

From: "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>
To: "Fry, Pete" <Pete.Fry@vancouver.ca>
"Direct to Mayor and Council - DL"
"Foley, Sonja" <Sonja.Foley@vancouver.ca>
CC: "Bromley, Malcolm" <Malcolm.Bromley@vancouver.ca>
"Demers, Dave" <Dave.Demers@vancouver.ca>
"Foley, Sonja" <Sonja.Foley@vancouver.ca>
"Dixon, Iain" <iain.dixon@vancouver.ca>
"Connell, Francie" <francie.connell@vancouver.ca>
"Mochrie, Paul" <Paul.Mochrie@vancouver.ca>
"City Manager's Correspondence Group - DL"
Date: 5/11/2020 3:02:54 PM
Subject: RE: Question re: Public consumption of alcohol

Hello-

As the answer to this is a little long for our table, I am providing it directly to you via email. Law has provided the following:

As you noted the Liquor Control and Licensing Act governs the consumption of alcohol in public. Section 73(1) of the Act reads as follows:

- 73 (1)A person must not consume liquor, or possess liquor in an open container, in a place other than
- (a) a residence,
 - (b) a private place,
 - (c) a service area in respect of which a licence, authorization or permit allows consumption,
 - (d) as provided under section 11,
 - (e) as provided under subsections (2) to (4) of this section,
 - (f) an assisted living residence, community care facility, hospital or other prescribed facility as provided in section 9, or
 - (g) in a liquor store as allowed under the *Liquor Distribution Act*.

Effectively this bans any consumption of alcohol in public spaces. Section 73(2), however, does allow for some municipal relaxation of this ban:

- (2) Subject to subsection (3) and the regulations, a public place, or part of it, may be designated, by a bylaw of the municipality or regional district that has jurisdiction over the public place, as a place where liquor may be consumed.

Section 73(2) allows for Council to pass a by-law allow for public liquor consumption in public places that are under the

jurisdiction of the City. We don't currently have such a by-law and the parks are not within City jurisdiction so we can't pass a bylaw to open up consumption in the parks.

Without a by-law public alcohol consumption remains an offence under the Act. In the absence of such a by-law the City cannot give any direction indicating that public alcohol consumption is being tolerated.

The Park Board are currently looking into allowing public alcohol consumption in some parks but Section 73(2) does not apply to them so there are some legislative hurdles to be overcome before they can allow public consumption.

Sadhu Aufochs Johnston | City Manager
Office of the City Manager | City of Vancouver
sadhu.johnston@vancouver.ca
604.873.7627

Pronouns: he, him, his



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.

From: Fry, Pete
Sent: Sunday, May 10, 2020 6:45 PM
To: Direct to Mayor and Council - DL; Foley, Sonja; Johnston, Sadhu
Cc: Bromley, Malcolm; Demers, Dave
Subject: Question re: Public consumption of alcohol

Hi,

With upcoming distancing restrictions expected to be loosened over the coming long weekend and with various conversations around expanded patios, piazzas, reallocation of road space including a member motion requesting a report back on the creation of commons-style eating spaces

I'm hoping we can get some information around social drinking in public and the law.

Section 40 of the [Liquor Control and Licensing Act](#) allows municipal bylaw to determine areas for consumption of liquor in public.

I further note that Park Board had recently unanimously approved a Commissioner Demer's pilot for drinking in select parks/beaches. Will we be able to furnish some opportunities for folks to socialize while physically distancing in parks, beaches and otherwise City public spaces?

I feel that with the approaching Victoria Day long weekend this is a timely consideration, and while de facto public drinking appears not to be a policing priority for the most part, it would be good to give some direction to folks who worry about breaking the law.

Below, sample of a typical message that I think sums up the sentiment.

As it's approaching summer, it would be great for those of us who live alone in apartments to be able to socialize with friends while remaining at a safe distance. And of course, consuming alcohol is a common social activity. Therefore, will the City of Vancouver consider allowing the moderate consumption of alcohol in outdoor public spaces so that friends can get together outside and remain 2 metres apart? Naturally, some rules will need to be put in place in order to prevent any social disorder.

Pete Fry | City Councillor
City of Vancouver | 453 W 12th Avenue
Vancouver | BC V5Y 1V4
604.873.7246 | Pete.fry@vancouver.ca
Twitter: @PtFry

