

Class C Handbook

A Guide to NWT Liquor Licences



Mobile Licences Class "C"



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 Mobile Licence, otherwise known as a Class “C” 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 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.

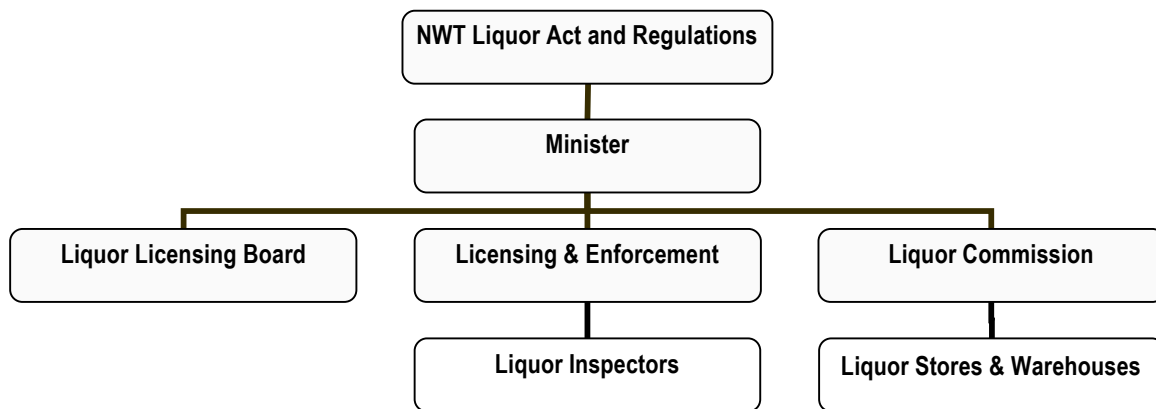
Glossary

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 the Liquor Licensing Board, and for 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 one store in each of 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 one in 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 Mobile Licence 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 “C” 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 “C” Licence

This handbook focuses on the Mobile Licence – we will refer to it as the Class “C” licence from now on. There are other handbooks that describe the other licence classes.

A Class “C” licence is mandatory before any business sells and serves liquor as part of a catering service, on a ship, or in conjunction with special events organized by that business. For these businesses, revenue generated from the sale of liquor is intended for business profit, not for the purposes of operating a society or for fundraising.

Licensed premises for Class “C” licence holders are as follows:

- For a Class “C” licence holder who operates a ship, the licensed premises are areas on that ship that are approved by the Liquor Licensing Board for the sale, service and consumption of liquor.
- For a Class “C” licence holder who operates a catering business, the licensed premises are areas at the event venue that have been approved in advance by the Liquor Licensing Board for the sale, service and consumption of liquor.
- For a Class “C” licence holder who operates a business that sponsors or promotes special events, the licensed premises are the areas at the event venue that are approved in advance by the Liquor Licensing Board for the sale, service and consumption of liquor. [Regs s.3]

Prior to October 31, 2008, ships could be licensed under a Ship Licence, but there were no licences specifically for caterers or events-based businesses. [Regs s.8]

3. Licence Extensions

3.1 Introduction

Licence extensions are granted by the Board either at the time a 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 “C” Licences

There are six types of licence extensions, but only two are available for Class “C” licence holders – and these are only available to Class “C” licence holders who operate a ship. [Regs s.23, Regs ss.27 (1)]

Mini-Bar Extension

Description

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

Eligibility

The licence holder’s Class “C” licensed premises must be located on a ship that provides overnight accommodations 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 considered licensed premises. [Regs ss.3 (2) (b), Regs ss.47 (5)]

Room Service Extension

Description

A room service extension allows the licence holder to sell liquor to registered guests on a ship by delivering the liquor to the guest’s cabin.

Eligibility

The licence holder’s Class “C” licensed premises must be located on a ship that provides overnight accommodations to registered guests. [Regs ss.27 (1)]

Conditions

All liquor sold and served under a room service extension must be delivered to the guest's cabin by an employee.

The cost of the room service sale may be charged to guest's general account, but liquor may only be sold and served during the licensed hours permitted in the ship's main licensed premises. [Regs ss.39 (2), Regs ss.47 (7)]

4. Obtaining, Renewing, Transferring A Class “C” 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 instead of a government official. 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 “C” 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 issuing the licence will not create an undue risk of harm to the public.

14. Must plan to have a locked space for storing the liquor inventory that is not accessible to patrons.
15. If you are a caterer, you must operate a catering business that generates its revenue primarily from the sale and service of food at events hosted by other people.
16. If you are a caterer, you must have a commercial kitchen that complies with the *Public Health Act* and its regulations.
17. If you are a caterer, you must demonstrate that your business is food-focused by having adequate equipment in your commercial kitchen to prepare meals for all customers at events you cater, by having or planning to employ a cook, and by having printed menus or price lists that indicate that your business sells meals.
18. If the licensed premises will be on a ship, you must own or operate a commercial ship that is registered under the *Canada Shipping Act, 2001*.
[Act ss.5 (1)-(2)), Regs s.12, Regs s.13, Regs ss15 (6), 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

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 minor or issuing the licence will not create undue harm to the public;

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 minor or issuing the license 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 must 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. If the licensed premises are to be on a ship, a floor plan showing the location of the bar, liquor storage area, and, if applicable, any plans for an outdoor area;
6. The Fire Marshal's report;
7. For a ship, a Public Health Officer's report about the premises. For a caterer, a Public Health Officer's report concerning your commercial kitchen.
8. A copy of the contract or employment agreement with the on-site manager;
9. Any other document the Board requests;
10. The initial application fee of \$300;
11. The licence fee of \$200; and
12. 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. Sometimes the Board will waive this requirement, but normally 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)]

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, usually before March 31st. 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]

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

The *Liquor Act* and regulations allow more than one licence to be issued for the same premises. Class “C” licence holders, however, are not eligible for this. This means that:

- If you operate a ship, your Class “C” licence is the only type of liquor licence that you may operate there.
- If you operate a catering business or special events business, you cannot sell or serve liquor under your Class “C” licence at a venue where you operate another licence. If a different licence holder wants you to sell and serve liquor under your Class “C” licence, and that licence holder is prepared to suspend his or her operation during the event, this may be allowed if the Board gives approval in advance. [Regs ss.10(2)-(3)]

Note: If you are a caterer and operate your catering services out of a licensed restaurant or bar, this is not considered a multiple licence scenario. For example, your licensed restaurant (Class “B” licence) and your catering business (Class “C” licence”) share the same kitchen, but they do not share the same licensed premises since the licensed premises for the catering service is the venue at which the event is held.

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

6. Rules of Operation

6.1 Prior Approval for Catered and Special Events

If you are a Class “C” licence holder who operates a catering businesses or business that sponsors or promotes special events, you could potentially sell and serve liquor at different types of events, in different types of locations, with various occupancy loads. Because each event is unique, you are not allowed to sell or serve liquor at a catered or special event without first obtaining the approval of the Liquor Licensing Board. This allows the Board to assess each situation individually and place any conditions it feels are necessary on your licence as it operates at the event. [Regs s.34]

Application for Approval

To obtain the Board’s approval to use your licence at an event, you must complete an approval application. Approval application forms are available from the Licensing & Enforcement office. When you fill out the form, you will be required to list the following information:

- The name and nature of the event;
- The name of the event sponsor;
- The address or location of the event;
- The dates and hours of the event;
- The number of participants expected to attend the event;
- Whether minors are expected to attend the event;
- An explanation of any special requests you have of the Board; and
- Confirmation that you have sufficient staff available to supervise the event. [Regs ss.34(2)]

When you submit the form, you will need to submit the following documents with it:

- A floor plan of the event venue and a letter of approval from both the Fire Marshal and a Public Health Officer, unless the Board already has this information on file. Check with the Licensing & Enforcement office at 1-800-351-7770 to be sure you need this.
- A written document showing that the owner or manager of the venue agrees to let you hold a licensed event there. [Regs ss.34(2)-(3)]
- If the event will take place in a private residence or private business, a consent form signed by the occupant to allow an inspector to conduct an inspection. The Licensing & Enforcement office can provide you with the consent form.

Advance Notice

In order to give the Board and enforcement officers enough notice of events, you will need to apply for approval according to the following notice periods:

- For events at which you expect fewer than 200 people, you must apply at least 5 days in advance.

- For events at which you expect 200 to 499 people, you must apply at least 14 days in advance.
- For events at which you expect 500 people or more, you must apply at least 45 days in advance. [Regs ss.34(4)]

To be on the safe side, you should apply for approval as soon as you become aware of an event at which you might want to sell or serve liquor. If you leave the application too late, you risk having the Board deny your request.

Community Input

Sometimes large events are planned within a community without the community's knowledge. If the Board feels that it may be in the public's interest, they may require you to provide written evidence that the community government does not object to the event. [Regs ss.34(5)]

For ships docking in NWT communities that have restricted or prohibited liquor systems, it is your responsibility to ensure that liquor is not consumed, sold or served within the prohibited or restricted area, in accordance with section 127 of the regulations. Call the Licensing & Enforcement Office at 1-800-351-7770 if you have any questions concerning restricted or prohibited communities. [Regs s.127]

Fee for Special Events

Caterers may apply to sell and serve liquor at as many events as they choose without additional cost. You will be required to pay a \$100 fee each time the Board approves you to sell and serve liquor under a Special Events Licence. [Regs ss.34 (3) (c), Regs Schedule A]

6.2 Days & Hours of Operation

Introduction

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

Days of Operation

Days of the Week

If your Class "C" licence is for a ship, you may sell and serve liquor to customers any day of the week, including Sundays.

If your Class "C" licence is for a catering business or a business that sponsors or promotes special events, you may apply to the Board to sell and serve liquor on any day of the week, including Sundays, but you must receive the Board's approval before using your licence on any of those days.

Holidays

If your Class “C” licence is for a ship, you may sell and serve liquor and be open to customers on any statutory holiday.

If your Class “C” licence is for a catering business or a business that sponsors or promotes special events, you may apply to the Board to sell and serve liquor on any statutory holiday, but you must receive the Board’s approval before using your licence on those days.

Election Days

If you have a Class “C” licence, you may operate your ship or events 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:

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

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)]

Note that this rule does not apply to advance polling days.

If there is more than one electoral district in a riding, the Board has a rule that says that all premises must close unless all electoral districts are acclaimed.

Hours of Operation

Regular Hours

If your Class “C” licence is for a ship, you may sell and serve liquor while the ship is underway. When the ship is docked, you may only sell and serve liquor 60 minutes before a scheduled trip and 60 minutes after the ship docks. [Regs ss.47(3)]

If your Class “C” licence is for a catering business or a business that sponsors or promotes special events, you may only sell and serve liquor during the times the Board approves for that event. [Regs ss.47(4)]

Hours for New Year’s Eve

There are no special rules for New Year’s Eve for Class “C” licence holders. If you wish to sell and serve liquor at a catered or special event scheduled for New Year’s Eve, you simply apply for Board approval as you would for any other event, noting the hours you wish to sell and serve liquor.

Municipal Bylaws

Any municipality that wants to restrict the hours that a Class “C” licence holder may sell and serve liquor may enact a bylaw to do this, but the bylaw must meet several conditions, such as:

1. The bylaw must apply to all Class “C” licences equally; and
2. The new operating hours must be reasonable. [Regs ss.47(11), Regs ss.122(1)(a), Regs ss.122(2)-(4)]

Operating Schedule

If your Class “C” licence is for a ship, you are required to submit a copy of your trip schedule to the Board. If you are a caterer or business that sponsors or promotes special events, there is no need to register an operating schedule with the Board because the Board will already know where and when you are selling and serving liquor due to the fact that you must apply in advance of each event. [Regs s.49]

Customers in the Premises

For a Class “C” licence, there are no restrictions on the times customers are allowed to be in the licensed premises. [Regs ss.29(1)]

Liquor-Free Events on Ships

A liquor-free event (LFE) is an event held in your premises at which no liquor is sold, served or consumed. A Class “C” licence holder who operates his or her licence on a ship must apply for a LFE before holding any legal gambling on the premises. LFEs do not apply to other Class “C” licence holders. [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 s.98 (1)]

Application

If you wish to hold a LFE, you must apply to the Board in advance. 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. [Regs ss.50(5)-(6)]

6.3 Safety in Licensed Premises

Introduction

Customer safety is the highest priority. 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 the licensed area on your ship or at your catered or special event 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 on Ships

Structure

When you apply for a Class "C" licence for a ship, 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 for a ship, 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 sell and serve liquor on a deck or outdoor area, whether on a ship or at a catered or special event, you must first get the Board's approval. If the Board approves, the Board may place conditions on how you use this area. The outdoor area will be considered licensed 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 outdoor area. [Regs ss.3(3)(c), Regs ss.17(3)]

Note that if the community where your ship is located or where the event is being held does not want 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 any premises where you sell and serve liquor 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 approved operating hours. [Regs ss.56(1)]

Management of Customers

Most customers want 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 the licensed area is safe for all customers. It is mandatory that you remove any customers who are disorderly, violent, committing an offence, or are obviously there 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

Customers are not allowed to bring liquor onto a ship with a Class "C" licence or to an event where a Class "C" licence is in effect. [Regs ss.33 (1)-(2)]

Customers Removing Liquor

Customers are not allowed to remove liquor from the licensed area on your ship or at the event venue. It is your responsibility to make sure this does not occur. [Regs ss.33(3)-(4)]

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 event venue, including the washrooms. If the 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 in the licensed area of your ship or event venue 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.

6.4 Controlling Over-Consumption

Introduction

Most customers 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 whether they are actually intoxicated, 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 ship or to the event already intoxicated, or whether they became intoxicated while there. [Act s.93]

Intoxicated Customers

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 the licensed area, there are rules you must follow: [Act s.92, Regs s.58]

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 sober 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 or 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 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 the licensed area of your ship or event, 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 "C" licensed premises is liquor that has been purchased from the NWT Liquor Commission. [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 practice is illegal because it encourages people to drink without giving thought to whether they have had enough. 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. In the licensed area of a ship or event, raffle tickets may be sold or drawn, as long as the raffle has a valid lottery licence.
2. In the licensed area of a ship, legal gambling may occur 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 food and a reasonable selection of non-alcoholic beverages must be made available to customers at all times hours during your operating hours. If you are a caterer, this means that you must have some type of food available for guests even if the official food service portion of the catered event has ended. [Regs ss.43(1)]

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

Class “C” licence holders who operate catering businesses must keep a copy of all catering invoices for at least one year and make them available for inspection if requested. Similarly, whenever the Board asks to see a financial report showing a comparison of revenue from food sales and revenue from liquor sales, you must provide the necessary information. As a caterer with a Class “C” licence, you must demonstrate to the Board that the main focus of your catering business is food sales. [Regs s.79]

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 ship or event 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

In addition, advertising in the media or outside your ship or event 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)]

6.5 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]

Minors as Customers

Minors may enter and remain in the licensed area of a ship as long as they are not consuming liquor. For catered or special events, minors may enter and remain at these events provided the Board has first given its approval. It is your responsibility to make

sure that none of your staff serve or sell liquor to customers under 19 years old. [Regs s.68, Act s.77]

Identification

It is difficult to tell who is 19 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, your staff cannot serve or sell liquor to them. [Act ss.99(2), Act s.77]

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, you may call the RCMP. [Act s.82]

6.6 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 wine, this must be approved by the Board in advance. If you are unable to stock a variety of liquor due to limited stock at the liquor warehouse or liquor store in your community, 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 the licensed area of your ship or event 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 as a Class "C" licence holder. For this reason, you must keep a copy of both documents in the licensed area of the ship or event 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 documents that you must keep on hand:

- 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 your business has in its possession.

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]

As mentioned earlier, if you are a caterer you must also keep copies of your catering invoices for one year. [Regs ss.79(2)]

Notifying the Board of Changes

As a Class “C” 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 use on your ship or at events, 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 on Ships

If your Class “C” licence is for a ship, you may occasionally find that individuals or groups ask if they can hold a special event in the licensed area of your ship, 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.

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 the licensed area of your ship, but would rather take responsibility for selling and serving liquor themselves, different rules apply. First, you must approve. Nobody can use the licensed area of your ship without your permission. Second, the licensed area on the ship 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 in the ship's licensed area during the event to make sure that your liquor stock is not used. [Regs s.91-110]

7. Community Control

7.1 Introduction

The *Liquor Act* and regulations apply to all licence holders, 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 “C” Licence

Before the very first Class “C” licence can be issued by the Board in a particular community, that community must already have a Class “A” or Class “B” licensed premises in operation. If not, the community can vote in a plebiscite to specifically allow Class “C” licences. If the plebiscite receives support from more than 50% of voters, then the Board may begin to issue Class “C” licences, as well as Class “D” 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 “C” Licences

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

If any Class “C” licences have been issued in the last 4 years, there can be no plebiscite.

If the Class “C” 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 “C” licences if more than 50% of the voters support the closure. If the plebiscite does not receive enough votes to pass, all Class “C” 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 the following types of bylaws related to Class “C” licences:

- Restrict the hours of operation.
- Restrict the use of patios & outdoor areas.
- 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 “C” licence holders;
- Bylaws that restrict operating hours must be reasonable;
- 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 visit your ship or event to 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 the operation of the licensed area of your ship or event, and report whether you are in compliance with the *Liquor Act*, the regulations, and any terms and conditions on your licence. When the inspection is complete, the liquor inspector signs the inspection report and gives you a copy. 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 more in-depth review. Normally, all investigations are coordinated 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 might need to 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 the licensed area of your ship or event 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 might 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 ship 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 licence fee for the first year of operation, which is \$200 for a Class "C" 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]

Note that if your business sponsors or promotes special events, you will be required to pay a \$100 fee for each event at which the Board approves you to sell and serve liquor.

9.3 Fees to Renew a Licence

If you already have a Class "C" licence, you will be required to pay the \$200 annual licence fee each year of operation. Normally this is due on March 31 of each year. [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 “C” 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.

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.

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*.

Worker

An officer, employee or representative of the licence holder.