



Initiation of Prosecutorial Compliance Hearings – Licences – Procedure C.03

Whereas the duties and authority of Liquor Enforcement inspectors are set out under sections 106 to 113 of the *Liquor Act* and sections 128 to 137 of the *Liquor Regulations*;

And whereas the above referenced sections obligate Liquor Enforcement inspectors to ensure Licence Holders comply with the Act and Regulations respecting liquor licences, as well as to ensure Licence Holders comply with any terms and conditions included in a liquor licence;

And whereas section 28 sets out the procedures for the Board to hold a public hearing regarding allegations that a Licence Holder has failed to comply with the Act, Regulations, terms and conditions of a licence, or an order of the Board;

The Board establishes the following procedures to ensure fair process and the rules of natural justice are adhered to:

1. Liquor Enforcement will notify the Executive Secretary of any charges laid against a Licence Holder and request that the Board hold a compliance hearing.
2. The Executive Secretary will forward the notification and request to the Chairperson.
3. Upon receipt, the Chairperson will determine the appropriate location of the hearing (i.e. which community) and determine the appropriate number of Board Members to form the panel. The Chairperson will then request the Executive Secretary canvas the Board Members for their availability.
4. The Chairperson will request the Executive Secretary to contact Liquor Enforcement and the Licence Holder to schedule a pre-hearing conference with the Chairperson, where preliminary matters and scheduling of the hearing will be discussed. The pre-hearing conference may be conducted by teleconference. Scheduling of the hearing must take into account the time required to serve the parties with formal notice

of the hearing date, time, and place, time to have the public notice translated into French, and time to publish the public notice.

5. Once the date, time, and place of the hearing is confirmed, the Executive Secretary will prepare notices of attendance to be served on the parties. Such service must either be made in person or by registered mail in accordance with subsection 28(3) of the Act. Email service of the notices may be acceptable if the receiving party has consented to receiving the notice by email and confirms receipt of the emailed notice.
6. The Executive Secretary will arrange for public notification of the compliance hearing in both English and French.

*Refer to the Prosecutorial Compliance Hearing Process for the conduct of the hearing itself.

Effective the 22nd day of May 2018.

Approved by:



Sandra Aitken, Chairperson

On behalf of and with the concurrence of the Board Members.