

File No. 04-1000-20-2016-278

August 29, 2016

s.22(1)

Dear s.22(1)

Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")

I am responding to your request of August 5, 2016 for:

Copies of documents, correspondence and emails with respect to any enforcement and contraventions regarding The Pint Public House (located at 475 Abbott Street, Vancouver) under liquor primary license no. 003347 - between January 1, 2016 to August 5, 2016.

All responsive records are attached.

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, info@oipc.bc.ca or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2016-278); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at foi@vancouver.ca if you have any questions.

Yours truly,

A handwritten signature in black ink, consisting of a series of connected loops and curves, starting with a vertical line on the left and ending with a horizontal line on the right.

Barbara J. Van Fraassen, BA
Director, Access to Information
City Clerk's Department, City of Vancouver
Email: Barbara.vanfraassen@vancouver.ca
Telephone: 604.873.7999

Encl.

:jb

Cumerlato, Lucia

From: Cumerlato, Lucia
Sent: Wednesday, June 15, 2016 1:26 PM
To: 'chad@thepint.ca' (chad@thepint.ca); 'jon.sharun@venexocorp.com'
Cc: CLARKE, Alex; Osei-Appiah, Edward MEM:EX (Edward.OseiAppiah@gov.bc.ca); DOMINO (CITYVAN)
Subject: The Pint Public House - 475 Abbott Street
Attachments: 20160615131749117.pdf

Hi Chad and Jon,

Attached is a follow up letter to the meeting which was held with you both on May 17, 2016.

We continue to observe issues with the Pint that require the attention of the VPD.

Please review your operational procedures and take the necessary steps so we don't have to take further enforcement action.

We appreciate your diligence in dealing with the issues.

Regards,

Lucia

Lucia Cumerlato | Liquor Licence Coordinator | Licensing and Inspections | City of Vancouver t 604.871.6461 | f 604.871.6394 | e lucia.cumerlato@vancouver.ca

June 15, 2016

Abbott and Pender Hospitality Inc.
The Pint Public House
475 Abbott Street
Vancouver, BC V6B 2L2

Attention: Chad Hubbs

Dear Mr Hubbs:

RE: The Pint Public House
Business Licence: 16-124931
475 Abbott Street

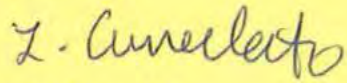
On May 17, 2016 staff from my office, the VPD and the LCLB met with you to discuss concerns arising from The Pint at 475 Abbott Street. These included issues with overcrowding, violence, overconsumption, and aggressive behaviour by patrons in line toward The Pint's residential neighbours. In response you mentioned several encouraging measures you were taking, or planning to take, to address these concerns. These measures included: controlling the guest list to reduce line-ups, refusing "19th birthday" parties, bag checks, additional staff training, additional staff, a zero-tolerance policy for staff who accept bribes, and removal of the least expensive drink options (to discourage overconsumption).

Regrettably we continue to observe issues that require the attention of the VPD. It appears that either these measures are not being fully implemented, or that they are being implemented but are insufficient to properly resolve the issues. I ask you to re-examine your operational procedures carefully and thoroughly to identify all additional opportunities to improve performance. If this cannot be achieved, the City will consider further enforcement action which may include options such as reducing The Pint's hours of operation, the number of liquor seats, or both. However, it would be preferable for all parties if you are able to take effective steps so that the City does not need to resort to these remedies.

If you have any questions, please contact me at 604.871.6461.

475 Abbott St - The Pint Public House - Warning Letter - June 14 2016

Yours truly,



Lucia Cumerlato
Liquor License Co-ordinator

453 West 12th Avenue, Vancouver, BC V5Y 1V4
tel: 604.871.6461
fax: 604.871.6394
lucia.cumerlato@vancouver.ca

LC/lc

cc: Jon Sharun, The Pint Public House
Det/Cst Alex Clarke, Liquor Coordinator, VPD
Edward Osei-Appiah, Liquor Inspector, LCLB

Cumerlato, Lucia

From: Kuhlmann, Thor
Sent: Tuesday, June 14, 2016 1:28 PM
To: Cumerlato, Lucia
Subject: Jon

Jon.sharun@venexocorp.com

Thor Kuhlmann

Senior Policy Analyst | City of Vancouver | 604.871.6844 |

From: Joe, Cathy
Sent: Tuesday, July 05, 2016 10:22 AM
To: Hicks, Sarah; CLARKE, Alex; Edward.OseiAppiah@gov.bc.ca
Subject: RE: The Pint - request for extended hours - July 31, 2016

The last complaint I see in Prism is in May 2015 (can't find the complaint in Domino). They have been noted on most LIMA reports over the last while as being overcrowded, over intoxicating patrons and patrons in line being aggressive to residents in the area. Ed brought them in for a compliance meeting on May 17th of this year. We sent them a warning letter on June 15th.

They have been in operation at this location since 2012.

From: Hicks, Sarah
Sent: Tuesday, July 05, 2016 10:04 AM
To: Joe, Cathy; CLARKE, Alex; Edward.OseiAppiah@gov.bc.ca
Subject: RE: The Pint - request for extended hours - July 31, 2016

Any complaints on file for us? How long have they been operational?

Sarah Hicks

Deputy Chief Licence Inspector
Licence Office Manager
City Of Vancouver
Licences & Inspections
Tel: 604.873.7546 Email: sarah.hicks@vancouver.ca
vancouver.ca/inspections

From: Joe, Cathy
Sent: Tuesday, July 05, 2016 9:30 AM
To: Hicks, Sarah; CLARKE, Alex; Edward.OseiAppiah@gov.bc.ca
Subject: The Pint - request for extended hours - July 31, 2016

Hi everyone,

We have a request by the Pint to temporarily extend their hours on Sunday, July 31, 2016 (BC Day long weekend) from:

9 am to 2 am to
9 am to 3 am

Alex – they were mentioned in the LIMA report from the weekend but you said they were proactive in contacting members regarding an ejection.

Are we OK with granting them this request for the BC Day long weekend? Thoughts? I would like to sign off on this today if we are in agreement that they are good to go as I'm away for the rest of the week starting tomorrow.

Thanks!

Cathy

From: Bert Hick <bert@risingtideconsultants.ca>
Sent: Wednesday, July 27, 2016 4:34 PM
To: Toma, Andreea; cathy_joe@vancouver.ca; Hicks, Sarah
Subject: Requesting a meeting

I would like to request a meeting with you three in the next several days to finalize some issues relative to the Trump Towers Hotel, The Pint and the Vancouver Lawn & Tennis Club. We will work to make ourselves available for your schedule.

Thanks so much,

Bert



Bert Hick | President
bert@risingtideconsultants.ca
t: 604.669.2928 | c: 604.812.2322 | f: 604.669.2920

1620 - 1130 West Pender St. | Vancouver, BC, V6E 4A4
www.risingtideconsultants.ca

From: Joe, Cathy
Sent: Tuesday, July 26, 2016 4:12 PM
To: Hicks, Sarah
Subject: FW: Pint Public House - 475 Abbott Street
Attachments: Ltr from Andrew Gay to City of Vancouver July 11, 2016.pdf

Sarah,

This is a copy of the letter that Bert was referring to when you spoke to him. Should I set up a meeting with them?

Cathy

From: Bert Hick [<mailto:bert@risingtideconsultants.ca>]
Sent: Tuesday, July 26, 2016 3:35 PM
To: Joe, Cathy
Cc: CLARKE, Alex; 'Andrew D. Gay'; 'Jon Sharun Venexo'; 'Chad Murphy'
Subject: Pint Public House - 475 Abbott Street

Cathy:

This email is further to a conversation we had.

Attached is a copy of a letter sent by courier on July 11, 2016 from Andrew Gay of Gudmundseth Mickelson Law Firm to Lucia Cumerlato. When we spoke about this you indicated that you had not had an opportunity to see this letter.

We would be much obliged if we could have a discussion with the City with respect to this letter and the enhanced measures the Pint Public House is taking to deal with the City's concerns as outlined in the letter of June 15 from Lucia Cumerlato to the licensee in which she requested a response.

In the meantime, the Pint Public House has moved forward to implement significant changes which are under way. In the meantime, the Pint Public House would also like to proceed with future temporary change applications because we do believe that the proposed measures that are set forth in Mr. Gay's letter should address the City's concerns. Our client is committed to working with the City of Vancouver and the Vancouver Police Department on these issues.

I would be much obliged if you could reach out to us once you have had an opportunity to review Andrew's letter and perhaps we could set up a follow up meeting in early August to discuss in more detail.

Thank you very much

Bert Hick



*Experts in liquor licensing
for the success of your business*

Bert Hick | President

bert@risingtideconsultants.ca

t: 604.669.2928 | c: 604.812.2322 | f: 604.669.2920

1620 - 1130 West Pender St. | Vancouver, BC, V6E 4A4

www.risingtideconsultants.ca

July 11, 2016

BY COURIER

Attention: Lucia Cumerlato

Liquor Licence Co-ordinator
City of Vancouver
Liquor Licence Group
453 West 12th Avenue,
Vancouver BC, V5Y 1V4

Re: Abbott and Pender Hospitality Inc. dba The Pint Public House
Business Licence: 16-124931

We are counsel to Abbott and Pender Hospitality Inc. which operates The Pint Public House (the "Pint"). Our client has provided us with a copy of your letter of June 15, 2016 and has asked us to respond. Our client has also brought to our attention the email of July 8, 2016 from Arlene Tio to Christa McKillop with respect to the request for extended hours on July 31 and we address that email at the conclusion of this letter.

Our client takes its responsibilities to its customers, neighbours and staff very seriously. It also values its relationship with the Vancouver Police Department, the City, and the Liquor Control and Licensing Branch. Our client has made extensive efforts to be a positive and proactive member of the local community. It has already taken a number of steps, described below, to address the matters identified in your letter, and further steps are being taken presently. In turn, as discussed below, our client needs further information and cooperation from the City to ensure its efforts are as successful as possible.

Your letter states that "we continue to observe issues that require the attention of the VPD". No particulars of these issues are identified in your letter. In the spirit of aiming to ensure our client's responses are as effective as possible, we request that more details be provided of the observations made by the City or VPD, and that in the future details be provided to our client as soon as possible so that it can productively investigate any incident and review the matter with its staff.

On the assumption that the issues you reference concern the conduct of individuals outside the Pint, it is important for us to know the dates of the incidents in question, and whether observations were made as to (a) whether the individuals in question were in the Pint, and (b) whether they were

intoxicated upon exit. If such observations were made, particulars would be useful. That way, our client can address the matter with staff who were on duty at the time and attempt to determine whether there was non-compliance by any staff member with the establishment's policies, or whether the policies themselves require refinement. The information will help our client tailor its policies and protocols to maximize their effectiveness in connection with identified risks.

Steps which our client has taken to date to address the issues raised by the City include the following:

- (a) The Pint added 3 additional security guards on the weekends, and more recently on statutory holidays as well. The security is trained to identify patrons who are showing signs of intoxication so that such patrons can be safely removed from the establishment. This is in addition to the training received by all staff on this issue.
- (b) The standard security complement at the Pint on Friday and Saturday night is now as follows:

There are at least 11 security personnel on duty. The locations of these personnel are as follows.

- i) 2 Doormen to be present at the front entrance from 8pm to 3am;
 - ii) 1 doorman inside the front door to ensure all identifications are scanned and passed by Servall;
 - iii) 1 doorman to be placed on each exit door at both Abbott St and Pender St.;
 - iv) 2 doormen placed downstairs;
 - v) 2 doormen on each sidewalk, on both Abbott and Pender; and
 - vi) 2 doormen upstairs, one positioned at the D.J. booth and the other roving.
- (c) In addition, the Pint has a Security Manager roving upstairs and downstairs to check on all issues relating to patron behaviour including signs of intoxication.
 - (d) All staff have their Serving it Right certification and will be re-taking the Serving It Right test. Moreover, the Pint is developing a re-training program that will be implemented shortly to re-train its staff on the requirement not to serve any person showing signs of intoxication, and the requirement to ensure an intoxicated person is safely removed from the establishment.
 - (e) All employees at the Pint must sign off on a clear policy statement which includes that they must "not sell any beer, wine, or spirits to any person who appears intoxicated or is acting disorderly". The policy statement makes clear that they can be immediately terminated if they commit this violation of the Pint's policy. All staff are trained on how to assess whether a person is intoxicated or beginning to show the signs of intoxication.
 - (f) The Pint's security personnel are also trained to keep any line-up tight to the wall to ensure there is ample room for residents and others to walk freely and unobstructed on the sidewalk outside the establishment.

- (g) In an effort to minimize the amount of people on the sidewalk, the Pint advises its patrons if they will not be getting in that night due to the length of the lineup.
- (h) Staff at the Pint have been re-trained on ID-checking, on over-service, and safe removal of intoxicated patrons.
- (i) The Pint scans all patrons' IDs (something that is more typical of night clubs and not standard for pubs) and stamps the hands of all entrants. Unless a patron has a hand-stamp, they will have to enter through the front door and be ID'd. There is no side-door or back-door re-entry for any person without a hand stamp.
- (j) The Pint moved its line-up from Abbott Street to Pender Street at the request of the City. The line-up is kept to a maximum of two people wide so as not to impede pedestrian traffic, and the Pint's doormen monitor the lineup constantly for appropriate behaviour and excessive noise.
- (k) The doorman responsible for the sidewalk must conduct bags checks on all patrons entering and re-entering the establishment to ensure that they are not bringing alcohol, drugs or weapons into the establishment. He must also ensure that the line is clean and customers are staying within the ropes and not blocking the sidewalks. If any individuals in the line are acting in a disorderly manner they must not be allowed in. All of the Pint's doormen are trained on these issues.
- (l) The Pint has a doorman adjacent to the establishment to keep patrons from going into traffic, to prevent patrons from blocking the entrance to the Lotus Hotel, and to clear any congestion in that area so that people may pass without difficulty.
- (m) The Pint's doormen keep a constant patron count throughout the night, every 15-20 minutes, to ensure the establishment is not over-crowded. A log of the counts is kept at the front door every Friday and Saturday night. If capacity gets within 25 people of total permissible capacity, no further entries are allowed. The Pint's doormen are trained strictly on this policy. If the lower floor licensed area reaches its capacity, it is sectioned off and the music is changed to encourage dispersal to reduce the count.
- (n) The Pint's doormen or management check the washrooms every 20 minutes. If patrons are found showing signs of intoxication they are escorted out and their stamps are voided to prevent re-entry. The patrons are monitored by the doormen or management until they are confident that they have safely left the area.
- (o) The Pint's doormen check the alley adjacent to the establishment throughout the night for people consuming alcohol or engaging in other illegal activities. Anybody found engaging in such activities will be denied entry into the establishment.
- (p) The Pint has a "no greasing" policy, which is rare in the industry. This reduces the number of problematic patrons. If a member of our staff is caught greasing they are subject to immediate dismissal from their employment with the Pint.

- (q) The Pint now engages in patron selection from its line-up, giving entrance priority to patrons who do not appear intoxicated or rowdy.
- (r) The Pint is a member of Barwatch in Vancouver and routinely cooperates with the police.
- (s) The Pint has added extra video cameras for safety reasons and to increase the chances of obtaining footage that may reveal information about an incident. The video cameras are located both inside and outside the establishment.
- (t) The Pint has stopped serving table kegs past 10:00 pm and has stopped serving jugs of beer past 12:00 am.
- (u) The Pint closes all windows and doors by 11:00 pm to ensure noise containment. The Pint's General Manager does external 'walk-arounds' to be confident that the noise level is reasonable at all times.
- (v) At and near closing time, the Pint deploys door staff outside to help keep people quiet and to get them on their way so that they are not disturbing the Pint's neighbours.
- (w) The Pint has put up exterior signage asking Patrons to respect our neighbours and keep noise to a minimum.
- (x) Noisy patrons in the Pint lineup or who have exited the establishment to smoke are approached by the Pint doormen and asked to quiet down or be barred from entry to the establishment.

In addition to the foregoing measures that have already been implemented, since receiving your letter of June 15, 2016 our client has taken further steps. Importantly, our client has retained both our office and Rising Tide Consultants to undertake a comprehensive review of all written and unwritten policies, protocols and training at the establishment to determine if there are improvements that could be made. This is a very significant expense for our client but it has committed to this process because it highly values its relationship with its neighbours, its patrons, its community, and with the City.

The work with my office and with Rising Tide will take place over the next six weeks, and if this review determines that there are improvements to policies and training that can be implemented, these will be implemented. As indicated above, it will assist us in conducting that review if we have all available information from the City as to the issues recently identified and referenced in your letter.

As noted above, our client will also be retraining its staff on the requirement not to serve patrons showing signs of intoxication, and the requirement that intoxicated persons are safely removed from the establishment. Our client has also volunteered to undergo monthly compliance checks by the Alliance of Beverage Licensees of British Columbia.

Broader Context

The area in which the Pint is situated has become a busy corridor at night. This results from its location between Gastown and the Skytrain, its proximity to Rogers Arena and BC Place, its proximity to the Hastings and Gastown corridors and to the International Village, and the fact that the neighbourhood is home to two all-night fast food establishments (McDonald's and Tim Hortons). This corridor becomes particularly busy in the period leading up to the closure of the Skytrain at around 1:20 am, after other venues have closed and people are making their way towards the Skytrain station.

In recent months, staff at the Pint have been making a point of observing what transpires outside at night to determine the source of any disturbances. It is very clear that much of the noise and anti-social behaviour has no connection to the Pint at all. Much of it is caused by people who have been at other establishments or events and who are either passing through the corridor or are congregating there to take advantage of late night fast-food opportunities.

This is not to suggest that there have not been problems with some patrons of the Pint in the past. The Pint has, and will continue, to address the issues caused by its patrons in the manner described above, and by following the advice it receives from Rising Tide Consultants and from my office.

The problem that you have identified in your letter is clearly multi-faceted. It involves some factors that are not controllable by our client, and which require a broader response by the City and the VPD. Our client is very keen to work in partnership with the City and VPD to do whatever it can to help. In our respectful submission, it would be inappropriate and unfair in this context to attempt to solve the issues by taking steps which target the Pint as referenced in your letter. Based on the information we have gathered to date, there does not appear to be any evidence that changing the Pint's 3:00 a.m. closing time will materially change the circumstances to which you have alluded. Such a step would harm the business and its many employees without a likelihood of impact on the issues of concern to the City.

With the 3:00 closing time, what happens is that patrons of the Pint tend to trickle out over time between midnight and 3:00. If, by contrast, the Pint were to close at the same time as most of the licensed establishments in Gastown we expect the situation would be worse, as there would be a greater concentration of patrons gathering in the streets at one time.

To conclude, our client has always held the view that it has an obligation to be the best community citizen it can be. It does not want noise problems or disturbances inside or outside its establishment. It has taken a number of steps to address these issues, but agrees with you that it should examine all of its policies and procedures to determine if further improvements can be made. To this end, the Pint has retained the top liquor licence consultant in the City and a law firm with extensive experience in liquor law and enforcement matters to conduct a review of its policies, procedures and training, and to make recommendations for improvements.

Our client looks forward to continuing to work in cooperation with the City, the VPD and the LCLB. Our client will of course be on the lookout for any and all issues that may lead to excessive noise or disturbances or which may involve intoxication of patrons of the Pint. We invite all three agencies to continue to provide as much information as possible to our client as to any observations


that are made inside or outside the establishment so that our client can determine (a) whether they are issues caused by the Pint; (b) if so, why internal policies have not been followed; (c) whether disciplinary action needs to be taken against staff; and (d) whether new protocols need to be implemented or existing ones refined. Our client will of course make its own observations in this regard, but more information is always beneficial.

Email from Ms. Tio dated July 8, 2016

On July 8, 2016, Arlene Tio advised our client that the City would not grant their request for extended hours on July 31, 2016 due to "outstanding issues". No further explanation was provided by Ms. Tio. In light of the content of this letter, we request that the City reconsider its decision in relation to the temporary hour extension for July 31. Moreover, the reference in Ms. Tio's email to "outstanding issues" is too vague and the City needs to provide particulars of the issues that it believes remain outstanding so that our client can respond appropriately.

Yours sincerely,

GUDMUNDSETH MICKELSON LLP



Andrew D. Gay
ADG/

cc. Edward Osei-Appiah, Liquor Inspector
Liquor Control and Licensing Branch