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# Liquor Licensing Regulations (Draft)

## October 2006

### Citation

1 These regulations may be cited as the *Liquor Licensing Regulations*.

### Interpretation

2 In these regulations

- (a) “Act” means the *Liquor Control Act*;
- (b) “agency store” means an agency store as defined in the *Nova Scotia Liquor Corporation Regulations*;
- (c) “Corporation” means the Nova Scotia Liquor Corporation;
- (d) “fire official” means a fire official as defined in the *Fire Safety Act* while acting as authorized under the *Fire Safety Act*;
- (e) “inspector” means an employee of the Department of Environment and Labour whose duties include the inspection of licensed premises or any person to whom the Minister of Environment and Labour has delegated the duty of inspection of licensed premises;
- (f) “licensee” means the holder of a beverage room license, cabaret license, club license, eating establishment license, lounge license, special occasion license, special premises license or tavern license;
- (g) “permanent license” means a beverage room license, cabaret license, club license, eating establishment license, lounge license, special premises license or tavern license;
- (h) “permanent licensee” means the holder of a beverage room license, cabaret license, club license, eating establishment license, lounge license, special premises license or tavern license;

- (i) “registered representative” means a registered representative as defined in the *Nova Scotia Liquor Corporation Regulations*;
- (j) “Review Board” means the Utility and Review Board.

### **Permanent Licenses**

#### **Application for a permanent license**

**3 (1)** A person seeking a permanent license must submit an application, the applicable application fee, and the applicable license fee set out in Section 21 to the Minister of Environment and Labour.

- (2) Application fees for permanent licenses are as set out in the following table:

<b>Type of permanent license</b>	<b>Application fee</b>
beverage room license	\$250
cabaret license	\$250
club license - class A	\$100
club license - class B	\$100
eating establishment license	\$250
lounge license	\$250
special premises license	\$250
tavern license	\$250

- (3) Application fees are not refundable.
- (4) An applicant for a permanent license must supply all of the following:
  - (a) the name, address, phone number and facsimile number of the applicant;

- (b) the proposed operating name of the premises to be licensed;
- (c) the address of the premises to be licensed;
- (d) the name, address, phone number and facsimile number of the proposed manager of the premises to be licensed;
- (e) a report on the results of a criminal record search on the proposed manager of the premises to be licensed;
- (f) a letter from the municipal council or the clerk for the municipality in which the premises is located confirming that the proposed licensed premises meets all municipal zoning requirements and will not be in contravention with municipal land use by-laws;
- (g) a copy of the deed, lease, purchase agreement, option to purchase or option to lease for the premises;
- (h) a floor plan of the premises, drawn to scale and including any patio or outdoor space to be licensed;
- (i) a letter from a fire official confirming that the premises meets the requirements of the *Fire Safety Act* and the regulations under that Act;
- (j) a copy of the occupancy permit for the premises;
- (k) such information as is requested by the Minister of Environment and Labour or the Review Board concerning previous liquor licenses held by the applicant or for which the applicant has applied;
- (l) such information as is requested by the Minister of Environment and Labour or the Review Board concerning sources of financing for the proposed licensed premises;
- (m) whether the applicant proposes to offer amplified entertainment;
- (n) whether the applicant proposes to offer adult entertainment;
- (o) such additional information as is requested by the Minister of

Environment and Labour or the Review Board concerning the entertainment to be offered in the proposed licensed premises;

- (p) such information as is requested by the Minister of Environment and Labour or the Review Board concerning the ownership and management interests in the proposed licensed premises.
- (5) In addition to the items required by subsection (4), if an applicant is an individual, an applicant for a license must supply a report on the results of a criminal record search on the applicant.
- (6) In addition to the items required by subsection (4), if an applicant is a partnership, the applicant must supply all of the following:
- (a) a copy of the applicant's certificate of registration of partnership;
  - (b) the name, address, and telephone number of each partner;
  - (c) a report on the results of a criminal record search on each partner.
- (7) In addition to the items required by subsection (4), if the applicant is a corporation, the applicant must supply all of the following:
- (a) a copy of the applicant's certificate of incorporation;
  - (b) the name, address, and telephone number of each officer and director of the corporation;
  - (c) a report on the results of a criminal record search on each officer and director of the corporation;
- (8) In addition to the items required by subsection (4), if the applicant is a club or association, the applicant must supply all of the following:
- (a) a copy of the applicant's certificate of registration under the *Societies Act*;
  - (b) a copy of the applicant's memorandum of association;
  - (c) a copy of the applicant's by-laws;

- (d) a copy of minutes of a meeting at which the membership of the applicant club or association has supported the application for a permanent license;
  - (e) the name, address, telephone number and facsimile number of each executive member of the club or association;
  - (f) a report on the results of a criminal record search on each executive member of the club or association.
- (9) In addition to the items required by subsection (4), if the applicant is applying for an eating establishment license, the applicant must supply a copy of the applicant's food establishment permit issued under the *Food Safety Regulations*.
- (10) An applicant must submit all items required by this Section within one year of starting the application process and failure to do so may result in closure of the application file.

#### **Application package referred to Review Board**

- 4 When an application package has been received by the Minister of Environment and Labour, the Minister of Environment and Labour must refer the application package to the Review Board.

#### **Occupant load**

- 5 (1) If the occupant load for a proposed licensed premises has been determined by the a fire official, the Review Board must include the occupant load when providing notice of a public hearing on a license application.
- (2) If no occupant load for a proposed licensed premises has been determined by a fire official, the Review Board must determine a preliminary occupancy load and include the preliminary occupancy load when providing notice of a public hearing on a license application.
- (3) The Review Board may hold a public hearing and make a determination on the license application based on a preliminary occupancy load, but must not issue a license certificate until the occupant load has been determined by a fire official.

#### **Conditional grant of license**

- 6 (1) If an item required by clause 3(4)(i), clause 3(4)(j) or subsection 3(9) is not

available because the proposed licensed premises is under construction or is not currently operational, the Review Board may grant a license to the applicant subject to the condition that the license will not be in force until the applicant submits the item to the Minister of Environment and Labour.

- (2) Upon receiving an item submitted to it under subsection (1), the Minister of Environment and Labour must refer the item to the Utility and Review Board.
- (3) The Review Board must not issue a license certificate to the permanent licensee until the Review Board has received the items required by clause 3(4)(i), clause 3(4)(j) and subsection 3(9).

#### **Eligibility for a permanent license**

7 A permanent license must not be granted, renewed or transferred unless all of the following eligibility criteria are met:

- (a) the applicant is the owner or lessee of the proposed licensed premises or holds an option to purchase or lease the proposed licensed premises;
- (b) the operation of the licensed premises will not interfere in any way with the quiet enjoyment of neighbouring properties;
- (c) the operation of the licensed premises will not interfere in any way with or cause inconvenience to schools, churches, hospitals, nursing homes or similar institutions.

#### **Conditions to ensure quiet enjoyment of neighbouring properties**

8 The Review Board may impose conditions on a permanent license to ensure that the operation of the licensed premises will not interfere with the quiet enjoyment of neighbouring properties, including conditions regarding the entertainment to be presented in the licensed premises.

#### **Change to entertainment offered in licensed premises**

- 9 (1) A permanent licensee must not change the entertainment offered in the licensed premises from what was indicated in the application for license subject to subclauses 3(4)(m), 3(4)(n) or 3(4)(o) unless the Review Board has approved the change.
- (2) A permanent licensee holding a license and offering entertainment subject to an entertainment permit as of the date that these regulations come into

force must not change the entertainment offered in the licensed establishment unless the Review Board has approved the change.

- (3) A permanent licensee holding a license as of the date that these regulations come into force but who does not hold an entertainment permit as of that date must not offer entertainment in the licensed premises unless the Review Board has approved the entertainment.

#### **Eligibility for a cabaret license**

- 10** (1) A cabaret license must not be granted, renewed or transferred unless the following requirements are met:
- (a) the applicant satisfies the Review Board that primary business to be conducted in the licensed premises is the provision of live entertainment;
  - (b) the applicant proposes to offer live entertainment at least 4 days per week;
  - (c) the applicant satisfies the Review Board that the entertainment aspect of the applicant's business will be self-sustaining and supplies pro forma statements to the Review Board in support of this;
  - (d) the premises in respect of which the application is made is unlicensed at the time of the application.
- (2) In determining whether the primary business to be conducted in the proposed licensed establishment is the provision of entertainment, the Review Board may consider any or all of the following:
- (a) amount of time per week that entertainment will be offered;
  - (b) entertainment equipment in the proposed licensed premises.

#### **Classes of club license**

**11** There are two classes of club licenses, as follows:

- (a) a class A club license;

- (b) a class B club license.

**Eligibility for a class A club license**

- 12** A class A club license must not be granted, renewed or transferred unless the applicant is a club or association that is operated for objects other than pecuniary gain and can demonstrate that the club or association has been active for at least three years prior to the date of the application.

**Eligibility for a class B club license**

- 13** A class B club license must not be granted, renewed or transferred unless the premises to be licensed are under the direction of the Canadian Forces, the Royal Canadian Mounted Police or the Canadian Coast Guard.

**Eligibility for an eating establishment license**

- 14** (1) An eating establishment license must not be granted, renewed or transferred unless the primary business to be conducted in the proposed licensed establishment is the provision of food.
- (2) In determining whether the primary business to be conducted in the proposed licensed premises is the provision of food, the Review Board may consider any or all of the following:
- (a) kitchen equipment in the proposed licensed premises;
  - (b) menu;
  - (c) advertising.

**Eating establishment license for hotel**

- 15** Despite Section 14, an eating establishment license may authorize the sale and service of liquor in a hotel guest room if the service of meals to the guest room is regularly provided.

**Eligibility for a lounge license**

- 16** (1) A lounge license must not be granted, renewed or transferred unless the following criteria are met:
- (a) the applicant holds an eating establishment license or is concurrently granted an eating establishment license;
  - (b) the patron accommodation area covered by the eating



establishment license comprises at least 25 percent of the total patron accommodation area covered by both licenses.

- (2) Despite subclause 16(1)(b), the Review Board may grant, renew or transfer a lounge license where the patron accommodation area covered by the eating establishment license comprises less than 25 percent of the total patron accommodation area covered by both licenses.
- (3) The Review Board may permit a lounge licensee to operate that part of the premises covered by the eating establishment license under the lounge license after 9:00 pm if the eating establishment is adjacent to the lounge and suitable access is provided between the two areas.

#### **Eligibility for a special premises license**

- 17 A special premises license must not be granted, renewed or transferred unless no other permanent license type would be available to the applicant.

#### **Hours of service to be specified by Review Board**

- 18 (1) When granting a permanent license, the Review Board must specify the hours during which the permanent licensee is authorized to sell or serve liquor.
- (2) The maximum hours during which a permanent licensee may be authorized to sell or serve liquor are:

<b>Type of permanent license</b>	<b>Maximum hours of sale or service</b>
beverage room license	10:00 am Monday - 2:00 am Tuesday 10:00 am Tuesday - 2:00 am Wednesday 10:00 am Wednesday - 2:00 am Thursday 10:00 am Thursday - 2:00 am Friday 10:00 am Friday - 2:00 am Saturday 10:00 am Saturday - 2:00 am Sunday 12:00 pm Sunday - 2:00 am Monday
cabaret license	11:00 am Monday - 3:30 am Tuesday 11:00 am Tuesday - 3:30 am Wednesday 11:00 am Wednesday - 3:30 am Thursday 11:00 am Thursday - 3:30 am Friday 11:00 am Friday - 3:30 am Saturday 11:00 am Saturday - 3:30 am Sunday 12:00 pm Sunday - 3:30 am Monday
club license - class A	10:00 am Monday - 2:00 am Tuesday 10:00 am Tuesday - 2:00 am Wednesday 10:00 am Wednesday - 2:00 am Thursday 10:00 am Thursday - 2:00 am Friday 10:00 am Friday - 2:00 am Saturday 10:00 am Saturday - 2:00 am Sunday 10:00 am Sunday - 2:00 am Monday
club license - class B	no maximum hours
eating establishment license	10:00 am Monday - 2:00 am Tuesday 10:00 am Tuesday - 2:00 am Wednesday 10:00 am Wednesday - 2:00 am Thursday 10:00 am Thursday - 2:00 am Friday 10:00 am Friday - 2:00 am Saturday 10:00 am Saturday - 2:00 am Sunday 10:00 am Sunday - 2:00 am Monday

lounge license	10:00 am Monday - 2:00 am Tuesday 10:00 am Tuesday - 2:00 am Wednesday 10:00 am Wednesday - 2:00 am Thursday 10:00 am Thursday - 2:00 am Friday 10:00 am Friday - 2:00 am Saturday 10:00 am Saturday - 2:00 am Sunday 12:00 pm Sunday - 2:00 am Monday
special premises license	no maximum hours
tavern license	10:00 am Monday - 2:00 am Tuesday 10:00 am Tuesday - 2:00 am Wednesday 10:00 am Wednesday - 2:00 am Thursday 10:00 am Thursday - 2:00 am Friday 10:00 am Friday - 2:00 am Saturday 10:00 am Saturday - 2 00 am Sunday 12:00 pm Sunday - 2:00 am Monday

#### **Temporary extension of hours**

**19** Despite the hours for sale or service of liquor specified in a permanent license and the maximum hours set out in subsection 18(2), the Minister of Environment and Labour may temporarily authorize a permanent licensee to sell or serve liquor during such additional time periods as the Minister of Environment and Labour sees fit.

#### **Days sale and service prohibited**

**20** A licensee must not sell or serve liquor in a licensed premises on Good Friday or Christmas Day, except in an eating establishment.

#### **Term of license**

**21** A permanent license expires 3 years from the date on which it is granted or renewed.

#### **Renewal of permanent license**

**22 (1)** A permanent licensee may apply for renewal of the permanent license by submitting a renewal application and the applicable license fee set out in Section 26 to the Minister of Environment and Labour at least four weeks before the permanent license is due to expire.

**(2)** The Minister of Environment and Labour may extend the renewal deadline.

- (3) When submitting a renewal application, a permanent licensee must notify the Minister of Environment and Labour if any of the following have occurred since the initial grant of license or last renewal of license:
- (a) if the permanent licensee is a club or association, a change in the directors of the club or association;
  - (b) if the permanent licensee is a class A club licensee, a change to the licensee's memorandum of association or by-laws which affect how a person becomes a member of the club or association.
- (4) Subject to subsection (5) upon receiving a renewal application, the Minister of Environment and Labour may renew the permanent license or refer the renewal application to the Review Board.
- (5) The Minister of Environment and Labour must refer the renewal application to the Review Board if either or both of the following has occurred:
- (a) the Minister of Environment and Labour has received an objection to the renewal of the permanent license;
  - (b) the Minister of Environment and Labour has received a notification under subsection (3).
- (6) Upon receiving a renewal application referred to it by the Minister of Environment and Labour, the Review Board must do one of the following:
- (a) renew the license;
  - (b) renew the license and add or amend the conditions on the license;
  - (c) refuse to renew the license;
  - (d) cancel the license.

#### **Return of license certificate**

- 23** A person whose permanent license has expired must return the license certificate to the Review Board.

**Conditions of license**

- 24** The Review Board may add additional conditions to a permanent license and may alter or delete existing license conditions at any time.

**Reinstatement of permanent license**

- 25** The Review Board may reinstate a license which has expired if the former permanent licensee applies for reinstatement of the license within thirty days of the expiration of the license.

**License fee for permanent license**

- 26 (1)** A permanent licensee must pay a license fee, as follows:

Type of permanent license	License Fee
beverage room license	\$450
cabaret license	\$1500
club license - class A	\$450
club license - class B	\$450
eating establishment license	\$450
lounge license	\$450
special premises license	\$450
tavern license	\$450

- (2)** The license fee paid by an applicant for a license or applicant for renewal is refundable if a permanent license is not granted or renewed.
- (3)** The license fee paid by a permanent licensee is not refundable if a permanent license is cancelled by the Review Board.

**Transfer of license**

- 27** A permanent licensee must not transfer the license unless the Review Board has approved the transfer.

**Application for transfer approval**

- 28 (1)** A permanent licensee may apply to have the transfer of the permanent license approved by submitting a transfer approval application and the

applicable transfer approval fee to the Minister of Environment and Labour.

- (2) The transfer approval fee is \$250.00.
- (3) The Review Board must not approve the transfer of a permanent license unless the person to whom the permanent license is transferred meets the same eligibility requirements that would be required of an applicant for a new permanent license.
- (4) The Review Board may impose conditions on a transfer approval.

#### **Change in ownership**

- 29**
- (1) If a licensee is a corporation and the shares of the corporation are redistributed within the company in a manner which does not result in a change in control of the licensed premises, the licensee must notify the Review Board of the redistribution in writing within 30 days of its occurrence.
  - (2) If a licensee is a corporation, any change in the share structure or ownership of the corporation other than one referred to in subsection (1) will be considered a transfer of license requiring an application for transfer approval under Section 28.
  - (3) If a licensee is a partnership, a change in the ownership of the partnership will be considered a transfer of license requiring an application for transfer approval under Section 28.

#### **Change in ownership or management interests**

- 30** A licensee must, without delay, notify the Review Board of any change in ownership or management interests in the licensed premises.

#### **Management contracts**

- 31** Before completing a management contract under which a licensed premises will be managed on behalf of the licensee, a permanent licensee must submit the proposed contract to the Review Board for approval.

#### **Lease agreements**

- 32** Before completing a lease agreement for the licensed premises, a permanent licensee must submit the proposed lease agreement to the Review Board for approval.

**Agreements with breweries, distilleries or wineries**

- 33** Before completing an agreement with a brewery, distillery or winery, a permanent licensee must submit the proposed agreement to the Review Board for approval.

**Bankruptcy or receivership of permanent licensee**

- 34** (1) If a permanent licensee goes into bankruptcy or receivership, the permanent license is automatically suspended.
- (2) A permanent license suspended under subsection (1) expires 12 months from the date of the suspension unless one of the following occurs in the interim:
- (a) a receiver, trustee in bankruptcy or liquidator is appointed;
  - (b) a transfer of the license is approved.

**Foreclosure of licensed premises**

- 35** (1) If there is a foreclosure on a licensed premises, the permanent license is automatically suspended.
- (2) A license suspended under subsection (1) may remain suspended for a period not to exceed 6 months, at which time the permanent license expires.

**Change to licensed premises**

- 36** (1) A permanent licensee must not change the size of a licensed premises or make a structural change to a licensed premises unless the permanent licensee has submitted the proposed replacement floor plan to the Review Board and the Review Board has approved the replacement floor plan.
- (2) A permanent licensee must not change the location of a licensed premises unless the permanent licensee has submitted the proposed replacement floor plan to the Review Board and the Review Board has approved the replacement floor plan and the new location.
- (2) The Review Board may hold a public hearing before granting an approval referred to in this Section.

**Closure of premise**

- 37** A licensee must notify the Minister of Environment and Labour if the licensed premises will be closed for more than 7 days.

**Caterer extension**

- 38** (1) The Minister of Environment and Labour may, on the application of an eating establishment licensee, add a caterer extension to the eating establishment license.
- (2) An application for a caterer extension must be made at least 1 week prior to the date of the proposed catered event.
- (3) A caterer extension authorizes the eating establishment licensee, subject to any conditions established by the Minister of Environment and Labour, to sell or serve liquor for consumption in the premises specified in the caterer extension.
- (4) Where a catering extension has been added to an eating establishment license, the same requirements and prohibitions applicable to the licensee's primary eating establishment also apply to the premises covered by the caterer extension.

**Change in manager of licensed premises**

- 39** (1) A permanent licensee must get the approval of the Review Board before appointing a new manager for the licensed premises.
- (2) An application for approval of a new manager must include the following:
- (a) the name, address, and phone number of the new manager;
  - (b) a report on the results of a criminal record search on the new manager.
- (3) Despite subsection (1), a permanent licensee may appoint an acting manager for a licensed premises for a period not to exceed 30 days.

**Notice to Corporation**

- 40** The Review Board must notify the Corporation if any permanent license expires or is cancelled.

**Special Occasion Licenses****Classes of special occasion license**

- 41** There are three classes of special occasion license, as follows:
- (a) a Class I special occasion licenses which authorizes the licensee to give



away liquor at an event of a private nature which is open only to invited guests, for consumption on the licensed premises;

- (b) a Class II special occasion license which authorizes the licensee to sell liquor at an event of a private nature which is open only to invited guests, for consumption on the licensed premises;
- (c) a Class III special occasion license which authorizes the licensee to sell liquor at an event which is open to the public, for consumption on the licensed premises.

#### **Application for a special occasion license**

- 42** (1) A person seeking a special occasion license must submit an application and the applicable fee to the Minister of Environment and Labour at least 10 days before the event in respect of which the license is sought .
- (2) The Minister of Environment and Labour may extend the deadline for submitting an application for a special occasion license.

#### **Fee for a special occasion license**

- 43** (1) A Class I special occasion licensee must pay a license fee of \$10 per day that the license is in effect.
- (2) A Class II special occasion licensee must pay a license fee of \$20.00 per day that the license is in effect.
- (3) A Class III special occasion licensee must pay a license fee of \$50.00 per day that the license is in effect.

#### **Eligibility for a special occasion license**

- 44** A Class III special occasion license may be granted only if the purpose of the event is community fund-raising.

#### **Letter from fire official**

- 45** The Minister of Environment and Labour may, before determining if a special occasion license will be granted, request that an applicant for a special occasion license submit a letter from a fire official confirming that the proposed licensed premises meets the requirements of the *Fire Safety Act* and the regulations under that Act.

#### **Suspension of permanent license**

- 46** If a special occasion license is granted in respect of all or part of a premises that is

the subject of a permanent license, the permanent license is deemed to be suspended while the special occasion license is in force.

**No admission fee or covered charge**

- 47** A Class I special occasion licensee must not charge an admission fee or cover charge for attendance at the licensed event.

**Liquor purchased from Corporation or agency store**

- 48** A special occasion licensee must not sell or give away liquor other than liquor purchased by the licensee from the Corporation or an agency store.

**Storage of unused liquor**

- 49** The Minister of Environment and Labour may authorize a Class II or Class III special occasion licensee to store excess liquor from one licensed event for the purposes of sale at the licensee's next licensed event if the licensee satisfies the Minister of Environment and Labour that the liquor can be stored safely and securely.

**Suspension or revocation of license**

- 50** (1) The Minister of Environment and Labour may suspend or revoke a special occasion license if the licensee has violated these regulations or a condition of the license.
- (2) An inspector may suspend a special occasion license if, in the opinion of the inspector, the licensee is providing liquor to patrons in an irresponsible manner, is unable to ensure the care and control of the licensed premises or is otherwise acting in a manner which may threaten public safety.

**Rules for Licensees**

**Compliance with conditions of license**

- 51** A licensee must comply with all conditions of the license.

**Minors**

- 52** (1) A licensee must ensure that no person who is under the age of nineteen years is sold or served liquor in the licensed premises.
- (2) A licensee must ensure that no person who is under the age of nineteen consumes liquor in the licensed premises.

**Minor authorized to be in tavern, lounge, beverage room or cabaret with accompaniment**

**53** For the purposes of subsection 89(3) of the *Act*, a person who is under the age of nineteen years is authorized to enter and be in a premises covered by a tavern license, beverage room license, lounge license or cabaret license until 9:00 pm if the following criteria are met:

- (a) the person is accompanied at all times by a parent, legal guardian or spouse who is 19 years of age or more;
- (b) full meal service is provided in the licensed premises.

**Minor employee authorized to be in tavern, lounge, beverage room or cabaret**

**54** For the purposes of subsection 89(3) of the *Act*, a person who is under the age of nineteen years is authorized to enter and be in a premises covered by a tavern license, beverage room license, lounge license or cabaret license if is employed by the licensee.

**Minor entertainer authorized to be in tavern, lounge, beverage room or cabaret**

**55 (1)** For the purposes of subsection 89(3) of the *Act*, a person who is under the age of nineteen years is authorized to enter and be a premises covered by a tavern license, beverage room license, lounge license or cabaret license if the Minister of Environment and Labour has authorized the minor to do so for the purposes of providing entertainment.

**(2)** An application for an authorization under subsection (1) must be submitted by the licensee in writing at least 5 days before the proposed entertainment will take place.

**(3)** An application for authorization under subsection (1) must be accompanied by written consent of the parent or legal guardian of the underage entertainer.

**(4)** An underage entertainer authorized under this Section must be accompanied by one of the following while in the licensed premises:

- (a) a parent;
- (b) a legal guardian;
- (c) a person over the age of nineteen who has been designated in writing by a parent or legal guardian as responsible for the

underage entertainer.

**Licensee authorized to have minor in tavern, lounge, beverage room or cabaret**

**56** For the purposes of subsection 89(4) of the *Act*, the holder of a tavern license, beverage room license, lounge license or cabaret license is authorized to permit a person who is under the age of nineteen years to be in the tavern, beverage room, lounge or cabaret if the person who is under the age of nineteen years is authorized to enter and be in the tavern, beverage room, lounge or cabaret under Section 53, Section 54 or Section 55.

**No minors in premises if adult entertainment provided**

**57** Despite Section 56, a licensee must not permit a person who is under the age of nineteen years to enter or be in a licensed premises while adult entertainment is provided in the licensed premises.

**Minor not to dispense liquor**

- 58** (1) A licensee must ensure that no liquor is dispensed by any employee who is under the age of nineteen years.
- (2) Despite subsection (1), a licensee may permit an employee who is under the age of nineteen years to serve liquor at a patron's table.

**Intoxicated persons**

- 59** (1) A licensee must not sell or provide liquor in the licensed premises
- (a) to a person apparently intoxicated by liquor or a drug; or
- (b) to a person where it is reasonable to believe that the consumption of any additional liquor by the person will result in the person becoming intoxicated.
- (2) A licensee must not permit a person apparently intoxicated by liquor or a drug to be in the licensed premises.

**Activity detrimental to the orderly control and operation of licensed premises**

**60** A licensee must not permit any activity in the licensed premises that is detrimental to the orderly control and operation of the licensed premises.

**Activity interfering with neighbouring properties**

**61** A licensee must not permit any activity in the licensed premises that may interfere with the quiet enjoyment of neighbouring properties.

**Notice of police charge**

**62** If a police charge is laid in relation to an incident on or about the licensed premises or in relation to activity occurring on or about the licensed premises, the license must notify the Minister of Environment and Labour within 10 days of the laying of the charge and provide details of the incident or activity which is the subject of the charge.

**Hours of sale or service**

- 63**
- (1) A licensee must ensure that liquor is sold or served only during the hours authorized under the licensee's license.
  - (2) A licensee must ensure that patrons are cleared from the licensed premises no later than 30 minutes after liquor sale or service ceases.
  - (3) Subsection (2) does not apply to eating establishment licensees or class B club licensees.
  - (4) Liquor sold or served prior to the time that liquor sale or service ceases may be consumed by patrons during the 30 minute time period referred to in subsection (2).

**Liquor taken from premises**

**64** Subject to Section 65, a licensee must not permit liquor sold in the licensed premises to be taken from the licensed premises.

**Removing unfinished wine from licensed premises**

- 65**
- (1) A licensee may permit a patron to take an unfinished bottle of wine from the licensed premises if the licensee inserts a cork into the bottle so that the cork is flush with the top of the bottle.
  - (2) A licensee who inserts a cork into bottle of wine in accordance with subsection (1) must inform the patron of the requirements of Section 54 of the *Act*.

**Liquor in licensed premises**

- 66**
- (1) A licensee must ensure that any liquor in the licensed premises is one of the following:
    - (a) liquor purchased by the licensee from the Corporation or agency store;
    - (b) wine brought into the licensed premises by a patron in accordance

with Section 68;

- (c) liquor brought into the licensed premises by a registered representative in accordance with Section 69.

- (2) A licensee must ensure that only liquor purchased from or served by the licensee is consumed in the licensed premises.

#### **Purchase of liquor**

**67** When purchasing liquor from the Corporation or an agency store, a licensee must identify that the liquor is being purchased for the purposes of sale in a licensed premises and must provide the license certificate number to the Corporation or agency store.

#### **Bring your own wine**

**68 (1)** An eating establishment licensee may permit a patron to bring wine into a licensed premises if the following criteria are met:

- (a) the wine has been commercially produced and bottled;
- (b) the manufacturer's seal has not been broken or removed.

**(2)** An eating establishment licensee may serve wine referred to in subsection (1) to the patron and other persons seated at the same table as the patron for consumption in the licensed premises.

**(3)** For greater certainty, the following may not be brought into a licensed premises under this Section:

- (a) home-made wine;
- (b) wine bottled by the purchaser at a Corporation store or agency store;
- (c) boxed wine.

#### **Samples for licensees and staff**

**69 (1)** A licensee may permit a manufacturer or a registered representative to bring liquor into the licensed premises for the purpose of having the licensee or the licensee's staff sample the liquor if the requirements of this Section are met.

- (2) The licensee must ensure that the manufacturer or registered representative is present during the sampling process.
- (3) The licensee must ensure that the total samples of products provided to the licensee by a manufacturer or registered representative do not exceed the following amounts in one calendar year:

Type of product	Maximum amount
beer or coolers	48 bottles or equivalent containers, containing 355 mL of product
wine	10 bottles or equivalent containers, containing 750 mL of product
spirits	3 bottles or equivalent containers, containing 750 mL of product

- (4) The licensee must ensure that the sample bottle or equivalent container is disposed or removed from the licensed premises by the manufacturer or registered representative immediately following the completion of the sampling and prior to the introduction of any further sampling.
- (5) The Minister of Environment and Labour may request that a licensee provide written notice before sampling activity occurs and if such a request is made a licensee must provide such notice.

#### Sample for patron

- 70** (1) A licensee must not permit a manufacturer or a registered representative to provide a sample of liquor to a patron unless the following conditions are met:
- (a) The sample is purchased from the licensee by the manufacturer or registered representative.
- (b) The manufacturer or registered representative remains with the patron while the sample is consumed.
- (2) A licensee must not sell multiple samples to a manufacturer or registered representative in a single transaction.

- (3) A licensee must not permit a manufacturer or registered representative to serve samples to multiple patrons at the same time.
- (4) A licensee may sell a sample to a manufacturer or registered representative which is half the size of a regular serving or less, but a licensee must not reduce the price of the sample to below half of the licensee's menu price for a regular serving.

**No liquor sold below cost**

- 71 A licensee must not sell liquor for less than the cost which the licensee paid when the licensee purchased the liquor.

**Posting prices**

- 72 A licensee must create a list of quantities in which and prices at which liquor is sold and post the list in a prominent location in the licensed premises.

**Dispensing liquor**

- 73 A licensee must ensure that the method used to dispense liquor does not result in the customer receiving less liquor than is represented as being served .

**Diluting liquor**

- 74 A licensee must ensure that liquor sold is not diluted other than in drinks that are mixed or diluted at the request of the customer.

**Gaming or betting contrary to Criminal Code**

- 75 A licensee must ensure that no gaming or betting which is contrary to the *Criminal Code* is conducted in the licensed premises.

**No liquor as prize**

- 76 A licensee must ensure that liquor is not offered or given as a prize for any contest taking place within the licensed premises.

**No contest involving consumption of liquor**

- 77 A licensee must ensure that no contest which involves the consumption of liquor is held in the licensed premises.

**No employee to consume liquor while on duty**

- 78 A licensee must not permit an employee of the licensee to consume liquor in the licensed premises while on duty, other than liquor consumed in the presence of a registered representative for the purposes of sampling the product.

**No remuneration based on sales**



- 79 A licensee must not remunerate anyone based on the amount of liquor sold at the licensed premises

**Posting license certificate**

- 80 A licensee must ensure that the licensee's license certificate is prominently posted in the licensed premises.

**Person in charge of licensed premises**

- 81 The licensee must ensure that one person knowledgeable in the responsible service of liquor is designated as being in charge of the licensed premises at all times.

**Advertising**

- 82 (1) For the purposes of Section 96 of the *Act*, a licensee is authorized to advertise as set out in this Section.
- (2) A licensee may advertise through any media.
- (3) A licensee may include any or all of the following information in an advertisement:
- (a) liquor prices;
  - (b) hours of sale;
  - (c) names of liquor manufacturers or brands.
- (4) A licensee may not use an advertisement which does one or more of the following:
- (a) encourages people to drink liquor irresponsibly;
  - (b) shows people drinking liquor;
  - (c) shows a person who is intoxicated;
  - (d) shows a person behaving irresponsibly or illegally;
  - (e) associates liquor with driving;
  - (f) is directed at minors or placed in locations used or visited mostly by minors;

- (g) depicts liquor as one of life's necessities;
- (h) depicts liquor as a key to social acceptance or personal success;
- (i) depicts liquor as central to the enjoyment of any activity;
- (j) depicts liquor as a status symbol;
- (k) uses pictures of minors or of personalities, images or activities that may appeal to minors.

### **Records**

**83 (1)** A licensee must keep all of the following records and have them available in the licensed premises at all times:

- (a) liquor purchase records;
- (b) liquor sales records;
- (c) liquor disposal records;
- (d) employee records, including names, addresses, salaries, primary job responsibilities, shift schedules and dates of employment;
- (e) records of the quantity and price of liquor servings;
- (f) records of sampling activities conducted under Section 49.

**(2)** A licensee must retain the records referred to in subsection (1) for at least 3 years.

### **Restrictions on sale and service for eating establishment licensees**

**84 (1)** Except within the part of the licensed premises designated as a holding area under Section 85, an eating establishment licensee must not sell or serve liquor to a patron in the licensed premises unless the patron has also been served food sufficient to constitute a meal.

**(2)** An eating establishment licensee must not sell or serve liquor to a patron in excess of the amount that would reasonably be consumed with a meal.

### **Designation of holding area**

- 85** (1) An eating establishment licensee may designate an area in the licensed premises as a holding area for patrons who are waiting to be seated in the dining area of the licensed premises.
- (2) A holding area must not be larger than would reasonably be required to accommodate patrons waiting to be seated in the dining area of the licensed premises.

**Requirement for cabaret licensees**

- 86** A cabaret licensee must offer live entertainment in the licensed premises at least 4 days per week.

**Restrictions on sale for class A club licensees**

- 87** A class A club licensee must not sell liquor to a person unless that person is one of the following:
- (a) a member of the club;
  - (b) a person who has been signed in by a member and whose name has been entered in a guest registration book maintained by the licensee;
  - (c) where the class A club licensee is a branch of the Royal Canadian Legion or another national or provincial organization, a person who has produced a membership card in the organization and whose name has been entered in a guest registration book maintained by the licensee.

**Membership list to be kept by class A club licensees**

- 88** A class A club licensee must maintain a list of all members and have the list available in the licensed premises at all times.

**Requirements for lounge licensees**

- 89** (1) In this section, “corresponding eating establishment” means the premises covered by the eating establishment license held by the licensee when the lounge license was granted or granted concurrently with the lounge license, as required by subsection 16(1)(a).
- (2) A lounge licensee must operate the corresponding eating establishment as an eating establishment for at least 5 hours on any day which the licensee operates the lounge.
- (2) Subsection (1) does not apply if the Board approves the temporary closure of the corresponding eating establishment for the purpose of repair or

renovation.

## Enforcement

### Powers of inspectors

- 90** (1) To ensure compliance with the *Act* and the regulations, an inspector may enter and inspect a licensed premises, a place which is the subject of an application for license, and any place, whether inside or outside of a licensed premises, which could reasonably be expected to be used in connection with the sale and storage of liquor.
- (2) In carrying out an inspection, an inspector may do any or all of the following:
- (a) take samples of liquor from the licensee or any person in the licensed premises;
  - (b) inspect, audit, examine and make copies of any records, documents, books of account or receipts relating to liquor, a license or licensed premises, or may temporarily remove any of them for those purposes;
  - (c) interview the licensee or agents of the licensee with regard to any of the records, documents, books of account and receipts;
  - (d) interview and request identification from any person who appears to be a minor who is found in the licensed premises;
  - (e) interview and request identification from any person who appears to be intoxicated in the licensed premises;
  - (f) interview and request identification from any person who is found in the licensed premises after the sale and consumption of liquor have been required to cease under the regulations;
  - (g) seize identification from any person interviewed in accordance with this subsection if the inspector has reasonable grounds to believe that the identification is false or has been altered.

- (3) When acting under the authority of this Section, an inspector must carry identification in the form determined by the Minister of Environment and Labour and present it upon request to the licensee of the licensed premises being inspected or to any person being interviewed

### **Obstruction**

- 91 A licensee must not hinder, obstruct or impede an inspector in the performance of the inspector's duties or in the exercise of the inspector's powers

### **Duty to assist inspector**

- 92 A licensee must, on the request of an inspector, do any or all of the following:
- (a) assist the inspector in carrying out an inspection under Section 90;
  - (b) provide the inspector with records, documents, books of account and receipts and provide a place where they may be inspected, audited, examined or copied.

### **Inspector request to lower volume**

- 93 An inspector may request that a licensee offering entertainment in a licensed premises, including a patio or other outdoor licensed area, lower the volume of the entertainment or turn off the amplification of the entertainment provided and a licensee must comply with such a request.

### **Disciplinary hearings**

- 94 (1) If the Review Board is notified by the Minister of Environment and Labour of an alleged infraction of the Act or the regulations, the Review Board may hold a disciplinary hearing.
- (2) The Review Board may determine its own rules of proceeding for a disciplinary hearing.
- (3) The licensee may be represented by counsel at a disciplinary hearing.
- (4) If a licensee has been given notice and opportunity to attend a disciplinary hearing, the Review Board may hold a disciplinary hearing in the absence of the licensee.

### **Penalties for infractions**

- 95 If the Review Board determines that an infraction of the *Act* or regulations has occurred, the Review Board may do one or more of the following:
- (a) impose conditions on the licensee's license or rescind or amend existing conditions on the license;

- (b) suspend all or any part of the licensee's license for such length of time that the Review Board considers appropriate;
- (c) cancel all or any part of the licensee's license.

**Day on which suspension begins**

**96** The Review Board must determine the date on which the suspension begins

**Posting notice of suspension**

**97** The Review Board may order that the licensed premise which is the subject of a disciplinary suspension be posted with a notice stating that the license has been suspended by the Review Board and giving the reason for the suspension.

**Transitional****Military license**

**98** A military license held by a person on the day before these regulations come into force is deemed to be a class B club license and remains valid until its expiry date.

**Annual special occasion licenses**

- 99**
- (1) An annual special occasion license which was valid on day before these regulations come into force remains valid.
  - (2) The Minister of Environment and Labour may vary the conditions of such an annual special occasion license.

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