

ORDER

NSUARB-LH-10-009
2010 NSUARB 161

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE LIQUOR CONTROL ACT

- and -

IN THE MATTER OF AN APPLICATION by **Grace Murray Inc.**, for a Lounge License, for premises known as Best Western Bridgewater Hotel and Suites, located at 527 Highway 10, Cookville, Nova Scotia

BEFORE:  Margaret A.M. Shears, Q.C., Vice Chair

ORDER

WHEREAS Grace Murray Inc. (the "Applicant") filed an application on April 22, 2010 with the Alcohol and Gaming Division, Department of Labour and Workforce Development (the "AGD") for a Lounge License, and the application was submitted to the Nova Scotia Utility and Review Board (the "Board") on May 31, 2010, and the file was substantially complete on June 30, 2010;

AND WHEREAS the proposed area to be licensed for the Lounge is 160 square feet for a patron accommodation of 13 persons, and an outdoor adjacent Patio is 360 square feet for a patron accommodation of 30 persons;

AND WHEREAS pursuant to section 49(8) of the *Liquor Control Act* (the "Act"), a public hearing is required for an application for a Lounge License;

AND WHEREAS after due public notice in the July 20, 2010 editions of the Chronicle Herald and the Bridgewater Bulletin, and the Board heard the application at a public hearing on August 10, 2010 in the Bridgewater Town Council Chambers;

AND WHEREAS at the hearing on August 10, 2010, the Board considered the submissions of all parties in respect of this application and determined that the Applicant met the requirements for licensing pursuant to sections 8 and 13 of the *Regulations*, and rendered an oral decision on the same date;

IT IS HEREBY ORDERED that a Lounge License be granted to Grace Murray Inc. (the "Licensee"), for premises known as Best Western Bridgewater Hotel and Suites, located at 527 Highway 10, Cookville, Nova Scotia, effective August 10, 2010, subject to the following conditions:

1. The management and control respecting the operation of the licensed premises shall be limited to Glen John Murray, on behalf of the Licensee. Provided Rodney Noel Grace is not convicted of a second criminal offence involving failure or refusal of a breathalyser test within a three year period from the date of his conviction, June 3, 2009, he will also be responsible for the operation of the licensed premises on and after June 4, 2012.
2. Pursuant to sections 22 and 67 of the *Regulations*, the maximum number of persons permitted in the licensed establishment is as follows, unless a fire official or the final inspection conducted by a member of the Investigation and Enforcement Division, AGD, subsequently sets a lower occupant load.

Area	Square Footage	Patron Accommodation
Lounge	160 square feet	13 persons
Patio	360 square feet	30 persons

3. Pursuant to section 7(2) of the *Regulations*, the following documents must be filed with the Board and the Licensing Division, AGD, prior to issuance of the License:
 - i. a satisfactory Report from the Office of the Fire Marshal; and
 - ii. Food Establishment Permit.
4. The premises must pass a final inspection conducted by a member of the Investigation and Enforcement Division, AGD.
5. Unless the Board otherwise directs, the grant of a license terminates if the grant of license is not acted upon within six months from the date of the grant.

6. The days and hours of operation for a Lounge are set out in section 53(1) of the *Regulations*, and are attached to this Order as Schedule "A".
7. The Eating Establishment must be operational a minimum of five (5) hours on any day that the Lounge is operational.
8. The area designated as Eating Establishment must comprise at least 25% of the total premises seating capacity.
9. A proper division must be maintained between the dining room and lounge.
10. The Licensee and staff must meet with a member of the Investigation and Enforcement Division, AGD in order to review the provisions of the *Act* and *Regulations* pertaining to the operation of a licensed Eating Establishment and Lounge.
11. The Board requires new licensees to take the Responsible Beverage Service Program 'It's Good Business' conducted by the Nova Scotia Tourism Human Resource Council (THRC) within six months of the issuance of license.
12. This license cannot be transferred without the consent of the Board pursuant to sections 20 and 21 of the *Regulations*.

DATED at Halifax, Nova Scotia, this 10th day of August, 2010.


Clerk of the Board