



Rules of Practice and Procedure

Liquor Act, SNWT 2007, c. 15 as amended (Act),
Division 5 – Compliance Hearings;

RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD FOR COMPLIANCE HEARINGS

General

1. The purpose of these Rules is to assist the parties in a compliance hearing in obtaining just, fair and timely decisions from the Board.
2. Definitions:
 - a. “accommodation” means adapting or adjusting facilities and services to meet the needs of a party;
 - b. “Board” means the Liquor Licensing Board continued by subsection 2(1) of the Act;
 - c. “compliance hearing” means a hearing under section 28 of the Act;
 - d. “Executive Secretary” means the Executive Secretary appointed under subsection 3(1) of the Act;
 - e. “party” means Liquor Enforcement (or counsel) and the licence holder (or counsel).

Obligation of the Parties

3. The parties to a proceeding before the Board have the responsibility to treat each other, Board members and Board staff with courtesy and respect.
4. The Board applies these Rules openly and flexibly, and its panel may modify or vary these Rules to govern the practice and procedure of hearings and pre-hearing conferences.

Initiation of Compliance Hearing

5. Liquor Enforcement will notify the Executive Secretary of any charges laid against a licence holder and request that the Board hold a compliance hearing.
6. The Executive Secretary will forward the notification and request to the Chairperson.
7. The Chairperson will decide where the hearing will be held and will designate three or more Board members to sit on the panel. Three Board members constitute a quorum.
8. The Chairperson may designate himself or herself to sit on the panel.

Service and Filing of Documents

9. Documents may be served on a party in any of the following ways:
 - (a) by personal service;
 - (b) by registered mail to the party's last known address;
 - (c) by facsimile transmission or email if the party consents to such service.

Pre-Hearing Conferences

10. The Executive Secretary will contact Liquor Enforcement and the licence holder to determine their availability to schedule a pre-hearing conference with the Chairperson.
11. If either party fails to respond to the Executive Secretary within 7 days, the Executive Secretary may issue a Notice of Pre-Hearing Conference fixing a date and time for a pre-hearing conference.
12. Parties shall be prepared to discuss all matters relating to the hearing at a pre-hearing conference, including:
 - (a) hearing date, time and place and expected length of hearing;
 - (b) witnesses expected to give evidence;
 - (c) timelines for exchange of documents;
 - (d) any agreement on exhibits/evidence to be filed;
 - (e) translation or accommodation needs.
13. Pre-hearing conferences are not recorded.
14. The pre-hearing conference may be conducted by teleconference.

15. If either party fails to attend the pre-hearing conference, the Chairperson may make directions including setting the hearing date, time and place.
16. Following the pre-hearing conference, the Chairperson will send the parties a memorandum summarizing the discussion and any orders or directions made.
17. Once the date, time and place of hearing is confirmed, the Executive Secretary will prepare notices of attendance to be served on both parties.
18. The Executive Secretary will arrange for public notification of the hearing in English and French.

Attendance of Witnesses

19. The Chairperson may issue a Notice of Witness to Attend a Hearing upon the request of a party.
20. Each party will bear the costs of its own witnesses subject to any order for costs made by the Board at a hearing.

Withdrawal of Charge

21. Liquor Enforcement may withdraw part or all of the charge(s) any time by completing a withdrawal of complaint.
22. The withdrawal of a charge will have the effect of a final determination of the charge unless the Board rules otherwise.

Hearings

23. The Board members presiding at the hearing will follow the “Prosecutorial Compliance Hearing Process” for the conduct of the hearing itself.
24. The Board has, in respect of the attendance, swearing or affirming and examination of witnesses and the production and inspection of documents, records and other items, the powers, rights and privileges that are vested in the Supreme Court for the trial of civil actions.
25. A hearing before the Board under section 28 must be held in public.

26. Hearings may occur by way of:
- (a) Written and oral argument;
 - (b) Teleconference;
 - (c) Videoconference;
 - (d) The calling and examining of witnesses in person; or
 - (e) Any combination of the above.

Orders and Decisions

27. Directions, orders and the reasons for decisions made by the Board in relation to motions and evidence at a compliance hearing will be in writing and served on the parties.

Decisions and Orders Made Public

28. Decisions and orders of the Board will be published on its website, and are available to the public unless the Board decides otherwise as a result of a motion by a party.

Communications with the Board

29. Except during hearings or pre-hearing conferences, all communications with the Board will be by telephone, facsimile, regular mail and email addressed to the Executive Secretary at:

204-31 Capital Drive Hay River, NT X0E 1G2

Tel: 867.874.8717

Fax: 867.874.8722

Email: LLBinfo@gov.nt.ca