



Non-Compliance Hearing Procedure – Special Occasion Permits – C.04

Permit Amendment or Cancellation

Whereas subsection 23(4) of the *Liquor Act* provides for the Board to amend, revoke, or affirm a decision where relevant circumstances relating to proceedings heard by it have altered or new evidence in connection with those proceedings becomes available;

And whereas subsection 21(4) of the *Liquor Act* provides for the Board to cancel a permit at its discretion and in accordance with the regulations;

And whereas subsection 21(5) of the *Liquor Act* specifies that the Board's decision to cancel a permit is final;

And whereas there are no provisions in the *Liquor Act* or *Liquor Regulations* setting out procedures for conducting hearings where a Permit Holder is alleged to have contravened the *Liquor Act*, the *Liquor Regulations*, or the terms and conditions of the permit;

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

1. Where the Executive Secretary receives information alleging a breach of a Permit Holder's obligations, the Executive Secretary will refer the matter to Liquor Enforcement for action.
2. When Liquor Enforcement notifies the Board through the Executive Secretary that a Permit Holder is not complying with a condition of the permit, the Chairperson will determine if the Board should convene a hearing to consider amending, revoking, or affirming a decision.
3. If the Chairperson determines a hearing is warranted, the Chairperson will notify the Permit Holder of the allegations that have been made and provide a copy of any evidence that has been received in support of those allegations. The notice will specify a time period within which the Permit Holder may either make written submissions in reply to the allegations or request to make oral submissions directly to the Board.

4. At the expiration of the time period given above, the Chairperson will convene the Board to hear and consider the allegations and submissions if any from the Permit Holder.
5. Once the Board has made a decision, the Chairperson will prepare any order and/or reasons for decision as are necessary to document the hearing and notify the Permit Holder and Liquor Enforcement of the results.
6. If the decision is to cancel the permit, pursuant to subsection 21(5) of the *Liquor Act*, the decision is final and no further considerations on the matter will be made by the Board.

Effective the 22nd day of May 2018.

Approved by:

A handwritten signature in blue ink that reads "Sandra Aitken". The signature is written in a cursive, flowing style.

Sandra Aitken, Chairperson

On behalf of and with the concurrence of the Board Members