

IN THE MATTER OF: Appeal of Compliance Order #24-001,
issued to 7484624 Manitoba Ltd. o/a Obsidian Ultra Lounge,
(7 – 2795 Pembina Highway, Winnipeg, Manitoba)
Licence Number 5266-A-7168
for breach of subsection 2(3) of Manitoba Liquor Licensing
Regulation 61/2014 on February 4, 2024

PANEL MEMBERS: Sofia Mirza (Chair), Peter Fuchs, Bradley Zander
Mike Green, Counsel for the LGCA Board

APPEARANCES: Kristianne Dechant, LGCA Executive Director and CEO
Coral Lang, Counsel for the LGCA
Qizheng (Leon) Yang, on behalf of the Appellant
David Barbour, Counsel for the Appellant

**REASONS FOR DECISION OF THE BOARD OF THE
LIQUOR, GAMING AND CANNABIS AUTHORITY OF MANITOBA**

Background

On the evening of Saturday, February 3, 2024, inspectors of the Liquor, Gaming and Cannabis Authority of Manitoba (“LGCA”) conducted an inspection of Obsidian Ultra Lounge at 7 – 2795 Pembina Highway, Winnipeg, Manitoba (the “Licensed Premises”) and observed that the Licensed Premises was operating near its authorized capacity of 150 persons. The LGCA Inspection Report (“the Report”) that followed, reported that LGCA Inspectors advised President of 7484624 Manitoba Ltd. (“the Appellant/Licensee”), Qizheng (Leon) Yang (“Mr. Yang”), that the Licensed Premises, operated by the Licensee, was approaching its authorized capacity, that Mr. Yang assured inspectors that he would be mindful of capacity, and that as LGCA inspectors exited the Licensed Premises, they noticed approximately 75–100 patrons outside the Licensed Premises waiting to enter.

The Report further disclosed that a few hours later in the early morning of Sunday, February 4, 2024, the same LGCA inspectors returned to the Licensed Premises and observed an alleged breach under the following Manitoba Liquor Licensing Regulation 61/2014 (the “Regulation”):

- Overcapacity in a licensed premises, pursuant to subsection 2(3) of the Regulation which reads as follows,

2(3) The licensee must not permit more persons to be present in the licensed premises or a specified area of the licensed premises at any one time than the maximum capacity established by the authority.

More specifically, the Report states that LGCA inspectors returned to the Licensed Premises around 1:10 a.m. and conducted capacity counts resulting in independent counts by two LGCA inspectors of 227 and 245 patrons, respectively. Both counts were over the authorized maximum capacity of 150 persons, in effect at all material times.

The Appellant has exceeded authorized capacity limits on multiple occasions resulting in five (5) previous compliance orders with two (2) monetary penalties and three (3) suspensions. The Appellant also received an additional compliance order with a resulting fourth (4th) suspension for breach of social responsibility requirements.

Pursuant to sections 128(1), 128(2) and 129(1) of *The Liquor, Gaming and Cannabis Control Act* (the “Act”), the LGCA Executive Director ordered on February 5, 2024, that,

- age-restricted licence number 5266-A-7168 issued to licensee 7484624 Manitoba Ltd. be cancelled, with immediate effect.

On February 6, 2024, Mr. Yang, on behalf of the Appellant provided the LGCA with written notice of its intention to appeal the Compliance Order issued on February 5, 2024 (“the Notice of Appeal”). In the Notice of Appeal, the Appellant did not dispute the reported breach of subsection 2(3) of the Regulation, which prohibits overcapacity. In the Notice of Appeal Mr. Yang stated, “I would like to appeal the penalty only.” (i.e. the licence cancellation).

On March 6, 2024, a panel of the LGCA Board members (the “Panel”) was convened pursuant to section 135(1) of the Act, to hear the Appeal of the penalty of Compliance Order #24-001 (i.e. cancellation of the Appellant’s age-restricted licence). The parties appeared and acknowledged the Panel’s jurisdiction to hear the appeal.

In addition to the parties present, Michel Mabon, LGCA Inspector, Kristianne Dechant, LGCA Executive Director and Chief Executive Officer, and Peggy Sorenson, LGCA Manager of Commercial Inspections, gave oral evidence at the hearing.

General Considerations

The LGCA must act independently and in the public interest in exercising its powers and carrying out its duties as per section 7 of the Act. It is in the public interest to ensure the safety of patrons and staff in a premises regulated by the LGCA.

A licensee must ensure that the licensed premises is operated in accordance with the Act and its regulations, and a penalty must encourage compliance with the Act.

An act done or omitted to be done by an employee of a regulated entity in the course of that person’s employment or in the exercise of that person’s powers or the performance of that person’s duties, is deemed also to be an act or thing done or omitted to be done by the regulated entity.

Pursuant to the Act, the LGCA's Executive Director may suspend or cancel a licence via a compliance order. In determining an appropriate penalty for a breach, the Act directs the Executive Director to have regard for the following principles:

- Any penalty should encourage compliance with the Act; and
- Any penalty should prevent a regulated person from deriving, directly or indirectly, any economic benefit as a result of contravening the Act.

The LGCA deems breaches caused by overcapacity as threats to life safety and/or social responsibility.

Facts

The Appellant, operating as Obsidian Ultra Lounge, out of the Licensed Premises, is licensed by the LGCA with an age-restricted licence, that was, at all applicable times, subject to a capacity limit of 150 persons.

The main facts and findings set out in Compliance Order # 24-001 are as follows:

On Sunday, February 4, 2024, LGCA inspectors conducted an inspection of the Licensed Premises and observed a breach of the Act, being overcapacity in the Licensed Premises. Two (2) inspectors conducted independent capacity counts resulting in counts of 227 and 245 patrons. These counts exceeded the Licensed Premises capacity limit by 51% and 63% respectively.

The inspectors discussed their findings with Mr. Yang, who agreed that the Licensed Premises was operating over capacity. Mr. Yang advised the LGCA inspectors that the promoter for the evening had instructed him to admit as many patrons as possible, as the promoter was receiving the cover charge and would pay any fine.

Further, the Report also disclosed the following details of the alleged breach:

- LGCA inspectors noted difficulty maneuvering through patron congestion while conducting their count as patrons were standing shoulder to shoulder;
- Mr. Yang acknowledged being overcapacity and stated his promoter wanted the money and would pay the fine for him, and had advised Mr. Yang to let everyone in;
- LGCA inspectors reminded Mr. Yang that he must operate within his authorized capacity; and
- Mr. Yang advised LGCA Inspectors that the cover charge was \$10 and that the promoter for the evening, received all cover charge money that evening.

Appeal Hearing Summary

The Appeal hearing was held on March 6, 2024.

The Panel reviewed evidence submitted in advance by the LGCA, regarding the alleged overcapacity breach as reported in the LGCA evidence binder entered as Exhibit No. 1, which included the Report. A modified photograph copy showing occupancy on the dates in question was entered as evidence by the LGCA as Exhibit No. 2. The Appellant also provided a book of materials which was admitted as Exhibit No. 3.

Coral Lang, counsel for the LGCA, called Inspector Michel Mabon to give witness testimony which outlined details of the Report summarizing both inspections that took place at the Licensed Premises on February 3 and 4, 2024. Inspector Mabon testified that he advised Mr. Yang on February 3, 2024, around 11:00 p.m. that the Licensed Premises was “getting close” to its authorized capacity [of 150 persons] and that he was assured by Mr. Yang that he would be “mindful” of capacity. Inspector Mabon also testified that he, and his colleague, returned to the Licensed Premises later that night, as there was approximately 100 people in line when they attended initially that evening, and that he and his colleague conducted capacity counts upon their return. Inspector Mabon’s count found there to be 245 patrons. He shared that his colleague’s count found there to be 227 patrons.

Inspector Mabon testified that, as disclosed in the Report, he spoke with Mr. Yang who advised that his promoter persuaded him to “let everyone in” and would cover the fine that he may receive from the LGCA. Photographs of patrons on February 4, 2024, in close proximity to one another were highlighted from Exhibit No. 1. Finally, Inspector Mabon testified that security had to “yell at people to separate so we could get up and out of the basement area.”

Kristianne Dechant, Executive Director and Chief Executive Officer of the LGCA, followed with her testimony, which primarily focussed on the reasons for her decision to cancel the Appellant’s licence number 5266-A-7168. In arriving at any penalty, she testified that she considers “the nature and severity of the breach itself”. Summarized below, is her oral evidence that...

- “An overcapacity breach in [the LGCA] framework is considered a life safety risk, which is among the most serious breaches in the LGCA’s regulatory framework.”;
 - “Exceeding capacity in a licensed premises poses a risk to life safety, as the occupant load is set to ensure that customers, occupants and staff will be safe.”;
 - “We recognize that we’re dealing with situations where there’s loud noise, low lighting and the impairing effects of alcohol consumption, and that would increase the risk in emergencies that people may not make the same type of good decisions that they would in different situations.”;
 - “... with this trio...respecting capacity is absolutely essential for public safety.”;
 - “...the LGCA, as Manitoba’s Regulatory agency, cannot allow fines for overcapacity to become a part of a cost of doing business.”
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- “...LGCA standardized range of penalties for life safety breaches, such as overcapacity, generally includes fines ranging from \$2,000 to \$20,000 or suspensions ranging from 2 to 10 days.”
 - “... cancellation is not part of the standard penalty for a single overcapacity breach.”

- “... after considering the severity of the overcapacity breach, I moved on to considering this licence specifically.”
- “... this is the 7th compliance order issued to this licensee in...just over a one-year period.”

Executive Director Dechant’s testimony then shifted to context. She testified that the LGCA issued eighteen (18) orders in 2023, fourteen (14) of which were compliance orders resulting from breaches of the Act, out of “approximately 8,000 licensees” across all of the LGCA’s regulated industries. Of these fourteen (14) compliance orders, six (6) or 43% were issued to the Appellant. Her testimony went on to describe this as, “an unprecedented number for the LGCA” and “we have never had a single licensee receive as many chances through compliance orders as Obsidian Ultra Lounge.”

Executive Director Dechant’s testimony then went on to describe the LGCA’s “...approach to enforcement, which is designed to achieve compliance.” In that light, she further testified that,

- “...most licensees are never receiving compliance orders and are not breaching our Act.”
- “Our compliance order process is designed to escalate when licensees do not change their actions.”
- “... it was clear to me from the record of operation that this licensee had not learned and changed their actions.”
- “The breach under appeal ... occurred, despite six previous compliance orders resulting in fines and suspensions, despite the last suspension settlement being arrived at... less than two weeks before this breach, and the suspensions had not even begun to be served.”
- “Despite the licensee preparing a mandated safety plan to detail how they would maintain capacity, despite two training sessions by LGCA inspectors for the Appellant and his staff, which addressed capacity, and despite a previous formal appearing like this one, where the Appellant heard me say the same things about the critical importance of maintaining capacity, and where the Board upheld the penalty. This was all within the year before this breach.”

Testimony continued as to aggravating factors that came into Executive Director Dechant’s decision making, as follows,

- “The Appellant was on site at the time of the breach, as he had been for previous breaches, so these were not cases of a distant owner who didn’t know what their management or staff were doing.”
- “... inspectors alerted the licensee earlier in the evening that the premises was approaching its capacity limit.”

Executive Director Dechant then concluded her testimony with the following,

- "... this decision to cancel was not about capacity, so much as it was about governability. This licensee's pattern of actions and breaches shows an ongoing disregard for compliance with the Act."
- "... we need licensees who can be trusted to respect Manitoba's liquor laws, even if an inspector is not watching over their shoulder. This principle is embedded in the Act, which specifies that we can only issue a licence when I, as the executive director, am satisfied that the licensee will operate with integrity, honesty, and in the public interest."
- "With LGCA's mission to regulate for a safer Manitoba, we cannot tolerate...blatant disregard for liquor laws in our province."
- "I had strongly considered a penalty of licence cancellation for a previous compliance order in late 2023, based on the licensees ongoing disregard for regulatory authority."
- "However, I... decided that a substantial suspension of six days, more than the previous two and four days suspensions issued to this licensee last year, would hopefully be enough for one last chance to change the pattern of non compliance, but it was not."
- "Obsidian Ultra Lounge did not change their actions after six compliance orders in the period of only one year. So given this, I had no choice but to see this pattern of continued noncompliance as indicative of ungovernability. This licensee is not suitable to hold a liquor service licence within Manitoba's regulatory framework."

Peggy Sorenson, LGCA Manager of Commercial Inspections, was the last witness called by the LGCA. Her testimony addressed her involvement in, and the reasons why a management meeting was scheduled with the Appellant, by the LGCA, on November 22, 2023. She testified that the meeting was the LGCA's response to the November 9, 2023, capacity breach by the Appellant. She confirmed that Mr. Yang attended the management meeting. Ms. Sorenson also testified that the Mr. Yang answered "financial reasons" when asked why repeated breaches were happening. Finally, she testified that Mr. Yang was "talking about renovations in his premises" and her advising Mr. Yang that if he continues with capacity breaches, he could lose his licence.

Mr. Yang, President of the Appellant, appeared at the hearing and was represented by counsel, David Barbour. The Appellant did not dispute any of the written or oral evidence as presented by the LGCA, including the details outlined in the Report. The Appellant also did not dispute that subsection 2(3) of the Act was breached on February 4, 2024, with respect to overcapacity.

Mr. Barbour did not cross examine any of the LGCA witnesses. Mr. Barbour also declined to call Mr. Yang or any other witnesses for the Appellant. He did proceed to walk the Panel through his book of documents which was entered was Exhibit No. 3, and included a floor plan of the Licensed Premises with new washrooms, a new maximum occupant load permit issued by the City of Winnipeg on February 9, 2024, a Fresh Air Survey in support of the new occupant permit and two support letters as further described below.

Mr. Barbour did acknowledge, "the fact that at the date of the noncompliance he [the Appellant] was under overcapacity of the 150."

Following a brief recess, and given the seriousness of the matter, the Panel then posed questions to Mr. Yang directly, with respect to his understanding of the seriousness of the matter, his position on governability, his reasons for multiple breaches of the Act, responsibility

for his promoter's actions, and his understanding of life safety risks that may be caused by breaches of the Act. Mr. Yang testified as to his self-reflection of the matter with respect to, "the true meaning of respect to authorities, the respect to regulations and the compliances."

Mr. Yang was candid in acknowledging by his own admission that, "...due to my actions and my decisions I lost everything... Obsidian has been my entire life, but in the end I lose it in this way. And I realized...that... after I lose something... so dear to me, then I can really understand the true meaning of it." He also testified at length as to the Appellant's renovations to the Licensed Premises with respect to washrooms, upgrading the rooftop air conditioning unit, fire alarm system, and more.

Mr. Yang also testified as to his renovation budget, the "vast cost of construction" and "very tight cash flow". He also testified that he was making these renovations so that he could increase the capacity limit to avoid further overcapacity breaches of the Act. He also admitted that there was financial benefit in the additional liquor sales, food sales, and other revenue generated activity throughout the evening by exceeding the 150 persons capacity limit.

Mr. Yang was apologetic for the events that led to the Hearing and expressed his concern for his staff that lost their jobs as a result of the licence cancellation.

Final submissions and closing argument were then heard from both parties.

Summary of the Legislation

Pursuant to the Act,

"128(1) the executive director may make an order referred to in subsection (2) if he or she determines that a regulated person is contravening or has contravened this Act or a previous order issued to the person under this Act.

128(2) the executive director may do one or more of the following in a compliance order made under this section:

(c) impose an administrative penalty on the regulated person;

(d) suspend or cancel any licence, permit or approval issued to the regulated person."

The appeal process is outlined within the Act, at Part 7 Section 135.

The legislative authority for the LGCA board to hear the appeal is outlined in Section 137 of the Act. Section 137 (3) outlines the Jurisdiction of the Panel:

"When hearing an appeal

(a) a panel has all the jurisdiction of the board and may exercise the board's powers and perform the duties, and

(b) a decision of a majority of the members of a panel is the decision of the board.”

Section 139 (1) outlines the authorities of the panel in relation to the decision after hearing the evidence.

“After hearing an appeal, the board may, by written decision.

(a) Confirm, vary or rescind the decision or order under appeal;

(b) Make any decision that the executive director could have made in the first instance, or

(c) Refer the matter back to the executive director for further consideration in accordance with any direction of the authority.”

Section 139 (2) outlines that the board must give written reasons for the decision.

Analysis

At the Appeal hearing, it was agreed by all parties that a breach of subsection 2(3) of the Regulation regarding overcapacity, was committed on February 4, 2024, by the Appellant at the Licensed Premises, as set out in Compliance Order #24-001. The Appellant's Notice to Appeal confirmed that the penalty (licence cancellation), was the only subject matter under appeal. As such, an overcapacity breach by the Appellant on February 4, 2024, was accepted by the Panel as undisputed fact. Further, the Panel proceeded on the basis that the only issue before the Panel was the appropriateness of the penalty imposed by the Executive Director, to cancel the Appellant's age-restricted licence number 5266-A-7168.

For the reasons set out below, the Panel upholds the licence cancellation ordered by Executive Director Dechant in Compliance Order #24-001, and finds that it is within the recommended Guidelines for repeated breaches of subsection 2(3) of the Regulation. The Panel also finds that the Executive Director acted within her scope of discretionary authority when she considered the Appellant's history of repeated breaches of the Act and Regulation, especially in light of the Appellant's choice to continue operating, while a material overcapacity breach was on-going at the Licensed Premises on February 4, 2024, rather than correct the breach, and despite,

- LGCA Inspector Mabon warning Mr. Yang approximately two hours earlier that the Licensed Premises was approaching its authorized capacity of 150 persons;
- Mr. Yang informing Inspector Mabon that he would be mindful of capacity;
- the overcapacity being between 51% and 63% over the maximum authorized capacity as at February 4, 2024;
- a formal education Session, presented by the LGCA to the Appellant's staff in the presence of Mr. Yang, on November 17, 2022, which Session outlined overcapacity being a risk to life safety;

- that during the November 17, 2022 Session, a physical print out of the PowerPoint package was handed to Mr. Yang and the Appellants staff that were present;
- the Appellant confirming to the LGCA that the April 19, 2023 safety plan drafted and adopted by the Appellant, after a previous overcapacity breach, wasn't being followed; and
- a meeting set by the LGCA with Mr. Yang on November 22, 2023, in response to the Appellant's fourth overcapacity breach of November 9, 2023.

All of the above evidence was entered by the LGCA as either Exhibit No. 1 or through oral testimony by LGCA witnesses, Mr. Mabon and Ms. Sorenson, and remained undisputed by the Appellant at the hearing. Further, and the most compelling factor on this point, was Ms. Sorenson's undisputed testimony about her discussion with Mr. Yang on November 22, 2023, wherein she stated,

"I spoke to Mr. Yang and I said, if you continue with the capacity breaches you may not have the opportunity to use your lovely new place, because you're putting your licence in jeopardy, and you could lose your licence."

The Appellant's history of six (6) previous overcapacity infractions as set out in the Record of Operations within a period of 13 months, coupled with Mr. Yang's recent management meeting set by the LGCA on November 22, 2023, wherein Mr. Yang was warned of the risk of losing the Appellant's licence, are both aggravating factors in setting and evaluating an appropriate penalty. Mr. Yang's presence at the Licensed Premises, at the time of breach as well as the fact that he was warned on February 3, 2024, that the Licensed Premises was close to reaching its capacity limit, are also aggravating factors.

Further, Mr. Yang's reply to Inspector Mabon after being informed that the Licensed Premises was overcapacity on February 4, 2024, in the Panel's, view demonstrated a disregard for the Act. In his reply to the inspector, Mr. Yang acknowledged being overcapacity, that his promoter wanted the money and would pay the fine for him. A third party promotor or any third party for that matter, should have no authority or influence over a Licensee in terms of compliance with the Act or lack thereof. Mr. Yang's choice to follow his promoter's direction, instead of the Act, which ultimately resulted in a breach of the Act, shows a complete lack of seriousness with which Mr. Yang takes his responsibility, in that he apparently allowed a non-Licensee to dictate to him and his staff what LGCA regulations to follow or not to follow.

This behavior, in the Panel's view, was not a reasonable response in the circumstances, and disregards the safety of the Appellant's staff and patrons. Protecting the public and safety must remain of utmost priority, and is a pillar upon which the Act rests. To assume that a monetary expense may suffice to replace life safety considerations, speaks to the Appellant's ungovernability and is a position that the Panel cannot find acceptable.

More specifically, on February 4, 2024, when Inspector Mabon advised the Appellant that it was overcapacity, the Appellant also chose not to correct the situation immediately, and instead advised Inspector Mabon that the promoter would pay the fine for the Appellant and had advised to let everyone in. This demonstrates a deliberate action on the part of the Appellant to continue to breach the Regulation. It does not support that the Appellant learned

from increased fines and suspensions or that the Appellant applied principles from education sessions and management meetings to address the Appellant's history of compliance issues. This essentially left Inspector Mabon with no authority. Protecting the safety of LGCA inspectors, along with the public, staff and patrons is paramount. The Panel upholds the importance of LGCA inspectors in the exercise of their duties, so as to better ensure compliance of the Act and its Regulations. The Panel will not compromise this.

The Materials of the Appellant evidence book that was entered as Exhibit No. 3 at the Hearing includes a new Occupancy Load Permit issued by the City of Winnipeg dated February 9, 2024 ("the New Permit"). The New Permit was issued after the date of the latest overcapacity breach in question, and subsequent to Compliance Order #24-001 under appeal. The maximum capacity limit at the time of the February 4, 2024 breach was 150 persons. It is the view of the Panel that the issuance of the New Permit, is of no assistance in determination of the issue before the Panel, as to whether cancellation of the Appellant's licence was an excessive penalty.

This Appellant evidence book also included support letters from the General Manager of the Appellant, Mhaiya Naharnie, and a "partner", Ryan Wu. Neither party were made available for cross examination by the LGCA and as such, the Panel has put little weight on both support letters.

When the Panel gave the Appellant an opportunity at the Hearing to share his understanding of the seriousness of the repeated overcapacity breaches and to address the LGCA's position of the Appellant's ungovernability, Mr. Yang accepted that opportunity and spoke well and passionately about the Licensed Premises, as well as its staff who lost their jobs as a result of the decisions made by the Appellant that led to the licence cancellation.

While the Panel agrees that Mr. Yang's testimony with respect to self-reflection was sincere, his explanation did confirm Ms. Sorenson's testimony, that the reason for the overcapacity breaches were for financial benefit, to cover the cost of renovations made to the Licensed Premises, with the intent of applying for and receiving a capacity limit increase above 150 persons in due course. Mr. Yang spoke at length of tight cash flows, and the need to pay renovation construction workers as well as rent and tax owing.

The Panel cannot permit a licensee to operate overcapacity, with the justification that an increase in capacity maximums is "anticipated". There is no guarantee that capacity maximums will increase, until a valid permit confirming this is issued. The maximum capacity allowed during all seven overcapacity breaches was 150 persons. The Panel can only consider 150 persons as the maximum amount of persons permitted in the Licensed Premises on February 4, 2024.

As the Act directs that a penalty should prevent a regulated entity from deriving any economic benefit as a result of contravening the Act, the Panel cannot accept economic or financial benefit as justification for the Appellant's repeated breaches of the Act, as fair and reasonable. Overwhelmingly, LGCA Licensees throughout the Province of Manitoba adhere to the Act and Regulations and in so doing, may forgo potential economic or financial gain that may be possible by their contravening the Act or Regulations in any number of ways. Many of these

licensees have been and are similarly struggling to get back on their feet following the pandemic which hit the hospitality industry hard. To overturn Executive Director Dechant's Compliance Order, in the Panel's view, risks sending a message to licensees across the Province of Manitoba, that a breach of the Act to justify tight financial times, is an acceptable practice, which in turn diminishes the authority and respect of the LGCA as a whole. This is a precedent that the Panel is not willing to set.

Appellant's counsel in closing submissions offered that cancellation of the licence be substituted for a four (4)-week suspension retroactively, with another four (4) weeks going forward, and after that suspension is completed, for the Appellant to reopen with a restricted licence subject to certain conditions for six (6) months. Counsel for the Appellant also suggested implementing two of Mr. Yang's partners to specifically take over direct control, direct supervision and direct support during business hours to assist Mr. Yang in the operation of the Licensed Premises. It was further proposed that at least one of the other shareholders of the Appellant be on site every night the business is open, to monitor and ensure all regulations are followed.

The Panel agrees with Executive Director Dechant that the Appellant's proposal to have a shareholder "monitor" and "ensure regulations are followed", supports the Executive Director's conclusion that the Appellant representative may not be governable (without someone else present to monitor his actions).

Accordingly, the Panel upholds the penalty imposed by the Executive Director in Compliance Order #24-001.

Summary of Decision

The Panel unanimously upholds Compliance Order #24-001.

The Appellant's Appeal of cancellation of age-restricted licence number 5266-A-7168, is hereby denied.

Dated at the CITY OF WINNIPEG, Manitoba this 4th day of April, 2024, and signed on behalf of the Board of the Liquor, Gaming and Cannabis Authority of Manitoba by,



Sofia Mirza, K.C., Panel Chair