

## Liquor Licensing Regulation

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Regulation 177/94  
Registered September 19, 1994

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All persons making use of this consolidation are reminded that it has no legislative sanction. Amendments have been inserted into the base regulation for convenience of reference only. The original regulation should be consulted for purposes of interpreting and applying the law. Only amending regulations which have come into force are consolidated. This regulation consolidates the following amendments: 8/95; 106/96; 102/97; 54/2000; 19/2001; 99/2001; 134/2001; 164/2002; 158/2004.

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PART 1  
GENERAL PROVISIONS

**Definitions**

**1** In this regulation,

"**Act**" means *The Liquor Control Act*;

"**cider**" means an alcoholic beverage obtained by the fermentation of fruit juice;

"**cooler**" means an alcoholic beverage obtained by combining a wine, beer or spirits base with

(a) fruit juice, vegetable juice or a flavouring preparation, and

(b) water or mineral water;

"**fortified wine**" means a wine which has been strengthened with alcohol by the addition of spirits at some point in its production that has an alcohol content of 15% or more;

"**licensee**" means the holder of a valid and subsisting licence of a class mentioned in subsection 60(1) of the Act;

"**table wine**" means a wine other than fortified wine.

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M.R. 19/2001

**Maximum capacity of premises**

**2(1)** The maximum capacity of all premises licensed under clauses 60(1)(a) to (g) of the Act, or used to host occasional permit functions, is fixed by dividing the total area (in square meters or square feet) of the premises in which liquor may be served by 1.1148 square meters (or 12 square feet).

**2(2)** Where a stand-up game or a stage is installed in or removed from premises for which the maximum number of patrons permitted has been fixed under subsection (1), the commission, upon being informed by the licensee of the installation or removal, may adjust the maximum number so fixed if it deems it necessary.

**2(3)** A licensee of premises referred to in subsection (1) shall not permit more patrons in the premises at any one time than the maximum number fixed for those premises under that subsection.

**2(4)** The commission shall provide every licensee of premises referred to in subsection (1) with a sign showing the maximum number of patrons permitted on the premises under this section, and the licensee shall without delay post the sign and keep it posted in a conspicuous place in the premises.

**Liquor service**

**3(1)** Unless otherwise authorized by the commission, each licensee shall provide in his or her licensed premises, price lists or signs indicating to the patrons

- (a) the variety of liquor offered for sale;
- (b) the amount of liquor in each type of drink containing liquor; and
- (c) the price at which each type of drink may be purchased.

**3(1.1)** Unless otherwise authorized by the commission, no licensee shall offer, sell, serve or provide beverages containing the following types and volumes of liquor for less than a total purchase price, including provincial sales tax and federal goods and services tax, of \$2.25:

- (a) 28.4 ml (one ounce) of spirits;
- (b) 341 ml (12 ounces) of beer, cider or cooler;
- (c) 142 ml (5 ounces) of table wine;
- (d) 56.8 ml (2 ounces) of fortified wine.

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M.R. 19/2001

**3(1.2)** If a licensee offers, sells, serves or provides a beverage containing liquor in a larger or smaller volume than specified in subsection (1.1), the minimum price of that beverage shall increase or decrease in direct proportion to the increase or decrease in the volume of liquor contained in that beverage.

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M.R. 19/2001

**3(1.3)** Unless otherwise authorized by the commission, no licensee shall conduct any promotion or offer which allows a patron to consume an unlimited or unspecified amount of liquor for a fixed price.

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M.R. 158/2004

**3(2)** A licensee shall not serve in a drink, an amount of liquor that is less than the amount stated on the price list, unless the patron has requested that the smaller amount be served.

**3(3)** Subject to subsection (4), every licensee shall measure all spirits contained in a drink by means of a shot glass, mechanical dispenser or electronic dispenser that has received the prior approval of the commission.

**3(4)** Subsection (3) does not apply

(a) to a cocktail or other drink that requires mixing before serving; and

(b) where a bottle containing a single serving is used.

**3(5)** Unless otherwise authorized by the commission, a licensee shall not allow a server to carry alcoholic beverages in licensed premises before receiving orders for those beverages.

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M.R. 19/2001

**3(6)** A licensee shall not allow any person other than an on-duty employee of the licensee to offer, sell, serve or provide liquor in the licensed premises.

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M.R. 164/2002

#### **Food service**

**3.1** Where food service is required under a class of licence mentioned in subsection 60(1) of *The Liquor Control Act*, the food served must be prepared in the kitchen facilities of the licensed premises using provisions stored in the licensed premises, unless otherwise authorized by the commission.

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M.R. 54/2000

#### **Storage**

**4** Every licensee and every beer vendor holding a retail licence shall

(a) provide space for the storage of liquor in an area or room set aside for that purpose and approved by the commission for such use; and

(b) keep all liquor purchased under the authority of the licence in the licensed premises or in the approved storage area or room.

#### **Liquor in containers**

**5(1)** Unless otherwise authorized by the commission, a licensee shall keep liquor purchased for sale in licensed premises in the container in which it was purchased from the commission until the liquor is dispensed for serving to a patron.

**5(2)** A licensee shall not in any way adulterate or dilute liquor that is kept on the licensed premises or keep adulterated or diluted liquor on the licensed premises.

**6** Repealed.

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M.R. 19/2001

**Purchase of liquor**

**7(1)** A licensee shall not have in his or her possession in the licensed premises any liquor that was not

(a) purchased by him or her in an authorized manner from the commission, a liquor vendor, a local retail beer vendor or a specialty wine store; or

(b) purchased under an occasional permit.

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M.R. 134/2001

**7(2)** A licensee may have in his or her possession in the licensed premises, complimentary liquor supplied to him or her by a distiller, brewer or wine manufacturer to be used for sampling purposes as prescribed by the commission.

**Control of licensed premises**

**8** Unless authorized by the commission in writing, no licensee shall permit, whether by lease, concession, agreement or practice, the operation or conduct of any food or beverage service to the public in the licensed premises, to be controlled by another person.

**Alteration of premises**

**9** No licensee shall make a structural alteration to, or enlarge, any licensed premises except in accordance with plans and specifications approved by the commission.

**Licensee or manager to be present**

**10(1)** The licensee or manager of a licensed premises shall be present and in charge of the licensed premises at all times when the premises are open to the public.

**10(2)** Where the licensee and the manager of a licensed premises are both temporarily absent from the licensed premises, a responsible person shall be designated by the licensee to remain in charge of the premises during their temporary absence.

**10(3)** A licensee shall notify the commission of the name of any person appointed to manage the premises.

**Hours**

**11** A licensee shall advise the commission of the regular hours of operation of the licensed premises and shall post and keep posted a notice of those hours in a conspicuous place on the premises.

**Employees**

**12(1)** A person engaged in providing security or in serving liquor or food in licensed premises shall not consume liquor during the hours when he or she is so engaged.

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M.R. 19/2001

**12(2)** The manager responsible for the operation of licensed premises shall not consume liquor during the hours when he or she is responsible for the licensed premises.

**Responsible server training**

**12.1(1)** In this section, "**certificate**" means a certificate confirming that the person named in the certificate has successfully completed a responsible serving course approved by the commission.

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M.R. 19/2001

**12.1(2)** No licensee shall allow a person who does not hold a certificate to be involved in serving or selling liquor or providing security at licensed premises after

(a) the 90th day after the person was hired by the licensee, if he or she was hired after April 1, 2001; or

(b) March 31, 2003, if the person has been continuously employed by the licensee since April 1, 2001.

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M.R. 19/2001

**12.1(3)** After March 31, 2002, no licensee shall allow a person who does not hold a certificate to manage licensed premises.

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M.R. 19/2001

**12.1(4)** A licensee shall pay the cost of providing a responsible serving course to an employee who does not hold a certificate.

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M.R. 19/2001

**Entertainers**

**13** Any entertainer hired to perform

(a) in a beverage room, must be 18 years of age or older; and

(b) in a cocktail lounge or cabaret,

(i) must be 18 years of age or older, or

(ii) if under 18 years of age, accompanied by a parent, spouse or guardian.

**Service to minors**

**14(1)** In this section, "**minor**" means a person who is under the age of 18 years.

**14(2)** For the purposes of section 93 of the Act, before the licensee of a cocktail lounge, dining room, spectator activities premises, private club, transportation premises or cabaret accepts an order for service of liquor for consumption by a minor, the licensee must be satisfied that

(a) the person ordering the liquor is 18 years of age or older and is the parent, spouse or guardian of the minor; and

(b) the liquor will be consumed with a meal in the presence of the parent, spouse or guardian of the minor.

**14(3)** Upon request, the parent, spouse or guardian of a minor ordering liquor for consumption by the minor under subsection (1) shall satisfy the licensee that he or she is the parent, spouse or guardian of the minor.

**14(4)** Where there is in a licensed premises a person who appears to be under the age of 18 years, the licensee or a beverage server shall, before or after serving the person, or at any time, demand from the person, a government issued photo-identification card as proof that the person is 18 years of age or older.

**14(5)** If the person described in subsection (4) refuses or is unable to furnish the proof required under that subsection, the licensee or beverage server shall not serve the person.

**14(6)** If the person who refuses or is unable to furnish the proof required under subsection (4) has already been served, the person shall on the request of the licensee or beverage server leave the licensed premises.

**14(7)** If the person requested to leave the licensed premises under subsection (6) fails to do so, he or she may be ejected from the licensed premises.

Continues on page 7.



**Games and entertainment**

**15(1)** A licensee of premises other than a canteen may allow patrons to play games or sports in the licensed premises if

- (a) a designated area of adequate size is set aside for the playing of the games;
- (b) the licensee retains control of the facilities and equipment used in the games; and
- (c) with the exception of private clubs and sports facilities, not more than 50% of the licensed area is set aside for that purpose.

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M.R. 106/96

**15(2)** Where the commission is of the opinion that any entertainment or the playing of any game or sport in licensed premises is detrimental to the orderly operation of the licensed premises, it may order the licensee to suspend or terminate the entertainment or the playing of that game or sport.

**15(3)** A licensee shall not permit any game or contest that involves the consumption of liquor to take place in the licensed premises.

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M.R. 158/2004

**Adult entertainment**

**15.1(1)** In this section,

"**adult entertainer**" means a person who performs adult entertainment, whether or not he or she receives any form of payment or consideration for performing;

"**adult entertainment**" means any form of dancing, or any exhibition, display, competition or contest, involving a person who is nude or partially nude for any period of time;

"**nude**" means the exposure of

- (a) the genital area or the entire buttocks of a male or female, or
- (b) the breast of a female below a point immediately above the top of the areola;

"**partially nude**" means a state of dress where the following areas of the body are not completely and opaquely covered:

- (a) the genital area or the entire buttocks of a male or female, or
- (b) the breast of a female below a point immediately above the top of the areola;

"**stage**" means an area that complies with the requirements of subsection (4).

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M.R. 99/2001

**15.1(2)** No licensee shall provide adult entertainment except in

(a) a beverage room; or

(b) a private club which does not admit persons under 18 years of age to the licensed area of the club while adult entertainment is being provided.

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M.R. 99/2001

**15.1(3)** No licensee shall allow adult entertainment to be visible from outside the beverage room or private club.

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M.R. 99/2001

**15.1(4)** No licensee shall provide adult entertainment except

(a) on a raised, permanent and immovable stage; or

(b) in a specified area designed to prevent physical contact between patrons and adult entertainers by

(i) using physical barriers, or

(ii) placing patron seating at least one metre from the area where adult entertainment is to take place.

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M.R. 99/2001

**15.1(5)** No licensee shall allow any adult entertainer to touch, be touched by, or have physical contact of any kind, whether directly or through the use of any object, with any person during a performance, or after performing unless the entertainer has left the stage and the beverage room or club in accordance with subsection (9).

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M.R. 99/2001

**15.1(6)** No licensee shall allow a patron to enter the stage while adult entertainment is being provided.

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M.R. 99/2001

**15.1(7)** No licensee shall allow an adult entertainer to leave the stage while performing adult entertainment.

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M.R. 99/2001

**15.1(8)** More than one adult entertainer is permitted on stage at the same time but a licensee shall not allow any adult entertainer to touch, be touched by, or have physical contact of any kind, whether directly or through the use of any object, with another adult entertainer.

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M.R. 99/2001

**15.1(9)** A licensee shall require an adult entertainer to leave the stage and the licensed area of the beverage room or club immediately after performing and not return until he or she is no longer nude or partially nude.

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M.R. 99/2001

**15.1(10)** No licensee shall allow an adult entertainer to be nude or partially nude if he or she is in the licensed area of the beverage room or club before performing or between performances.

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M.R. 99/2001

**15.1(11)** No licensee shall allow any person providing security or serving liquor or food in the licensed premises to be nude or partially nude when so engaged.

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M.R. 99/2001

**15.1(12)** No licensee shall allow any person under 18 years of age to perform adult entertainment in a beverage room or club.

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M.R. 99/2001

**15.1(13)** No licensee shall provide adult entertainment on Sunday after 2:00 a.m.

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M.R. 99/2001

### **Washrooms**

**16** Every licensee shall provide washrooms in or adjacent to the licensed premises for patrons of each sex containing washing and toilet facilities in accordance with the *Manitoba Building Code*.

### **Examination of records**

**17** The commission may, in its discretion, at any reasonable time, examine the books and financial records of any licensee.

### **Change in ownership of shares**

**18(1)** When there is a change in the ownership of shares in a licensee that is incorporated, or of a corporation that holds shares in a licensee that is incorporated, whether the shares are held directly in the licensee or through one or more corporations, the licensee shall

(a) if the change in ownership of shares is by agreement, notify the commission of the proposed change without delay after the agreement is entered into unless before that time the licensee has notified the commission of the proposed change; and

(b) if the change in ownership of shares is by operation of law, notify the commission without delay after the change has occurred.

**18(2)** The commission may approve the change in ownership of shares without an application or may require the licensee to apply for approval of the change in a form and containing the information required by the commission.

**18(3)** For the purpose of this section, a change in ownership of shares in a corporation occurs when there is

(a) an issue or a transfer of shares of the corporation;

(b) the conversion of shares of the corporation into shares of another corporation with which it amalgamates; or

(c) a change in the beneficial ownership of any share that is held beneficially.

M.R. 134/2001

**Change of ownership of business**

**19** In the event of a proposed change in ownership of the business of a licensee, the intended transferee or assignee of the business shall without delay notify the commission of the proposed change.

PART 2

DINING ROOM LICENCES

**Meal service**

**20(1)** In order to serve liquor to a patron in a licensed dining room, the licensee must serve a meal consisting of a multi-component food item or more than a single food item to that patron.

**20(2)** A dining room licensee may serve liquor to patrons without food service if the patrons are seated at a table where 50% or more of all the patrons seated at the table, including those who are having liquor without meals, have ordered meals in a quantity that is sufficient for the patrons who are having meals.

**20(3)** Where

(a) a dining room licensee offers takeout food service; and

(b) an order for takeout food has been placed by a patron and is in the process of being filled;

the licensee may sell and serve liquor to that patron for consumption in the dining room while the order is being filled.

**20(4)** Unless otherwise authorized by the commission, a bill given to a patron must include both food and liquor sold to the patron.

**Catering**

**21(1)** The commission may issue a catering authorization to a dining room licensee if

(a) the licensee applies to the commission for the catering authorization and the application is approved by the commission;

(b) the food and liquor will be served by the licensee or his or her employees at the function to be catered; and

(c) the catered function will be held at a private residence, private business premises or a place authorized by the commission.

**21(2)** Where a catering authorization is issued under subsection (1), the service of liquor and food is subject to the same terms and conditions that apply to the licensee's dining room licence.

**21(3)** A dining room licensee must submit a list of functions to be catered at least one week in advance of the earliest function, and the list shall include the date, time, location and address of each event and the name of the sponsoring person or organization in each case.

**21(4)** Persons in attendance at a social function being catered under this section must be invited by the sponsoring person or organization and not by the licensee.

**Kitchen**

**22** The licensee of a dining room shall provide a kitchen on the dining room premises that

- (a) meets all applicable provincial and municipal health and safety standards; and
- (b) is sufficiently equipped to prepare the meals offered on the menu.

**Exception for seniors residences, developmental centres**

**22.1** The provisions of this Part do not apply to a licensee who is the operator or proprietor of a home for elderly or infirm persons or a developmental centre as that term is defined in *The Vulnerable Persons Living with a Mental Disability Act*.

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M.R. 134/2001

PART 3

COCKTAIL LOUNGE LICENCES

**Food to be available**

**23** The licensee of a cocktail lounge shall have a variety of food items available in the cocktail lounge for sale to patrons at all times that the cocktail lounge is in operation.

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M.R. 164/2002

PART 4

BEVERAGE ROOM LICENCES

**Food to be available**

**24(1)** The licensee of a beverage room shall have a variety of food items available in the beverage room for sale to patrons at all times that the beverage room is in operation.

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M.R. 134/2001

**24(2)** The licensee of a beverage room shall ensure that the associated dining room located in the hotel is open and operating

- (a) from at least 11:00 a.m. to 2:00 p.m. and 4:00 p.m. to 7:00 p.m. on each day that the beverage room is in operation from Monday to Saturday;
- (b) from at least 12 noon to 2:00 p.m. and 4:00 p.m. to 7:00 p.m. if the beverage room

opens for business on a Sunday; and

(c) from at least 1:00 p.m. until 2:00 p.m. and 4:00 p.m. to 7:00 p.m. if the beverage room opens for business on Remembrance Day.

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M.R. 19/2001; 164/2002

**Room requirements — number and size**

**24.1(1)** The commission may issue a new beverage room licence to an applicant only if the hotel associated with the proposed beverage room contains

(a) at least 40 guest rooms, with each room containing a minimum of 60.96 square metres (200 square feet) of living space, excluding the bathroom, if the hotel is located in Winnipeg or Brandon;

(b) at least 20 guest rooms, with each room containing a minimum of 50.3 square metres (165 square feet) of living space, excluding the bathroom, if the hotel is located in any other municipality with a population of 8,000 or more;

(c) at least 10 guest rooms, with each room containing a minimum of 50.3 square metres (165 square feet) of living space, excluding the bathroom, if the hotel is located in a municipality with a population of at least 2,500 but less than 8,000; and

(d) at least 4 guest rooms, with each room containing a minimum of 50.3 square metres (165 square feet) of living space, excluding the bathroom, if the hotel is located in a municipality with a population of less than 2,500, or in unorganized territory or unorganized territory in Northern Manitoba, as those terms are defined in *The Municipal Act*.

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M.R. 164/2002

**24.1(2)** The commission may exempt an applicant from the requirements of subsection (1).

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M.R. 164/2002

**Room requirements**

**24.2(1)** The licensee of a beverage room shall ensure that all guest rooms in the associated hotel are adequately furnished, equipped and maintained in order to be suitable for renting to the general public.

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M.R. 164/2002

**24.2(2)** The licensee of a beverage room shall ensure that guest rooms in the associated hotel are available for rent to the general public.

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M.R. 164/2002

## PART 5

## CABARET LICENCES

**Kitchen**

**25** The licensee of a cabaret shall provide a kitchen on the cabaret premises that

- (a) meets all applicable provincial and municipal health and safety standards; and
- (b) is sufficiently equipped to prepare the meals offered on the menu.

**Revenue**

**26(1)** Subject to subsection (2), the revenue derived from the sale of food in a cabaret during any quarterly period must be equal to at least 10% of the total food and liquor sales in the cabaret during the same period.

**26(2)** Where

- (a) a licensee operates
  - (i) a dining room and a cabaret in the same premises, or
  - (ii) a dining room, a cabaret and a cocktail lounge in the same premises; and
- (b) the licensee meets the requirements of the food to liquor ratio regulation in each case;

the licensee may combine the sales of food and liquor in the premises to determine if the provisions of subsection (1) are met.

**26(3)** Repealed.

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M.R. 134/2001

**Food and liquor sales records**

**27(1)** A cabaret licensee shall

- (a) keep records showing the values of liquor, food and other commodities sold in the cabaret;
- (b) within 15 days after the end of every quarter year, report to the commission, on a form provided by it for the purpose, the values recorded under clause (a) for sales during the quarter; and
- (c) include in each report made under clause (b) such information as the commission may require on the quantities of liquor held in stock by the licensee, on any specified date, for use in the cabaret.

**27(2)** Where a report required under subsection (1) is not received by the commission within the time there prescribed, the commission, after notifying the licensee of its proposed action, may under the powers conferred upon it by the Act cease filling orders for liquor from the licensee until the report or a satisfactory explanation for its delay is received.

**Entertainment**

**28(1)** In this section, "**live entertainment**" means a live professional performance

- (a) for which at least one performer is remunerated by the licensee;
- (b) that takes place on a stage visible to all patrons and which constitutes the main focus of the cabaret; and
- (c) that is designed to draw the attention of all patrons;

but does not include a disc jockey or master of ceremonies.

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M.R. 54/2000

**28(2)** Unless otherwise authorized by the commission, a cabaret licensee shall provide at least two hours of live entertainment in the cabaret each day the cabaret is in operation. The live entertainment shall be provided

- (a) between 12 noon and 8:00 p.m., on any day when the cabaret closes at or before 8:00 p.m.;
- (b) between 8:00 p.m and 2:00 a.m. the following morning, on any day between Monday to Saturday when the cabaret closes after 8:00 p.m.; and
- (c) between 8:00 p.m. and 12 midnight, on any Sunday when the cabaret closes after 8:00 p.m.

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M.R. 54/2000; 134/2001; 164/2002

**28(3)** No cabaret licensee shall substantially change the entertainment program from that which was filed in support of its licence application without prior approval of the commission.

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M.R. 54/2000

**28(4)** A cabaret licensee shall keep a written record of all live entertainment provided at the cabaret. The record must include the name of the performer, the date of each performance, and the time of day when each performance occurred.

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M.R. 164/2002

**28(5)** A cabaret licensee shall preserve the records required by subsection (4) until such time as the commission authorizes their destruction.

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M.R. 164/2002



**28(6)** The commission may, at any reasonable time, examine the records of a cabaret licensee required by subsection (4).

M.R. 164/2002

## PART 6

### SPORTS FACILITY LICENCES

#### **Kitchen**

**29** The licensee of a sports facility shall provide a kitchen on the licensed premises that

- (a) meets all applicable provincial and municipal health and safety standards; and
- (b) is sufficiently equipped to prepare the meals offered on the menu.

#### **Food service**

**30** The licensee of a sports facility shall

- (a) make food service available to patrons who request it during all hours when the facility is open; and
- (b) provide a menu that offers a variety of meals.

#### **Membership**

**31** For the purposes of subsection 74(2) of the Act, a member of a sports facility is a person who has joined the facility to play a sport, and the membership fee charged therefor must reasonably reflect the cost of joining and utilizing the sports facility.

#### **Guests**

**32** A member of a sports facility may be accompanied by guests in the licensed area of the facility, and the licensee may serve liquor to the member and the guests.

#### **Issue of licence**

**33** For the purposes of subsection 74(1) of the Act, a sports facility licence may be issued to

- (a) the proprietor or operator of a lodge for which a permit under *The Resource Tourism Operators Act* has been issued; and
- (b) the proprietor or operator of a facility used primarily for members and their guests to participate in an athletic or recreational activity, or a combination of activities, that are approved by the commission.

M.R. 8/95; 106/96; 158/2004

## PART 7

## SPECTATOR ACTIVITIES LICENCES

**Spectator activities licence**

**34(1)** For the purposes of subsection 75(1) of the Act, the commission may issue a spectator activities licence to

(a) a municipality, university, community college, or non-profit corporation, or a provincial or municipal corporation, board, commission or body for a building or a group of buildings where performances, exhibitions, conventions or events are held that promote tourism, culture, sports, recreation or education in Manitoba; or

(b) an adult, partnership or corporation that may be issued a licence under section 61 of the Act for a building or group of buildings that provide fixed seating for patrons, the primary purpose of which is the holding of theatrical, musical, or spectator sports events that promote tourism, culture, sports or recreation in Manitoba.

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M.R. 102/97

**34(2)** Unless otherwise authorized by the commission, events in the building or buildings licensed under clause 1(b) are limited to those for which the primary purpose was intended.

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M.R. 102/97

**34(3)** With the prior written approval of the commission, a spectator sports event under this Part may include an event broadcast by closed circuit television.

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M.R. 102/97

## PART 8

## PRIVATE CLUB LICENCES

**Veterans associations**

**35** A private club licence may be issued to any unit or branch of a veterans association that qualifies for a private club licence.

**36** Repealed.

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M.R. 134/2001

**Non-proprietary club**

**37** The commission shall not issue a private club licence to a club unless it is a corporation without share capital and is not a proprietary club operated for profit.

**Liquor service on Sunday at non-athletic, non-sports club**

**38(1)** For the purposes of clause 76(10)(b) of the Act, the licensee of a private club that is not an athletic or sports club and that only serves liquor with meals after 2:00 a.m. on Sunday shall have kitchen facilities on the premises that

- (a) meet all applicable provincial and municipal health and safety standards; and
- (b) are sufficiently equipped to prepare the meals offered on the menu.

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M.R. 134/2001

**38(2)** Unless otherwise authorized by the commission, a private club that is not an athletic or sports club and that only serves liquor with meals after 2:00 a.m. on Sunday must use a billing system that separately records purchases of food and liquor on all bills given to a customer on Sunday after 2:00 a.m.

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M.R. 134/2001

**38(3)** Repealed.

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M.R. 134/2001

**Membership**

**39(1)** For the purposes of section 76 of the Act, active or regular members of a sporting or social club must be members who, besides enjoying full privileges of the club, have full voting power including a vote on financial matters and the election of officers.

**39(2)** Except in the case of veterans' associations, where the by-laws of a licensed private club provide for limited members such as passive, out of town, associate, clubhouse, or any other type of member who does not qualify as an active or regular member, the total number of such members must not exceed 50% of the number of active or regular members.

**39(3)** The amount of the fee charged for membership in a licensed private club must reasonably reflect the cost of joining and using the private club.

**39(4)** A private club licensee shall not sell memberships at the door of the club but may accept applications for membership at the door which are to be considered at a future meeting of the board of directors of the club.

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M.R. 19/2001

**Food service**

**40** Food service must be available at a licensed club to all members and their guests who request it during all hours when the club is open for the service of liquor.

## PART 9

## TRANSPORTATION LICENCES

**Food service**

**41** A transportation licensee shall provide food service under a transportation licence to all passengers who request it during the hours when liquor is being sold and served under the licence.

**Liquor service**

**42** Liquor service may be provided by a transportation licensee where the licensee has staff working to sell and serve the liquor and any food that may be requested while passengers are being carried.

**Maximum capacity**

**43** The maximum capacity for a transportation licence shall be in accordance with the capacity determined by the department responsible for the relevant mode of transportation.

**Hospitality room**

**44** A transportation licence issued to an air carrier also authorizes the service of liquor in a hospitality room that has been approved by the commission and that is operated by the air carrier at an international airport.

## PART 10

## RETAIL LICENCES

**Room requirements — number and size**

**44.1(1)** The commission may issue a new retail beer vendor licence to an applicant only if the associated hotel operated by the applicant contains

- (a) at least 40 guest rooms, with each room containing a minimum of 60.96 square metres (200 square feet) of living space, excluding the bathroom, if the hotel is located in Winnipeg or Brandon;
- (b) at least 20 guest rooms, with each room containing a minimum of 50.3 square metres (165 square feet) of living space, excluding the bathroom, if the hotel is located in any other municipality with a population of 8,000 or more;
- (c) at least 10 guest rooms, with each room containing a minimum of 50.3 square metres (165 square feet) of living space, excluding the bathroom, if the hotel is located in a municipality with a population of at least 2,500 but less than 8,000; and

(d) at least 4 guest rooms, with each room containing a minimum of 50.3 square metres (165 square feet) of living space, excluding the bathroom, if the hotel is located in a municipality with a population of less than 2,500, or in unorganized territory or unorganized territory in Northern Manitoba, as those terms are defined in *The Municipal Act*.

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M.R. 164/2002

**44.1(2)** The commission may exempt an applicant from the requirements of subsection (1).

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M.R. 164/2002

#### **Room requirements**

**44.2(1)** A retail beer vendor licensee shall ensure that all guest rooms in the associated hotel are adequately furnished, equipped and maintained in order to be suitable for renting to the general public.

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M.R. 164/2002

**44.2(2)** A retail beer vendor licensee shall ensure that guest rooms in the associated hotel are available for rent to the general public.

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M.R. 164/2002

#### **Beer vendor**

**45(1)** Every beer vendor holding a retail licence shall have available and offer for sale, from refrigerated stocks, beer in the container and package sizes as sold by the commission.

**45(2)** A beer vendor holding a retail licence may sell only beer authorized by the commission and at the price set by the commission.

#### **Notice to be posted**

**46** A beer vendor licensee shall post a notice that includes package sizes available, the price charged for each package size and the amount of the refundable deposit, if any, charged to customers.

#### **Return of empty bottles and cans**

**47** Unless otherwise authorized by the commission, no beer vendor licensee shall refuse to accept empty beer bottles or beer cans from products purchased in Manitoba on which a refundable deposit has been paid.

#### **Storage of empty bottles and cans**

**48** Unless otherwise authorized by the commission, a beer vendor licensee shall provide adequate storage space for empty beer bottles or cans.

#### **Sacramental wine vendor**

**49** A licensed sacramental wine vendor shall not sell, deliver or ship sacramental wine to a person unless the person has given to the licensee a written order signed by the person purchasing the wine that is dated and states the kind and quantity of wine ordered and the address of the person purchasing the wine.

PART 11

REPEAL

**Repeal**  
**50**

Manitoba Regulation 47/94 is repealed.

September 15, 1994

THE LIQUOR CONTROL COMMISSION:

Grant Holmes  
Chairperson