



## HEARING INFORMATION

A hearing is called by the Liquor Licensing Board (the Board) under the provisions of section 28 of the *Liquor Act* (the Act).

The Board members conducting the hearing are appointed under section 2 of the Act.

The purpose of the hearing is to allow the Licence Holder the opportunity to answer to allegations that they have failed to comply with: a term or condition of their licence; provisions of the Act or the *Liquor Regulations* (the Regulations); or an order of the Board.

Following is information concerning the hearing which you may find helpful:

1. You may speak for yourself at the hearing or you may have someone speak for you. If you choose to have a lawyer appear on your behalf, you will be responsible for your own legal costs.
2. The hearing is called to deal only with the specific issues identified in the notice of hearing.
3. If you are disputing the allegations made against you, you should come to the hearing with any witnesses or evidence you need to support your arguments. Adjournments will not be granted without good cause.
  - (a) If you call any witnesses to the hearing, they will be required to give their evidence under oath or by affirmation. The Board is not responsible for any expenses incurred by your witness to attend the hearing.
  - (b) If you would like to submit any documentary evidence at the hearing, you must bring three copies with you.
4. Subsections 30(1) and (2) of the Act set out the possible punishments if the Licence Holder is found guilty of the charges laid against them. Those sections provide:
  - 30 (1) After holding a hearing the Board may, by order, dismiss the matter, or may make an order that it considers appropriate, which may
    - (a) impose conditions on the licence holder;

- (b) disqualify the licence holder, an associate of the licence holder or the licence holder's on-site manager from eligibility to hold a licence;
  - (c) disqualify any premises from eligibility to serve as a licensed premises or manufacturing facility;
  - (d) impose a compliance penalty on the licence holder not exceeding \$10,000 for a first offence or \$20,000 for a second or subsequent offence, and provide for the suspension of the licence until the penalty is paid in full;
  - (e) suspend the licence for a period not exceeding 12 months; and
  - (f) cancel the licence.
- (2) The Board shall consider whether a licence should be cancelled if
- (a) the licence holder persistently fails to comply with this Act or the regulations;
  - (b) the licence holder persistently fails to carry out the orders of the Board or of the Fire Marshal appointed under the *Fire Prevention Act*;
  - (c) the licence holder persistently fails to keep the licensed premises or manufacturing facility in a clean and sanitary condition in accordance with the *Public Health Act* or the regulations made under that Act;
  - (d) the licence holder persistently fails to comply with any municipal bylaw applicable to the licensed premises or manufacturing facility;
  - (e) any circumstances exist that would, under subsection 5(1), bar the issuance of a licence; or
  - (f) the licence holder becomes bankrupt or dies, or a mortgagee enters into possession of the licensed premises.

5. The Board will provide written reasons for decisions to all affected parties, and will publish those reasons on its website.
6. A Licence Holder subject to an order or decision of the Board may appeal the order or decision to the Supreme Court of the Northwest Territories on the grounds that the Board erred in law or exceeded its jurisdiction. An originating notice of appeal must be filed with the Clerk of the Supreme Court within 60 days after the day the order or decision is made. (see section 26 of the Act).

Any questions that arise from this information may be directed to the Registrar of the Liquor Licensing Board at:

NWT Liquor Licensing Board  
204 – 31 Capital Drive  
Hay River, NT X0E 1G2  
Tel: 867.874.8715  
Toll Free: 1.800.351.7770  
Fax: 867.874.8722  
Email: LLBinfo@gov.nt.ca

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Effective the 1<sup>st</sup> day of June, 2018.

Approved by:



**Sandra Aitken, Chairperson**

**On Behalf of and with the concurrence of the Board Members**