



Liquor Laws & You

AN OPERATING GUIDE FOR LICENSED PREMISES



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Introduction

The aim of this booklet is to help you gain a better understanding of your responsibilities and authority regarding the sale and service of liquor and the operation of licensed premises. The booklet is not intended to replace the *Gaming and Liquor Act*, the *Gaming and Liquor Regulation*, or Alberta Gaming and Liquor Commission (AGLC) policies provided to licensees. It is your responsibility to be familiar with the legislation and policies.

Since the information in this booklet is for general reference only, the *Gaming and Liquor Act* and *Gaming and Liquor Regulation* should be consulted for all purposes of interpreting and applying the law. The pertinent sections of the Act or Regulation are given at the end of each section. Relevant policies of the AGLC are contained in the policy handbooks including the Licensee Handbook, Retail Liquor Store Operating Guidelines, and the General Merchandise Liquor Store Operating Guidelines and should be referred to for more information on specific matters.

Copies of the *Gaming and Liquor Act* and the *Gaming and Liquor Regulation* may be purchased from the Queen's Printer, in Edmonton at 780-427-4952, in Calgary at 403-297-6251 or by e-mail at qp@gov.ab.ca. Copies of the *Gaming and Liquor Act*, the *Gaming and Liquor Regulation* and AGLC policies may be accessed on the AGLC website at aglc.ca.

If you wish to arrange an information seminar or obtain additional copies of this guide, contact the AGLC Regulatory Division office nearest you.

	Telephone	Fax
St. Albert	780-447-8600 or 1-800-272-8876	780-447-8911
Calgary	403-292-7300 or 1-800-372-9518	403-292-7302
Red Deer	403-314-2656	403-314-2660
Lethbridge	403-331-6500	403-331-6506
Grande Prairie	780-832-3000	780-832-3006

Important Responsibilities of Owners, Managers and Employees of Licensed Premises

Alberta liquor laws require that as a liquor licensee, manager or an employee of a licensed establishment, it is your duty to comply with these laws and to offer responsible service to your patrons. The responsibilities are clearly outlined in the *Gaming and Liquor Act*, the *Gaming and Liquor Regulation*, and policies established under the legislation.

The following points highlight some of the contraventions of the legislation you should be aware of. Becoming familiar with this information will help ensure you are providing responsible service to your patrons.

Minors

- **DO NOT** allow minors to enter licensed premises where prohibited.
- **DO NOT** allow persons who appear to be under 25 years of age to enter or remain in licensed premises where prohibited, or to obtain liquor service, without checking for acceptable ID.
- **DO NOT** accept ID where the picture does not appear genuine.
- **DO NOT** accept ID where the lettering appears to have been tampered with or altered.
- **DO NOT** allow adult patrons to give liquor to minors.

Intoxication

- **DO NOT** sell liquor to an intoxicated person.
- **DO NOT** allow an intoxicated person to consume liquor.
- **DO NOT** allow violent, quarrelsome or disorderly patrons to be in licensed premises.
- **DO NOT** allow an intoxicated person to take part in a gaming activity or provincial lottery.

Drug Activities

- **DO NOT** allow patrons or staff to use illegal drugs.
- **DO NOT** allow patrons or staff to sell or make deals for illegal drugs.

Illegal Liquor

- **DO NOT** allow homemade wine, beer, cider or spirits, duty free liquor, or personal liquor into the licensed premises.
- **DO NOT** allow liquor purchased from any source, other than an approved retailer or the AGLC, to be on licensed premises.

Hours

- **DO NOT** sell, provide or serve liquor for on-premises consumption after 2:00 a.m.
- **DO NOT** allow patrons or friends to consume liquor after 3:00 a.m.
- **DO NOT** allow liquor to remain in patron areas after 3:00 a.m.
- **DO NOT** allow patrons, friends or spouses of staff to remain in premises where minors are prohibited after 3:00 a.m.

Service of Liquor

- **DO NOT** serve liquor that has been previously mixed with another liquor or other fluid.
- **DO NOT** serve liquor that has been poured into a bottle with a different brand name.
- **DO NOT** allow multiple drink promotions (e.g., “2 for 1” or “All you can drink for a fixed cost”).
- **DO NOT** allow or promote any kind of “free liquor specials”.
- **DO NOT** serve unopened liquor containers to patrons, unless sold under an off sale or retail liquor store licence.
- **DO NOT** allow patrons to remove liquor from licensed premises, unless sold under an off sale or retail liquor store licence or a partially consumed bottle(s) of wine that is sealed with a cork by licensee staff and placed in a bag.
- **DO NOT** sell liquor below the AGLC approved minimum prices.
- **DO NOT** sell liquor at reduced prices (happy hour) after 8:00 p.m.
- **DO NOT** sell or allow a person to have more than two (2) standard size drinks after 1:00 a.m.
- **DO NOT** consume liquor during your shift

Entertainment

- **DO NOT** allow entertainment that is prohibited by the AGLC (e.g., arm or mud wrestling, etc.).
- **DO NOT** allow nude entertainers to make contact with patrons or other entertainers.
- **DO NOT** allow nude entertainers to enter patron areas while nude.

Inspectors and Police

- **ALLOW** AGLC Inspectors and Police Officers immediate entry to the licensed premises at all times.
- **COOPERATE** fully with Inspectors and Police at all times.

These points are for general reference only and do not include all the requirements of provincial and federal legislation. All pertinent legislation should be consulted for purposes of interpreting and applying the law. Consult the policy handbooks for detailed instructions.

ProServe Liquor Staff Training Program

The AGLC endorses and supports the ProServe Liquor Staff Training Program (ProServe). ProServe is a provincially recognized program promoting the responsible service of alcohol; equivalency is not granted for programs offered in other provinces. Anyone involved in alcohol sales and service in Alberta is required to complete this mandatory training program.

Detailed information on ProServe may be obtained by contacting the AGLC at:

ProServe Liquor Staff Training
Alberta Gaming and Liquor Commission
50 Corriveau Avenue
St. Albert, AB T8N 3T5

Toll Free: 1-877-436-6336 Fax: 780-447-7550
Website: proserve.aglc.ca
Email: info@proserve.aglc.ca

ProTect Security Staff Training

The AGLC endorses and supports the ProTect Security Staff Training Program (ProTect). ProTect is a provincially recognized program; equivalency is not granted for programs offered in other provinces. ProTect is made available to all individuals at no cost. Individuals employed and designated in the following positions in a Class A Minors Prohibited premises are required to successfully complete the ProTect training program:

- a) Manager/Supervisor of Security;
- b) Security Staff; and
- c) Owner, manager and/or employee of a company contracted to provide security in the Class A Minors Prohibited premises.

Detailed information on ProTect may be obtained by contacting the AGLC at

ProTect Liquor Staff Training
Alberta Gaming and Liquor Commission
50 Corriveau Avenue
St. Albert, AB T8N 3T5

Toll Free: 1-877-436-6336 Fax: 780-447-7550
Website: protect.aglc.ca
Email: info@protect.aglc.ca

A minor is a person under 18 years of age. It is unlawful for a licensee or employee of a licensee or any other person to serve liquor to a minor in licensed premises. It is also unlawful for a minor to obtain, receive or possess liquor in licensed premises.

The AGLC or Police may impose serious penalties or charges against licensees and/or staff serving liquor to minors.

Here are ways to protect yourself:

1. If a person appears to be under 25 years of age and tries to enter licensed premises where minors are prohibited, or asks for liquor service in any licensed premises, you must demand proof of age.
2. Do not employ a minor to sell or serve liquor in any licensed premises.
3. Ensure that liquor is not sold to an adult who will then pass it to someone under 18 years of age.
4. Minors are not permitted to enter or be in a premises that has an endorsement prohibiting minors, except under the following conditions:
 - a. A minor who is the son, daughter or spouse of the licensee or the manager of licensed premises may enter and remain in those premises during the hours and on the days when the sale or consumption of liquor in those premises is prohibited.
 - b. A minor who is hired by a licensee to repair or service equipment or to repair furnishings in licensed premises may, with the authority and under the supervision of the licensee, enter and remain in the licensed premises for the time required to complete the repairs or service.

Proof of Age

The onus is on you to detect minors. If a person is of questionable age (anyone who appears to be less than 25 years of age) attempts to enter a licensed premises where minors are prohibited or attempts to purchase or consume liquor, you must demand proof of age. If you are not satisfied with the identification you have the right to refuse entry or liquor service. Beware of false identification. Photograph identification is the required type of identification. Acceptable identification includes any one of the following: Alberta Operator's licence, Motor Vehicles Division Identification card, Passport, Armed Forces Identification card, Certificate of Indian Status or Immigrant Authorization or other comparable forms of identification from other jurisdictions.

In the event the required photographic identification appears not to be genuine, a second piece must be requested, such as: birth certificate, citizenship certificate, baptismal certificate, foreign government visa or fire arms licence.

Common Questions

1. ***Is it satisfactory to accept only one piece of identification?***
Yes. However, for your protection you should request at least two pieces of identification for comparison. If there is any doubt that the person is of legal drinking age you should refuse liquor service.
2. ***Can a parent provide liquor to a minor in licensed premises?***
No one can provide liquor to a minor in licensed premises; licensees are responsible to ensure this is not permitted.
3. ***If minors are not allowed in my licensed premises, do I have to put up a sign indicating this?***
Yes. The Board requires that you post a “No Minors” sign at all entrances to licensed premises when minors are not permitted.
4. ***Minors are allowed in my liquor store if they are accompanied by a parent/guardian. Must I post a sign advising this?***
Yes. All retail liquor stores and hotels with off sale rooms must post a sign accordingly.
5. ***Can I be charged for selling or serving liquor to a minor?***
Yes. This is an offence under the *Gaming and Liquor Act*. The server and licensee may each be charged. In addition to being charged by the Police, the licensee may also be subject to disciplinary action by the Board, such as a suspension of licence or a fine.
6. ***Is it an offence for a minor to attempt to purchase liquor?***
Yes. The *Gaming and Liquor Act* states that it is unlawful for a minor to attempt to purchase liquor.
7. ***May I seize false ID or detain a minor?***
No.
8. ***If I have asked a person who appears to be under 25 for identification on previous visits to my licensed premises, do I have to ask again on subsequent visits?***
Persons of questionable age should provide identification upon each occasion of entry to minors prohibited premises.

Notes:

References: *Gaming and Liquor Act*, Sec. 74
Gaming and Liquor Act, Sec. 75
Gaming and Liquor Act, Sec. 87
Gaming and Liquor Regulation, Sec. 93
Gaming and Liquor Regulation, Sec. 94

Intoxication

The service of liquor to intoxicated people is prohibited by law. It is also illegal to allow an intoxicated person to consume liquor or take part in a gaming activity or provincial lottery in a licensed premises. The onus is on you to ensure patrons are not served to the point of intoxication.

Signs of severe intoxication include staggering, falling down, slurring of speech, watering of eyes, and loss of coordination. Intoxicated patrons are usually annoying to other patrons.

If you have to ask yourself whether an individual is intoxicated, it is usually a sign that the person is intoxicated.

Common Questions

- 1. *Can liquor service be refused to an intoxicated patron?***
Yes. The *Gaming and Liquor Act*, Section 75.1, states that no licensee or employee may sell or provide liquor to a person apparently intoxicated by liquor or a drug.
- 2. *Who is responsible for deciding when someone is intoxicated?***
The person providing liquor service. The manager and the licensee are also responsible to ensure that no employee serves liquor to an intoxicated person or allows an intoxicated person to consume liquor.
- 3. *If I cut off liquor service to a patron, do I have to remove the liquor they have not yet consumed?***
Yes. Intoxicated persons are not allowed to consume liquor.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 75.1

Drug Activities

The AGLC is extremely concerned about any unlawful activity that may take place in licensed premises, including drug activity. Matters such as drug activities are not tolerated by the Board. It is expected corrective action will be taken immediately if such activity is noted, and all staff will cooperate with Police agencies investigating such activities.

Common Questions

- 1. *What should I look for to determine if patrons are selling or buying drugs?***
Watch for the person that constantly meets with different people, going with them to the washroom or outside. Watch for someone who frequently receives or makes telephone calls.

Check the washrooms and the outside of your premises for people dealing in drugs, or using them. Marijuana and hashish smoke is very distinct; it will linger in the air and can be smelled on users' clothes.

Drugs are commonly sold by concealing them in cigarette packages, or by passing them under a table.
- 2. *Are there favorite places where dealers hide their drugs?***
Yes. Check washroom ceiling tiles, light fixtures and under sinks. Drugs can be stored in torn chairs or taped under tables. Outside dealers may, for example, use garbage cans, telephone poles, or their vehicles.
- 3. *What do I do if I suspect drugs are being sold in my premises?***
Contact your local Police agency immediately. Be prepared to give them descriptions of the possible dealers, when they frequent the premises, or any other information to help Police in their investigation.

Refuse entry to all suspected drug dealers and users and bar them from your premises.
- 4. *If patrons go outside to smoke marijuana, what should I do?***
Refuse them entry into your premises and bar them from your premises.
- 5. *As a licensee, what can I do to help detect and minimize drug use and sale in my premises?***
The following is some information detailing the steps you could consider implementing to deal with possible drug infractions.

Controlling Drug Activities in Licensed Premises

The Owner/Manager

- Realize licensed premises are a prime location for drug activities to take place and the potential is always present.
- Watch for any suspicious actions by staff or patrons on a daily basis. Be aware of the type of clientele being catered to and the character of your staff.
- Offers of employment should be subject to a security clearance check. An applicant with a criminal record should only be hired if management is confident the prospective employee will not adversely affect operating standards.
- Establish strict conditions of employment (immediate dismissal) for being involved in or failing to control or report drug activities to management and/or Police.
- Establish a training program to educate staff in being “drug wise”.
- Provide adequate lighting in the licensed room, washrooms, hallways, entrances and exits and also outside the building in parking lots and back lanes.
- Support Police “walk through programs”.
- Post signs that drug users and traffickers will be barred and ensure they are barred.
- Maintain a logbook to record occurrences and action taken, including names, date, time, offence and Police action.
- Consider hiring a private investigator where suspicions exist that staff and/or patrons are involved with illegal activities.
- Consider video surveillance equipment to monitor key areas if a drug problem is identified.

The Staff

- Must be knowledgeable regarding the potential for drug activity and constantly on the look out for problems.
- Should have an awareness of different drugs/drug paraphernalia, how they are used and their symptoms on users.
- Should monitor washrooms and pool table areas for drug trafficking/user activity on a regular basis.
- Should be aware of patrons that are approached by a number of different people, have large quantities of cash or are seen receiving cash from different patrons.
- Should be aware of patrons that are either phoned or use the phone on a regular basis.
- Must report all drug activities to management or Police.

Illegal Drugs

- Marijuana and hashish are normally inhaled by smoking what is known as a “joint” (resembling a hand-rolled cigarette) or in a small pipe. The smoke has a very distinct smell and will linger in the air and permeate the user’s clothing. The “joint” is usually smoked by a number of people taking turns until finished. Slang terms include pot, grass, weed, reefer, smoke and hash.
- Powder form substances such as cocaine and heroin may be placed on a hard surface and divided into thin lines with a sharp object (razor blade or credit card) and with a straw or rolled up piece of paper, the drug is sniffed into the nose. These drugs may also be liquefied and injected directly into the vein of the user by syringe.
- Illegal drugs can also be found in tablet and capsule form, and are taken orally; barbiturates, amphetamines (“speed”; “uppers”), methamphetamines, LSD (“acid”; “hits”), mescaline and MDA (e.g. ecstasy).

The Drug Trafficker

- Frequently meets with different people scouting and moving about the premises and making several trips with these people to the washroom or outside.
- Makes and receives numerous telephone calls.
- Carries large amounts of money.
- May use the pool table area of premises for making contacts with users.
- Uses hiding places in washrooms where drugs may be hidden behind ceiling tiles, light fixtures, fans, switch covers or under the sink.
- May create hiding places in service areas by cutting slots into the padding of chairs or by taping drugs under tables or chairs.
- May hide drugs outside the building under garbage dumpsters, buried in loose earth or in and around vehicles.
- May conceal small quantities of heroin, cocaine or other drugs in their mouth so that it can be swallowed if the person is approached by the Police. The drugs will be contained in condoms or balloons.
- May conceal drug sale activity by passing drugs to buyers in a cigarette package to avoid suspicion.
- Usually drinks little or no alcohol, but spends a lot of time on premises.

The Drug User

- May possess unusual, special drug paraphernalia such as a miniature spoon, small smoking pipe, special rolling papers or syringes.
- May roll up marijuana or hashish (joints) in the licensed premises.
- Will typically use drugs where there is less likelihood of detection, usually in washrooms or outside in an alleyway or in parked vehicles.
- May have observable physical symptoms such as dilated pupils, drowsiness, rapid breathing, sweating, paleness, twitching, staggering and/or slurred speech.
- May exhibit erratic behavior or significant changes in mood; extreme self-confidence, talkativeness or outbursts of laughter.

Notes: _____

Reference: *Gaming and Liquor Act, Sec. 69(1)*
Gaming and Liquor Act, Sec. 75.1

Illegal Liquor

Licensees may only have on their premises liquor products purchased directly from:

1. The AGLC.
2. Manufacturers authorized by the AGLC to warehouse and distribute its products.
3. Class D licensees authorized to sell to licensees.

Common Questions

1. *Can I bring my own wine into licensed premises?*

Yes. If the licensee has a BYOW endorsement, a patron may bring a manufactured sealed bottle(s) of wine into a Class A Minors Allowed or Class C Club licensed premises to be served by licensee staff.

2. *Can I serve homemade wine in licensed premises or special event licence functions?*

No. Licensees can only possess, sell or provide liquor that has been purchased from authorized sources. No other liquor is permitted on licensed premises. Also, if you have a banquet room and rent it for special event licence functions, you must ensure that homemade wine or any illegal products are not permitted in the premises.

3. *What happens if AGLC Inspectors or the Police find illegal liquor on the premises?*

All products and containers of illegal liquor will be seized. Licensees may be subject to criminal prosecution and penalties may be imposed by the Board.

4. *What should I do if someone offers to sell me some illegal (American, etc.) liquor?*

Try and obtain as much information as possible about the seller, such as description, vehicle, licence number, etc. and contact your local AGLC office and the local Police immediately.

5. *What should I do if I am aware of other licensed premises, such as those of my competitors, selling or serving illegal liquor on their premises?*

Immediately contact the AGLC Toll-Free Hotline to Report Illegal Liquor. The number is 1-800-577-2522. In Edmonton area call 780-460-4381. During regular work hours, Monday to Friday 8:15 a.m. to 4:00 p.m., phone the AGLC Office nearest you.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 50
Gaming and Liquor Act, Sec. 68(1)
Gaming and Liquor Act, Sec. 72(1)

Maximum Hours of Sale and Consumption of Liquor

The maximum hours of liquor service are from 10:00 a.m. to 2:00 a.m. Consumption of liquor is permitted for a maximum of one hour after the time when liquor sales must cease. For your convenience, the maximum hours of liquor service and consumption are endorsed on your liquor licence certificate, which must be posted. It is illegal for you to sell, provide liquor, or allow consumption of liquor outside these authorized hours.

Licensed premises, where minors are prohibited, shall be closed and cleared of patrons when the sale and consumption of liquor is not permitted. In all licensed premises, all liquor must be cleared from tables when the consumption of liquor is not permitted.

Common Questions

- 1. *Should I allow my patrons a one-hour consumption period if I close early?***
Yes. It is suggested you allow patrons one hour to consume their liquor from the close of liquor service.
- 2. *Can I pre-pour drinks prior to 2:00 a.m. for service to my friends arriving after 2:00 a.m.?***
No. You cannot supply liquor to anyone after 2:00 a.m. for consumption in the premises.
- 3. *What if my lounge is busy and we can't get all the liquor orders filled by 2:00 a.m.? Can we deliver the drinks if they were ordered and paid for prior to 2:00 a.m.?***
No. All service must take place prior to 2:00 a.m.
- 4. *Liquor consumption must end at 3:00 a.m. Our restaurant closes at 3:00 a.m. Can my staff have a liquor beverage after closing?***
Yes. Staff may consume a beverage after the end of a shift provided the beverage is paid for during permitted hours of liquor sales authorized on the licence.
- 5. *Must I post my hours of operation?***
No. However, we recommend the hours be posted for the information of your customers.
- 6. *If I have VLTs in my premises may I close the premises early and allow my staff to play the VLTs?***
No. VLTs can never be available only to staff.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 68(1)
Gaming and Liquor Act, Sec. 70
Gaming and Liquor Act, Sec. 71
Gaming and Liquor Regulation, Sec. 92
Gaming and Liquor Regulation, Schedule 3

Maximum Occupant Load

A Maximum Occupant Load Certificate for your licensed premises will be issued by an officer of your local fire department or municipal building department. This certificate will be based on the Alberta Fire Code. There may be exceptions when a Maximum Occupant Load Certificate will be issued by an Inspector of the AGLC. The maximum number of people shown on the Maximum Occupant Load Certificate must never be exceeded.

Common Questions

1. **Does the Maximum Occupant Load Certificate include all staff as well as patrons?**

Yes. Everyone in the premises including staff and patrons are counted as occupants.

Example: Your Maximum Occupant Load Certificate reads: 200
Subtract the number of your on-duty staff: 15
Patrons you are allowed: 185

2. **Does the Maximum Occupant Load Certificate have to be posted?**

Yes. The Maximum Occupant Load Certificate must be prominently posted in the licensed premises.

3. **What legal problems might arise if the maximum shown on the Maximum Occupant Load Certificate is exceeded?**

The AGLC may take disciplinary action as no licensee may permit any activity that may be injurious to the health or safety of people in the premises, and the Fire Department could charge you under the *Safety Codes Act*.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 69(1)
Gaming and Liquor Act, Sec. 91(1)

Patron Conduct

The licensee is responsible to ensure that patrons remain safe and free from unwanted disturbances. It is unlawful for a licensee or an employee to permit any activity in licensed premises that is contrary to any municipal bylaw or any Act or regulation of Alberta or Canada, detrimental to the orderly operation of the premises, or may be injurious to the health or safety of people in the premises.

Common Questions

- 1. Can a person who causes a disturbance be charged?**
Yes. The *Gaming and Liquor Act*, Section 69(1), states no person shall do anything in a licensed premises that is detrimental to the orderly operation of the premises.
- 2. Do we have the right to request a person to leave the premises?**
Yes. If you have a valid reason, the *Gaming and Liquor Act*, Section 70(a), gives the licensee and employees the right to request the person to leave the premises. If the person refuses, you can call the Police and charge that individual for refusing to leave.
- 3. If I have forbidden a person to enter my licensed premises, and they keep coming back into the premises, can they be charged?**
Yes. The *Gaming and Liquor Act*, Section 70(b), gives you the right to forbid a person to enter the premises. If this person re-enters the premises, you can call the Police and have this individual charged.
- 4. Can we take liquor away from a patron who is trying to walk out of the premises?**
Yes. *The Gaming and Liquor Act*, Section 68(2), states that no licensee may sell or provide from the licensed premises liquor to be consumed off of the licensed premises unless the licensee's licence authorizes those activities. Also, no liquor may be sold, provided or consumed in a storeroom, vestibule, waiting area, washroom, kitchen, hallway or other service area.

However, a partially consumed bottle(s) of wine that is sealed with a cork (inserted flush with the top of the bottle) by licensee staff and placed in a bag may be removed from licensed premises.

Notes: _____

References: *Gaming and Liquor Act*, Sec. 68(2)
Gaming and Liquor Act, Sec. 69
Gaming and Liquor Act, Sec. 70
Gaming and Liquor Regulation, Sec. 35
Gaming and Liquor Regulation, Sec. 38
Gaming and Liquor Regulation, Sec. 42

Entertainment

If you are planning to provide entertainment, sport, or other activity in the licensed premises, you should be aware that the AGLC may restrict or prohibit any of the following:

1. Gambling or gambling device
2. Contest or lottery
3. Sale or purchase of lottery tickets
4. Types of entertainment
5. Types of games
6. Dancing

If you are uncertain of any of the above, contact the AGLC Office nearest you, or refer to your Licensee Handbook.

Common Questions

1. ***What criteria is used in deciding what games or entertainment are acceptable or not allowed?***
Entertainment or games which cause the participants distress, embarrassment or threat to health or physical safety are prohibited. Also, entertainment, sport or games that involve physical contact between patrons, other than patron dancing, are prohibited.
2. ***Do I need approval to have nude entertainment in my premises?***
No. Nude entertainment is permitted for Class A and Class C licensed premises. Certain restrictions apply to this type of entertainment and you should contact the Regulatory Division prior to having this type of entertainment. Licensed premises with VLTs are not permitted to have nude entertainment.
3. ***Can I allow card tournaments in my premises?***
Card games such as crib, which do not involve the exchange of money, are allowed. However, all casino card games such as poker and blackjack are prohibited, even if no money is exchanged.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 69
Gaming and Liquor Regulation, Sec. 95

Food Service

Class A, B and C licensees shall provide food service that is satisfactory to the Regulatory Division. This food must normally be available during the hours that liquor is offered for sale.

Common Questions

1. ***I have a Class A Licence with minors allowed and a Class A Licence with minors prohibited. What is the basic difference in the food requirements?***

In Class A premises where minors are allowed, the food offered normally comprises of items such as roast beef dinner, chicken dinner, ethnic food, full buffet, etc. Patrons may order liquor without eating.

In Class A premises where minors are prohibited, food service is not required past 11:00 p.m. Prior to that time, some hot food such as hot dogs, pizza, hamburgers, chicken wings, sandwiches, etc. are normally offered.

2. ***Is every licensee required to have a food menu?***

Yes. All Class A, B and C licensees must have a food menu satisfactory to the Regulatory Division.

Notes: _____

Reference: *Gaming and Liquor Act*, Section 61
Gaming and Liquor Regulation, Sec. 67

Liquor Service

Section 66 of the *Gaming and Liquor Regulation* states all licensed premises must have a liquor menu. The menu must indicate the quantity of liquor in each drink and the price.

Class A, B and C licensees (except Canteen or Adult Residence) are not permitted to sell or offer to sell liquor less than the approved minimum prices:

- a) Spirits and Liqueurs - \$2.75 per 28.5 ml (1 oz)
- b) Bottled/Canned Beer/Coolers - \$2.75 per 341 ml bottle or can
- c) Draught Beer - \$0.16 per 28.5 ml (1 oz)
- d) Wine - \$0.35 per 28.5 ml (1 oz)

Common Questions

1. **What kind of liquor menu is satisfactory?**
Any type of liquor menu that describes products for sale and the price. Examples are: table menu, wall menu, and tent card menu.
2. **Do I have to list the kinds of liquor in each drink?**
No. It is acceptable to use a collective word such as beer, cocktail, highball or shooter to describe a drink as long as the amount of liquor in the drink is clearly indicated.
3. **May I have drink specials?**
Yes. However, not after 8:00 p.m. Special prices must not be reduced below the minimum liquor prices; and the price and amount of liquor must always be posted and all liquor sold at reduced prices (happy hours) must end by 8:00 p.m. In addition, prices during happy hours must not be less than the approved minimum prices.
4. **Is there a restriction on the number of drinks a patron can possess?**
All liquor service must be done in a responsible manner, and you must ensure that patrons are not allowed to consume to the point of intoxication. The maximum number of drinks that may be sold to a patron, or in their possession, after 1:00 a.m. must not exceed two (2) standard size servings of liquor at any one time. Standard sizes of liquor are defined as the following:
 - a) spirits and liqueurs – 28.5 ml (1 oz.);
 - b) wine – 142 ml (5 oz.);
 - c) bottled/canned beer – 341 ml/bottle or 355 ml/can;
 - d) draught beer – 341 ml (12 oz.); and
 - e) cider/coolers – 341 ml/bottle or 355 ml/can.
5. **Are there any other restrictions on liquor pricing?**
Yes. Free liquor specials and promotions of all you can drink for a fixed cost are prohibited.

Notes: _____

Reference: *Gaming and Liquor Regulation*, Sec. 66

Advertising

Licensees are responsible to ensure that all advertisements in newspapers, magazines, signs and flyers comply with Board policies.

Common Questions

- 1. *Can I advertise regular prices in the newspaper or on the radio?***
Yes, in newspapers or other print media. However, licensees may not advertise liquor on radio or television, as this contravenes regulations of the Canadian Radio-Television and Telecommunications Commission (CRTC).
- 2. *Can I advertise drink specials?***
Yes. Licensees may advertise liquor prices; however, free liquor specials, multiple drink specials (e.g., 2 for 1), or “all you can drink” for a fixed cost promotions are not permitted, and may not be advertised.
- 3. *I have a Class D licence for off sale in my hotel. Can I advertise sale items?***
Yes. Class D licensees (which include hotel off sale and retail liquor stores) may advertise discount prices.

Notes: _____

Reference: *Gaming and Liquor Act, Sec. 67*

Incentives / Promotions

Licensees are responsible to ensure that liquor sales activities do not promote intoxication and do not unlawfully promote one product over another.

Common Questions

1. ***Can I have a contest with liquor as a prize or provide a bar tab as a prize?***
No. Patrons may not be offered or given liquor as a prize (except Class D Retail Liquor Store licensees).

2. ***Can I have a draw where customers are given an entry form when they buy a certain product?***
No. Competitions, contests or draws which involve the purchase or consumption of liquor are not permitted.

3. ***Is there a maximum number of drinks that I can sell/serve to my customers?***
Yes. The maximum number of drinks that may be sold or served or in the possession of a patron after 1:00 a.m. must not exceed two (2) standard size servings of liquor at any one time. Standard sizes of liquor are defined as the following:
 - a) spirits and liqueurs – 28.5 ml (1 oz.);
 - b) wine – 142 ml (5 oz.);
 - c) bottled/canned beer – 341 ml/bottle or 355 ml/can;
 - d) draught beer – 341 ml (12 oz.); and
 - e) cider/coolers – 341 ml/bottle or 355 ml/can.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 64
Gaming and Liquor Act, Sec. 61(1)
Gaming and Liquor Act, Sec. 67

Inspectors (AGLC)

Inspectors are authorized under Section 103 of the *Gaming and Liquor Act* to enter your licensed premises and conduct any of the following:

- a) take samples of liquor from the licensee or any person in the licensed premises;
- b) inspect, audit, examine and make copies of any records, documents and receipts relating to liquor or gaming, or may temporarily remove any of them for those purposes;
- c) interview the licensee with regards to any of the records, documents and receipts;
- d) interview and request identification from any person who appears to be a minor;
- e) interview and request identification from any person who appears to be intoxicated; and
- f) interview and request identification from any person who is found in the licensed premises after the sale and consumption of liquor have been required to cease.

It is an offence to refuse or obstruct or attempt to obstruct an Inspector from entering and inspecting your premises. The licensee and employees of the licensee shall not hinder, obstruct or impede Inspectors in the performance of their duties. Full co-operation, including answering all reasonable questions, must be provided pertaining to the management and operation of licensed premises.

Common Questions

1. ***How can we identify an Inspector?***

Each Inspector carries picture identification and a badge.

2. ***Can an Inspector seize liquor from my licensed premises?***

Yes. An Inspector may seize liquor if he or she believes the liquor is unlawfully acquired or kept. An Inspector may also take liquor samples and remove books, records or other documents. A receipt for anything removed by the Inspector will be provided to the licensee.

3. ***Why do Inspectors check areas other than the licensed room?***

In order to qualify for a liquor licence, additional areas of a premises other than the licensed room must meet particular requirements (for example, a kitchen to support food service requirements, guest rooms in a hotel to obtain an off sale licence). Also, the premises described in a licence includes: any storeroom, vestibule, waiting area, washroom, kitchen, hallway, or other service areas adjacent to and necessary or appropriate to the operation of a licensed premises, where liquor is not sold or consumed.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 98
Gaming and Liquor Act, Sec. 99
Gaming and Liquor Act, Sec. 101
Gaming and Liquor Act, Sec. 103
Gaming and Liquor Act, Sec. 104
Gaming and Liquor Act, Sec. 105
Gaming and Liquor Act, Sec. 106

Cooperation with the Police

Police Officers are defined as Inspectors under Section 98(2) of the *Gaming and Liquor Act* and have the right to enter and inspect licensed premises. A good working relationship with your Police department should be maintained.

Common Questions

1. When should the Police be called?

The safety of patrons and your staff is of prime importance. If you cannot ensure this, then you should call the Police. When Police are called, it is because an offence has been committed or suspected. If you call the Police, be prepared to:

- a) Identify the people involved.
- b) Supply the facts regarding the incident.
- c) Support the Police decision.
- d) Be prepared to lay charges.
- e) Make notes and if requested, give the Police a statement.
- f) Give evidence in court.

2. Can a Police Officer enter my licensed premises on a walk through?

Yes. Police Officers have the right to enter and inspect licensed premises.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 98(2)
Gaming and Liquor Act, Sec. 99

Penalties

Police Charges

If you are charged by the Police for a violation of the *Gaming and Liquor Act* or the *Gaming and Liquor Regulation*, the following sections from the Act outlines the penalties the courts may levy:

- Sec. 117 (1) An individual who is convicted of an offence for which no specific penalty has been provided is liable to a fine of not more than \$10,000 or to imprisonment for not more than 6 months, or to both the fine and imprisonment.
- (2) A corporation convicted of an offence for which no specific penalty has been provided is liable to a fine of not more than \$50,000.
- Sec. 120 (1) If a corporation commits an offence under this Act, any officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the corporation has been prosecuted for or convicted of the offence.
- (2) If a partnership that is the holder of a licence commits an offence under this Act, every member of the partnership who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence, whether or not the partnership has been prosecuted or convicted of the offence.

In addition, several charges under the *Gaming and Liquor Act* have specific penalties.

AGLC Disciplinary Action

The Board may take disciplinary action for the following reasons.

- Sec. 91 (1) The Board may do one or more of the things referred to in subsection (2) if the Board is of the opinion that:
- (a) a licensee or registrant has failed to comply with this Act, an order of the Board or a condition imposed on a licence or registration;
 - (b) a liquor licensee has failed to comply with stadium bylaws;
 - (c) a licensee has failed with respect to licensed premises or a licensed facility to comply with the *Safety Codes Act*, orders under the *Public Health Act* or any municipal bylaw;
 - (d) an owner of licensed premises or facilities or a manager of licensed premises or facilities or, if the licensee is a corporation, an employee or agent of the corporation who is in charge of the licensed premises or facilities has been convicted of an offence under this Act or stadium bylaws;
 - (e) if the licensee or registrant is a corporation, a shareholder, director, officer or employee of the corporation has been convicted of an offence under this Act.

- (2) If subsection (1) applies, the Board may, by order, with respect to a licensee or registrant do any one or more of the following, with or without a hearing:
 - (a) issue a warning;
 - (b) impose conditions on the licence or registration or rescind or amend existing conditions on the licence or registration;
 - (c) impose a fine of not more than \$200,000 and refuse to issue or reinstate a licence of a licensee or the registration of a registrant until the fine is paid;
 - (d) suspend or cancel the licence or registration.

Notes: _____

Reference: *Gaming and Liquor Act*, Sec. 91
Gaming and Liquor Act, Sec. 117
Gaming and Liquor Act, Sec. 120

AGLC Penalty Guidelines

The following scale of penalties represents disciplinary measures normally taken by the Alberta Gaming and Liquor Commission respecting violations of the Gaming and Liquor Act, Gaming and Liquor Regulation, an Order of the Board or a condition of a licence, pursuant to Section 91 of the Gaming and Liquor Act. Penalties may vary from the guidelines in mitigating or extreme circumstances. The Board, when making an Order under Section 91(2) of the Gaming and Liquor Act, will consider the relevant disciplinary record of the licensee/registrant and that of any affiliated business or corporation which holds a licence or registration issued under the Act. The following list of violations includes those which arise most frequently. The Gaming and Liquor Act and the Gaming and Liquor Regulation should be referenced for the actual wording of these and other violations.

VIOLATION	PENALTY NORMALLY IMPOSED FOR SUCCESSIVE VIOLATIONS OF A SIMILAR NATURE			
	1 st Hearing/ Violation(s)	2 nd Hearing/ Violation(s)	3 rd Hearing/ Violation(s)	Subsequent Hearing/Violation(s)
ILLEGAL MANUFACTURE, IMPORTATION, PURCHASING, POSSESSION, STORAGE, SALE OR CONSUMPTION OF LIQUOR				
1. Illegal manufacture of liquor [GLA s.50].	Up to cancellation and/or up to \$200,000 fine.			
2. Illegal importation or transportation of liquor [GLA s.50].	Up to cancellation and/or up to \$50,000 fine.			
3. Purchase of illegal liquor [GLA s.50, GLA s.68(1)(a)].	30 days to cancellation and/or up to \$25,000 fine.			
4. Possession or storage of illegal liquor (GLA s.50).	Up to cancellation and/or up to \$25,000 fine.			
5. Sell or give illegal liquor [GLA s.50].	Up to cancellation and/or up to \$200,000 fine.			
6. Use or consumption of illegal liquor [GLA s.50].	Up to cancellation and/or up to \$25,000 fine.			
ILLEGAL ACTIVITY				
7. Permitting on licensed premises an activity which is contrary to any municipal bylaw or any Act or regulation of Alberta or Canada or detrimental to the orderly operation of the premises [GLA s. 69(1)(a)(b)].	Up to cancellation and/or up to \$20,000 fine.			
8. Permitting an activity which may be injurious to the health or safety of people in the premises [GLA s.69(1)(c)].	Up to cancellation and/or up to \$20,000 fine.			
INDUCEMENTS				
9. Liquor supplier or liquor agency offering or providing inducements [GLR s.81].	Up to cancellation and/or up to \$50,000 fine.			
10. Liquor supplier or liquor agency entering into an agreement with licensee to sell liquor of the supplier or agency [GLA s.66(1)].	Up to cancellation and/or up to \$50,000 fine.			
11. Licensee entering into an agreement with liquor supplier or liquor agency to sell the liquor of the supplier or agency [GLA s.66(2)].	Up to cancellation and/or up to \$50,000 fine.			
12. Licensee requesting or accepting inducements [GLR s.82(2)].	Up to cancellation and/or up to \$50,000 fine.			
BOARD POLICIES				
13. Contravention of Board Policies that are a condition of a liquor licence [GLA s.61(1)].	Up to cancellation and/or up to \$5,000 fine.			
14. Contravention of Board Policies that are a condition of a registration [GLR s.17(1)].	Up to cancellation and/or up to \$5,000 fine.			

VIOLATION	PENALTY NORMALLY IMPOSED FOR SUCCESSIVE VIOLATIONS OF A SIMILAR NATURE			
	1 st Hearing/ Violation(s)	2 nd Hearing/ Violation(s)	3 rd Hearing/ Violation(s)	Subsequent Hearing/Violation(s)
MINORS				
15. Permit a person to give or sell liquor to a minor in licensed premises [GLA s.75].	Up to 12 days and/or up to \$5,000 fine.	Up to 16 days and/or up to \$10,000 fine and in Class B premises (pool halls) a restriction prohibiting minors.	Up to cancellation.	Up to cancellation.
16. Give or sell liquor to a minor in licensed premises [GLA s.75].	Up to 12 days and/or up to \$5,000 fine.	Up to 16 days and/or up to \$10,000 fine and in Class B premises (pool halls) a restriction prohibiting minors.	Up to cancellation.	Up to cancellation.
17. Permit a minor in licensed premises where minors are prohibited [GLA s.74(3)].	Up to 8 days and/or up to \$2,000 fine.	Up to 16 days and/or up to \$4,000 fine.	Up to cancellation.	Up to cancellation.
18. Failure to request proof of age from a person who appears to be under 25 years of age [GLA s. 61(1)]	Up to 3 days and/or up to \$1,000 fine.	Up to 6 days and/or up to \$1,500 fine.	Up to 10 days and/or up to \$4,000 fine.	Up to cancellation.
INTOXICATION				
19. Selling or providing liquor to a person apparently intoxicated by alcohol or a drug [GLA s.75.1(a)].	Up to 30 days and/or up to \$7,500 fine.	Up to 40 days or \$10,000 fine.	Up to cancellation.	Up to cancellation.
20. Permitting a person apparently intoxicated by alcohol or a drug to consume liquor on licensed premises [GLA s.75.1(b)].	Up to 30 days and/or up to \$7,500 fine.	Up to 40 days or \$10,000 fine.	Up to cancellation.	Up to cancellation.
21. Permitting a person apparently intoxicated by alcohol or a drug to take part in a gaming activity or provincial lottery that is conducted in licensed premises. [GLA s.75.1(c)].	Up to 6 days and/or up to \$1,500 fine.	Up to 8 days and/or up to \$2,000 fine.	Up to 10 days and/or up to \$4,000 fine.	Up to cancellation.
ILLEGAL REMOVAL OF LIQUOR				
22. Removal of liquor from licensed premises other than in accordance with the Act and Regulation [GLA s.68(2)].	1 to 8 days and/or up to \$2,000 fine.	9 to 16 days and/or up to \$4,000 fine.	17 to 30 days and/or up to \$20,000 fine.	Up to cancellation.
SALE OR CONSUMPTION AFTER HOURS				
23. Sell or provide liquor on a licensed premises during hours when not permitted, or on a day when not permitted [GLA s. 68(1)(b)].	1 to 10 days and/or up to \$2,000 fine.	11 to 30 days and/or up to \$6,000 fine.	31 to 60 days and/or up to \$40,000 fine.	Up to cancellation.
24. Permit the consumption of liquor on a licensed premises during hours when not permitted or on a day when not permitted [GLA s.71(3)].	1 to 10 days and/or up to \$2,000 fine.	11 to 30 days and/or up to \$6,000 fine.	31 to 60 days and/or up to \$40,000 fine.	Up to cancellation.
25. Allowing unauthorized person on licensed premises when sale and consumption of liquor is prohibited [GLA s.71(2)].	Up to 4 days and/or up to \$2,000 fine.	5 to 6 days and/or up to \$4,000 fine.	7 to 8 days and/or up to \$8,000 fine.	Up to cancellation.
ENTERTAINMENT				
26. Providing entertainment prohibited by the Board [GLR s.95(2)].	Up to 2 days and/or suspension of entertainment authorization for a specified period and/or up to \$1,000 fine.	3 to 7 days and/or up to \$2,000 fine.	8 to 28 days licence suspension and/or up to \$4,000 fine.	Up to cancellation.
OBSTRUCTION				
27. Obstruct, hinder or impede an inspector in the performance of his duties [GLA s.99].	5 to 7 days and/or up to \$5,000 fine.	8 to 10 days and/or up to \$10,000 fine.	11 to 20 days and/or up to \$15,000 fine.	Up to cancellation.

Social Responsibility

1. Let pregnant women, and their partners, know that you support alcohol free pregnancies. Help prevent Fetal Alcohol Spectrum Disorder (FASD) by providing non-alcoholic drink specials for pregnant women. For more information and resources on preventing FASD visit:

<http://child.alberta.ca/home/594.cfm>
2. Ensuring your patrons safety critical to the long-term success of your business. A safe environment is an attractive environment. Incentives, like drink specials can change patron drinking patterns, encourage over-consumption and lead to increased risk of harm for patrons, staff and public. To attract patrons over the long term:
 - a) offer drink specials when patrons are most likely to order their drinks with food;
 - b) end discounted drink specials two hours prior to closing;
 - c) avoid deep discounting on liquor; and
 - d) offer patrons other types of incentives such as door prizes, random give-aways, food specials, and club T-shirts.
3. Always verify ID. If anyone starts to disturb other patrons, walk up to them and indicate that they are receiving a warning, request to see their ID, make a note of their name and address (to make it less threatening to your patrons you could use a yellow and red card system as used in soccer or a red flag as used in football). If they refuse to provide ID, ask them to leave the premises.
4. Ensure the amount of liquor is clearly posted for all drinks and staff is required to use an approved measuring device to reduce over-service.
5. Support a safe ride home service. Help prevent impaired driving by providing non-alcoholic drink specials for designated drivers.

Impaired Driving Resources

Alberta has developed various resource materials to inform and educate the general public about the real costs of impaired driving. The goal is to ensure the message gets through and helps decrease the incidences of drinking and driving in all age categories. These resource and promotional materials are provided at no cost and are available by contacting:

The Alberta Traffic Safety Initiative, Alberta Transportation
Main Floor, Twin Atria
4999 – 98 Avenue
Edmonton, Alberta T6B 2X3
Phone: 780-422-8839
For toll free service outside of Edmonton call 310-0000 and ask for 422-8839
Fax: 780-422-3682
www.saferoads.com

Liquor Sample Court Cases

Excerpts from: Canadian Alcohol Liability. Study commissioned by Insurance Bureau of Canada and Insurance Institute of Canada, July 1994. Website: www.abc.ca (Business and Commercial; Host Liquor Liability; Canadian Alcohol liability)

The law governing liability for the intoxicated has changed dramatically since the early 1970s. However, as dramatic as this rise in liability has been, the claims brought to date represent only a fraction of the potential suits. Statistics on alcohol-related accidents indicate that thousands of alcohol liability suits could be brought each year in Canada. The steps adopted to minimize exposure to civil liability and prosecution will, of necessity, reduce the risks of alcohol-related deaths and injuries.

LEGAL ATTITUDES towards those who serve alcohol are changing; this has become a major problem for the Canadian hospitality industry and its insurers. The nature of this problem is dramatically illustrated by the following cases.

Greenslade v. Hurley (1991) The Plaintiff Greenslade claims damages from the Defendant J. Hurley for assault and battery in the bar of the Caribou Hotel and from the Defendant Dumas Hotels Ltd. as operators of the hotel for breach of the duty of care owed by Dumas to the Plaintiff as customer upon its premises. Shortly after the arrival of the Plaintiff's party there was an incident during which Hurley, without provocation, tried to snatch the pool cue out of the hands of one of the players, and one of the Plaintiff's friends was stuck on the head with the cue. She went up to the bar and asked the bartender to stop serving liquor to Hurley. Hurley and her friend hurled obscene and offensive remarks at the Plaintiff and her friends. Staff of the Pub were asked to request that Hurley leave the premises. The waitress allegedly served Hurley another beer. At approximately 1:00 AM, the Plaintiff was standing next to a pool table. Hurley came up beside Mrs. Greenslade with a full mug of beer, swung the beer mug, and smashed it against the right cheek of Mrs. Greenslade. The blow knocked Mrs. Greenslade unconscious. The Defendant hotel failed to meet its standard of care. They owed a duty of reasonable care to the Plaintiff. This duty extended to protecting the Plaintiff from the actions of third persons such as Hurley, who the Defendant hotel knew or ought to know constituted a danger to persons on the premises. They could have followed its own stated policy of cutting off the intoxicated person from further alcohol; serving her a coffee or a soft drink; asking her to leave; or paying a taxicab to take her home. Hurley became progressively unruly as she continued to consume alcohol. Dumas had a duty to stop serving Hurley and in the circumstances ejecting her. If Dumas had stopped serving Hurley, the injury would in all likelihood not have been sustained. Clearly, if Dumas had ejected Hurley, the assault would not have occurred.

Mellanby v. Chapple A professional hockey player's arm was injured when he intervened to help a friend who was in a fight at the Muskoka Sands Inn. The Muskoka Sands Inn was held liable and ordered to pay \$500,000 to the hockey player because staff waited too long before trying to stop the ongoing fight.

Murphy v. Little Memphis Cabaret (1996) Four customers started a fight with another customer and his friend. Staff ejected the four troublemakers out the back door and ejected the other customer and his friend out the front door. The four troublemakers then came around to the front of the building and beat up the other customer and his friend. The customer who had been beaten up sued the bar and was awarded almost \$440,000. The court ruled that the bar had been negligent in ejecting the customer in view of the fact that the imminent danger which originated within the tavern awaited him outside the door.

R. v. Hickey (2004) Sentencing of the accused, Hickey, for aggravated assault. Hickey was convicted of aggravated assault. Hickey was working as a bouncer at a club. He had a verbal altercation with the victim precipitated by the victim. The victim engaged in a verbal argument with a third party that led to a wrestling match outside the club. As the physical confrontation ended, Hickey came outside of the club and punched the victim in the face three times. The victim did not resist or assault Hickey prior to the assault and Hickey was clearly not acting in self-defense. The victim suffered severe injuries and his life was endangered. There was a positive pre-sentence report. A victim impact statement indicated that the victim continued to suffer as a result of the assault. Hickey accepted full responsibility for his actions.

R. v. Doherty Trial of accused on a charge of manslaughter, contrary to s. 236 of the Criminal Code – Accused found guilty. The accused had worked as a bouncer at a bar and, in that capacity had ejected the complainant from the establishment in a lawful and proper way. The complainant and another ejected friend, had, however, started banging and kicking on the outside of the door and the accused had then confronted them and urged them to leave. During that confrontation, the accused punched the complainant in the jaw.

While the accused argued that he had acted in self-defense after the complainant had raised his hands towards him, the accused was a tough and muscular person who would not be afraid of very intoxicated people like the complainant and his friend, even if one of them tried to hit him. The argument of self-defense had an air of unreality here. While the accused was lawfully entitled to block any punches thrown at him by the complainant and to tell him to go home, the court did not conclude here that the accused had reasonable believed that it was necessary for him to punch the complainant to protect himself. **The accused's punch was a willful infliction of excessive force that was not necessary.** The complainant had fallen after the punch and later died as a result of the injury he sustained when his head hit the pavement.

The court was convinced here beyond a reasonable doubt that **the punch was an unlawful act of assault** that caused the complainant's death even though the accused did not intend to cause him any serious injury – The offence here had therefore been established.

R. v. Jelly (2006) The accused, a bouncer in Vancouver, was charged and convicted of assault causing bodily harm after he attacked the complainant in defense of another patron. The accused, having mistakenly thought that the complainant was going to punch a woman who had pushed him, choked the complainant before head-butting and kicking him. The complainant did not make any attempt to defend himself. The court determined that the accused's actions constituted excessive force and more force than was reasonably necessary.

R. v. Bidzinski et al (2007) What started out as a sociable evening ended in tragedy with the death of James Ronald Hanson ("Mr. Hanson") and an indictment alleging the offence of manslaughter against three young men, Adam David Bidzinski ("Mr. Bidzinski"), Christopher Enrique Gonzales ("Mr. Gonzales") and Gregory James Everett ("Mr. Everett"). During the evening of February 20, 2004 a group of friends got together at the Capri Motel on Pembina Highway in Winnipeg before heading out to a nightclub called the Beach. Mr. Robinson and Mr. Hanson became involved in what was described as a pushing and shoving match with the security officers. Mr. Hanson was being very aggressive towards the security officers at this point in time, yelling obscenities at them. One witness saw Mr. Hanson throw two security officers to the ground during the course of this altercation. Mr. Hanson and other members of his group were told by security staff to leave the property. A red car that had been parked to their left commenced to back up. Mr. Hanson began banging his fists on the hood of the car. When the security officers standing beneath the canopy observed what Mr. Hanson, Mr. Robinson and at least one other member of their group were doing to the automobile, they ran towards the scene. Mr. Hanson and Mr. Robinson started to run towards the approaching security officers with their fists clenched and their arms swinging.

