

Summary of legal issues that have arisen as a result of charges being laid under smoke-free bylaws, updated June 20/03

Municipality	Legal issues	Issue Raised by:	Disposition	Miscellaneous Notes
Peterborough	Whether premises is A private club	Defendant	Conviction \$2000+surcharge \$1000 guilty plea	Premises did not meet criteria for private club
Waterloo	Improper reference to statute that licenses sale of liquor	Defendant	Dismissed	Bylaw amended to correct reference
Guelph	Question as to whether “eating establishment” was serving food on the premises	Court	Dismissed	City made sure that they gathered evidence of food being prepared on the premises
	Should the City also charge patrons?	Court	Dismissed	City has been charging some patrons
	City not sure of owner and charged wrong person	Court	Dismissed	City staff advised to make sure that they have correct name of owner before laying charges
Ottawa	Whether premises is A private club	Defendant	One guilty plea \$2385 in fines	DSRs not permitted under the bylaw, court will not permit proprietor to arbitrarily divide premises into portion where law applies and where it does not apply
	Designated smoking room (DSR) area is a private club	Defendant	Conviction	
	Due diligence (see case summary for details, i.e. Puzzles)	Defendant	Conviction \$350	
	Should City also charge patrons?	Defendant	Conviction \$260 to \$350	