

**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

*Order in Council No.*

*, Approved and Ordered*

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*Lieutenant Governor*

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective August 12, 2002,

- (a) section 8 of the *Liquor Statutes Amendment Act, 1999*, S.B.C. 1999, c. 36 is brought into force, and
- (b) the Liquor Control and Licensing Regulations, B.C. Reg. 608/76, is amended as set out in the attached Schedule.

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*Minister of Public Safety and Solicitor General*

\_\_\_\_\_  
*Presiding Member of the Executive Council*

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section:-           *Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267, s. 84*

Other (specify):-           *Liquor Statutes Amendment Act, 1999, S.B.C. 1999, c. 36, s. 50*

August 9, 2002

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## SCHEDULE

**1 Section 1.1 of B.C. Reg. 608/76, the Liquor Control and Licensing Regulations, is amended**

**(a) in paragraph (g) by striking out “\$1 100;” and substituting “\$2 000;”, and**

**(b) by renumbering the section as section 1.1 (1) and adding the following subsection:**

(2) Despite subsection (1), a person making application for a G licence may be refunded the amount paid under subsection (1) (g) if the application is not in compliance with section 17.5 (1) or (2).

**2 Section 2 (2) (g) and (h) is amended by striking out “\$1 100;” and substituting “\$1 200;”.**

**3 Section 5.1 is amended**

**(a) by repealing subsections (2), (3) and (3.1),**

**(b) in subsection (5)**

**(i) by striking out “in deciding whether to issue an A, C, E or G licence” and substituting “in deciding whether to issue an A, C or E licence”,**

**(ii) in paragraph (b) (iii) by striking out “, except for establishments with an H licence where the application is from a hotel for a G licence”, and**

**(iii) by repealing paragraph (b) (iv), and**

**(c) by repealing subsections (9) and (10).**

**4 Section 17 (7) is amended by striking out “A G licence” and substituting “Subject to section 17.5, a G licence”.**

**5 The following section is added:**

### **Issue of a licensee retail store licence**

**17.5 (1) A person may apply for a G licence for a licensee retail store if**

**(a) the person**

**(i) holds, in respect of an establishment, an A licence for a hotel or resort or a C, D, F or I licence,**

**(ii) has submitted, in respect of an establishment, a complete application for an A licence for a hotel or resort, or a complete application for a**

C, D, F or I licence, by August 12, 2002, and has received preliminary site and applicant approval for that licence by November 25, 2002, or

- (iii) has made application for or expressed an interest in obtaining a G licence in respect of an establishment in accordance with section 5.1 (3.1) as it stood before its repeal,
  - (b) the licensee retail store will be on the same property as the establishment in respect of which a licence referred to in paragraph (a) has been or might be issued, or, in the opinion of the general manager, will appear to be on the same property as the establishment, and
  - (c) the person does not already hold a G or H licence in respect of the establishment referred to in paragraph (a).
- (2) A person applying for a G licence under subsection (1) must submit an application, in the form approved by the general manager, before 4:30 p.m. on November 29, 2002.
- (3) The general manager must not accept any application for a G licence under subsection (1) after 4:30 p.m. on November 29, 2002.
- (4) Subject to sections 16 and 18 of the Act and to subsections (5) and (6) of this section, the general manager must issue a G licence in response to an application that complies with this section if
- (a) the applicant holds, in respect of the establishment referred to in subsection (1) (a),
    - (i) an A licence for a hotel or a resort, or
    - (ii) a C, D, F or I licence,
  - (b) the zoning for the establishment in respect of which the application is made allows the establishment to be used as a licensee retail store, and
  - (c) the applicant has, in the opinion of the general manager, a satisfactory compliance history in relation to the licence referred to in paragraph (a) of this subsection.
- (5) If the general manager is of the opinion that issuing a G licence in response to an application submitted under this section may be contrary to the public interest, the general manager may provide, at the applicant's expense, an opportunity in accordance with section 11 of the Act for residents of an area determined by the general manager to comment on the application.
- (6) If the general manager is of the opinion that the residents referred to in subsection (5) of this section are not in favour of the application under subsection (1), the general manager must refuse the application.