



ISLAND SAVINGS CENTRE COMMISSION

Thursday, March 14, 2013

ISC Board Room 2:30 PM

AGENDA

Pages

1. **APPROVAL OF AGENDA** 1
2. **ADOPTION OF MINUTES**
M1 February 14, 2013 Minutes 2-7
3. **BUSINESS ARISING FROM THE MINUTES**
BA1 Island Savings Centre Concessions 8-9
4. **DELEGATION**
5. **CORRESPONDENCE**
C1 March 11, 2013 letter, G. Millar, Economic Development Commission 10
6. **INFORMATION**
IN1 No Smoking Policy Implementation 11-16
IN2 Liquor Inspection Visit – Staff Report March 11, 2013 17-21
7. **REPORTS**
R1 Staff Report from Coordinator, North/Central Cowichan Facility, B. Coleman –
- Verbal Report
R2 Staff Report from Manager, Arts & Culture Division, K. Schrader
- Verbal Report
R3 Staff Report from Manager, Island Savings Centre Division, J. Elzinga
- Verbal Report
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
10. **QUESTION PERIOD**
11. **CLOSED SESSION**
12. **ADJOURNMENT**

The next ISC Commission Meeting will be held Thursday, April 11, 2013, at 2:30 PM in the Board Room, 2687 James Street, Duncan, BC.

Committee Members

Councillor A. Siebring, Chair
Councillor Tom Duncan
Councillor B. Lines

Councillor J. Woike
Councillor S. Jackson
Director L. Duncan

Director L. Iannidinardo

Minutes of the regular meeting of the Island Savings Centre Commission held in the Centre Board Room, 2687 James Street, Duncan, on Thursday, February 14, 2013 at 2:30 pm.

PRESENT: A. Siebring, B. Lines, S. Jackson, T. Duncan, J. Woike, Alternate L. Heinio

ALSO

PRESENT: M. Kueber, Corporate Services General Manager
S. Hurcombe, Budget Coordinator
J. Wakeham, Facility, Fleet & Transit Manager
J. Elzinga, Island Savings Centre Manager
K. Schrader, Arts & Culture Manager
B. Coleman, North/Central Cowichan Facility Coordinator
A. Spalding, Facility Booking Coordinator
A. Plunet, Recording Secretary

ABSENT: L. Duncan, L. Iannidinardo

CALL TO ORDER
2:30 pm

The Island Savings Centre Chair called the meeting to order.

**APPROVAL OF
AGENDA**
2013- 09

**It was moved and seconded to amend the agenda to include
NB7 Concessions
And that the agenda be approved with changes as presented.**

MOTION CARRIED

**ADOPTION OF
MINUTES**
2013-10

It was moved and seconded that the minutes of the January 24, 2013 regular meeting of the Island Savings Centre Commission be approved.

MOTION CARRIED

**BUSINESS
ARISING**

No Business Arising

REPORTS:
R1

B. Coleman, North/Central Cowichan Facility Coordinator, reported:

- Long term employee S. Norie is retiring, leaving an opening for a full time janitor position. Position posting is up.
- Dressing Room allocation is working well in part due to the new TV monitor system of displaying teams per room.
- The Arts & Culture office renovation and expansion is nearing completion.

R2

K. Schrader, Manager of Arts & Culture, stated:

- The Theatre office renovations have been designed for both privacy and soundproofing, and to assist with reduction of stress in the work environment.
- The fundraiser, "Vagina Monologues" is being brought to the

Cowichan Theatre for the third year to raise awareness about violence against women.

- A letter has been received and forwarded to staff in Operations regarding the lack of accessibility for the disabled in several areas of the facility. It was suggested that staff contact Cowichan Independent Living as an alternative information resource.
- N. Nilsson, Acting Theatre Programmer, has retired. D. Weibelzahl has returned on a graduated basis after more than two years absence.

R3

J. Elzinga, Island Savings Centre Division Manager stated:

- On Jan. 25/13 a public announcement at Cowichan Aquatic Centre confirmed that the Cowichan Valley has been awarded the rights to host the 2018 BC Summer Games.
- The Cowichan Valley was not awarded the World Jr. A Hockey Challenge.
- The No Smoking Policy will be developed in partnership with Cowichan Aquatic Centre and will be discussed further at the March Commission meeting.
- The report on Sport Tourism will be discussed at the March meeting.
- The Liquor Branch has approved in principle the serving of liquor in the dressing rooms, with a report expected to follow in the next few weeks.
- No Parking Fliers are being distributed for vehicles that are parked in Loading Zones by the Cowichan Aquatic Centre and Cowichan Arena. This blockage creates a potentially dangerous situation for children and adults who are then offloaded onto the roadway.

CORRESPONDENCE

C1

A January 26, 2013 letter stated that application for funding under the Gas Tax Program was not approved for the ISC Eco-Friendly Parking Lot project.

2013-11

It was moved and seconded to receive and file the letter of January 26, 2013.

MOTION CARRIED

**UNFINISHED
BUSINESS**

Nominations were requested for the office of Vice Chair of the Island Savings Centre Commission for the year 2013.

**ELECTION OF
VICE CHAIR**

S. Jackson was nominated for the position of Vice Chair.

**DECLARATION
OF VICE CHAIR
FOR 2013**

There being no further nominations, nominations were declared closed and S. Jackson was declared elected by acclamation for the position of Vice Chair of the Island Savings Centre Commission for the year 2013.

**RESOLVE INTO
CLOSED
SESSION
2013-12
2:52 p.m.**

It was moved and seconded that the meeting be closed to the public in accordance with the Community Charter, Section Part 4, Division 3, Section 90, Subsection (1) (c) Labour Relations.

MOTION CARRIED

**RISE FROM
CLOSED
SESSION
2013-12
3:04 p.m.**

It was moved and seconded that the Commission rise without Report.

MOTION CARRIED

**NEW BUSINESS
NB1**

A Public Education Session on Regional District Budgets & Taxation presented previously to the CVRD Board was submitted to the Commission for information. Members requested that copies be made available to the City of Duncan and to the District of North Cowichan.

2013-13

It was moved and seconded to receive the Regional District Budgets & Taxation public education document, and send copies of the document to the City of Duncan and District of North Cowichan Councils.

MOTION CARRIED

NB2

A Staff Report January 30, 2013 requested Commission direction on staffing, services, capital improvements and transfer to reserve for the 2013 Budget.

As directed in September 2012, ISC staff prepared a budget for 2013 with a 2% requisition increase. A 2012 year-end review showed a significant surplus at year end. The short term debt of \$76,630 has been retired. The Arts and Culture Division has increased the level of priority for additional marketing resources to assist with promotion of the Cowichan Theatre, and now recommends the inclusion in the 2013 budget. Operations now recommends the inclusion of refrigeration compressor replacement.

Staff presented that a requisition increase of 2% should include the following services:

1. Replacement of the ice plant roof
2. Arena/sports programmer full time position
3. Theatre publicist part time position
4. Arena refrigeration compressors replacement
5. Fly system upgrade
6. Loading dock upgrade
7. Additional Cowichan Theatre signage
8. Emergency generator replacement
9. Transfer to Reserve of \$322,802

It was noted that to achieve the transfer to reserve of \$468,000 identified in the Sustainability Plan, the requisition would need to be increased more than 2%. Three Options were presented for a lift of transfer to reserve:

- Option A: Viewing debt retirement as a bonus, and increasing requisition by an additional \$234,000 (6.38%) increase, for a requisition increase to 8.38%.
- Option B: Viewing debt retirement as a sustainable option to decrease the amount needed to achieve the next lift. \$157,270 would be required, resulting in a 4.29% increase, for a total requisition increase to 6.29%.
- Option C: Using debt retirement and \$12,172 of surplus to achieve the next lift. \$145,198 would be required, resulting in a 3.96% increase, for a total requisition increase to 5.96%.

Commission support was given for Option C, approving a total requisition increase to 5.96%.

2013-14

It was moved and seconded that the Island Savings Centre Commission adopt Option C, and that a total requisition increase to 5.96% be approved.

MOTION CARRIED

L. Heinio left the meeting at 3:32 p.m.

As the requisition increase will result in an increase in taxes, it was suggested that the public be informed by Press Release that the increases are in part based on the consultation results of the Island Savings Centre Sustainability Plan.

2013-15

It was moved and seconded that the Island Savings Centre Commission direct staff to inform the public through a Press Release of the rationale behind the tax increase.

MOTION CARRIED

NB3

The Ipsos Reid research company, used previously by the CVRD, has also developed scientific modules for researching recreation and arts and culture. Staff suggested interest in holding a scientific survey to obtain community input. The Arts & Culture Manager stated that direction would be welcome to determine community appetite and interest in art and culture, and to help with the shaping of the direction for the new Division.

Staff requested Commission direction on whether to pursue an Ipsos Reid survey, with costs of approximately \$9000, potentially shared with other recreation divisions within the region. It was suggested that financial assistance for the survey be requested through the CVRD Regional Feasibility Resource Fund.

- 2013-16** **It was moved and seconded that the Island Savings Centre Commission direct staff to pursue an Ipsos Reid survey, including the children's activity and arts and culture modules, and that the survey costs be funded through the Regional Feasibility Resource Fund.**

MOTION CARRIED

M. Kueber and S. Hurcombe left the meeting at 3:47 p.m.

- NB4** The Island Savings Centre will be hosting a hockey game on April 7, 2013, between a team representing the Russian Hockey Federation and local celebrities. Staff recommended that ice rental fees be waived, as the game will be promoted as a fundraiser, targeting the local chapter of Kidsport.

- 2013-17** **It was moved and seconded that the Island Savings Centre waive ice rental fees at a total of \$372.40 for a hockey game on April 7, 2013 between a team representing the Russian Hockey Federation and a team of local celebrities.**

MOTION CARRIED

- NB5** Structural changes to the Social Lounge over the past years have affected the Food Primary and Liquor Primary boundaries in what is now called the Genoa Room. Because there is no structural separation, there can only be one license. The Island Savings Centre is currently in contravention of the Liquor Control and Licensing Act, and requires submitting a structural change application, not only to fix the licensing, but to allow minors in the Genoa Room when the license is not in use.

- 2013-18** **It was moved and seconded that the Island Savings Centre Commission approve submitting a structural change application to the Liquor Control and Licensing Branch, to cancel the Food Primary License currently in effect for half the Genoa Room, and extend the Liquor Primary License currently in effect for half the Genoa Room to cover the entire Genoa Room.**

MOTION CARRIED

- NB6** Island Savings Centre user groups have been informed that if they contravene their rental contract and conditions of facility use by being in possession of unlicensed alcohol, a suspension of rental privileges for the facility would be enforced. Management has been informed that any occurrence of unlicensed alcohol would result in a minimum of \$7,500 fine to the Island Savings Centre by the Liquor Control and Licensing Branch, and would apply to all areas of the facility, including areas of the Cowichan Theatre.

2013-19

It was moved and seconded that if the Liquor Control and Licensing Branch assesses a fine to the Island Savings Centre because a user group in contravention of their rental contract and conditions of use, is in possession of unlicensed alcohol within the facility, that the Island Savings Centre Commission will:

1. Direct management to recoup the amount of the fine from the contravening user group;
2. Prohibit use of the facility by that user group until all fines due to contravention of rental contract and conditions of use for unlicensed alcohol possession at the facility are paid;
3. Apply the fines if applicable, to those using the Theatre facilities;

and that the clause prohibiting unlicensed alcohol be added to the Cowichan Theatre contracts.

MOTION CARRIED

NB7

A request was made for discussion at the March Commission meeting regarding the expiration of the current concession contract in May 2013.

ADJOURNMENT
2013-20
4:21 p.m.

It was moved and seconded that the meeting be adjourned.

MOTION CARRIED

Certified Correct:

Chairperson

Secretary

Dated:



BA.1

STAFF REPORT

ISLAND SAVINGS CENTRE COMMISSION MEETING OF MARCH 14, 2013

DATE: February 28, 2013
FROM: John Elzinga, Manager, Island Savings Centre
SUBJECT: Concession services

Recommendation/Action:

1. That the Island Savings Centre negotiate a second, one-year agreement with Tracey Lundahl for concession services, for the 2013 – 2014 season.
2. That the Island Savings Centre request proposals for concession services in the late fall of 2013, to begin summer of 2014.
3. If Tracey Lundahl is the successful proponent in the 2013 RFP process, that a multi-year agreement can be negotiated.

Relation to the Corporate Strategic Plan:

Implement best practices throughout the organization wherever possible.

Financial Impact: *(Reviewed by Finance Division: _____)*

Continuation of the current rent for the concession of \$500 plus applicable taxes through May, 2014.

Minimal administration costs to launch a request for proposals in late fall 2013.

Background:

With the Island Savings Centre no longer providing catering or arena concession services as of spring 2012, the Island Savings Centre entered into an agreement with Tracey Lundahl, for one year to provide arena concession services. The agreement expires May 13th, 2013.

The negotiated hours of operation have been revised. The original agreement called for Tracey to provide concession services evenings Monday to Friday, and all day Saturday and Sunday. In an effort to assist her business, Island Savings Centre management agreed to the reduced hours of Wednesday and Friday evenings, all day Saturday and Sunday.

Other points to note with the current concession operation:

- There is a limited menu
- There is very limited choice of "healthy" menu items
- During busy periods, including Junior "A" Capital games, there have been complaints of slow service.

In informally investigating whether another concession provider would provide better service, management has held discussions with a local catering company, and the concession provider at the Frank Crane arena in Nanaimo, home to the Junior "A" Clippers.

From these discussions, management believes that there is an opportunity to improve on hours of operation, menu, and speed of service.

However, in consideration whether to conduct another RFP process now, or in the fall, management considered:

- That it is possible a RFP may not provide a better operation than current
- That there is a very short time frame if another provider is selected to begin operation fall 2013
- That a larger RFP time frame may generate more proposals and ultimately more choice to the Commission
- That there is a new Junior A Capitals owner who may have input into concession operations, or possibly provide a proposal if given enough opportunity.

Submitted by,

John Elzinga, Manager,
Island Savings Centre.

Reviewed by:

Division Manager:

Approved by :

General Manager:





STAFF REPORT

ECONOMIC DEVELOPMENT COMMISSION MEETING

DATE: March 11, 2013
FROM: Geoff Millar, Manager, Economic Development Division
SUBJECT: Cowichan Theatre

To: Islands Savings Centre Commission

The Economic Development Division, on behalf of the CVRD Board, has set up and organized the March 7, 2013 film premiere of 'Once Upon A Day Cowichan and Once Upon A Year Cowichan' held at Cowichan Theatre.

The development of the regional promotional films by local film maker Nick Versteeg has been supported by the CVRD Board and has been very well received by all aspects of our regional community.

The EDC Division received excellent support and assistance from the staff at Cowichan Theatre as this film launch came together. We understand there are budget implications to the staff resources involved in the event, however, we would like the Commission to consider an additional request for assistance with the event.

We respectfully request assistance in the rental charge for the Cowichan Theatre itself as your in-kind support of this event. Both Island Savings Centre and Cowichan Theatre are featured in the film and will receive profile and promotion from the presentation plus the on-going exposure within the region and externally.

Your consideration of this request is greatly appreciated.

Submitted by,

Geoff Millar, Manager
Economic Development Division
Planning & Development Department

GM/

**STAFF REPORT****ISLAND SAVINGS CENTRE COMMISSION MEETING
OF MARCH 14, 2013**

DATE: March 1, 2013
FROM: John Elzinga, Manager, Island Savings Centre
SUBJECT: No smoking policy implementation

Background

In September 2012, Mr. Keith Williams as a delegation requested the Commission consider increased restrictions for the public to smoke on the grounds of the Island Savings Centre. Staff were directed to research other recreation centre policies on Vancouver Island regarding smoking.

In November 2012, staff presented the results of a survey of no smoking policies at other recreation centres on Vancouver Island. Staff were then directed to potentially look at designated smoking areas on the grounds, and discuss a joint policy with the Cowichan Aquatic Centre.

In December 2012, the Island Savings Centre Commission approved a full smoking ban for the facilities and grounds of the Island Savings Centre, beginning at the end of the 2012 – 2013 ice season. Appropriate signage was to be designed, and an implementation plan brought back to the Commission.

For The Commission's Information

The implementation date for the full smoking ban will be May 1, 2013.

Included with this report are examples of:

- A local newspaper article that has already reported on this change of policy
- A news release planned for late March 2013
- An advertisement for the interior television screens that will be displayed late March 2013
- Signage that will be placed around the Cowichan Aquatic Centre and Island Savings Centre for May 1, 2013

The change in policy is already up on the CVRD website.

A second news release reminder will be sent out late April 2013.

Staff will be notified of the change in policy. It is understood that the main enforcement of the policy will be peer pressure by the public, although staff may point out the policy to the public if they feel it is safe to do so.

The policy will be included in all user group contracts.

Event coordinators will be notified, to alert out of town visitors to this change in policy.

Submitted by,

John Elzinga, Manager,
Island Savings Centre.

Reviewed by:

Division Manager:

Approved by:

General Manager:





News Release

North Cowichan's Parks and Recreation Advisory Committee and the Island Savings Centre Commission are announcing that as of May 1, 2013, smoking will no longer be permitted anywhere on the grounds of the Cowichan Aquatic Centre and the Island Savings Centre.

Cowichan Aquatic Centre and Island Savings Centre staff recently conducted a survey of no smoking policies at other recreation facilities on Vancouver Island. The trend has been to reduce the number of areas where smoking is permitted and several facilities have already implemented policies prohibiting smoking in buildings and on the grounds. In an effort to promote healthy living, North Cowichan's Parks and Recreation Advisory Committee and the Island Savings Centre Commission believe that adopting a similar policy is appropriate.

According to the Canadian Cancer Society, tobacco is recognized as a major cause of cancer, accounting for more than 85% of lung cancers in Canada. This includes second-hand smoke which is responsible for many deaths from heart disease in people who are currently non-smokers. Many of us breathe in second-hand smoke – whether we're aware of it or not – in public places, around doorways of buildings and at work.

The public will have a role in enforcing the policy. It was noted that existing staff resources would not be enough to enforce the total ban on smoking. Appropriate signage will be installed at both facilities, giving members of the public the information on the policy that they will be able to communicate to others.

- 30 -

For more information on this, or any other facility concern, please contact:

Steve Knoke, Manager,
Cowichan Aquatic Centre
(250) 746-7665
knoke@northcowichan.ca

John Elzinga, Manager,
Island Savings Centre
(250) 746 - 0400
jelzinga@cvsrd.bc.ca

The Cowichan Valley Regional District, and the Municipality of North Cowichan would like to announce, in an effort to promote healthy living, that as of May 1st, 2013:



SMOKING IS PROHIBITED

Anywhere on the grounds, or in the buildings of, the Cowichan Aquatic Centre, and the Island Savings Centre.

Thank you for your cooperation.



No Smoking within
Facilities or on Grounds



ISLAND SAVINGS CENTRE
RECREATION. SPORTS. CULTURE.

Cowichan
Aquatic Centre

Feb. 27, 2013
COWICHAN VALLEY
CITIZEN

News



Aquatic and community centres going smoke-free

SARAH SIMPSON CITIZEN

Following the conclusion of the Cowichan Valley Capitals' hockey season, the property shared by the Island Savings and Cowichan Aquatic Centres will be designated as smoke-free.

Island Savings Commission Chair Al Siebring, also a North Cowichan councillor, said the ISC commission made the decision to go smokeless on the CVRD portion of the property during its first meeting of the year. North Cowichan followed suit during its Wednesday, Feb. 20 council meeting in including the pool site as a non-smoking area.

"We decided at the commission and council concurred that this is about sports and recreation and fitness and it's probably not a good place to have a bunch of smokers hanging out," Siebring said.



Officials are counting on peer pressure and courtesy to make the new rules stick. [CITIZEN FILE]

He noted that by waiting until the end of the current ice season, the two local governments have some extra time to get the word out and to educate people about the change.

The hope is that common courtesy and some gentle peer pressure will dissuade smokers, as there are no formal bylaws prohibiting smoking on the property.

"There'll be just signs posted and what we're sort of counting on is the notion

of community and peer pressure."

Siebring said the same policy is in effect at Kerry Park Recreation Centre in South Cowichan and though it took a while for folks to adapt, now it's working well.

"It's more a courtesy thing than anything else," Siebring said. "I'm a smoker but I voted in favour of it. I get this. This is sports, recreation and kids. It's probably not a bad idea."



STAFF REPORT

ISLAND SAVINGS CENTRE COMMISSION MEETING OF MARCH 14, 2013

DATE: March 11, 2013
FROM: John Elzinga, Manager, Island Savings Centre
SUBJECT: Liquor Inspector visit

Background and for Commission's information

On Tuesday, February 5th, 2013, Amanda McKelvie, liquor inspector for the Liquor Control and Licensing Branch, met with me here at the Island Savings Centre. The two issues for the Liquor Branch that were brought to my attention in that meeting were:

1. That a license change was required for the Genoa Room
2. That it was brought to the Liquor Branch's attention that unlicensed alcohol was being consumed in the Island Savings Centre's arena dressing rooms.

Ms. McKelvie stated that she would be conducting surprise visits of the Island Savings Centre, and that evidence of unlicensed alcohol could result in a fine or a suspension of our liquor license.

On February 27th, 2013, at approximately 10 pm, Ms. McKelvie visited the Island Savings Centre. She requested that a janitor enter into two dressing rooms that were occupied, and inform her if he witnessed anyone with alcohol. Our janitor did as requested, and reported that there were two players with cans of beer, in one of the two dressing rooms. In this dressing room was an oldtimers team from Parksville.

The janitor resumed his duties approximately 40 feet away from the room. He was not in the immediate area to describe how the inspector accessed the room.

There seems to be a discrepancy in stories in the procedure for how the liquor inspector accessed the room.

The following morning I was contacted by the Parksville team, who declared that there was no knock or identification, and that a female inspector simply walked into a male change room, where the players were in various stages of undress.

I was also contacted by Ms. McKelvie, who said that she did enter the room, but did it correctly, and had the right to. She did not notice any alcohol by the time she entered the room. She stated that we may have just missed having a contravention.

Ron Austen followed up with the Liquor Control and Licensing Branch to request their procedures for a female entering a male change room. Meanwhile, I requested a legal opinion from the CVRD's casual legal program on the same topic. The legal opinion is an appendix on this report.

To my understanding, the Parksville team contacted the media regarding this incident. Both the Cowichan News Leader Pictorial, and Chek 6 news contacted me for comment. The News Leader followed with a story published Friday, March 8, 2013. A copy of the article is attached to this report. Chek 6 informed me that they did not have enough information for a story, and would not be pursuing this any further at this time.

I met with Ms. McKelvie's supervisor, a Mr. Gary Barker, at the Island Savings Centre on Friday, March 8, 2013. In Mr. Barker's opinion, Ms. McKelvie knocked on the dressing room door, announced that a female was about to enter the dressing room, paused, entered, and identified herself as a liquor inspector. Mr. Barker said that at the time of entry, all players were clothed, or wore towels.

Next steps for this incident

1. I will be advising the Parksville hockey team of my conversation with Mr. Gary Barker, and that the Liquor Branch feels that the dressing room was accessed correctly. Further, that the Island Savings Centre will not be further pursuing any action regarding this incident, but will cooperate with either the Parksville team or the Liquor Branch in any further action.
2. All user groups will be advised that the liquor inspector has visited the Island Savings Centre, and that any fines for unlicensed alcohol will be passed on to the user group as per previous Commission direction.

Next steps in general

1. We have now met twice recently, and will continue to meet with management of other Cowichan Valley recreation facilities, to achieve consistency in policy in dealing with alcohol related issues.
2. We recognize the rights of the Liquor Control and Licensing Branch to enforce provincial liquor policy, and will assist them when they enter the Island Savings Centre.
3. The Liquor Branch does recognize the privacy issues around dressing rooms, and will make efforts to respect that privacy. However, they have the right, and will access dressing rooms if they feel it is necessary.
4. We have communicated to the Liquor Control and Licensing Branch that staff should not be used as inspectors, but will assist.
5. Operations staff will continue to advise management on any evidence of unlicensed alcohol in the building.

6. Licensing dressing rooms is viewed as a potential solution to unlicensed alcohol consumption, as licensed provision should render unlicensed alcohol unnecessary, and targeted supervision in this area is expected to identify issues before Liquor Branch intervention.

Submitted by,

John Elzinga, Manager,
Island Savings Centre.

Reviewed by:

Division Manager:

Approved by:

General Manager:



From: Matt Voell [mailto:voell@lidstone.info]
Sent: Tuesday, March 05, 2013 1:56 PM
To: John Elzinga
Cc: Don Lidstone
Subject: FW: Casual Legal Service - Island Savings Centre and liquor licence inspections

John,

The Liquor Control and Licencing Act gives the Province broad inspection powers. The Island Savings Centre's liquor licence will specify where in the facilities alcohol may be consumed. Section 73(1)(b)(iii) of the Act provides the general manager or designate the ability to inspect "establishments licensed under this Act and records, liquor and other things associated with the operation of the establishment." Section 73(2) states that a licensee must "allow the licensed establishment to be inspected under this section, immediately upon being requested to do so by a person acting under the authority of this section: (i) at any time provided for in the terms and conditions of the licence, and (ii) without limiting subparagraph (i), at all reasonable times.

The times when the liquor inspector may inspect the Island Savings Centre are likely set out in the Island Savings Centre's liquor licence. If so, those terms will govern when inspection may occur. In addition, the inspector can inspect at "any reasonable times". If the licence does not provide for times when inspection can occur, it may only occur at 'reasonable times'. That said, these inspection powers are limited somewhat by the Canadian Charter, which provides for a reasonable expectation of privacy in certain circumstances. The circumstances of each case are determinative of the level of privacy that is required. It can thus be argued that when a male dressing room is being used or is occupied, a female inspector must knock, announce herself, and provide the occupants time to compose themselves, prior to entering to inspect the room.

Please do not hesitate to contact us should you have any further questions on this matter.

Regards,
Matt

Matthew R. Voell
Associate
LIDSTONE & COMPANY
Barristers and Solicitors
Suite 1300 - Sun Tower
128 Pender Street West
Vancouver, BC V6B 1R8
604.899.2938 P
604.899.2281 F
1.877.339.2199 TF

www.lidstone.info

Visiting Parksville hockey players whistle offside on female dressing room inspector

Don Bodger
News Leader Pictorial

Members of a Parksville oldtimers' hockey team were shocked when a female member of the provincial Liquor and Licensing Branch entered their dressing room to conduct an inspection for liquor consumption after a game in Duncan against the Cowichan Valley Ol' Hustlers last week.

Dave Williams of the Parksville Bald Eagles said players were caught off-guard in various states of undress at the time.

"At the end of the game, we're in the dressing room, we're changing and the guys are showering and all that," he said.

"A couple of minutes later, this woman bursts through the door, no I.D., no nothing. "She came right in the room, looked

around the whole dressing room and left. She looked around to see if there was any beer visible. She didn't see any and she left."

Williams questioned what would have happened if a male inspector entered a dressing room of females under the same circumstances.

"If the shoe was on the other foot, there'd be hell to pay," he said. "We're supposed to take it with a grain of salt — no big deal."

The provincial Liquor Control and Licensing Branch provided a totally contrasting account of the incident.

"Liquor inspectors are authorized under the law to enter specified areas to perform their duties, including any unlicensed areas of a liquor licensed establishment," read a statement furnished to the *News Leader Pictorial*.

"In this specific instance, the liquor inspector was following up on complaints

about liquor consumption in the dressing room and had reasonable grounds to believe that liquor was being consumed within.

"The liquor inspector first sent a male staff member of the establishment into the dressing room and that staff member confirmed that beer was being consumed.

"The inspector proceeded to clearly announce, several times, that she would be entering the dressing room and entered accompanied by the male staff member."

John Elzinga, manager of the Island Savings Centre, said it was brought to his attention the branch might be conducting liquor checks in the facility.

"To my understanding, they've done quite a significant amount of periodic checks in Nanaimo in the last six to eight months.

"I alerted some of the local teams this was potentially going to happen."

March 8, 2013