that Doorman Jeremy Woodrow did see LH inside the licensed premises on July 27, 2024, approximately 1 hour from closing time.
- e. On September 25, 2024, LH's mother confirmed via telephone that her son was inside Shoebox Cantina on July 27, 2024, and that he received a fine.

Incident 2 – August 3, 2024 - Violation of sections 61(1)&(2) and 64(1) of the Liquor Licensing Regulations

- f. On August 3, 2024, at or about 0115 hrs, CO Kelly was advised by NGPS outside Shoebox Cantina that a male was incapacitated in the bathroom of the licensed premises.
- g. CO Kelly observed the patron (CF) inside Shoebox Cantina bathroom area, being attended to by Shoebox staff & NGPS, in an unresponsive state and covered in his own vomit. Emergency Health Services (EHS) was called, CF was taken to Aberdeen Hospital for medical attention.
- h. CO Kelly collected CCTV footage for review. CO Kelly noted that CF was in the Shoebox Cantina bathroom, unaccounted for 38 minutes.
- i. On August 14, 2024, CO Kelly conducted a phone interview with the patron (DN) who accompanied CF to Shoebox Cantina on the night in question. DN detailed his experience with CF including liquor consumption: DN claimed CF consumed 1 – 2 beer and 1 quart of whiskey before entering Shoebox Cantina. CF ordered 2 rum-and-cokes while at Shoebox Cantina. DN stated that he began to look for CF after not seeing CF return from the bathroom. DN explained how the bathroom door was locked and had to be opened by the owner.
- j. CO Kelly collected an audio statement from Manager/Co-owner Patrick Esbati, who was present at Shoebox Cantina on the night in question. Esbati detailed his recollection of the event including the intoxication level of CF. Esbati described CF as "too intoxicated to stand up". Esbati also detailed how he "jimmied open the lock" of the bathroom door to access CF and that he was the person who called NGPS.
- k. On October 18, 2024, CF contacted CO Kelly and confirmed his first purchase of 2 double rum-and-cokes for himself and 1 unknown drink for a friend at Shoebox Cantina.



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that they have either done so or waived their right to do so in connection with entering into this agreement. The Licensee acknowledges and agrees that this Agreed Statement of Facts has been signed of their own free will and without any form of duress being exerted upon them by any person.

On behalf of Shoebox Cantina:

Licensee, 3343502 Nova Scotia Limited

Print Name: Ian Kamp

August 9, 2025

Date

On behalf of Alcohol, Gaming, Fuel and Tobacco:

Andrew MacLean
Director, Investigation & Enforcement

August 22/2025

Date

Notice of Proposed Disciplinary Action

To: 3343502 Nova Scotia Limited
o/a Shoebox Cantina
84 Provost Street, New Glasgow, Nova Scotia
Eating Establishment License #006781
Lounge License #006782

From: Scott MacDonald, Executive Director
Alcohol, Gaming, Fuel and Tobacco, SNS

Date: August 22, 2025

Subject: Notice of Disciplinary Action
Shoebox Cantina
84 Provost Street, New Glasgow, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on August 9, 2025, wherein the licensee acknowledged violations of sections 44 (1)(2), 45 (2), 61 (1)(2) and 64 (1) of the Nova Scotia Liquor Licensing Regulations relating to violations observed on July 27, 2024, August 3 and 4, 2024.

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.
- (2)** A licensee must ensure that a person who is under 19 years old does not consume liquor in their licensed premises.

When minor may be in 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.

Persons not permitted in, or to be served in, licensed premises

61 (1) A licensee must not sell or provide liquor in their licensed premises to any of the following:

- (a) a person who is apparently under the influence of liquor or drugs;
 - (b) a person who it is reasonable to believe will become intoxicated if they consume any more liquor.
- (2)** A licensee must not permit a person who is intoxicated to be in their licensed premises.

Activities not permitted in licensed premises

64 (1) A licensee must not permit any activity in or about their licensed premises that is detrimental to the orderly control and operation of the licensed premises.

The licensee has agreed on the following penalty:

Eating Establishment Liquor License #006781 and Lounge Liquor License #006782 be suspended for a period of two (2) consecutive days, to commence on September 5, 2025, and September 6, 2025.

The office of the Executive Director, Alcohol, Gaming, Fuel & Tobacco Division, Service Nova Scotia, has considered the matter and issued a Notice of Disciplinary Action on August 22, 2025, 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). 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 September 3, 2025.

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.

Notice of Action

The office of the Executive Director, Alcohol, Gaming, Fuel and Tobacco, Service Nova Scotia has concluded that a two (2) day suspension of Shoebox Cantina, 84 Provost Street, New Glasgow, Nova Scotia, Eating Establishment Liquor License #006781, Lounge Liquor License #006782 shall be served on, September 5, 2025 and September 6, 2025 inclusive, as was determined in collaboration with the licensee.

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 and Video Lottery Registration Certificate have been suspended. This suspension does not prevent the business from providing the sale of food or other non-liquor related services.



Scott MacDonal, Executive Director
Alcohol, Gaming, Fuel and Tobacco
Service Nova Scotia