

<b>Title: OFFENCE-PENALTY GUIDELINES</b>		<b>TAB 15</b>
<b>Issue:</b>	The need to provide guidance to inspectors in the enforcement of the <i>Act</i> and regulations.	
<b>Authority:</b>	See various sections cited in the attached Offence-Penalty Guidelines.	
<b>Background:</b>	The board acknowledges the use of a published Offence-Penalty Guidelines by the corporation staff. The purpose of the penalty guidelines is to ensure consistency in the enforcement actions taken by liquor inspectors when addressing non-compliance with the <i>Act</i> and regulations.	
<b>Policy:</b>	<p>Options for enforcement actions listed in the offence-penalty guidelines include:</p> <ul style="list-style-type: none"> <li>• warning letters as a formal communication tool;</li> <li>• liquor licence suspensions;</li> <li>• tickets issued under the <i>Summary Convictions Act</i> and regulations;</li> <li>• laying of information with Department of Justice which can lead to a prosecution;</li> <li>• referral to the board.</li> </ul> <p>x An inspector can suspend the licence for up to 14 days: section 79(6) <i>Liquor Act</i>.</p> <p>x The president can suspend the licence for up to 12 months: section 17(2) <i>Liquor Act</i>.</p> <p>The board acknowledges that the use of the Offence-Penalty Guidelines provides several options to liquor inspectors, allowing for the use of discretion in its application. The purpose of this is to allow for inspectors to consider all mitigating factors prior to imposing sanctions.</p> <p>In addition to the possibility of cancelling a licence, the board is also free to consider suspending a licence with or without additional terms and conditions to deal with the alleged offences that gave rise to the referral in the first place.</p> <p>Through the publication of the document, licensees and the public are able to see the fairness in application as well as the severity with which each offence is viewed, and thereby be made aware of the potential consequences of those offences.</p> <p>(See attached Offence-Penalty Grid.)</p>	

<b>Contravention</b>	<b>Legislative Reference</b>	<b>1<sup>st</sup> Offence</b> (Dependent on circumstances of offence)	<b>2<sup>nd</sup> Offence</b> (Dependent on circumstances of offence)	<b>3<sup>rd</sup> Offence</b> (Dependent on circumstances of offence)	<b>Subsequent Offences</b> (Dependent on circumstances of offence this could be applied as early as the 1 <sup>st</sup> offence)	<b>Referral for Prosecution</b> (Dependent on circumstances of offence)
<b>Minors</b>						
<b>Minor provided, obtains or attempts to obtain liquor.</b>	YLA 17, 18, 22, 79, 90(1)(3), Schedule IV	x \$500.00 to provider/server x \$200.00 to minor x Suspension of liquor licences for up to 7 days.	x \$500.00 to provider/server x \$200.00 to minor x Suspension of liquor licences for up to 18 days.	x \$500.00 to provider/server x \$200.00 to minor x Suspension of liquor licences for up to 30 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Up to \$10,000 fine and or up to 12 months imprisonment. If Corporation: up to \$20,000
<b>Unauthorized Minor in a Liquor Primary premises/ Failure to demand proof of age.</b>	YLA 17, 18, 22, 90(4)(5) YLR 11, 12 Schedule IV	x \$500.00 to provider/server x \$200.00 to minor x Suspension of liquor licences for up to 4 days.	x \$500.00 to provider/server x \$200.00 to minor x Suspension of liquor licences for up to 12 days.	x \$500.00 to provider/server x \$200.00 to minor Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
<b>Over Service</b>						
<b>Provide Liquor to an intoxicated person</b>	YLA 17, 18, 22, 79, 93, 95.3, YLR 9(1)(b), Schedule IV	x \$500.00 to provider/server x \$200.00 to intoxicated person x Suspension of liquor licences for up to 7 days.	x \$500.00 to provider/server x \$200.00 to intoxicated person x Suspension of liquor licences for up to 18 days.	x \$500.00 to provider/server x \$200.00 to Intoxicated Person x Suspension of liquor licences for up to 30 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Up to \$10,000 fine and or up to 12 months imprisonment. If Corporation: up to \$20,000
<b>Intoxicated person in licensed premises.</b>	YLA 17, 18, 22, 70(1)(a), 79, 91(1), 95.4(1) Schedule IV	x \$500.00 to provider/server x \$200.00 to intoxicated person x Suspension of liquor licences for up to 4 days.	x \$500.00 to provider/server x \$200.00 to intoxicated person x Suspension of liquor licences for up to 12 days.	x \$500.00 to provider/server x \$200.00 to Intox. Person x Suspension of liquor licences for up to 30 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Up to \$2,000 fine and or up to 30 days imprisonment. If Corporation: up to \$5,000

\*\$200.00 and \$500.00 amounts listed above refer to tickets issued under the *Summary Convictions Act* and do not include the applicable 15% Victim Surcharge (*Crime Prevention And Victim Services Trust Act* Section 11).

<b>Contravention</b>	<b>Legislative Reference</b>	<b>1<sup>st</sup> Offence</b> (Dependent on circumstances of offence)	<b>2<sup>nd</sup> Offence</b> (Dependent on circumstances of offence)	<b>3<sup>rd</sup> Offence</b> (Dependent on circumstances of offence)	<b>Subsequent Offences</b> (Dependent on circumstances of offence this could be applied as early as the 1 <sup>st</sup> offence)	<b>Referral for Prosecution</b> (Dependent on circumstances of offence)
<b>Bootlegging</b>						
<b>Bootlegging (licensee)</b>	YLA 17, 18, 22, 24(4), 74, 75, 78, 79, 95.1	x Suspension of liquor licences for up to 10 days. x Referral for Prosecution	x Suspension of liquor licences for up to 30 days. x Referral for Prosecution	x Suspension of liquor licences for up to 60 days. x Referral for prosecution x Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$25,000 fine and or up to 12 months imprisonment. If Corporation: Between \$10,000 and \$50,000 On each subsequent Offence: Up to \$50,000 fine and or up to 12 months imprisonment. If Corporation: Between \$10,000 and \$100,000.
<b>Bootlegging (non-licensed)</b>	YLA 17, 18, 22, 24(4), 74, 75, 78, 79, 95.1	Referral for Prosecution.	Referral for Prosecution.	Referral for Prosecution.	Referral for Prosecution.	Same as Above
<b>Maintenance of Order and Conduct</b>						
<b>Over maximum occupancy</b>	YLA 17, 18, 22, 79, 96 YLR 5, 9(1)(d)	x Warning letter x report to local fire authority x Suspension of liquor licences for up to 4 days.	x Warning letter x report to local fire authority x Suspension of liquor licences for up to 10 days.	x Warning letter x report to local fire authority x Suspension of liquor licences for up to 14 days.	A report to the local fire authority and a referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
<b>Obstruction of an inspector or peace officer</b>	YLA 17, 18, 22, 79(8)	x Suspension of liquor licences for up to 7 days.	x Suspension of liquor licences for up to 14 days.	x Suspension of liquor licences for up to 30 days. x Referral to Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>Permit riotous, violent or disorderly Conduct in premises</b>	YLA 17, 18, 22, 70(1)(b), 79 YLR 33(1)	x Suspension of liquor licences for up to 5 days.	x Suspension of liquor licences for up to 10 days.	x Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>Staff consuming while on duty</b>	YLA 17, 18, 22, 79 YLR 9(1)(f) Schedule IV	x \$500.00 to staff member x Suspension of liquor licences for up to 3 days.	x \$500.00 to staff member x Suspension of liquor licences for up to 6 days.	x \$500.00 to staff member x Suspension of liquor licences for up to 12 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above

\*\$200.00 and \$500.00 amounts listed above refer to tickets issued under the *Summary Convictions Act* and do not include the applicable 15% Victim Surcharge (*Crime Prevention And Victim Services Trust Act* Section 11).

<b><u>Contravention</u></b>	<b><u>Legislative Reference</u></b>	<b><u>1<sup>st</sup> Offence</u></b> (Dependent on circumstances of offence)	<b><u>2<sup>nd</sup> Offence</u></b> (Dependent on circumstances of offence)	<b><u>3<sup>rd</sup> Offence</u></b> (Dependent on circumstances of offence)	<b><u>Subsequent Offences</u></b> (Dependent on circumstances of offence this could be applied as early as the 1 <sup>st</sup> offence)	<b><u>Referral for Prosecution</u></b> (Dependent on circumstances of offence)
<b>Maintenance of Order and Conduct</b>						
<b>Unauthorized Gambling in a licensed premises</b>	YLA 17, 18, 22 70(1)(c)(d), 79	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 10 days.	x Suspension of liquor licences for up to 14 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>Unauthorized Liquor</b>	YLA 17, 18, 22, 76, 77, 79, 88  YLR 9(1)(i), 17(1)	x Suspension of liquor licences for up to 5 days.	x Suspension of liquor licences for up to 10 days.	x Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>liquor taken or consumed off premises</b>	YLA 17, 18, 22, 72, 79  YLR 9(1)(c)	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 10 days.	x Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>Business Practices</b>						
<b>Service of spirits less than one fluid ounce. /Unauthorized dispensing practices</b>	YLA 17, 18, 22, 79 YLR 20(1), 22(1), 23(1), 24(1), 25(1),	x Suspension of liquor licences for up to 2 days.	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 8 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
<b>Posting of Licences, signs and public notices.</b>	YLA 17, 18, 22, 71, 79	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 4 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>Food Not Available</b>	YLA 17, 18, 22, 38(3), 79 YLR 14.2(1)	x Suspension of liquor licences for up to 2 days.	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 8 days	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>Use of Liquor Primary premises after closing time</b>	YLA 17, 18, 22, 79 YLR 14(1)	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 10 days.	x Suspension of liquor licences for up to 14 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above

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<b>Recreation and Club Licences</b>						
<b>Registry Book violations/ Providing liquor to a non-member</b>	YLA 17, 18, 22, 45(3), 50(3)(4)(6), 79 YLR 33(1), 35(1), 36(1),	x Suspension of liquor licences for up to 2 days.	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 8 days	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
<b>Off-Premises Liquor and RV Park Licences</b>						
<b>RV Park/ providing liquor to anyone other than a bona fide guest.</b>	YLA 17, 18, 22, 79, 47.1  YLR 36.4(6)	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 10 days.	x Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
<b>Charging over 30% mark up on off-premises liquor</b>	YLA 17, 18, 22, 79, 96  YLR 52, 18(1)	x If over by less than \$1 - a warning letter.  x If over by more than \$1: Suspension of liquor licences for up to 2 days.	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 10 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>Off Premises liquor sold on unapproved credit</b>	YLA 17, 18, 22, 79  YLR 27(4)	x Suspension of liquor licences for up to 2 days.	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 10 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
<b>Room Service Violations</b>	YLA 17, 18, 22, 79 YLR 28(1.1), 28.1(1)	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 10 days.	x Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above

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<b>General</b>						
<b>Failure to leave a licensed premises or store upon request.</b>	YLA 17, 18, 22, 90(6) YLR 9(2)(3), Schedule IV	x \$200.00 x Barring order.	x \$200.00 x Barring order.	x \$200.00 x Barring order.	x \$200.00 x Barring order.	Police to be contacted for assistance if more than one breach.
<b>Unauthorized Import</b>	YLA 17, 18, 22, 73  YLR 2.1, Schedule IV	x \$200.00	x \$200.00	x \$200.00	x \$200.00	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
<b>Consumption of Liquor in a Restricted Public Place.</b>	YLA 17, 18, 22, 113(1)  Schedule IV	x \$200.00	x \$200.00	x \$200.00	x \$200.00	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
<b>Consumption of Liquor in a Motor Vehicle.</b>	YLA 17, 18, 22, 89(1)  Schedule IV	x \$500.00	x \$500.00	x \$500.00	x \$500.00	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
<b>Contraventions Not Listed</b>	YLA 17, 18, 22, 95 YLR 9(1)(g)(h)	x Suspension of liquor licences for up to 2 days.	x Suspension of liquor licences for up to 4 days.	x Suspension of liquor licences for up to 8 days	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000

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