

Northwest Territories Liquor Licensing Board

IN THE MATTER of an application for the renewal of a Premises Licence,
AND IN THE MATTER of the *Liquor Act* S.N.W.T. 2007, c. 15 ("the Act") and the *Liquor Regulations*,
R-069-2008 ("the Regulations") as amended:

Regarding:

AMRA Investments Ltd

Licence Holder

Carrying on Business as

Fatburger

Licensed Premises

Reasons for Decision

Heard via Teleconference on the 12th day of February 2018.

Hearing Panel: Sandra Aitken, Adelle Guigon, Linda Martin, Wayne Smith

Appearances: None

The licence holder submitted its renewal application for a premises licence on January 24, 2018 believing the licence expired March 31, 2018. The licence actually expired September 8, 2017. Documents had been emailed to the licence holder in July 2017, providing a copy of the licence and reminding the licence holder to renew before September 8, 2017. The licence holder did not receive that email, as it had been directed into a junk folder. The licence holder continued to order liquor through the Liquor Commission and underwent premises inspections after the expiry of the licence in September 2017¹. The error was not discovered until the licence holder submitted a renewal application in January 2018. Upon being informed of the circumstances the licence holder immediately stopped selling liquor², and advised unsold liquor would immediately be returned to the Liquor Commission³.

The onus is clearly on the licence holder to know the expiration date of its licence. The Board does however send courtesy reminders, and it was because of that reminder that the licence holder submitted the January renewal application. The majority of licences now expire on March 31st of any given year, consistent with a change in policy for issuing licences on a pro-rated basis. The licence holder's previous licence had been issued prior to this change, so instead of expiring in March it expired one year after the date of issue. The licence holder did not receive any further reminders after July 2017 until the renewal reminders were sent out for the March 31st 2018 deadline.

¹*Liquor Act Section 11(7)*

²*Liquor Act Section 11(6)*

³*Liquor Act Section 18(1)*

The Board considered all the circumstances and found that it was clear that a mistake had been made by the licence holder. A series of unfortunate circumstances led the licence holder to believe the licence expired on the same date as the great majority of licensed premises, being March 31st. There is nothing in the *Act* or the *Regulations* that would prohibit the Board from considering the present matter as a renewal application, and because of the extenuating circumstances in this particular case, the Board is prepared to consider this as a renewal application⁴. The application is in order and the licence holder meets all the requirements⁵. The Board agreed to issue the licence as of February 12th, 2018, with an expiry date of March 31, 2020.

Dated at the City of Yellowknife, this 13th day of February 2018.



Sandra Aitken, Chairperson

On behalf of and with the concurrence of the other panel members.

⁴*Liquor Act Section 13(1)*

⁵*Liquor Act Section 13(6)*