



PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER L-14
LIQUOR CONTROL ACT
LIQUOR AGENCY REGULATIONS

Pursuant to section 8 of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14, the Prince Edward Island Liquor Commission made the following regulations:

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| 1. In these regulations | Definitions |
| (a) “applicant” means the person submitting a proposal in response to a request for proposals by the Commission; | applicant |
| (b) “closing date” means the date and time of day before which proposals must be received by the Commission; | closing date |
| (c) “community” means an area of the province as specified from time to time by the Commission; | community |
| (d) “request for proposals” means the terms and conditions prescribed by the Commission by which the Commission will receive proposals for the appointment of a vendor to operate a liquor agency established by the Commission and which contains the criteria established by the Commission for the appointment of a vendor to operate a liquor agency; | request for proposals |
| (e) “proposal” means the document submitted by an applicant to the Commission in response to a request for proposals and includes all information provided by the applicant which is required in the request for proposals to be provided to the Commission; | proposal |
| (f) “Review Committee” means a committee of three persons appointed by the Commission to review all proposals received in response to a request for proposals. (EC730/94) | Review Committee |
| 2. When the Commission is of the opinion that a community in Prince Edward Island is a suitable location for a liquor agency to be established, the Commission will take such steps as it considers appropriate to determine if there is support in the community for the appointment of a vendor to operate a liquor agency. (EC730/94) | Location of liquor agency |
| 3. The Commission may appoint a vendor to operate a liquor agency within a community, if, in the opinion of the Commission | Criteria for appointment of vendor to operate liquor agency |
| (a) the community has an annual permanent population base capable of sustaining a liquor agency; | |

- (b) there is not an existing store or liquor agency located in or close to the community; and
- (c) there is support in the community for the establishment of a liquor agency. (EC730/94)

Eligibility

4. In any case where the Commission wishes to appoint a vendor to operate a liquor agency the appointment will be as a result of a request for proposals and only those applicants who submit a proposal in response to a request for proposals and who

- (a) are not persons who are prohibited under the *Liquor Control Act* from selling, possessing or consuming liquor;
- (b) have not, within the past five years prior to the date of the submission of the proposal, been convicted of
 - (i) an offence under the *Criminal Code* R.S.C. 1985, Chap. C-46,
 - (ii) an offence under the *Narcotic Control Act* R.S.C. 1985, Chap. N-1, or
 - (iii) an offence under the *Food and Drugs Act* R.S.C. 1985, Chap. F-27;
- (c) are not on parole or probation at the time of the submission of the proposal; and
- (d) have no current or proposed affiliation with a liquor related business including the operation of an establishment licensed by the Commission,

will be eligible to be appointed as a vendor. (EC730/94)

Factors considered

5. The Commission in its review of the proposals submitted by applicants in response to a request for proposals will consider the following:

- (a) the applicant's business experience;
- (b) the applicant's financial stability;
- (c) the location of the proposed liquor agency within the community;
- (d) the proposed service to the public;
- (e) the discount schedules; and
- (f) the on-site evaluation of the proposed premises completed by the Review Committee. (EC730/94)

Form

6. (1) Subject to the requirements of these regulations, a request for proposals will be in a form prescribed by the Commission and will include the criteria established by the Commission for the appointment of a vendor to operate a liquor agency.

Idem

(2) A copy of the proposal form, as prescribed by the Commission, will be included in the request for proposals.

Idem

(3) Proposals must be submitted using the prescribed proposal form.

(4) The applicant shall pay to the Commission a non-refundable fee of \$50 before delivery of the prescribed proposal form. Fee

7. (1) The Commission will establish the closing date for the submission of proposals in response to a request for proposals. (EC730/94) Closing date

(2) No proposals received subsequent to the closing date will be considered by the Commission. *Idem*

(3) Each request for proposals will state the closing date for the submission of proposals, and will include the following statement: Request, statement
No proposals received subsequent to the closing date will be considered by the Commission. (EC730/94)

8. (1) The Commission may decide not to appoint any applicant who has submitted a proposal in response to a request for proposals as a vendor to operate a liquor agency and the Commission is not obliged to appoint as vendor the applicant who submitted the highest rated proposal. Appointment

(2) Each request for proposals will contain the following statement: Request, statement
The Commission, in its sole discretion, may decide not to appoint any applicant who has submitted a proposal in response to this request for proposals or may decide not to appoint the applicant who submitted the highest-rated proposal in response to this request for proposals, as a vendor to operate a liquor agency. (EC730/94)

9. A request for proposals by the Commission will be advertised by the Commission three times over the two-week period prior to the closing date in a newspaper in general circulation in the province. (EC730/94) Advertisement

10. The advertisement of a request for proposals will include the following information: Information in advertisement

- (a) the location where the Commission proposes to establish the liquor agency;
- (b) the location where a copy of the request for proposals may be picked up; and
- (c) the closing date by which proposals must be received by the Commission in order to be considered. (EC730/94)

11. (1) Immediately after the closing date for the submission of proposals, all proposals received will be reviewed by a Review Committee. Review

(2) The Review Committee will review each proposal in relation to the criteria established by the Commission as contained in the request for proposals, and report the results of its review to the Commission within fourteen days. (EC730/94) Report

Decision	12. Within fourteen days of receiving the Review Committee's report the Commission will determine which, if any, applicant will be appointed as vendor to operate a liquor agency established by the Commission, and the Commission will notify each applicant of the Commission's decision by way of registered mail. (EC730/94)
Reconsideration	13. Within fourteen days of being notified of the Commission's decision any unsuccessful applicant may request that the Commission reconsider its decision. (EC730/94)
Criteria	14. A request for the Commission to reconsider its decision must be made in writing to the Commission and must state the grounds upon which the request for reconsideration is being made and must be accompanied by an administrative fee of \$100 payable to the Commission, which fee will be refunded if the Commission's decision is changed as a result of any reconsideration. (EC730/94)
Change of decision	15. (1) Upon receiving a request for reconsideration of its decision the Commission may, within fourteen days, reconsider its decision and if the reconsideration results in any change in the Commission's decision, the Commission will notify all applicants of the change in its decision by registered mail.
Proposals considered	(2) The Commission will consider only those proposals submitted prior to the closing date in any reconsideration. (EC730/94)
Conditional appointment of vendor considered	16. Subsequent to any reconsideration by the Commission of its decision, and if the Commission determines that one of the applicants should be appointed as a vendor, the Commission may appoint a vendor to operate a liquor agency established by the Commission, conditional upon the vendor entering into a contract with the Commission in accordance with the terms and conditions contained in the request for proposals, the <i>Liquor Control Act</i> and these regulations. (EC730/94)
Use of premises	17. The premises in which a vendor is authorized to operate a liquor agency shall be used solely for the display, sale and storage of liquor. (EC730/94)