

# Report

Date May 3, 2023  
Subject The Tee Box Liquor Primary Licence Application

File: 4320-40

## PURPOSE

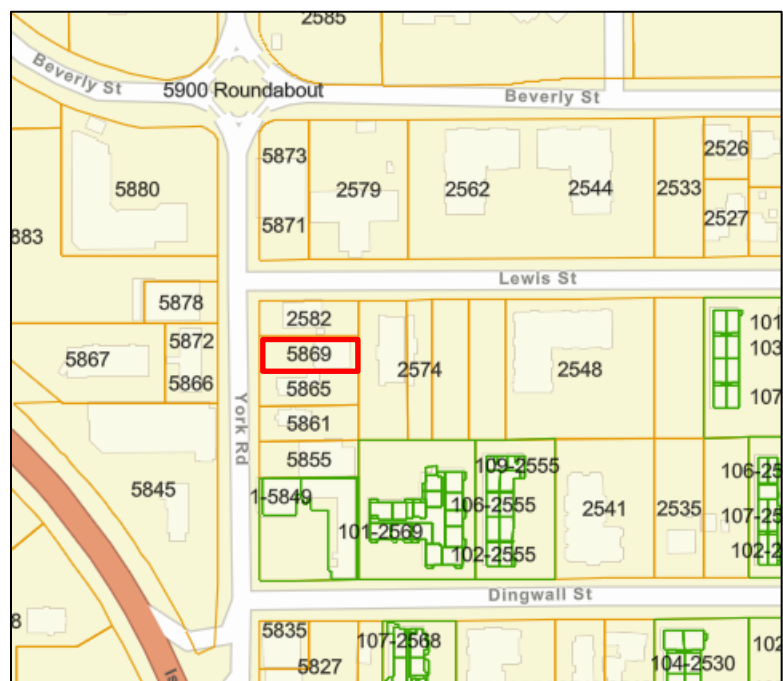
To consider whether Council wishes to provide comments and a recommendation to the Liquor and Cannabis Regulation Branch (LCRB) regarding the Tee Box's liquor primary licence application.

## BACKGROUND

Kevin Miller of K.G.M Holdings Ltd, the applicant, notified staff on April 8, 2023, of their application for a liquor primary licence for the Tee Box located at 5869 York Road. The business licence for the Tee Box, which offers four golf simulator bays within the building (Attachment 1 site plan), was issued on February 16, 2023. The maximum allowable occupant load is 50 persons.

Section 38 of the *Liquor Control and Licensing Act* requires that Council indicate in writing if it does not wish to receive notice of liquor primary, food primary, manufacturer or a rural licensee retail store licence application or if Council receives notice of the application Council has the option of providing input or opting out for that application. On March 1, 2017, when the [Liquor Control and Licensing Branch Applications Policy](#) was adopted, Council opted out of the LCRB's liquor licence approval process for the following types of applications:

- Food primary
- Winery lounges and winery special events
- Temporary changes to liquor licences
- Permanent extensions to hours of service
- Special occasion licences for events held on private property



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## **DISCUSSION**

The liquor primary licence is the broadest class of licence administered by the LCRB. Any business may apply for a liquor primary licence, except for businesses directed at minors or businesses operating in a motor vehicle. Businesses wanting to offer liquor service as an additional service to patrons, such as the Tee Box is proposing, may also apply for a liquor primary licence. However, they must offer food and non-alcoholic beverages in addition to their liquor service, but food service in the range generally offered by a restaurant is not expected.

In the applicant's letter of intent, they propose offering snack and drink options that would include pop, water, energy drinks, beer, and coolers to patrons using their facility to enhance their enjoyment of the experience (Attachment 2). Council must decide if they wish to provide comments and a recommendation on this application to the LCRB.

If Council wishes to make a recommendation to the LCRB regarding this application, Council must:

- conduct a formal public input process to gather the views of affected residents; and,
- provide their comments.

### **Requirements for gathering public input**

The views of local residents may be gathered either by conducting a public hearing, posting site signage, conducting a mail-out to residents, and/or any other method Council considers appropriate.

When choosing a method, Council must ensure that the method :

- is fair and equitable to both the residents and the applicant;
- provides all nearby residents with reasonable notice and opportunity to comment;
- avoids bias;
- is appropriate for local circumstances; and,
- provides sufficient information for residents to understand the nature of the application, including the type of licence, the proposed person capacity, and/or hours of liquor service.

If Council recommends that the licence NOT be issued, the LCRB cannot issue the liquor primary licence to the Tee Box. However, if the LCRB believes that the recommendation was biased, the LCRB would not be bound by the recommendation and could issue a licence in that circumstance.

If Council recommends that the licence be issued, the LCRB will consider that recommendation but is NOT bound by Council's recommendation.

### **Requirements for providing comments and recommendations**

If Council wishes to provide comments and recommendations on this application, they must consider:

- the location of the proposed establishment;
- the person capacity; and,
- the hours of liquor service.

Council would be required to comment, in writing, on:

- the impact of noise on the community in the immediate vicinity of the establishment; and,
- the general impact on the community if the application is approved.

Recommendations to the LCRB must include whether the application should be approved or rejected and must include:

- the reasons on which those recommendations are based;
- comments on the views of local residents; and,
- provide a description of the method used to gather those views.

Comments and recommendations must be provided to the LCRB within ninety days (by July 7, 2023) after the local government receives notice from the applicant.

## OPTIONS

1. **(Recommended Option)** THAT Council opt-out of the local government comment process for a liquor primary licence for the Tee Box located at 5869 York Road.
  - *If Council chooses this option, the LCRB will gather resident views and proceed with the licence application.*
2. THAT Council direct staff to:
  - (1) distribute a notice to area residents within 60 metres of 5869 York Road;
  - (2) post the notice to the Municipality's public notice posting places; and,
  - (3) publish the notice in one edition of the local newspaper and to the Municipality's social media sitesin order to gather public views and make recommendation to the Liquor and Cannabis Regulation Branch regarding the liquor primary licence for the Tee Box located at 5869 York Road at the June 7, 2023, regular meeting of Council.
  - *If Council chooses this option (or option 3 below), the Municipality must cover all costs, including staff resource time, as Council has not imposed a fee under the Fees & Charges Bylaw to require the applicant to reimburse the Municipality for all costs incurred when providing comments and recommendations on the liquor primary licence application.*
3. THAT Council direct staff to *(Council to identify which method to undertake and how notice should be given)* in order to gather public views and make recommendation to the Liquor and Cannabis Regulation Branch regarding the liquor primary licence for the Tee Box located at 5869 York Road.

## IMPLICATIONS

A fee to gather public input for liquor primary licence applications has not been imposed under Fees and Charges Bylaw No. 3784. The costs incurred by the Municipality, if Council selected option 2 or 3, would be approximately \$500-\$1,000 per newspaper edition (dependent on the size of the advertisement) and \$100-\$200 for postage (depending on the number of residential units the notice must be delivered to), including staff resource time.

If Council selects option 1, the views of the public will still be gathered, except it will be LCRB staff collecting the views instead of North Cowichan staff.

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**RECOMMENDATION**

THAT Council opt-out of the local government comment process for a liquor primary licence for the Tee Box located at 5869 York Road

Report prepared by:



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Report reviewed by:



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**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) Site Plan
- (2) Letter of Intent
- (3) Liquor Control and Licensing Branch Applications Policy