



## Frequently Asked Questions

### Board Overview

#### What is the role of the Liquor Licensing Board?

The **Liquor Licensing Board** (“Board” or “LLB”) is a regulatory administrative body that operates independently from government and has powers or functions comparable to those of a court in making its decisions. The Board issues and sets the terms and conditions for liquor licences and permits and holds compliance hearings when Liquor Enforcement chooses to seek a noncompliance penalty for an alleged violation.

The LLB maintains an online database to provide up-to-date information to licence and permit holders, and the public. The database includes links to current NWT Liquor Licences, Board decisions, LLB policies, processes and procedures, and recent LLB newsletters. Please see:

<https://www.fin.gov.nt.ca/en/services/nwt-liquor-licensing-board/database>

#### When does the Board meet?

The Board meets as needed by teleconference, and in-person Administrative Meetings are held twice a year.

Newsletters which include updates on Board activities can be found at:

<https://www.fin.gov.nt.ca/en/services/nwt-liquor-licensing-board/database/type/newsletter>

#### Who are the members of the Board?

- Louis Sebert (Fort Smith) Board Chairperson
- Michael Hansen (Hay River) Board Member
- Paul Falvo (Yellowknife) Board Member

For information on the Board appointment processes, please see:

<https://boardappointments.exec.gov.nt.ca/en/boards/liquor-licensing-board/>

## Policies, Processes and Procedures

### Does the Board have any information about its policies, processes and procedures to provide to the public?

Yes, the Board's policies, processes and procedures are available at:

<https://www.fin.gov.nt.ca/en/services/nwt-liquor-licensing-board/database/type/policy>

### Can I get copies of Board decisions and current liquor licences?

Yes, you can access copies of Board decisions, current liquor licences and more through the Board's online database at:

<https://www.fin.gov.nt.ca/en/services/nwt-liquor-licensing-board/database>

## Media Inquires

### I'm a member of the media – who can I contact at the Liquor Licensing Board.

You can send an email to the Board at [LLBinfo@gov.nt.ca](mailto:LLBinfo@gov.nt.ca)

For more information, please see the Board's media relations policy at:

[https://www.fin.gov.nt.ca/sites/fin/files/llb-decisions/media\\_relations\\_policy\\_-\\_a01.pdf](https://www.fin.gov.nt.ca/sites/fin/files/llb-decisions/media_relations_policy_-_a01.pdf)

## Board Applications

### What is the difference between a liquor licence and a special occasion permit?

A **special occasion permit** is for a **one-time event**, such as a wedding reception, community dance, beer garden or birthday party.

To apply for a **Permit**: <https://www.fin.gov.nt.ca/en/services/licensing-and-permitting/nwt-special-occasion-permits>

A **liquor licence** is valid for **one or two years**, and is for bars, restaurants, curling clubs, Legion branches, and golf clubs.

To apply for a **Licence**: <https://www.fin.gov.nt.ca/en/services/licensing-and-permitting/nwt-liquor-licences>

### **What does it mean when the Board says that an application must be complete?**

Complete means that the application form is correctly filled out, all of the required supporting documents have been provided, and all required fees have been paid.

The Board will not consider incomplete applications.

### **What does it mean when the Board says that a licence application requirement must be up to date?**

This means that all documents must be submitted less than three months from when they were dated (i.e. criminal records checks, statutory declarations, etc.). An application that includes a document that was issued more than three months before it is received in the LLB office will be considered incomplete.

### **I am applying for a Permit, but why can't I use the occupancy load certificate on the wall of my venue to complete my application?**

The occupancy load certificate on the wall of your venue was issued specifically for how that venue is set up for its regular day-to-day operations.

How the venue will be set up for your event may be different from how the venue is usually set up, and that may affect the number of people that can safely be there during your event.

Public safety is always the Board's top priority, so to ensure safety measures are being met where liquor will be served, a Permit applicant must always obtain an occupancy load certificate for the specific date of their event.

### **I bought a business and will send my completed application for a liquor licence to the Board, but I need to open next week as I already have bookings, is this possible?**

This may be possible but will depend on a number of factors, including that the application is complete and that a majority of the Board members are available to meet by teleconference.

The *Liquor Act* and Regulations require that public notice be given when an application for a liquor licence is made, even if it is for the transfer of an existing liquor licence from one business to another. Most transfer applications or applications for premises that have had liquor licences before are granted an exemption from the public notice requirement, but that exemption is not guaranteed. The majority of new applications for premises that have never had a liquor licence before will need to do the public notices, which means that in effect the application cannot be considered for at least 30 days after the application is received in the Board office.

Please keep in mind that if you would like an exemption from the public notice, you must include a written request for it, with reasons for the exemption, with your application.

**I see that an applicant for a new or transfer of a liquor licence has to give public notice. What is the public notice requirement and what does an applicant have to do?**

An applicant for the issue or transfer of a liquor licence must provide public notice of the application unless the Board exempts the applicant from the requirement. The notice provisions are found in the *Liquor Act* and *Liquor Regulations*. Section 9 of the *Liquor Act* reads:

Notice of application

9. (1) Subject to subsection (2), an applicant for the issue or transfer of a licence shall, in accordance with the regulations, publish two notices of the application in the approved form
- (a) in a newspaper published and having general circulation in the community where the premises for which the licence is sought are situated; or
  - (b) if no newspaper is published in that community, in a newspaper having general circulation in the community.

Exception

- (2) An applicant is not required to publish notice of an application if the Board exempts the applicant from that requirement.

Section 18 of the *Liquor Regulations* gives the timeline for the notices and reads:

Notices of Application

**18.** (1) The second of the two notices of an application or transfer of a licence required under section 9 of the Act must be published at least six days after the first notice and at least 21 days before whatever date the Board has advised the applicant is being proposed for the hearing.

(2) If the proposed licensed premises or manufacturing facility are to be located in a community, the applicant shall send a copy of the second notice to the community government so that it is received at least 21 days before whatever date the Board has advised the applicant is being proposed for the hearing.

(3) The Board must give the applicant sufficient notice of the proposed hearing date for the applicant to comply with subsections (1) and (2).

Subsection 9(2) of the *Liquor Act* allows an applicant to apply to the Board for an exemption from the notice requirement but ordinarily applicants are exempted only in situations where the business is moving into premises that have previously had the same or a similar class of liquor licence as the applicant is

seeking and an applicant cannot assume an exemption will be granted. The notice requirements are to acknowledge the interest that neighboring businesses and residents may have in making representations to the Board prior to the issuance of a new liquor licence in the area and gives them a fair opportunity to do so. Any request for exemption must be made to the Board in writing and must include reasons justifying the exemption.

The notice requirements in the legislation provide that the first notice is required to be published at least 27 days before the Board considers the application; the second notice is required to be published (and provided to the community government if the premises is in a community) at least 21 days before the Board considers the application. The hearing date cannot be set until the appropriate application for a liquor licence has been received by the Board office. This means that the earliest a hearing date could be set is at least 30 days after the completed application is received in the Board office, dependent on the availability of the Board.

The Board office has templates which can be filled in to submit to the local newspapers. Please do not hesitate to contact the Board office if you have any questions or need further clarification on the application process and the notice requirements.

**I need to apply for a liquor licence for my new business, but I am not sure which form I need to fill out and what documents I need to get; where can I find more information?**

There are different classes of licences available in the NWT. Please see:

<https://www.fin.gov.nt.ca/en/services/licensing-and-permitting/nwt-liquor-licences>

**I am a bar owner and would like to have minors attend a private family event in the bar; how can I do this?**

You may apply to the Board for permission to allow minors to participate in an event at the licensed premises.

To view and download the form, please see:

<https://www.fin.gov.nt.ca/en/resources/minors-licensed-premises-application-0>

## **What does the Board mean when they say that to renew a licence, we must show any changes?**

If any of the information you provided to obtain (or previously renew) the licence has changed, you must inform the Board and specify the changes.

For example:

New Occupancy Load Certificate – send the new Certificate

New Director – send an updated criminal records check

New On-Site Manager – send an updated criminal records check and a copy of the signed employment agreement, clearly advising the responsibilities of the position to ensure the requirements of the *Liquor Act* are met.

Establishing documents – send any changes in corporation governance or administrative information, contact information, business licences and floor plans.

Reference: subsection 19(1)(a) of the *Liquor Regulations*

*Please remember, it is an ongoing duty to let the Board know of any changes without delay. Do not wait until licence renewal to report your changes.*

Reference: section 81 of the *Liquor Regulations*

It is a licence holder's responsibility to renew the liquor licence.

To apply to renew your liquor licence, please see:

<https://www.fin.gov.nt.ca/en/resources/application-renewal-liquor-licence-class-b-c-d>

## **My licence says I close at 2:00am on Fridays, but sometimes it is not busy. Do I need to stay open until 2:00am?**

No, you are able to make an occasional change to your schedule, or a change for a period of 30 days or less, without providing notification to the Board.

Reference: subsection 49(3) of the *Liquor Regulations*

## Legislation

**Why does the Board create so much “red tape”, making rules that are unfair or outdated? Does it not want to support local businesses?**

The Board does not make the *Liquor Act* and the *Liquor Regulations*, but it does have to apply the legislation.

Board Members are appointed by the Minister of Finance. The Board is expected to consider applications for licences and permits in line with what the Act and Regulations say. Any additional ‘rules’ that the Board makes are made in an effort to clarify the Act and Legislation and are meant to allow for the Board to be more consistent and fair in its decision making.

The government routinely reviews its legislation to ensure it is relevant to the times. If you believe the liquor laws should be changed you could contact your local MLA or contact the Department of Finance, which is responsible for the overall administration of the *Liquor Act*.

## NWT Liquor Structure

**The Liquor Licensing Board, Liquor Enforcement, and Liquor and Cannabis Commission are each independent agencies tasked with administering separate parts of the Liquor Act and Regulations.**

### Liquor Licensing Board

- Issues liquor licences and special occasion permits
- Publishes quarterly newsletters available online to the public
- Administers several parts of the *Liquor Act* and its Regulations
- Advises the Minister on matters of policy, legislation and administration relating to liquor
- Make rules governing its proceedings
- Establish policies of the Board
- Conducts compliance hearings when charges are brought by Liquor Enforcement
- Make decisions and orders

Please see section 3 of the *Liquor Act*

### Liquor and Cannabis Commission

- Oversight of liquor stores
- Purchase, sell, classify, and distribute liquor and cannabis.
- Management of the liquor revolving fund

Please see sections 33 and 62 of the *Liquor Act*

### Liquor Enforcement

- Performs inspections to ensure License Holders, Permit Holders, and Liquor Stores are complying with the Act/Regulations
- Liaison for plebiscites and temporary prohibitions
- Performs server training sessions

Please see section 106 of the *Liquor Act*

### **Roles Relating to Non-Compliance of Liquor Licences or Permits**

#### **If I go to a bar or restaurant, or go to a special event and alcohol is being served and I see that minors are being served alcohol or that people are being overserved, what can I do?**

If you are concerned, please contact Liquor Enforcement or an RCMP Officer. The Board can only deal with this situation if Liquor Enforcement investigates the incident and brings a charge or complaint to the Board. It is similar to a situation in court – a judge does not investigate; the police investigate matters and decide whether charges will be laid. Once a charge is laid, it comes before the judge to make a decision. Under the *Liquor Act* the Board's function is similar to that of a judge. Liquor Enforcement conducts the investigation (similar to the police function) and if a charge or complaint is laid it goes to the Board to decide whether the charge has been proven and if it has, then what the penalty should be.

If you wish to bring an incident or concern to the attention of Liquor Enforcement, please see the following link:

<https://www.fin.gov.nt.ca/en/services/education-and-enforcement>

#### **I am having difficulty obtaining a specific type of liquor to serve at my bar – who do I contact?**

The Board has no role in the purchasing of liquor. Please contact the Liquor and Cannabis Commission at the following link for purchasing inquiries:

<https://www.ntlcc.ca/en>

#### **I have been asked by my municipal government to get information about holding a community plebiscite – who do I contact?**

The Board does not have a role in the community plebiscite process. Liquor Enforcement and the Department of Finance work with municipal governments on plebiscites.



Please contact Liquor Enforcement at the following link:

<https://www.fin.gov.nt.ca/en/services/education-and-enforcement>

**My staff need server training, and I don't know how to arrange it.**

The Board does not administer server training. Server training is provided by Liquor Enforcement.

Please contact Liquor Enforcement at the following link:

<https://www.fin.gov.nt.ca/en/services/education-and-enforcement>