

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE LIQUOR CONTROL ACT

- and -

IN THE MATTER OF violations under sections 64(1) and 73 of the *Liquor Licensing Regulations* by **NEW PALACE CABARET LTD. o/a PALACE CABARET**, Cabaret Liquor License No. 000805, at 1721 Brunswick Street, Halifax, Nova Scotia

BEFORE:



Roland A. Deveau, K.C., Vice Chair

Jennifer L. Nicholson, CPA, CA, Member

Julia E. Clark, LL.B., Member

DECISION AND ORDER

The Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia and Municipal Relations (AGFT) referred a request for a disciplinary hearing, pursuant to Section 47B(1) of the *Liquor Control Act*, to the Nova Scotia Utility and Review Board on June 14, 2023, about alleged violations of Sections 64(1) and 73 of the *Liquor Licensing Regulations* by New Palace Cabaret Ltd. o/a Palace Cabaret, holder of Cabaret Liquor License No. 000805 (Licensee), for premises located at 1721 Brunswick Street, Halifax, Nova Scotia (Licensed Premises).

Following procedural motions by the parties and rulings by the Board, the hearing was scheduled to start on November 17, 2025. However, on October 23, 2024, the parties advised that they had reached a Settlement Agreement in the matter. On October 29, 2024, counsel for the AGFT and the Licensee jointly filed a copy of the Settlement Agreement and requested that a teleconference be held by the Board to consider the joint recommendation in the Settlement Agreement.

The teleconference was held on Tuesday, October 29, 2024, to hear from counsel for the parties and to consider the Settlement Agreement. The Licensee acknowledged that it violated Sections 64(1) and 73 of the *Regulations* on the indicated dates and accepted responsibility for the offences. The Settlement Agreement included the following joint recommendation on penalty:

Cabaret Liquor License 000805 be suspended for a period of Forty-Five (45) consecutive days to commence on a date agreed to between the Licensee and the AGFT, and within thirty (30) days from the date of the Board Order approving settlement.

Video Lottery Registration Certificate #VL000805 will also be suspended during the suspension of the liquor licenses and the video lottery terminal(s) will not be played.

That the following conditions will be added to the license:

The Licensee must update their video surveillance system. Camera quality, quantity, and position must be approved by the AGFT. Video surveillance must be retained by the Licensee for a minimum of 14 days.

The Licensee must provide video surveillance to AGFT when requested. 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. This does not prevent the business from providing the sale of food or other non-liquor related services.

This liquor disciplinary matter was considered by the Board under s. 82B of the *Liquor Licensing Regulations*.

The Board has the jurisdiction to consider whether to accept the Settlement Agreement and joint recommendation on penalty: *Grafton Street Restaurant Ltd. v. Nova Scotia (Utility and Review Board)*, 2002 NSCA 120.

In addition to considering the severity of the offences and whether a licensee has committed prior violations, other factors to be considered on whether a penalty is appropriate for violating the *Liquor Licensing Regulations* were outlined by the Board in *Economy Shoe Shop Café and Lounge*, 2002 NSUARB 13:

[21] Another concern of the Board is that an appropriate and fair sanction be imposed on the Licensee. The Board is also guided by principles of general and specific deterrence, ... The suspension must be sufficient to impart the seriousness of this matter upon the Licensee, and other licensees, that such offences are serious and cannot be tolerated.

After reviewing the submissions, the Board concluded that the terms of the joint recommendation outlined in the Settlement Agreement are reasonable and appropriate in the circumstances. The Board accepted the joint recommendation and rendered its oral decision on the same date, with the Order to follow.

The Board orders that:

1. Cabaret Liquor License No. 000805 is suspended for a period of forty-five (45) consecutive days to commence on a date agreed to between the Licensee and the AGFT, and within thirty (30) days from the date of this Board Decision and Order.
2. Video Lottery Registration Certificate #VL000805 is also suspended during the suspension of the liquor licenses and the video lottery terminal(s) will not be played.

3. The following license conditions are added to Cabaret Liquor License No. 000805, effective immediately:
- a) The Licensee must update their video surveillance system. Camera quality, quantity, and position must be approved by the AGFT. Video surveillance must be retained by the Licensee for a minimum of 14 days.
 - b) The Licensee must provide video surveillance to AGFT when requested.
 - c) In accordance with sections 83(1) and (2) of the *Liquor Licensing Regulations*, a Suspension Notice will be posted at the licensed premises stating that the liquor licenses have been suspended. This does not prevent the business from providing the sale of food or other non-liquor related services.

DATED at Halifax, Nova Scotia, this 30th day of October 2024.



Lisa Wallace
Chief Clerk of the Board