
TO: ACTING CITY MANAGER **DATE:** 2021 July 21

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** 46000 06
Reference: LLA#20-02/03

SUBJECT: AUTHORIZATION TO RESCIND PREVIOUS RECOMMENDATIONS

PURPOSE: To inform Council of a request to rescind previous recommendations for two liquor licence applications at Simon Fraser University.

RECOMMENDATIONS:

1. **THAT** Council rescind previous recommendations to require the registration of a Section 219 Covenant, within 45 days of Council approval of the applications, to record the new maximum person capacity and liquor service hours for two liquor licence applications at Simon Fraser University (LLA#20-02 and LLA#20-03).
2. **THAT** Council maintain their support of the two liquor licence applications subject to the receipt of a legal letter of intent, whereby the Applicant agrees to adhere to the person capacity and service hours approved by Council, in lieu of the previously required Section 219 Covenants.
3. **THAT** a copy of this report be forwarded to the applicant.
4. **THAT** a copy of this report, in addition to the LLA#20-02 report dated 2020 September 09 and the LLA#20-03 report dated 2021 January 21, be forwarded to the General Manager, Liquor and Cannabis Regulation Branch, P.O. Box 9292, Stn. Provincial Government, Victoria, BC V8W 9J8.

R E P O R T

On 2020 September 09 and 2021 January 20, Council received reports from this department regarding proposed amendments to two liquor licence applications at Simon Fraser University, LLA#20-02 The Study Public House Pub (see *attached* Sketch #3) and LLA#20-03 SFU Stadium, Plaza and West Gym (see *attached* Sketches #1 and #2). Both applications involved a request from Simon Fraser University to make additions to existing liquor service areas and increase the occupancy load of their existing liquor-primary licences. In both cases, and following a public consultation process, Council supported the requested amendments.

In line with the Council-adopted processing procedure for local government consideration of applications to amend existing liquor primary licences, a recommendation for the registration of a Section 219 Covenant was included in both reports which read as follows:

To: Acting City Manager
From: Director Planning and Building
Re: Authorization to Rescind Previous Recommendation
2021 July 21Page 2

2. **THAT** Council authorize the registration of a Section 219 Covenant, within 45 days of Council approval of this application, to record the new maximum person capacity and liquor service hours as outlined in Section 2.0 of this report.

The intent of registering a Section 219 Covenant against the property, in the case of liquor licence applications, is to restrict and capture the occupancy load and hours of the licensed establishment to the approval of Council. Further, the Section 219 Covenant ensures that future attempts to change or alter these parameters would require further approval from Council.

On 2020 December 19, this department received communications from Simon Fraser University (SFU) requesting that the Section 219 Covenant requirement be waived to avoid an obligation to seek approval from the Minister of Advanced Education, a process which would be onerous and time consuming. Based on conversations between this department and the City Solicitor's office, it was agreed that the Section 219 Covenant requirement, in this particular case, is not necessary given the senior government institutional circumstances of SFU and the fact that the covenants would stipulate only the occupancy load and service hours which are already captured by the liquor-primary licence itself. As per the Liquor and Cannabis Regulation Branch's (LCRB) requirements, liquor-primary licences (such as these) are required to obtain local government approval anytime there are changes proposed to the service hours or the capacity. This provides the City with the same protection as the Section 219 Covenants would secure, and ensures that any proposed changes in the future would require further input from Council. The establishments would still be required to comply with the Burnaby Noise or Sound Abatement Bylaw 1979 and the terms and conditions of the liquor licences, enforced by the LCRB.

In this specific instance, this department is supportive of the request to proceed without the registration of Section 219 Covenants, as the University has explained that registration of a covenant would require approval from the Ministry of Advanced Education, which would trigger a substantial review and undue consultation process. In light of this, Staff recommend that Council rescind the recommendation to authorize the registration of covenants as part of their support of the subject liquor licence applications (LLA#20-02 and LLA#20-03). In lieu, Staff recommend that a legal letter of intent be submitted by the Applicant to this department, agreeing to adhere to the occupancy load and service hours which have been approved by Council.

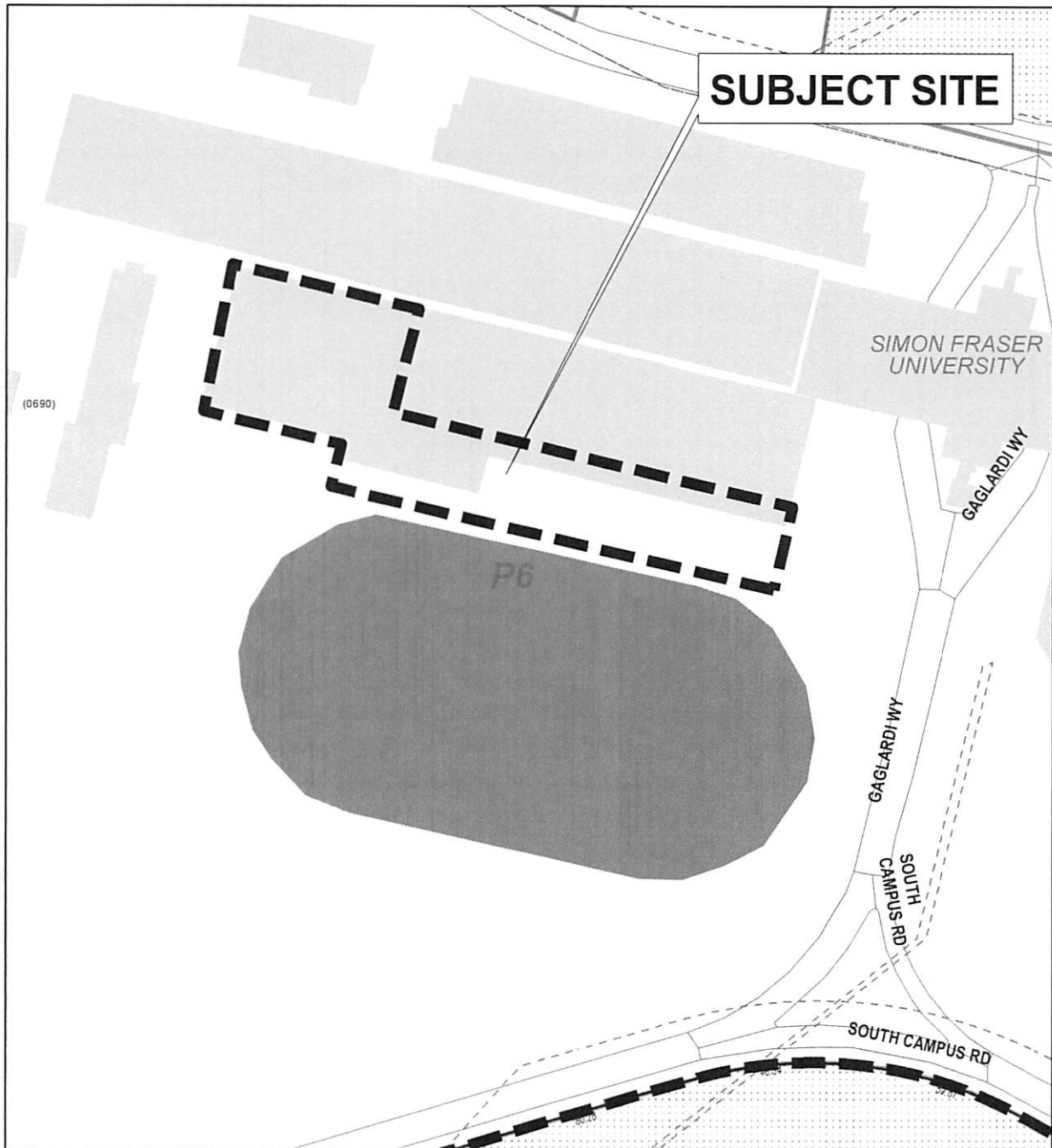
The Council-adopted processing procedures for liquor licence applications would continue to apply for all future and amended applications elsewhere throughout the city.



E.W. Kozak, Director
PLANNING AND BUILDING

MP:tn

cc: Chief Building Inspector
City Solicitor



PLANNING & BUILDING DEPARTMENT



Date: MAY 29 2020

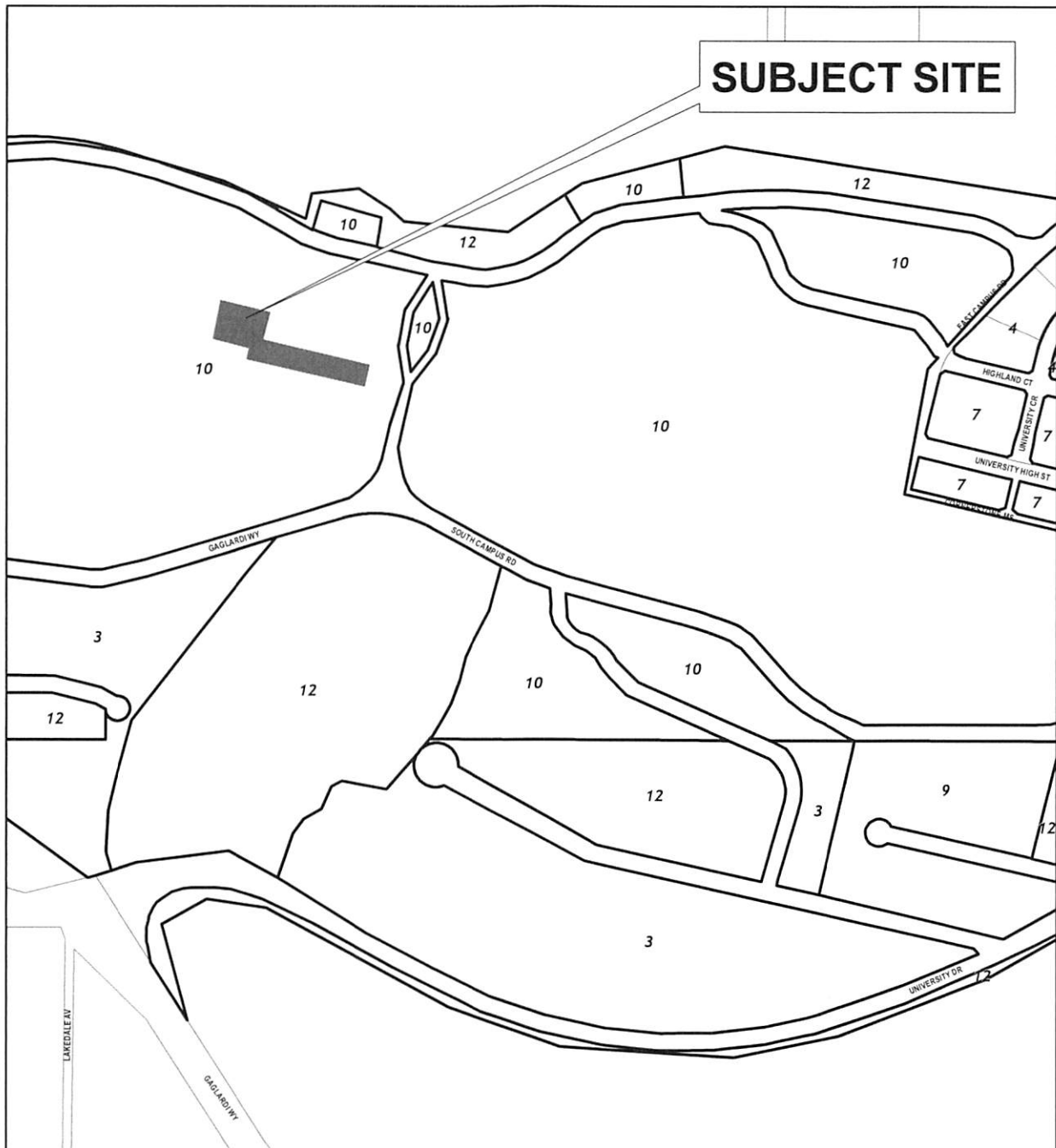
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Drawn By: JS

Stadium, Plaza & West Gym Area
8888 UNIVERSITY DRIVE

 Subject Site

Sketch #1

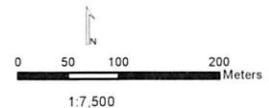


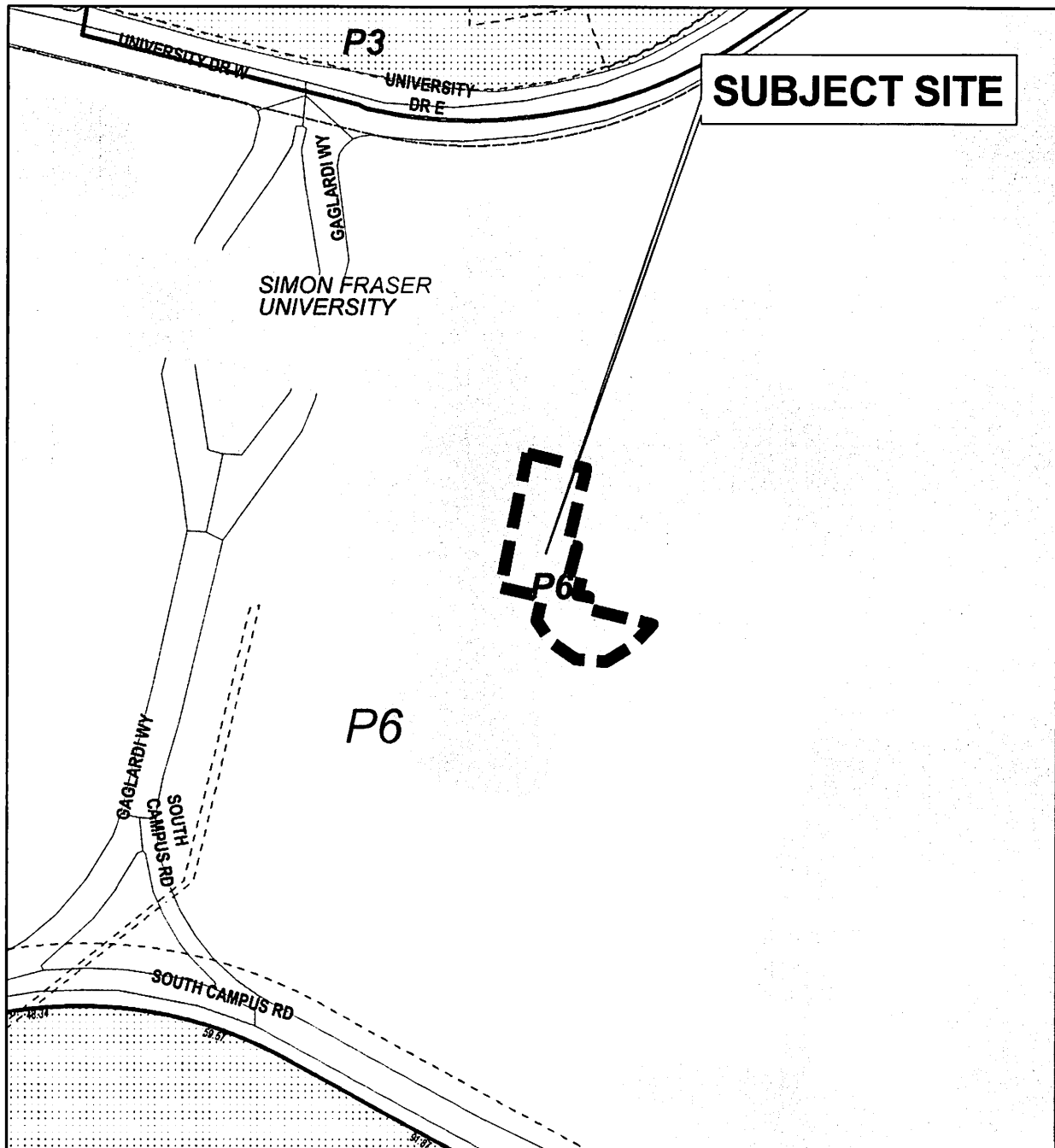
Simon Fraser University Community Plan



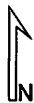
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- 3** Medium Density Multiple Family Residential
- 4** High Density Multiple Family Residential
- 7** High Density Mixed Use
- 9** Industrial
- 10** Institutional
- 12** Park and Public Use





PLANNING & BUILDING DEPARTMENT



Date:
MAY 29 2020

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Drawn By:
JS

The Study Public House Pub
MBC 2250 SIMON FRASER UNIVERSITY

 Subject Site

Sketch #3