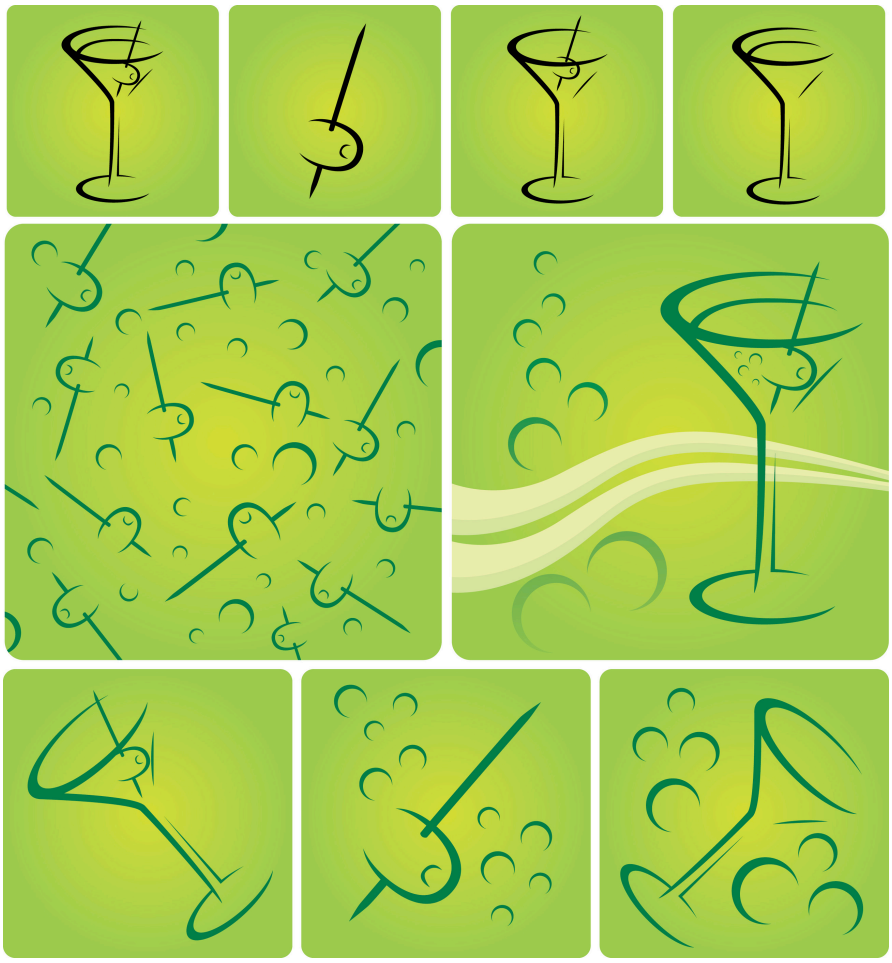
Class A Handbook

A Guide to NWT Liquor Licences



Liquor-Primary Licences
Class "A"

NWT LIQUOR LICENSING BOARD

September 2014

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1. General Information

1.1 Purpose of Handbook

The purpose of this handbook is to help Licence Holders who hold a Liquor-Primary Licence, otherwise known as a Class "A" licence, to understand their obligations under the *Liquor Act* and regulations (liquor legislation). If you are a licence holder or you hope to become one, this handbook is for you.

1.2 The Liquor Act & Regulations are the Law

This handbook summarizes, in part, the *Liquor Act* and regulations in an attempt to simplify the concepts and make the language more readable. It is important to remember that this handbook is not the law, and should not be relied upon as a legal interpretation of the *Liquor Act* and regulations. You should review the *Liquor Act* and regulations carefully to make sure you understand the law. If anything in this handbook conflicts with the liquor legislation, the legislation prevails.

1.3 Tips for Using this Handbook

We have developed this handbook with the following features to help you find your way:

Table of Contents

The Table of Contents lists all of the topics covered in this handbook and the page number where you can find them.

Headings

This handbook uses headings before each new section and topic so you can scan a page quickly to find what you are looking for.

Reference Numbers

Wherever possible, we use reference numbers to direct you to the exact place in the *Liquor Act* and regulations where the topic is located, so you can read the legislation for yourself. Examples of the reference numbers are as follows:

- [Act s.11] – means the *Liquor Act*, section 11.
- [Act ss.11(5)] – means the *Liquor Act*, section 11, but only subsection (5).
- [Regs s.5] – means the Liquor Regulations, section 5.

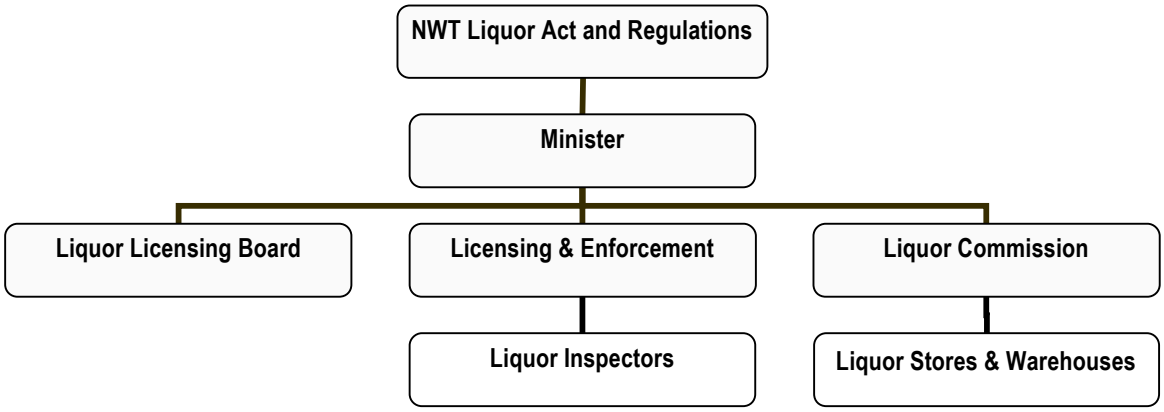
Glossary

The legislation uses terms and phrases that may be unfamiliar to you, or may mean something different in the legislation than they do in common use. In section 11 of this handbook, we list several terms and their definitions.

1.4 Who's Who

The liquor control system in the Northwest Territories (NWT) is unique. In the NWT, there are several groups and individuals involved in liquor control. Knowing who's who will help you to better understand the system, and contact the most appropriate organization with any questions. Figure 1 illustrates how each group relates to the other, and below the figure there is a short description of each group.

Figure 1: The NWT Liquor System



Minister

The Minister has the overall responsibility for the *Liquor Act*, for appointing members to the Liquor Licensing Board, and directing the Liquor Commission.

Liquor Licensing Board

The Liquor Licensing Board is comprised of up to nine members from across the NWT. Throughout this handbook, we will refer to the Liquor Licensing Board simply as the Board.

It is the Board's responsibility to consider licence applications and, if the applicant meets all eligibility criteria, to issue, renew or transfer liquor licences.

The Board is also responsible for holding compliance hearings when it has been alleged that a licence holder has violated the *Liquor Act* or regulations. The Board, after hearing all of the evidence, may decide to dismiss the matter or to impose any number of penalties on the licence holder, up to and including cancellation of the licence.

The Executive Secretary to the Board assists persons applying for liquor licenses and permits and answering the questions of licence holders, among other things.

Licensing & Enforcement

The Licensing & Enforcement office is responsible for enforcing the legislation by coordinating the inspection program, conducting investigations and to provide server training.

Liquor Inspectors

Liquor inspectors are under contract with the Government of the Northwest Territories. Their role is to conduct inspections in licensed premises at various times. Inspectors submit inspection reports to the Licensing & Enforcement office where a decision is made about whether and how to proceed with addressing compliance issues.

Liquor Commission

The Liquor Commission is responsible for purchasing, selling, classifying and distributing all liquor to be sold in retail stores in the NWT. The Liquor Commission manages the contracts with the liquor store and warehouse vendors.

Liquor Stores & Warehouses

There are seven liquor stores located in the NWT. There is a store in Fort Simpson, Fort Smith, Hay River, Inuvik, and Norman Wells. There are two stores in Yellowknife. All stores are privately operated under contract with the GNWT.

There are currently two liquor warehouses in the NWT, located in Yellowknife and Hay River. Both of the warehouses operate under contract with the GNWT and are responsible for storing, distributing and selling liquor to liquor store vendors and licence holders on behalf of the Liquor Commission. In some communities, the liquor store vendor and the warehouse vendor are the same.

1.5 Operating Principles

Principles are the underlying philosophies which guide legislation. As might be expected, opinions among NWT residents about liquor control vary widely. The principles below reflect a balanced approach, and were used to develop the *Liquor Act* and regulations.

- Youth should be protected.
- The public should be protected from unsafe conditions and environments.
- Those who use liquor should be responsible for their behaviour.
- Checks and balances should exist to ensure fairness and due diligence.
- Communities should have a voice in controlling liquor.
- The safe and responsible operation of the liquor industry should be supported.
- Options should be available for penalizing those who violate the *Liquor Act*.

1.6 Contact Us

If you have a question about operating a Liquor-Primary Licence (Class A) that is not answered in the legislation or this handbook, please call the Licensing & Enforcement office at 1-800-351-7770. If you are in Hay River, you can call 874 – 8715.

2. The Class "A" Licence

2.1 Introduction

The purpose of a liquor licence is to assure the public that anyone who sells and serves liquor as part of a business will be held accountable for operating the premises safely and responsibly.

2.2 NWT Liquor Licences

There are four classes of licences that allow licence holders to sell and serve liquor to customers in their establishments. These classes are: Liquor-Primary Licence, Food-Primary Licence, Mobile Licence and Liquor-Incidental Licence. Each licence class has been given a letter A, B, C or D for easy reference. [Regs s.5]

Liquor-Primary Licence / Class "A"

This licence is for eligible businesses that operate a bar, lounge, or similar business where most of the business revenue will be generated from the sale of liquor, regardless of whether food is also sold. [Regs s.6]

Food-Primary Licence / Class "B"

The licence is for eligible businesses that operate a restaurant, diner, or similar business, where most of the business revenue will be generated from the sale of food. [Regs s.7]

Mobile Licence / Class "C"

This licence is for eligible businesses that provide catering, entertainment or tourism services, and who are authorized to sell and serve liquor in different locations or on a ship that travels from place to place. [Regs s.8]

Liquor-Incidental Licence / Class "D"

This licence is for eligible businesses and organizations that are established for a purpose other than selling liquor or food, but who include liquor sales as part of their operation. Examples are remote lodges, mess halls at the RCMP, service clubs, etc. [Regs s.9]

2.3 The Class "A" Licence

This handbook focuses on the Liquor-Primary Licence – we will refer to it as the Class "A" licence from now on. There are other handbooks that describe the other licence classes.

A Class "A" licence is mandatory before anyone operates a bar, lounge, tavern or other business that will make most of its money from liquor sales. Under the previous *Liquor Act*, this licence was called the Cocktail Lounge Licence. [Regs s.6]

3. Licence Extensions

3.1 Introduction

Licence extensions are granted by the Board either at the time the licence is issued or during the course of the licence. A licence extension gives licence holders additional privileges that are not normally permitted with their licence. The Board may place any terms and conditions on the licence extension that it wishes. [Act ss.11 (2), Regs s.22, Regs s.24]

3.2 Extensions Available to Class "A" Licences

There are six types of licence extensions, four of which are available to eligible Class "A" licence holders. [Regs s.23, Regs s.25-27]

Manufacturer's Extension

Description

A manufacturer's extension allows the licence holder to sell and serve the products that he or she has legally manufactured under a manufacturing licence. Without an extension, this would not be allowed since Class "A" licence holders are permitted only to sell and serve liquor that has been purchased from the NWT Liquor Commission. [Regs s.23 (a)]

Eligibility

To be eligible for this extension, you must have a valid manufacturing licence in the NWT. [Regs ss.25 (1)]

Conditions

Class "A" licence holders may only have one premises with a manufacturer's extension. [Regs ss.25 (2)]

Banquet Room Extension

Description

A banquet room extension allows the licence holder to sell and serve liquor in one or more banquet rooms for pre-booked social and business functions held in that room. [Regs s.1 "banquet room" and Regs s.23 (b)]

Eligibility

To be eligible for a banquet room extension, you must own or lease a banquet room located in the same municipality as your licensed premises. The banquet room must be used primarily for business and social functions that are booked in advance; Licence Holders are not permitted to sponsor their own events in their banquet rooms. [Regs s.1"banquet room" and Regs ss.26 (2)]

When applying for a banquet room extension, you must submit a copy of the banquet room floor plan, a Fire Marshal's report and a document of approval from a Public Health Officer – unless these documents are already on file with the Board. [Regs ss.22 (3)]

Conditions

You cannot sell or serve liquor at events in your banquet room unless you have first given the Board 5 days notice of the event. This means you cannot use the banquet room as an overflow area for your Class "A" premises. Contact the Licensing & Enforcement Office to obtain a copy of the banquet notification form. [Regs s.38]

Once you have properly notified the Board of the event, the banquet room will become "licensed premises" during the hours that liquor is sold, served and consumed at the event. When your banquet room is not being used for events involving liquor sales, the room is not considered licensed. [Regs ss.3 (3) (b)]

Mini-Bar Extension

Description

A mini-bar extension allows the licence holder to sell liquor from a locked refrigerator or cabinet in a hotel or motel room registered to a person over 19 years of age. [Regs s.23(c)]

Eligibility

The licence holder's Class "A" licensed premises must be located within a tourist facility that provides overnight accommodation to registered guests. [Regs ss.27 (1)]

Conditions

The mini-bar must be locked, and the key or code to unlock the mini-bar must only be given to a registered guest who is at least 19 years of age and who is not intoxicated. [Regs ss.39 (1), Act ss.67 (1)]

The cost of the mini-bar sales may be charged to the general account of the guest registered to that room. [Regs ss.39 (2)]

There are no set hours during which liquor may be sold from a mini-bar, and the room in which a mini-bar is located is not licensed premises. [Regs ss.3 (2) (b), Regs ss.47 (5)]

Off-Premises Sales Extension

Description

An off-premises sales extension allows the licence holder to sell beer to customers to take off the premises. [Regs s.23 (e)]

Eligibility

Class "A" licence holders are eligible to apply for an off-premises extension. However, it is important to note that the municipal government in the community where your premises is located has the power to enact a bylaw regarding off-premises sales. If such a bylaw is

in place, the Board will be restricted in issuing off-premises extensions in that community. [Regs ss.24 (2), Regs ss.27 (3)]

Conditions

There are restrictions on off-premises sales. The restrictions are:

- No fewer than 6 beer bottles or cans may be sold.
- No more than 12 beer bottles or cans may be sold.
- No off-premises sales after the time specified by the Board. If the Board does not specify a certain time, the latest time is automatically 10 pm.
- No off-premises sales on a Sunday.
- Customers must come into the premises and purchase the beer directly from the bartender, not from a server on the floor.
- Customers must remove the beer immediately from the premises.
- Off-premises sales may only occur while the licensed premises are open for business. Generally, this means that the main door must be unlocked and there must be at least one staff member on duty. [Regs s.42]

4. Obtaining, Renewing, Transferring a Class "A" Licence

4.1 Introduction

In order to issue a liquor licence to an applicant, the Liquor Licensing Board must be satisfied that the applicant meets eligibility criteria, that all the necessary paperwork is on file, and that the community does not have any reasonable objection to the application. The Board also wants to make sure that anyone who manages your business and anyone who has a financial interest in your business meets eligibility criteria.

In the NWT, licences are issued by a Board. This means that licensing decisions are made by people who are not involved with government programs, government decision-making or politics. The NWT Liquor Licensing Board consists of members from across the NWT, with a broad mix of backgrounds.

4.2 Eligibility Criteria

Eligibility of Applicants

An applicant for a Class "A" licence

1. Must have a business licence or be able to demonstrate that they are exempt from this requirement;
2. Must be 19 years old or older;
3. Must be a Canadian citizen or a permanent resident of Canada;
4. Must be the true owner of the business;
5. If you are a corporation, the corporation must be registered in the NWT or incorporated under federal legislation;
6. If you are a partnership, your partnership must be registered in the NWT;
7. Must not have been disqualified from having a licence by the Board in the past;
8. Must have a premises that has not been disqualified by the Board in the past;
9. Must not be a liquor store vendor;
10. If you have ever manufactured liquor commercially, you must have complied with all federal laws at the time;
11. Must not have any agreements or contracts with a liquor manufacturer or supplier;
12. Must not have been convicted of an offence listed in section 12 of the regulations in the past 7 years, although the Board can waive this restriction if the Board believes the offence was minor or if issuing the licence will not create an undue risk of harm to the public.
13. Must not be, at the time of application, charged with an offence listed in section 12 of the regulations, although the Board can waive this restriction if the Board believes

the offence was minor or if issuing the licence will not create an undue risk of harm to the public.

14. Must have a plan in place to ensure the maximum visual supervision of all patrons in the premises.
15. Must plan to have a locked space for storing the liquor inventory that is not accessible to patrons.

[Act ss.5 (1)-(2), Regs s.12, and Regs ss.13 (1), Regs s.60]

Requirements for Associates & On-Site Managers

An "on-site manager" is the person who manages the ongoing operation of the premises. An "associate" includes a business partner, a director in the applicant's corporation who holds more than 10% of shares, anyone who has lent the applicant more than $10,000 for the business, and others. See section 2 of the regulations for the full definition.

An associate and on-site manager must

1. not be a liquor store vendor;
2. not have any agreement or contract with a liquor manufacturer or supplier;
3. not have been convicted of an offence listed in section 12 of the regulations in the past 7 years, although the Board can waive this restriction if the Board believes the offence was minor or if issuing the licence will not create undue harm to the public;
4. not be, at the time of application, charged with an offence listed in section 12 of the regulations, although the Board can waive this restriction if the Board believes the offence was minor or if issuing the licence will not create undue harm to the public. [Act ss.5(3)]

Requirements for Spouse

It is important that anyone who has a criminal past or is a manufacturer cannot obtain a liquor licence simply by putting the licence in their spouse's name. Therefore, an applicant's spouse must meet certain criteria.

Spouses must:

1. not have any agreement or contract with a liquor manufacturer or supplier;
2. not have been convicted of an offence listed in section 12 of the regulations in the past 7 years, although the Board can waive this restriction if the Board believes the offence was a minor infraction or issuing the licence will not create undue harm to the public; [Regs ss.12(3)(a)(b)]
3. not be, at the time of application, charged with an offence listed in section 12 of the regulations, although the Board can waive this restriction if the Board believes the offence was a minor infraction or issuing the licence will not create undue harm to the public. [Act ss.5(3)]

4.3 Applying for a New Licence

Applicants for a new liquor licence should contact the Executive Secretary of the Liquor Licensing Board at 1-800-351-7770 to begin their application.

Submitting an Application

The application must include the following items:

1. A completed application form, including the names of the on-site manager(s) and associates, as defined in the regulations;
2. A criminal records check for the applicant, any on-site managers, and any associates, as defined in the regulations;
3. Business licence;
4. NWT Business Registration;
5. A floor plan for the premises showing the location of the bar, liquor storage area, and, if applicable, any plans for an outdoor area or seasonal patio;
6. A plan for how the premises are to be supervised;
7. A satisfactory Fire Marshal's report;
8. A satisfactory Public Health Officer's report;
9. A copy of the contract or employment agreement with the on-site manager;
10. Any other document the Board requests;
11. The initial application fee of $300;
12. The licence fee of $200; and
13. A $100 fee for each licence extension requested.

The Board may request additional documents. Please note that it is an offence to submit false information in an application. [Act s.6-7, Regs ss.15 (1), Regs Schedule A]

Notifying the Public

Once your application has been submitted to the Board, you are responsible for notifying the public of your application. The Board will only waive this requirement if the application is for a transfer, otherwise you must publish two notices in the local newspaper – at least 6 days apart and at least 21 days before the Board is scheduled to hold a licence hearing. [Act s.9, Regs ss.18 (1)] Contact the Liquor Licensing Board office at 1-800-351-7770 for assistance.

You must also send a letter to the community government where the premises are to be located. The community government must receive the letter at least 21 days before the Board hearing. [Regs ss.18 (2)]

Board Hearing

After you have completed the application and notified the public, the Board will hold a hearing to consider your application. To make its decision, the Board will consider whether you meet the eligibility criteria, whether the community objects to the application and why and whether there are any other concerns about the application. The Board may also require you to attend the hearing. [Act s.8, Act s.10]

After considering all the factors, the Board will issue the licence, deny the licence, or issue the licence with conditions. You may appeal the Board's decision to the Supreme Court of the Northwest Territories within 60 days. [Act s.11, Act ss.23 (2), Act s.26]

Withdrawing an Application

If you have begun the application process but change your mind, you may withdraw your application at any time before the Board makes a decision about it. The fee you submitted will be returned to you, except for $100 which will be kept to cover administrative costs. [Regs s.16]

4.4 Renewing an Existing Licence

Licence holders must renew their licence every year before March 31st. Renewal applications must be submitted to the Board 14 days prior to March 31st to allow time for your application to be processed. Renewals are normally handled by the Liquor Licensing Board's Executive Secretary, who can be reached at 1-800-351-7770.

To renew a licence, the licence holder must:

1. continue to meet all of the eligibility criteria;
2. complete the renewal form, including the details of any changes in the information submitted in the original licence application;
3. submit any information requested by the Board; and
4. pay the annual licence fee of $200 [Regs s.19]

If, for whatever reason, you have not sold any liquor under your existing licence in the past six months, you cannot renew your licence. Instead you must apply for a new licence. [Regs ss.20 (1)]

4.5 Transferring an Existing Licence to a New Owner

When a licence holder sells the business to a new owner, the licence itself cannot be sold as part of the business. Instead, the licence must be officially transferred to the new owner by the Liquor Licensing Board. The new owner must meet all of the eligibility criteria, submit all of the required documents, and follow the same process as anyone applying for a new licence. [Act s.17, Regs s.21]

If the licence holder is a corporation and there is a change in shareholders, any new shareholder that holds more than 10% of the corporate shares must meet all of the eligibility criteria. [Act s.15]

4.6 Surrendering a Licence

If you no longer want to operate your licensed premises, you must notify the Liquor Licensing Board and arrange to surrender your licence. Note, however, that if you have any outstanding violations at the time you surrender your licence, you may still be liable for these violations and the Board may still penalize you. [Act s.16]

Once your licence is terminated, you normally have 30 days to return any unopened liquor to the Liquor Commission for a refund. If your licence is cancelled by the Board because of a violation you committed, the Board may order you to forfeit all liquor in the premises and you will get no refund for that liquor. [Act s.18]

5. Multiple Licences

5.1 Introduction

You can apply for as many licences as you wish, for different premises. In addition, you may apply for multiple licences in the same premises. This will give you, the licence holder, flexibility in how you use your premises. [Act ss.11 (3)]

5.2 Eligibility

A Class "A" licence holder may apply to operate a Class "B" licence in the same premises. The licence holder and the premises must meet all of the criteria for both licences. The eligibility criteria for a Class "A" licence are outlined elsewhere in this handbook. To be eligible for a Class "B" licence, the applicant must meet the general eligibility requirements and, in addition, the applicant must:

- operate a restaurant for the primary purpose of generating revenue from the sale and service of food; [Regs ss.13(2)]
- have a commercial kitchen approved by a Public Health Officer;
- ensure that the commercial kitchen and equipment are adequate to prepare meals for all patrons when at full occupant load;
- employ or plan to employ a cook; and
- have printed menus that include meals. [Regs ss.15(6)]

5.3 Conditions on Multiple Licences

To operate a Class "A" and Class "B" licence in the same premises, the following conditions must be met:

1. You may only operate under one licence at a time; [Regs ss.10(3)]
2. When operating under a particular licence, you must meet all of the requirements for that licence. [Regs ss.10(1)]
3. You may operate the licences:
    a. on different days (e.g. Class "A" one day, Class "B' the next day), or
    b. within the same day (e.g. Class "B" until 10pm, Class "A" until 2am).
4. You must submit an operating schedule for each licence to the Board at the time of application. To make a change to this schedule, you must submit a request to the Board with at least 30 days notice, and may not make the change until the Board approves it. [Regs ss.15(4), Regs ss.49(4)]
5. You must keep separate records for each licence; [Regs ss.79(4)]

6. You must follow any conditions or rules imposed by the Board; [Regs ss.47(9)]

If you violate the legislation and are penalized by the Board, the penalty might affect all licences on the premises. If the Board suspends or cancels one licence, you may not change the operating schedule of the other licence to compensate for this. [Regs s.138]

6. Rules of Operation

6.1 Days & Hours of Operation

Introduction

In the NWT, liquor is not available in licensed premises on a 24/7 basis. Liquor service and sales are restricted to certain days and hours.

Days of Operation

Days of the Week

You may regularly sell and serve liquor to customers under a Class "A" licence from Monday to Saturday, inclusive.

Sundays

If you have a Class "A" licence, you may sell and serve liquor on 10 Sundays per year; however, you must give the Board 14 days notice before you operate on one of the Sundays. If you change your mind and wish to cancel a particular Sunday operation, you must notify the Board in advance or else this Sunday will be counted as one of the 10. [Regs ss.45 (1) (a), Regs ss.49 (2) & (5)]

Any municipality that wants to change the way Class "A" premises operate on Sundays may enact a bylaw either to restrict the number of Sundays or allow additional Sundays. The bylaw will apply to all Class "A" licences equally. [Regs ss.45 (6), Regs ss.122 (1) (b), Regs ss.122 (4)]

Holidays

If you have a Class "A" licence, you may sell and serve liquor and be open to customers on every statutory holiday, except Christmas Day and Good Friday. [Regs ss.45 (1) (b)]

Any municipality that wishes to have Class "A" premises operating on Christmas and/or Good Friday may enact a bylaw to allow this. The bylaw will apply to all Class "A" licences equally. [Regs ss.45 (6), Regs ss.122 (1) (c), Regs ss.122 (4)]

Election Days

If you have a Class "A" licence, your premises may be open on election days, but you must not sell or serve liquor or allow anyone to consume liquor until the polls are closed. This rule stands for the following types of elections and by-elections:

- Community control plebiscite under the *Liquor Act*;
- Municipal council elections;
- Territorial elections; and
- Federal elections. [Regs ss.46(1)]

The Board has made a rule that if there is more than one electoral district in a riding all premises must close unless all electoral districts are acclaimed. Licensed premises may sell and serve liquor when advance polling stations are open.

The Board may also prohibit you from selling and serving liquor during band council elections, but this will be on a case by case basis only. [Regs ss.46 (3)]

Hours of Operation

Regular Hours

Unless the Board states otherwise, a Class "A" licensed premises may sell and serve liquor from 10am to 2am, and may stay open until 2:30am to allow customers to finish their drinks and leave the premises. If you choose to close your premises earlier, you must stop selling and serving liquor for the last 30 minutes of operation. [Regs ss.47 (1)-(2)]

Hours for New Year's Eve

On New Year's Eve you may sell and serve liquor up to 3:00am the next day, if you wish, but you must stay open until 3:30pm to give customers an additional 30 minutes to finish their drinks and leave the premises. [Regs s.47 (2), Regs ss.47 (10)]

Municipal Bylaws

Any municipality that wants to restrict the operating hours of a Class "A" premises may enact a bylaw to do this, but the bylaw must meet several conditions, such as:

1. The bylaw must apply to all Class "A" licences equally;
2. The new operating hours must be reasonable; and
3. The new operating hours must allow for an extra 30 minutes after liquor sales and service end, to allow customers to finish their drinks and leave the premises. [Regs ss.47(11), Regs ss.122(1)(a), Regs ss.122(2)-(4)]

Operating Schedule

You are required to submit a copy of your operating schedule, including the days and hours of your operation, to the Board. If you change your operating schedule, you must submit a new schedule to the Board within 14 days of making a change, unless the change is a one-time event or is for 30 days or less. If you have multiple licences operating in the same premises, you may not change your operating schedule without first obtaining the permission of the Board, after first giving them 30 days notice of the change. [Regs s.49]

Customers in the Premises

For a Class "A" licence, customers are not allowed in the premises before or after operating hours. There is one exception: customers may be in the premises outside of operating hours if they are there to attend a liquor-free event that has been approved in advance by the Board. [Regs ss.29 (2)]

Liquor-Free Events

A liquor-free event (LFE) is an event held in your premises at which no liquor is sold, served or consumed. [Act s.98]

Days/Times for LFEs

Licence Holders can vary their hours of operation and after varying, apply to the Board to hold a liquor-free event at a time which might, but for the variation of hours be during the licensed premises hours of operation. [Act ss.98 (1)]

Application

You must apply to the Board in advance to hold a liquor-free event. See section 50 in the regulations for a list of the information you must submit to the Board. Contact the Board's Executive Secretary to obtain a liquor-free event application form.

The Board may or may not approve the event. If you expect to hold gambling at the event, the Board will require a copy of the lottery licence before the event occurs. [Act s.98, Regs ss.50 (2)]

Rules during a LFE

If the Board approves you to hold a liquor-free event, all of the following rules apply:

1. No liquor may be sold, served or consumed.
2. Minors are allowed, unless there is another law that prohibits people of a certain age from attending functions.
3. No customers shall have access to liquor.
4. No customers shall bring liquor into the event.
5. No intoxicated people are allowed in the premises.
6. The event must be supervised by the licence holder or an employee.
7. An inspector may cancel the event on-site & participants have 30 minutes to vacate.
8. Any other rule the Board requires. (See Board Policy on LFE) [Regs ss.50(5)-(6)]

6.2 Safety in Licensed Premises

Introduction

Customer safety is the highest priority in licensed premises. Not only do we want to be sure that people do not drink too much, we also want to be sure that the premises themselves meet safety codes and are operated in a safe manner. This section of the handbook spells out the various safety rules in licensed premises.

Occupancy

The Board approves how many people you can have in your premises at one time, including customers, staff and entertainers. This is called the occupancy load. The Board sets the occupancy load by considering both the Fire Marshal's recommendation and the Public Health Officer's recommendation. Once your occupancy load is set, you are required to make sure that the number of people in your premises does not go over that amount or you could be penalized. [Regs s.55]

Structure, Alterations & Conditions

Structure

When you apply for a Class "A" licence, you need to submit a floor plan of the premises to the Board. [Regs ss.15 (1) (d)]

Alterations & Renovations

Once you have your licence, you cannot renovate, make structural changes or major design changes to your premises without first getting the approval of the Board. If the renovations you are planning would significantly change the occupancy or overall operation of your premises, the Board may choose to get the public's input before making a decision about whether to approve the changes. [Regs s.62]

Condition of Premises

You must keep your premises in good condition at all times, including compliance with the requirements of the Fire Marshal and the *Public Health Act*. [Regs s.61]

Patios & Outdoor Areas

If you would like to operate a patio or other seasonal area, you must first get the Board's approval. If the Board approves your patio, the Board may place conditions on how you use it. The patio does not increase the occupancy load of your premises. The patio will be considered a licensed area during the times approved by the Board, which means you are responsible for making sure that all of the rules for licensed premises are followed on the patio. [Regs ss.3 (3) (c), Regs ss.17 (3)]

Note that if the community where your premises are located does not want patios or outdoor areas to be licensed, the community government may pass a bylaw which prohibits this. [Regs ss.122 (1) (d)]

Supervision

You must be sure that your premises are supervised. The law says that the licence holder, the manager, or one of your employees must supervise the premises, including the customers, at all times during operating hours. [Regs ss.56 (1)]

Management of Customers

Most customers in licensed premises are there to have fun and to enjoy themselves. Unfortunately, there are times when customers become aggressive, disorderly and even violent – whether they have been drinking liquor or not.

It is your responsibility to make sure that your premises is a safe place for all customers. It is mandatory that you remove any customers who are disorderly, violent, committing an offence, or are obviously in the premises for some improper purpose. The law says that you can demand these customers to leave. If the situation is bigger than you can handle, you can always call the RCMP for assistance. As well, if the customer refuses to leave or tries to return, that customer can be charged. [Act s.94-96]

Customers Bringing Liquor / Removing Liquor

Customers are not allowed to bring liquor into a Class "A" premises or to remove liquor from a Class "A" premises, and it is your responsibility to make sure this does not happen. There is one exception to this rule: a customer may take 6-12 containers of beer out of your premises if your Class "A" licence has a valid off-premises extension. [Regs s.33]

Power Failures

If the power goes out – as it does quite often in the North - you may continue to operate as long as you have adequate emergency lighting throughout the premises, including the washrooms. If your emergency lights are not adequate or if they burn out, you must stop selling and serving liquor immediately and evacuate the premises within 30 minutes. [Regs s.59]

Workers Shall Not Consume Liquor

Nobody working at your licensed premises is allowed to consume liquor while they are on duty, unless their only job is to be an entertainer. [Regs s.57]

Server Training

In many places across Canada it is mandatory for all bartenders and servers to complete a training program. In the NWT, we have a training program called the *Server Training Course*. The course is free and is recommended, but at this time it is not mandatory unless the Board specifically requires you to take it. For more information about server training, call the Licensing & Enforcement office at 1-800-351-7770.

6.3 Controlling Over-Consumption

Introduction

Most customers in licensed premises are able to take care of themselves and they know their limits. Some customers, however, do not or cannot control their drinking. Some people might argue that if customers want to become intoxicated, that is their choice. While this might be true in a person's home, it is not true at licensed premises where customer safety is of the highest priority. People who consume too much liquor can create safety problems for themselves and others. Because of this, licence holders and their employees are responsible for helping to control over-consumption.

Definition of Intoxication

An intoxicated person is "an individual who appears to be under the influence of liquor, a drug or another intoxicating substance". This means anyone who shows obvious signs of being intoxicated, regardless of what method they become intoxicated by, is considered an intoxicated person. This definition is very broad to allow you the most flexibility in assessing each person's condition. [Act s.1 "intoxicated person"]

No Sale or Service to Intoxicated Customers

You are never allowed to sell or serve liquor to an intoxicated person, regardless of whether they came to your premises already intoxicated, or whether they became intoxicated while there. [Act s.93]

Intoxicated Customers in the Premises

You must refuse entry to anyone who is intoxicated. The only exception is if the person appears to need assistance, in which case you may allow him or her to wait inside until safe transportation can be arranged. Note that anytime an intoxicated person is in your premises, you are responsible to supervise that person. [Act s.92, Regs s.58]

If an intoxicated person is already in your premises, it is your choice whether to force the person to leave immediately or to allow him or her to stay temporarily while they are waiting for someone to take them home. In making your choice, remember that you may be liable if intoxicated customers harm themselves or someone else. [Act s.92, Regs s.58]

If you choose to allow an intoxicated person to stay in your premises, there are rules you must follow:

1. The intoxicated person may only wait temporarily while waiting for transportation (e.g. a taxi) or to be released into the care of a responsible adult.
2. A staff member must supervise the intoxicated person at all times. This might mean the person waits with the bouncer, sits at the bar, or is situated in a location so that staff can continually monitor the person's behaviour and the behaviour of people around him or her.
3. Your staff must make sure that nobody buys liquor for the intoxicated person or gives liquor to him/her.
4. Your staff must make sure that the intoxicated person does not have access to liquor. [Regs s.58]

Limiting Drinks

The maximum number of drinks you can serve to a customer at one time is two, although you can make it your house policy to serve only one drink at a time, if you choose, for added customer safety. [Regs ss.32 (2)]

There is no set limit on the amount of liquor that can be in a single drink because all types of drinks are different. Please note, however, that it is against the law to serve a customer

an amount of liquor that can reasonably be expected to make him or her intoxicated. To comply with this you will need to use common sense, particularly when serving someone a drink that contains a large amount of liquor. You will need to consider what effect that drink will have on the person. [Regs s.32]

Information for Customers

In your premises, you must have a list showing the types of liquor for sale, the amount and type of liquor in each drink, and the price of each drink. This can be posted on a board, in a menu or in some other format. Providing information to customers – particularly about how much and what type of liquor is in each drink - helps them to monitor their own consumption. [Regs ss.3 (2)]

Measuring, Pouring & Serving Liquor

There are several rules about how to measure, pour and serve liquor that are designed for customer safety:

1. The only liquor you are allowed to have in a Class "A" licensed premises is liquor that has been purchased from the NWT Liquor Commission. If you are a licensed manufacturer, you may apply for a manufacturer's extension to allow you to sell and serve your own products in the premises. [Act s.89(a)]
2. Liquor must be served in its original container or in a glass, pitcher or decanter into which the liquor has been poured. [Regs ss.31(1)]
3. When you are serving spirits, you must always use a measuring device such as a marked shot glass or a dispenser so that both you and the customer know exactly how much alcohol is in the drink. This means that free-pouring is not permitted. [Regs ss.31(2)(a)]
4. If a customer requests it, you must measure spirits into the glass in front of the patron, unless the drink requires mixing before serving. [Regs ss.31(2)(b)]
5. Only the licence holder or a worker may serve liquor or open a liquor container. This means that liquor is not self-served and customers are not allowed to open bottles by themselves. This rule allows your staff to monitor customer consumption. [Regs ss.31(3)]
6. It is illegal to carry a drink to a customer before he or she has ordered it. This rule applies for all types of liquor. [Regs ss.32(5)]

Gambling

The *Liquor Act* forbids any gambling in licensed premises, including VLTs and other types of computerized or electronic gambling games. There are a few exceptions to this rule, as follows:

1. A Class "A" licensed premises may allow raffle tickets to be sold or drawn in the premises, as long as the raffle has a valid lottery licence.
2. A Class "A" licensed premises may allow legal gambling with a lottery licence during liquor-free events. See earlier in this handbook for more details about liquor-free events. [Act s.97]

Food

Food, including light snacks, pre-packaged foods and a reasonable selection of non-alcoholic beverages must be available to customers at all times during your operating hours. [Regs ss.43 (1)]

If a customer wants to buy food only, you are not allowed to force the customer to purchase liquor also. [Regs ss.43 (3)]

If your premises are located in the same building as a restaurant, you can make arrangements with that restaurant to sell and serve food to your customers so you do not have to. However, if the restaurant closes before your premises closes, you must be able to provide some type of food to customers for the remaining hours of your operation. [Regs ss.43 (2)]

Advertising

The NWT has strict rules about how liquor may be advertised. You may advertise your business any way you like, but there are certain types of public advertising you shall NOT do.

Any advertising in the media or outside your premises shall not violate any of the rules outlined in the *Code for Broadcast Advertising of Alcoholic Beverages*, issued from time to time by the Canadian Radio-television and Telecommunications Commission. These rules can be found online at
http://www.crtc.gc.ca/ENG/GENERAL/CODES/ALCOHOL.HTM [Regs ss.72 (1)]

In addition, advertising in the media or outside your premises shall not:

- Include the distribution of coupons that can be redeemed for a discount on liquor;
- Mention the price of liquor;
- Mention any free or discounted liquor specials; or
- Use words that imply the price of liquor, such as “Loonie Night”, etc. [Regs ss.72(2), Regs ss.73(1)]

Workers on Commission

It is against the law for a licence holder to agree to pay an employee on commission, or to have any other arrangement where the employee gets paid more money for selling more liquor. [Act s.102]

Drink Standards

The minimum amount of liquor that may be in a drink is 1 oz., unless a customer specifically requests a smaller amount. This rule helps customers to know exactly how much liquor is in their drink so they can adjust their consumption patterns accordingly. [Regs ss.32 (6)]

6.4 Protecting Youth

Introduction

Consuming liquor can be a dangerous activity if not done with responsibility and restraint. Recognizing this, the NWT liquor system requires anyone who consumes liquor in licensed premises to be at least 19 years old. Some might argue that this age is too young; others that it is too old. There is no perfect age to take on the responsibility for consuming liquor, but most people agree that 19 is reasonable.

In addition to setting a drinking age, the NWT liquor system takes extra precautions to protect youth, which are outlined in this section of the handbook and throughout the *Liquor Act* and regulations.

Minors in the Premises

No Sale or Service to Minors

Under no circumstances are you or your staff allowed to sell or serve liquor to a minor or to allow a minor to consume liquor. This is a serious offence under the *Liquor Act* and you could face stiff penalties. [Act ss.77 (1), Act s.125]

No Minors as Customers

Minors are not allowed to be customers in a Class "A" premises. It is your responsibility to make sure that minors do not enter the premises. [Act s.99]

Special Authorization

You may allow minors to attend a special event, provided you obtain a special authorization from the Board in advance. If the Board grants the special authorization, you may allow minors in the premises, but you may not sell or serve liquor to them or allow anyone else to do so. Also, it is your responsibility to make sure that minors do not consume liquor. [Regs ss.66 (2)-(5)]

Liquor-Free Events

If the Board has given prior approval for you to hold a liquor-free event in your premises, you may allow minors to attend. Please see the rules about liquor-free events earlier in this handbook. [Regs ss.66 (1) (c)]

Identification

It is difficult to tell someone's age just by looking. The best way to be sure is to ask anyone who appears to be under the age of 25 years old to show identification (ID). Your staff has the right to ask ID from anyone. If the person cannot produce ID, or if the ID they use is obviously false or altered, you cannot allow them to enter the premises. If they are already in the premises, you must make them leave immediately. [Act ss.99 (2)]

False or Altered ID

If a minor tries to use false or altered ID, that minor can be charged. If you suspect somebody is using false or altered ID, call the RCMP. [Act s.82]

Minors as Workers

You are allowed to hire minors to work in your premises, but the minor can only work in the kitchen or as an entertainer. If you have a minor working as an entertainer, that minor must leave the licensed premises when he or she is not performing. Minors working in the kitchen cannot serve liquor or prepare drinks, clean tables or be in the licensed area at any time.

You may allow minors into the premises to make deliveries of non-liquor products or to conduct repairs on the premises. [Regs ss.66 (1)]

6.5 General Conditions

Relationships with Manufacturers

As a licence holder, you are not permitted to enter into a contract or any other type of arrangement with a liquor manufacturer or a liquor manufacturer's representative to sell a particular brand of liquor. [Act s.103]

Liquor Stock

You are required to maintain an adequate stock of liquor that consists of a variety of brands and types of liquor. If you want to sell one type of liquor only, such as at a wine bar, this must be approved by the Board in advance. If you are unable to stock a variety of liquor, you should notify the Board of this issue so that you are not penalized. [Regs ss.30 (1)]

Display of Licence

You must publicly display your licence in your premises for inspection purposes. [Regs s.77]

Legislation Available to Employees & Customers

The *Liquor Act* and regulations contain all of the rules that you must follow in your Class "A" licensed premises. You must keep a copy of both documents in the premises for easy access by any employee or customer. You can download a copy of the legislation from www.justice.gov.nt.ca [Regs ss.78 (2)]

Record Keeping & Receipts

There are several other documents that you must keep in your licensed premises:

- A register of each employee or worker who has control over or access to liquor;
- A copy of all purchase orders for liquor; and
- A current inventory of all liquor in the premises.

You must keep these records for a minimum of six years, and make them available to a liquor inspector, the Minister, or the Board if they request to see them. [Regs ss.78 (1), Regs s.82]

Notifying the Board of Changes

As a Class "A" licence holder, you are responsible for notifying the Board of any changes to the following:

- Your on-site manager
- Your associates
- Your business licence
- Your company
- Any matter that affects your eligibility [Regs s.81]

Ordering Liquor

Ordering & Purchasing Liquor

When you buy liquor for your licensed premises, you must only buy liquor from the NWT Liquor Commission. In order to do this you must use the purchase order forms supplied by the Commission and buy the liquor from the liquor warehouse located in the same community as your premises.

If there is no liquor warehouse in the same community, you must buy liquor from the liquor store in the community. If there is neither a liquor warehouse or liquor store in the community, you may order liquor for your premises from any liquor warehouse in the NWT. [Regs ss.113 (1)-(2)]

5% Charge

All licence holders are required to pay a 5% charge on all liquor orders. This money helps off-set some of the costs of operating the NWT liquor system. [Regs ss.113 (3)]

Special Events

Sometimes individuals or groups will ask if they can hold a special event in your premises, like a wedding or birthday party. If you agree, there are two ways this can occur:

Private Function

If the people holding the event want you to be responsible for selling and serving liquor at the event, you may do so. The only time you need Board approval to do this is if minors will be in attendance. If minors are to be in attendance the whole premises must be used for this purpose and the premises must be closed to the public.

During the event, you will be responsible for abiding by the *Act* and regulations, and all of the same rules that apply during normal operating hours will apply during the event.

Special Occasion Permit

If the people holding the event only want to use your premises, but would rather take responsibility for selling and serving liquor themselves, different rules apply. First, you must approve. Nobody can use your premises without your permission. Second, the premises must be closed to the public so that only event participants are present during the event. Third, the people holding the event must apply in advance for a Special Occasion Permit. If the permit is approved, the permit holders will be responsible for bringing in and using their own liquor stock. They may not use your liquor stock or buy liquor from you. When the event is over, they will be responsible for removing any excess liquor from your premises. [Regs ss.86 (4), Regs s.98]

The permit holders will also be responsible for complying with the *Act* and regulations, including keeping the premises and participants safe. As the licence holder, you will be responsible for having at least one staff member on the premises during the event. [Regs s.91-110]

7. Community Control

7.1 Introduction

The *Liquor Act* and regulations apply to all licensed premises, regardless of where they are located in the NWT. Every community, however, has some power to make decisions about liquor within its boundaries.

This section of the handbook outlines the powers communities have to control liquor sales, service and consumption in licensed premises.

7.2 Plebiscites

Plebiscites to Allow the First Class "A" Licence

Before a Class "A" licence can be issued by the Board in a community that currently does not have any licensed premises, that community must hold a plebiscite to determine the wishes of the community. If the plebiscite receives support from more than 50% of voters, then the Board may begin to issue Class "A" licences, as well as all other classes of licences. If the plebiscite does not receive enough votes to pass, the community cannot request another plebiscite on the same question for 3 years. [Act s.55]

Plebiscites to Close All Class "A" Licences

If a community decides it no longer wishes to have any Class "A" licences within its boundaries, the process to do this is more complex.

If any Class "A" licences have been issued in the last 4 years, there can be no plebiscite.

If the Class "A" licences in the community have been in effect for 4 years or more, the community can proceed to the next step. This step requires that 20% of eligible voters in the community sign a petition requesting the Minister to hold a plebiscite. A plebiscite will be held only if the Minister agrees.

Once the plebiscite is held, the Board will cancel all Class "A" licences if more than 50% of the voters support the closure. If the plebiscite does not receive enough votes to pass, all Class "A" licences will remain in effect and the community cannot request another plebiscite with the same question for 4 years. [Act s.57]

7.3 Bylaws

The *Liquor Act* and regulations set out the rules about licensed premises. There are a few rules that individual communities can override, within certain restrictions.

Only communities that are municipal corporations have powers related to licensed premises. If they choose to get involved, they must do so by enacting a bylaw and meeting a number of conditions. [Act s.54, Regs s.122]

Types of Bylaws

Municipal corporations may enact bylaws to:

- Restrict the hours of operation.
- Permit more than or fewer than 10 Sundays for operation.
- Allow operation on Good Friday and/or Christmas Day.
- Restrict the use of patios & outdoor areas.
- Prohibit or allow off-premises sales.
- Prohibit entertainment by minors. [Regs ss.122(1)]

Rules about Bylaws

Municipal corporations must follow rules when making bylaws that affect licensed premises:

- Bylaws must apply equally to all Class "A" licence holders;
- Bylaws that restrict operating hours must be reasonable;
- Bylaws that restrict operating hours must maintain a 30 minute transition time between last service and closing time;
- Municipalities must give ample notice, including notifying the public at least 60 days in advance; and
- Bylaws cannot be changed for 4 years unless the municipality receives the written consent of the majority of licence holders who are affected by the proposed change. [Regs s.122]

8. Compliance

8.1 Introduction

The *Liquor Act* and regulations set out the rules for operating licensed premises. Sometimes there are additional rules imposed by the Board called "terms and conditions", which are either written on your licence or sent to you in a letter. It is your responsibility as a licence holder to follow all of the rules at all times.

To make sure that all of the rules are being followed, liquor inspectors and RCMP will conduct inspections.

If you have questions about any of the rules, call the Licensing & Enforcement office at 1-800-351-7770.

8.2 Inspections

Liquor Inspectors

There are approximately 9 liquor inspectors in the NWT, although the number varies from time to time. In addition, all RCMP members are able to carry out the duties of a liquor inspector. [Regs s.128]

The Coordinator of Liquor Enforcement, whose office is located in Hay River, oversees the recruitment and training of liquor inspectors, conducts investigations, and issues tickets.

Inspections

Liquor inspectors conduct inspections, which mean they observe your premises and your operation, and report whether you are in compliance with the *Liquor Act*, the regulations, and any terms and conditions on your licence. Following an inspection, the liquor inspector will sign the inspection report, requests the Supervisor to sign and then provide you with a copy of the report. The original is sent to the Licensing & Enforcement office.

If your premise is in compliance with the legislation, nothing further occurs. If your inspection report indicates that there may have been a violation, the Licensing & Enforcement office will review the matter and make a decision about how this will be handled.

Investigations

Investigations are conducted if there has been a complaint about a particular matter or if, during an inspection, an inspector notices something that requires a more in-depth review. Normally, all investigations are conducted by the Coordinator of Liquor Enforcement, although local liquor inspectors and RCMP may be involved. Depending on the nature of the investigation, the Coordinator of Liquor Enforcement may obtain a warrant.

Duty to Assist Inspectors

As a licence holder, it is your responsibility to assist liquor inspectors or RCMP members in whatever way you can. In fact, if you are not cooperative, you can face a penalty. [Act s.109]

8.3 Non-Compliance

If your premises or your operation is not in compliance with the *Liquor Act*, the regulations, or the terms and conditions of your licence, you could face a penalty. There are a number of different ways your non-compliance might be addressed, depending on the circumstances. You may receive a warning, or you might receive a ticket or be summonsed to Court. You might also be asked to attend a hearing of the Liquor Licensing Board.

Tickets

Use of Tickets

As long as an offence is listed in the Summary Conviction Procedures Regulations, enforcement officers have the option of giving you a ticket. Each circumstance will be different so there are no set rules for when tickets will be issued. Generally, you will receive a ticket if the violation you are being accused of does not pose a significant risk to customer safety and you have not been penalized for this offence in the past.

Tickets are payable to the court and can be paid in most communities in the NWT. By paying the ticket, you admit that you are guilty. Once the ticket is paid, the matter is complete. If you choose not to pay the ticket or if you forget to pay it, you will automatically need to appear in court, where the matter will be addressed in front of a Justice of the Peace or Judge.

Ticket Amounts

Tickets range from $150 to $450, depending on the offence.

A list of offences and their ticket amounts are listed in the Summary Conviction Procedures Regulations. An online version can be found at http://www.justice.gov.nt.ca

Court

Use of Court

There are two reasons your violation might be addressed in court:

1. If you received a ticket for a violation and you do not pay that ticket, the matter will be automatically transferred to court.

2. If the Licensing & Enforcement office believes that the offence you are alleged to have committed has serious implications, they may send the matter directly to court and may not issue a ticket at all.

Court Penalties

If you are found guilty of an offence in court, the Justice of the Peace or Judge may order you to pay a fine or to go to jail, depending on the offence and the ruling. For fines, you might be ordered to pay an amount up to:

Offence	Maximum Fine
Selling liquor to a minor	$20,000 – sole proprietorship or partnership $40,000 – corporations
Selling or serving liquor to an intoxicated person	$10,000 – sole proprietorship or partnership $20,000 – corporation
Allowing violent or disorderly conduct in the premises	$10,000 – sole proprietorship or partnership $20,000 – corporation
Allowing unauthorized gambling in the premises	$10,000 – sole proprietorship or partnership $20,000 – corporation
Allowing minors to enter or remain in the premises	$10,000 – sole proprietorship or partnership $20,000 – corporation
All other offences	$ 2,000 – sole proprietorship or partnership $ 5,000 – corporation

[Act s.125, Act s.126.1, Act s.127]

Liquor Licensing Board Hearing

Use of Board Hearing

The Licensing & Enforcement office may decide to have your alleged violation heard by the Liquor Licensing Board. This might be done instead of, or in addition to, issuing a ticket or sending the matter to court.

There is no set rule for when a matter will be sent to the Liquor Licensing Board because each circumstance is different. Normally, matters are sent to the Liquor Licensing Board when they are related to customer safety or when you have demonstrated a blatant disregard for the rules. It is also possible that low-risk violations might be sent to the Liquor Licensing Board if you have made the same violation repeatedly.

The Liquor Licensing Board will hold a hearing to look into the matter, and after the Board examines all of the evidence, it will make a decision. If the Board decides that you have committed a violation, you may be penalized. [Act s.28]

Board Penalties

After a hearing, the Board has the following options:

- Dismiss the matter;
- Impose conditions on your licence;
- Disqualify you from holding a liquor licence;
- Disqualify your on-site manager or associates from holding a liquor licence;
- Disqualify your premises from being eligible to be licensed;

- Impose a financial penalty up to $10,000 for a first offence, or up to $20,000 for a second or subsequent offence;
- Suspend your licence for up to 12 months; or
- Cancel your licence entirely. [Act s.30]

You may appeal the Board's decision to the Supreme Court within 60 days. [Act s.26]

For more information about the Liquor Licensing Board and its procedures for holding hearings, visit www.fin.gov.nt.ca/llb

9. Licence Fees

9.1 Introduction

There are fees to apply for and hold a liquor licence. The fees are summarized in the table below, and each fee is explained in this section of the handbook.

Class	1 Time Application Fee	Annual Fee	Other Fees
Liquor-Primary (Class "A")	$300	$200	
Food-Primary (Class "B")	$300	$200	
Mobile (Class "C")	$300	$200	$100 per event (special events businesses only)
Liquor-Incidental (Class "D")	$300	$200	
Extensions		$100 ea	

9.2 Fees to Apply for a Licence

When you apply for a liquor licence, you are required to pay two fees: a one-time application fee of $300 and the annual licensing fee, which is $200 for a Class "A" licence. [Regs Schedule A]

If you choose to withdraw your application before the Board holds its hearing, $400 will be refunded to you. $100 will be kept by the Liquor Licensing Board to cover administration costs. [Regs s.16]

If you choose to withdraw your application after the Board has held its hearing, or if the Board denies your licence application, you will get no refund. [Regs s.16]

9.3 Fees to Renew a Licence

If you already have a Class "A" licence, you will be required to pay the $200 annual licence fee each year of operation. This is due no later than March 15th of each year upon renewal of your liquor licence. [Regs ss.19 (1), Regs Schedule A]

9.4 Licence Extension Fee

If you wish to apply for a licence extension, you will be charged $100 for each extension granted. This fee must be paid each year. [Regs ss.22 (2), Regs Schedule A]

10.Summary

We hope this handbook has helped you to understand your rights and responsibilities as a Class “A” licence holder. If you have any questions about your licence or the rules for any of the other licence classes, please do not hesitate to contact the Licensing & Enforcement office at 1-800-351-7770. If you are in Hay River you can call 874 – 8715.

11. Glossary

Application

An application for a liquor licence.

Associate

- A person in partnership with the licence holder, as defined in the *Partnership Act*;
- A corporation in which the licence holder holds more than 10% of voting rights;
- A person who holds more than 10% of voting rights in the licence holder's corporation;
- A corporation having the same directors as the licence holder's corporation;
- A person who has provided more than $10,000 in financing to the licence holder to run the business; or
- In some cases, the licence holder's spouse, as defined under the *Family Law Act*. See subsection 2(1) of the Liquor Regulations for clarification about when a spouse is considered an associate.

Banquet Room

A room or area within the same building as the licensed premises, but separate from the licensed premises, that is primarily used for social and business functions booked in advance.

Board

NWT Liquor Licensing Board

Commission

NWT Liquor Commission

Community Government

- If the community is a municipality, the community government is the municipal council.
- If the community is an incorporated settlement, the community government is the council of the settlement.
- If the community is not a municipality or an incorporated settlement, the community government is the band council.

Licence Holder

The person named in the licence.

Liquor Free Event

An event approved by the Board at which no liquor is sold, served or consumed.

Meal

Food that is of sufficient quantity to constitute a person's lunch or dinner.

Minor
A person under 19 years of age.

Occupant Load
The total number of people who may be in the licensed premises at the same time.

Off-Premises Sales
The sale of beer to customers for consumption off the licensed premises.

On-Site Manager
The person(s) who is responsible for managing the operations of the licence holder in respect of the licensed premises.

Operating Hours
The hours during which liquor may be sold, served or consumed - often referred to as licensed hours.

Public Health Officer
An officer appointed under the *Public Health Act*.

Spouse
As defined in the *Family Law Act*.

Tourist Facility
A facility that consists of at least one permanent building and provides overnight accommodation for registered guests.

Worker
An officer, employee or representative of the licence holder.