

APPLICATION FOR A CLASS A (LIQUOR PRIMARY) LIQUOR LICENCE

Instructions: 1. Complete all sections; 2. **Attach** any required documents; 3. Submit with **payment**.

Type of Application

| | | | | |
|--|---|----------------------------------|---------------------------------|----------------------------------|
| <input type="checkbox"/> New Application | <input type="checkbox"/> Transfer Application | Term of Licence being Requested: | <input type="checkbox"/> 1 Year | <input type="checkbox"/> 2 Years |
|--|---|----------------------------------|---------------------------------|----------------------------------|

Business Structure

| | | |
|--|--|---|
| <input type="checkbox"/> Sole Proprietorship | <input type="checkbox"/> Corporation (registered in the NWT) | <input type="checkbox"/> Registered Partnership |
|--|--|---|

If requesting an exemption to publish notice of the application, please attach a written request with reasons for the exemption.

Applicant Information

| | | |
|-----------------|------------|-----------|
| Applicant Name: | First Name | Last Name |
|-----------------|------------|-----------|

| | | |
|---|---|--|
| <input type="checkbox"/> Canadian Citizen | <input type="checkbox"/> Permanent Resident of Canada | <input type="checkbox"/> I am at least 19 years of age |
|---|---|--|

Corporation (enter the name of the public or private corporation, partnership, organization):

Mailing Address

| | | |
|---------------|---------------------|--------------|
| P.O. Box #: | Street Number: | Street Name: |
| Community: | Territory/Province: | Postal Code: |
| Phone Number: | Email: | |

Establishment Information

| | |
|---------------------|--|
| Establishment Name: | Anticipated Opening Date: DD / MM / YYYY |
|---------------------|--|

Establishment Street Address

| | | |
|----------------|---------------------|--------------|
| Street Number: | Street Name: | |
| Community: | Territory/Province: | Postal Code: |

Proposed Operating Hours (hours requested must fall **between 10:00 am and 2:00 am** of each business day)

| | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|-------|--------|---------|-----------|----------|--------|----------|--------|
| OPEN | | | | | | | |
| CLOSE | | | | | | | |

On-site Manager

| | | |
|--------------------------|------------|-----------|
| Name of On-site Manager: | First Name | Last Name |
|--------------------------|------------|-----------|

Mailing Address

| | | |
|---------------|---------------------|--------------|
| P.O. Box #: | Street Number: | Street Name: |
| Community: | Territory/Province: | Postal Code: |
| Phone Number: | Email: | |

Extensions (only if applicable)

Please indicate if any of the following extensions are being applied for.
For banquet room(s), indicate the name of each room and attach updated (dated within 3 months) Occupancy Load Certificates for each room.

| Extensions to Class A (Liquor Primary) | Name(s) of Banquet Room(s): |
|--|-----------------------------|
| <input type="checkbox"/> Mini-bar (tourist facility only) | |
| <input type="checkbox"/> Off-premises | |
| <input type="checkbox"/> Manufacturing | |
| <input type="checkbox"/> Banquet Room(s) | |

Request to Transfer Licence (to be completed by the CURRENT licence holder – only for transfer applications)

_____, agrees to the transfer of Liquor Licence Number _____
(licence holder name) (current number)

for _____ to _____,
(current name of establishment) (new applicant name)

effective on a date to be established by the Liquor Licensing Board.

Print Name Signature Date DD / MM / YYYY

Any person who applies for the issue or transfer of a liquor license and who in the application knowingly fails to make full disclosure to the Board respecting any circumstances referred to in Section 5 of the *Liquor Act* (persons ineligible for a license) is guilty of an offence.

Declaration

I certify that the information I have provided in or annexed to this application is correct, and that I have read section 5 of the *Liquor Act* and section 12 of the *Liquor Regulations*.

Dated this _____ day of _____, 20 _____.

Printed Name of Applicant Signature of Applicant

Please refer to the attached Application Requirements for a complete list of required documents to be submitted with this application.

Applications can be submitted to the Liquor Licensing Board by email or by mail at:

LLBinfo@gov.nt.ca

or

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

Required Documents

The Applicant must provide the following documentation:

1. A criminal records check, issued by the RCMP and dated within 3 months, for: the applicant (where the applicant is not a corporation), the applicant's associates (where the associate is not a corporation), and the on-site manager. **Required prior to issuance of licence.**
2. In the case of an applicant that is a partnership, written evidence of registration under the *Partnership Act* (Filed Form #1 – Declaration of Partnership).
3. In the case of an applicant that is a corporation, a copy of the applicant's constating or establishment documents (Certificate of Incorporation).
4. In the case of an applicant that is a corporation, a signed or sealed officers' resolution authorizing a representative of the corporation to apply for a liquor licence on behalf of the company.
5. In the case of an applicant that is a corporation, a signed or sealed list of directors and officers of the company.
6. A copy of the signed agreement or conditions of employment between the applicant and the on-site manager (where the applicant is not the on-site manager).
7. A plan outlining how the licensed premises will be supervised during licensed hours.
8. A copy of the floor plan of the proposed licensed premises, including the location of the bar and liquor storage space (see attached Board Floor Plan Policy).
9. A copy of the applicant's business licence, issued under the *Business Licence Act* and/or a copy of the applicant's municipal business licence, issued under a municipal bylaw.
10. Proof of compliance with the *Fire Prevention Act* – an occupancy load certificate(s), dated within 3 months, for the proposed premises. **Required prior to issuance of licence.**
11. Proof of compliance with the *Public Health Act* – a valid food establishment permit(s) for the proposed premises. **Required prior to issuance of licence.**

The personal information collected by the Liquor Licensing Board is authorized by sub-paragraph 40(c)(i) of the *NWT Access to Information and Protection of Privacy Act*, which permits a public body to collect personal information when the information is related directly to, and is necessary for, an operating program or activity of the public body.

This personal information is protected by the privacy provisions of the *Access to Information and Protection of Privacy Act*.

If you have any questions in relation to the personal information collected, please send an email to LLBinfo@gov.nt.ca or contact:

General Manager/Registrar
NWT Liquor Licensing Board
Suite 204 - 31 Capital Drive
Hay River, NT XOE 1G2

Payment Method
 Cheque Money Order Credit Card

Total Amount Enclosed:

Credit Card PaymentPRINT Cardholder Name
as Shown on Credit Card:SIGNATURE
of Card Holder: X

Credit Card Number:

Expiry Date:

3 digit CVV
(back of card):

Note: Credit Card information is not retained. Upon authorization of the payment request, all credit card information is destroyed.
Cheques and Money Orders can be made payable to the NWT Liquor Licensing Board.
Interac and cash payments can be made in person at the Hay River Board office.

| Licence | Initial Application Fee | Annual Fee |
|--------------------------|-------------------------|------------|
| Class A (Liquor Primary) | \$300.00 | \$200.00 |

| Extension | Annual Fee |
|----------------|------------|
| Manufacturer's | \$100.00 |
| Banquet Room | \$100.00 |
| Mini-bar | \$100.00 |
| Off-premises | \$100.00 |

Application Information

If the applicant is a corporation:

Liquor Licensing Board approval is required for any prospective issue or transfer of shares that would result in a shareholder owning or controlling more than 10% of the voting rights attached to all outstanding shares of the corporation.

Who is an on-site manager?

For the purposes of the Act and Regulations, a person is to be considered an “on-site manager” if he or she is responsible for managing the operations of the licence holder in respect of the licensed premises.

Who is an associate?

For the purposes of the Act and Regulations, a person is to be considered an “associate” of an applicant or licence holder if:

1. the person and the applicant or licence holder are in a partnership within the meaning of the *Partnership Act*;
2. the person is a corporation and the applicant or licence holder has control of or direction over the person;
3. the applicant or licence holder is a corporation and the person has control of or direction over the applicant or licence holder;
4. both the person and the applicant or licence holder are corporations and both share common control or direction from the same person or group of persons;
5. the person has provided financing in an amount exceeding \$10,000 to the applicant or licence holder in relation to the business to be licensed; or
6. the person is the applicant’s spouse, as defined in the *Family Law Act*.

Prohibitions:

A licence will not be issued or transferred to, or in respect of, a person if the applicant (person), applicant’s on-site manager, or applicant’s associate:

1. has been convicted of an offence described in the *Liquor Regulations* and established under a law of Canada, the Northwest Territories, another territory or province;
2. has been charged with an offence and is awaiting a final disposition for an offence described in the *Liquor Regulations* and established under a law of Canada, the Northwest Territories, another territory or a province;

Subsection 12(3) of the *Liquor Regulations* provides for an applicant to apply to the Board to exempt an offence described in subsection 12(1) where the offence was a minor infraction or where issuing the licence would not create an undue risk of harm to the public. An application for such an exemption must be made in writing to the Board and must include reasons why the Board should grant the exemption.

3. has been disqualified from holding a licence under paragraph 30(1)(b) of the *Liquor Regulations*;
4. is a liquor vendor;
5. is party to an agreement with a liquor manufacturer or supplier for the sale of the liquor of the manufacturer or supplier; or
6. if the spouse has been charged and is awaiting final disposition or has been convicted of an offence described in the *Liquor Regulations* and established under a law of Canada, the Northwest Territories, another territory or a province; has been disqualified from holding a licence under subsection 30 (1) of the *Liquor Regulations*; or is party to an agreement with a liquor manufacturer or supplier for the sale of the liquor of the manufacturer or supplier.

Floor Plan – Licences – Policy B.02

Section 15 of the *Liquor Regulations* sets out requirements for applications for licences, with paragraph 15(1)(d) requiring that:

“In addition to the requirements of section 6 of the Act, an application for a licence must be accompanied by a copy of the floor plan of the proposed or manufacturing facility.”

Subsection 17(1) of the *Liquor Regulations* states that:

“The Board may not issue a licence or approve the transfer of a licence unless it approves the floor plan and the location of the proposed licensed premises or manufacturing facility submitted in the application.”

The *Liquor Act* and the *Liquor Regulations* do not specify the format the floor plan must take.

The Board has established the following format criteria:

- (a) Floor plans should be submitted on regular letter size paper (8.5” by 11” paper).
- (b) All dimension measurements should be identified for each proposed licensed area.
- (c) The proposed licensed area(s) must be clearly highlighted and must match the areas listed on the application form(s).
- (d) Locations of the following must be clearly set out:
 - i) Public entrances;
 - ii) Washrooms;
 - iii) Liquor storage (locked storage space for liquor inventory in a place not accessible to patrons);
 - iv) Bar; and
 - v) All connected areas to be licensed (hallways, stairwells, etc.) must be clearly outlined and explained.
- (e) For Class A (Liquor Primary) licence applications, the floor plan must show that the bar is located in a place that allows maximum view from the bar of the area of the licensed premises used by patrons, or must demonstrate an alternate means of visual supervision of the licensed premises. An additional document should be included to explain the alternate means of supervision (Subsections 60(1) of the *Liquor Regulations*).
- (f) Any proposed deviation from the criteria outlined in paragraphs (a) to (e) should be explained.
- (g) If the application included Outside or Seasonal Use Area(s), the plan should also clearly indicate the following:
 - (i) Type of fencing material;
 - (ii) Height of fencing material;
 - (iii) If there will be speakers;
 - (iv) Zoning location (residential, commercial, or industrial);
 - (v) Public Access; and
 - (vi) Proposed hours of operation (subject to the provisions of a licensed premises bylaw).For additional similar minimum fencing standards, please refer to the *Board’s Outdoor Event Policy B.01*.
- (h) In addition to a completed floor plan, photographs *may* be submitted, but they do not replace the application requirements for a copy of the floor plan.

Effective the 16th day of November 2018.

Approved by:

Sandra Aitken, Chairperson

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

LIQUOR ACT S.N.W.T. 2007,c.15**LIQUOR REGULATIONS R-069-2008**

5. (1) A licence may not be issued or transferred under this Act to or in respect of
- (a) a minor;
 - (b) an individual who is not a Canadian citizen or a permanent resident;
 - (c) an extra-territorial corporation as defined in the *Business Corporations Act* that is not
 - (i) registered under the *Business Corporations Act*, or
 - (ii) incorporated by or under an Act of Canada;
 - (d) a partnership that is not registered under the *Partnership and Business Names Act*;
 - (e) a person who the Board considers is not the true owner of the business carried on at the premises for which the licence is sought;
 - (f) a person who has been convicted of an offence described in the regulations and established under a law of Canada, the Northwest Territories, another territory or a province;
 - (g) a person who has been disqualified under this Act or the regulations;
 - (h) a person who is a vendor or an employee of a vendor;
 - (i) premises that have been disqualified under this Act or the regulations; or
 - (j) a person who has not complied with the applicable laws of Canada, in relation to a manufacturing licence.
- (2) A licence may not be issued or transferred under this Act to, or in respect of, a person who has been charged with and is awaiting a final disposition for an offence described in the regulations and established under a law of Canada, the Northwest Territories, another territory or a province.
- (3) A licence may not be issued or transferred under this Act to, or in respect of, a person if the person's on-site manager or associate
- (a) has been
 - (i) convicted of an offence referred to in paragraph (1)(f), or
 - (ii) charged with an offence referred to in subsection (2);
 - (b) has been disqualified from holding a licence under paragraph 30(1)(b);
 - (c) is a vendor; or
 - (d) is a party to an agreement with a liquor manufacturer or supplier for the sale of the liquor of the manufacturer or supplier.

12. (1) For the purposes of paragraph 5(1)(f), subsection 5(2) and subparagraphs 5(3)(a)(i) and (ii) of the Act, an offence means any of the following:
- (a) an offence under subsection 7(3) (failure to make full disclosure), subsection 72(2) (false statements), section 73 (unlawful manufacture of liquor) or section 74 (unlawful sale) of the Act;
 - (b) an offence under subsection 16.2(3) (failure to make full disclosure), subsection 24(2) (failure to make full disclosure), section 83.1 (unlawful manufacture), section 84 (unlawful sale of liquor), section 85 (supplying liquor to underage persons), section 86 (false information) of the former Act;
 - (c) an offence under the *Criminal Code*;
 - (d) an offence under the *Excise Act (Canada)*, *Excise Act, 2001 (Canada)*, *Food and Drugs Act (Canada)*, *Importation of Intoxicating Liquors Act (Canada)*, or *Spirit Drinks Trade Act (Canada)* relating to liquor;
 - (e) an offence under the *Controlled Drugs and Substances Act (Canada)* relating to trafficking, importing or possession for the purpose of trafficking of a narcotic;
 - (f) an offence under the *Food and Drugs Act (Canada)* relating to food or a controlled or restricted drug.
- (2) Notwithstanding subsection (1), an offence described in that subsection does not include
- (a) an offence where the conviction occurred more than seven years before the date of the application; or
 - (b) an offence exempted by the Board under subsection (3).
- (3) The Board may, on application, exempt an offence described in subsection (1), if satisfied that
- (a) the offence was a minor infraction of the law; or
 - (b) issuing the licence will not create an undue risk of harm to the public.