

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** *King's Corner Bar and Grille Ltd. v. Nova Scotia (Attorney General)*,  
2018 NSCA 9

**Date:** 20180129

**Docket:** CA 463483

**Registry:** Halifax

**Between:**

King's Corner Bar and Grille Ltd.  
o/a Ma and Pa's Kitchen and Back Alley Lounge

Appellant

v.

The Attorney General of Nova Scotia and  
the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia  
and Municipal Relations

Respondent

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**Judge:** The Honourable Justice Hamilton

**Appeal Heard:** January 29, 2018, in Halifax, Nova Scotia

**Subject:** Administrative Law; Nova Scotia Utility and Review Board;  
Sections 58, 61(1)(a) and 61(2) of the Nova Scotia *Liquor  
Licencing Regulations*, NS Reg 10/2017

**Summary:** The appellant appealed the Nova Scotia Utility and Review Board's decision that found it violated ss. 58, 61(1)(a) and 61(2) of the Nova Scotia *Liquor Licencing Regulations*, NS Reg 10/2017 and suspended its licence for three days.

**Issues:**

- (1) Did the Board err in finding the appellant permitted liquor to be removed from its premises (s. 58)?
- (2) Did the Board err in finding the appellant provided liquor to a person under the influence of liquor (s. 61(1)(a))?

(3) Did the Board err in finding the appellant permitted a drunk person on the premises (s. 61(1)(2))?

(4) Did the Board err in making a finding with respect to s. 61(1)(a) given the mistaken reference to s. 61(1)(b) in the Notice of Disciplinary Hearing?

**Result:**

Appeal Dismissed. The standard of review is reasonableness for the first three issues. The fourth issue is decided by us in first instance. In light of the video evidence showing liquor being removed from the premises, the Board made no error in finding the appellant violated s. 58. Similarly, the Board made no error in finding violations of ss. 61(1)(a) and 61(2) given the video evidence and the testimony of the police officer involved concerning whether certain patrons were “hammered”. Nor did the Board err in making a finding under s. 61(1)(a), given that the appellant was aware from the infraction report of the alleged violation of s. 61(1)(a) and suffered no prejudice as a result of the mistaken reference to the wrong subsection in the Notice of Disciplinary Hearing.

<p><i>This information sheet does not form part of the court’s judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 5 pages.</i></p>
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