

# Guide for New Food Primary (Restaurant) Application

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To reduce delays and serve you better, the Liquor Control and Licensing Branch (the Branch) has made some changes to its licensing application processes.

### **Instructions:**

1. Submit a complete application. Most application delays are a result of incomplete applications, which send your file back to the end of the processing queue. Once you have completed the application, review the checklist included in this guide to ensure you have included all documents and information required.
2. Ensure that you meet the deadlines communicated to you by the Branch. If you do not, your application may be terminated. This means that you will likely lose your application fee, and have to begin the process again.

If you wish to fill out this application on your computer, you must save it to avoid losing inputted information. Average processing times can be viewed on our website. These are approximate time frames only and can vary. If you have any questions, contact the Liquor Control and Licensing Help Desk.

Phone: 1-866-209-2111 or 1-250-952-7049 (Victoria)  
(8:30 a.m. – 4:30 p.m., Monday to Friday)

Email: [LCLBHelpDesk@gov.bc.ca](mailto:LCLBHelpDesk@gov.bc.ca)

## Part 1: Applicant Information

### Applicant Name

Must match the name associated with the business number.

### Business Number

You must have a business number issued by Canada Revenue Agency (CRA) in the same name as the applicant. The business number is a nine-digit number required by a business in order to simplify their dealings with federal, provincial, and local governments in Canada. If you do not have a business number, you can apply for one through the CRA website at <http://www.cra-arc.gc.ca/bn/>.

### Applicant Email Address

This is required for ease of communication with the Branch.

### Applicant Type - Documents

Using the below list, submit the required documents for your applicant type as identified in part 1 of the application form. For information regarding corporate registry and documents, please see:

<http://www.bcregistryservices.gov.bc.ca/bcreg/index.page>

### Personal History Summary:

Each person listed below under the relevant applicant type (legal entity structure) must submit a Personal History Summary form. The Personal History Summary form explains what additional documents must be submitted with this application. Depending on the circumstances, each person may be required to submit any or all of the following additional documents: Canadian Criminal Record Search, statutory declaration, and/or drivers abstract. For full details, please carefully review the Personal History Summary form (LCLB004).

#### A. Private Corporation

(an incorporated privately owned company composed of one or more shareholders)

- Central Securities Register (shareholder register) listing of all shareholders, class of shares, number of voting and non-voting per shareholder, and date shares issued/transferred/cancelled).
- Register of Directors/Officers listing all current directors/officers by full legal name, position and date of appointment.
- For all shareholders (individuals) holding less than 10% voting shares in the applicant corporation, list the person's full legal name and date of birth.
- All shareholders (individuals) holding 10% or greater voting shares in the applicant corporation must submit applicable personal disclosure documents.
- If a shareholder is a private corporation, a public corporation, a society, or a partnership, submit all of the documents for that legal entity/applicant type.

#### B. Sole Proprietor

(owns business in personal name)

- Submit applicable personal disclosure documents.

#### C. Partnership

(two or more owners who carry on business together)

- Partnership Agreement
- Each partner must submit applicable personal disclosure documents.

## **D. Public Corporation**

(an incorporated company with shares traded on the stock exchange)

- Register of Directors/Officers listing all current directors/officers by full legal name, position and date of appointment.
- All directors must submit a completed Personal History Summary form.

## **E. Society**

Societies are a non-profit organization registered under the Society Act. Non-profit corporations are registered under Corporations Canada. If your organization does not have a Business Number, please provide a copy of the Certificate of Incorporation.

- List of all directors by full legal name, position, and date of appointment.
- All directors must submit a completed Personal History Summary form.

## **F. Other Applicant Types**

Includes entities incorporated under federal or provincial legislation; example: local governments, First Nation, colleges, universities, etc. Please contact the Licensing Help Desk at 1-866-209-2111 to discuss further documentation requirements.

## **Tied House Association**

This means an association, financial or otherwise, with a BC licensed liquor manufacturer or agent (representing liquor made outside BC) that is likely to lead to its products being favoured for sale. By policy, a tied house relationship exists where:

- The applicant (sole proprietor, partner, shareholder) has any amount of ownership interest in a manufacturer/agent licence, OR
- The applicant's proposed third part operator has any amount of ownership interest in a manufacturer/agent licence, OR
- The applicant has an immediate family member (spouse, parent, sibling or child) with any amount of ownership interest in a manufacturer/agent licence.

## **Part 2: Contact Person**

This person will act as the contact for this application and will receive information throughout the application process. Once licensed, all future correspondence will be directed to the licensee.

## **Licensee Representative**

Licensees and applicants can authorize a representative to take specified actions on their behalf. Any action taken by the licensee representative will legally bind the licensee/applicant in respect of those authorized matters. See the *Add, Change or Remove a Licensee Representative* form (LCLB101).

## Part 3: Establishment (Restaurant) Proposal

### Proposed Name and Sign

- Do not order signs until you have received approval from the Branch.
- You must provide a drawing or a photo of your proposed restaurant sign (*see sample, Appendix 1*).
- Your name and signage must be approved by the Branch to ensure it is appropriate for a restaurant by accurately reflecting the nature of the business—primarily, the service of food.

### Parcel Identifier (PID)

- The PID is a nine-digit number permanently assigned to a parcel of land.
- The legal description and PID may be found on a Land Title Certificate, in BC Property Assessment documents, on your lease, or obtained from your landlord.

### Dual Licence

Food Primary and Liquor Primary licences may overlap the exact same service area provided they have different hours of liquor service. Both licences must be held by the same owner. The Food Primary must operate in the exact same space as the Liquor Primary.

### Stand-alone Patio (with no interior seating)

A stand-alone patio must adjoin a permanent structure (affixed to a foundation) which is plumbed and wired.

### Food Primary (Restaurant) at Manufacturing Facility

If your proposed liquor licence will be located at a winery, brewery, or distillery, you must provide the following in addition to the other required documents:

- A site map showing the location of the proposed restaurant in relation to the manufacturing facility, tasting area(s) or any other endorsement area(s) (i.e., on site store, lounge, special event, picnic or tour area).
- A description of the type of separation that will be in place between the food primary service area(s) and the manufacturer service area(s). Note: A food primary licence cannot overlap any other service area. Additionally, the manufacturer service area(s) should be contiguous, not separated by a food primary licence.
- A copy of Agricultural Land Commission (ALC) approval for a restaurant, if you are located in the Agricultural Land Reserve.
- Complete *Manufacturer Structural Change Application*, if the addition of a food primary licence will change the existing manufacturer service areas.

### Food Primary Restaurant on Treaty First Nation Land

If your proposed establishment is located on Treaty First Nation land, please contact the Liquor Control and Licensing Branch at 1-866-209-2111 to inquire about additional requirements.

### Opening Date

- If your restaurant is already open, simply write "open".
- If your restaurant is not yet open, provide the date you expect to open.
- To avoid applying too early, please check the Branch website for average processing times for new food primary licences at: [www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing) and submit your application within that timeframe before your opening date.

## Hours of Liquor Service

- Standard hours of liquor service for a food primary are from 9 a.m. until 12 a.m. (midnight); however, you may wish to set your hours of liquor service within this timeframe. You do not have to be open for this entire period.
- If you wish to apply for hours of liquor service that extend past midnight, the local government/First Nation must be provided an opportunity to consider the impact of the community, which takes approximately 90 days. Please complete *Appendix 2: Local Government/First Nation (LG/FN) Confirmation of Receipt of Application* found at the end of this guide and submit it with your application. Further instructions are on the application checklist.

## Entertainment Endorsement

- If you wish to apply for Patron Participation Entertainment endorsement (including but not limited to dancing, karaoke or other types of entertainment that involve patron participation in the service area), the local government/First Nation must be provided an opportunity to consider the impact of the community, which takes approximately 90 days. Please complete *Appendix 2: Local Government/First Nation (LG/FN) Confirmation of Receipt of Application* found at the end of this guide and submit it with your application. Further instructions are on the application checklist.

## Establishment (Restaurant) Layout

Note: The term “local government” is a defined term in our Act and may also include: municipal government, city hall, regional district, local trust, etc. governing the geographic area where your proposed establishment is located. In certain areas, the approving authority may be First Nation. For the purpose of this guide we will use the short form “LG/FN”.

## Floor Plan

You must provide one 8.5” x 11” (regular size paper) clear and legible drawing of your restaurant/patio(s) floor plan. A hand-drawn or computer-generated/architect plan is acceptable. The floor plan must include the following features of the restaurant (*see sample, Appendix 1*):

- labels for each room showing intended use
- washrooms
- kitchen, kitchen equipment, large appliances
- location of patio(s)
- furniture layout: tables, chairs
- stairs, entrances, and exits
- liquor service bars or area from which liquor will be served
- any partial height walls, planters etc.

The occupant load must be stamped/dated/signed on the floor plan by the appropriate authority.

## Occupant Load Calculation

Occupant Load is the maximum number of people (patrons plus staff) permitted in a service area. Contact the LG/FN to obtain an occupant load on your floor plan. The occupant load must be stamped or written, dated and signed on the floor plan by the appropriate authority.

If LG/FN will not provide the occupant load, they must provide a letter confirming they do not issue occupant. You must submit the LG/FN letter with your floor plan. The Branch will accept an occupant load calculation from a professional architect or engineer.



## Other Facility Types

For gaming facilities, vessels, or other facility types, please contact the Licensing Help Desk (1-866-209-2111).

## Part 4: Declaration of Signing Authority

### Acceptable Signing Authorities

This form should be signed by an appropriate individual who has the authority to bind the applicant. The Branch relies on the applicant to ensure that the individual who signs this form is authorized to do so. Typically, an appropriate individual will be as follows:

- If the applicant is an sole proprietor, the individual himself/herself
- If the applicant is a corporation, an officer or, in some cases, a director
- If the applicant is a general partnership, one of the partners
- If the applicant is a limited partnership, the general partner of the partnership
- If the applicant is a society, a director or a senior manager (as defined in the *Societies Act*)

If the licensee is none of the above, then please contact the Licensing Help Desk (1-866-209-2111).

## Part 5: Payment Details

- The total fee is **\$950**, which includes the \$475 application fee and \$475 first-year licensing fee.
- The payment can be made by cheque or money order (made payable to the Minister of Finance), or by credit card (Visa, MasterCard, American Express).
- If an application is deemed ineligible, or if it is terminated, the \$475 licence fee is returned to the applicant. See the last page of the application form for information on how to make payment.
- Note: Your licence must be renewed every year. To find out more about the cost of annual renewal, please refer to our website at [www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing)

## Part 6: Submitting Your Application

Submit your application in one of the following four ways:

1. Scan and email to [liquor.licensing@gov.bc.ca](mailto:liquor.licensing@gov.bc.ca). If you choose to submit by email and you wish to pay by credit card, you must make your payment over the phone at 1-866-209-2111.
2. Hard copy, by mailing it to:

Liquor Control and Licensing Branch  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8

3. Fax – you can fax your completed application to 250 952-7066.
4. In person, you can drop off your application at, 4<sup>th</sup> floor, 3350 Douglas Street, Victoria, B.C.

Please do not send this guide or any of the sample documents with your application.



## Additional Notes

- All licensees, operators, and staff serving liquor must have a Serving It Right certificate. At the time of your final inspection, your liquor inspector will require copies of the certificates. You can visit [www.servingitright.com](http://www.servingitright.com) or call 604-633-9798 to apply for a certificate.
- If you are purchasing a restaurant with an existing liquor licence, you do not need to apply for a new licence. However, you must have the existing licence transferred to your name. Please see our website for more information: [www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing)

**\*Complete the checklist below to ensure your application package is complete before you submit it.\***

## Checklist

- Personal disclosure forms – the following items for each required individual listed under the applicant type (see part 1 of this guide):
  - A copy of your criminal record search completed by your local RCMP/police detachment (for more information.
  - A completed *Personal History Summary* form with supporting documents (indicated on the form)
- All additional documents required for your applicant type (see Part 1)
- All additional documents required for your facility type (i.e. manufacturers see part 3 of this guide)
- Appendix 2: Local Government/First Nation (LG/FN) Confirmation of Receipt of Application* if you have requested hours of liquor service that extend past midnight and/or patron participation entertainment endorsement

### Instructions:

- Have the LG/FN sign and date the *Appendix 2: Local Government/First Nation (LG/FN) Confirmation of Receipt of Application* and make a photocopy.
  - You must include the copy with your application form when you submit it to the Branch.
  - The Branch will follow up with the LG/FN if a resolution has not been received by the Branch within 90 days of the date on the form.
- Floor plan (containing all the required elements detailed in part 3 of this guide)
  - Sample sign – subject to Branch approval and must be appropriate for a food primary
  - Third party operator application, if applicable
  - A cheque/money order for \$950 (or phone in and pay by credit card)

## Appendix 1: Samples

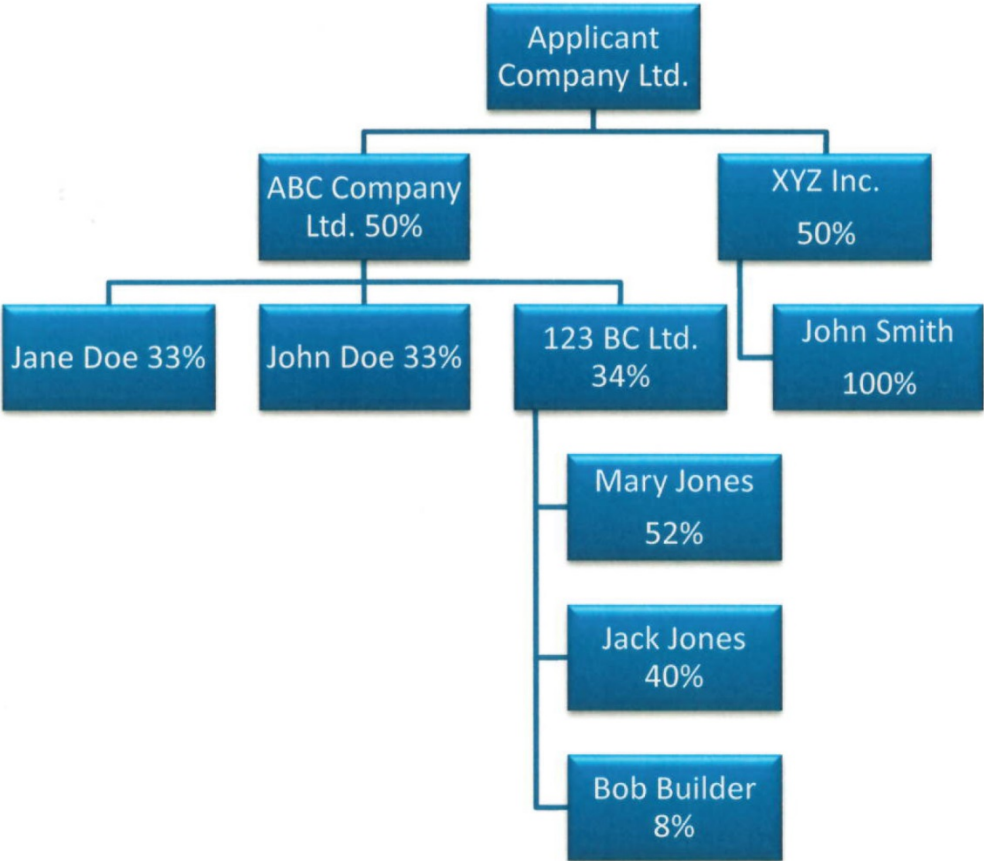
### Sample Central Securities Registry

#### CENTRAL SECURITIES REGISTER

NAME OF COMPANY: 0123456 B.C. Ltd

FULL NAME & ADDRESS OF SHAREHOLDER	DATE BECAME A SHAREHOLDER	DATE CEASED BEING SHAREHOLDER	# OF SHARES	CLASS OF SHARES	CERTIFICATE #	ACQUIRED BY ALLOTMENT/ CONVERSION/ TRANSFERRED FROM
Smith, Joseph 111 Nowhere St Nowhere, BC VOX OX0	January 1, 2012	January 2, 2014	100	Common Voting	1	Allotment by Treasury
Doe, Mary 111 Nowhere St Nowhere, BC VOX OX0	January 1, 2012		100	Common Voting	2	Allotment by Treasury
White, John 222 Somewhere St Somewhere, BC VOY 1Y0	January 2, 2014		50	Common Voting	3	50 Transferred from Joseph Smith
Doe, Jane 333 Somewhere St Somewhere, BC VOY 2Y0	January 2, 2014		50	Common Voting	4	50 Transferred from Joseph Smith

**Sample corporate structure chart**



**Sample restaurant sign**





**Sample Statutory Declaration**

**SAMPLE**

CANADA	)	IN THE MATTER OF an
PROVINCE OF BRITISH	)	application for a _____
COLUMBIA	)	Licence by <u>    (the applicant)    </u>
	)	_____
	)	
TO WIT:	)	
	)	

STATUTORY DECLARATION

I (Surname, Given name and middle name) otherwise known as (including previous names and maiden names), born on \_\_\_\_\_ in \_\_\_\_\_ residing at \_\_\_\_\_ (home address) \_\_\_\_\_, have applied for \_\_\_\_\_ ( e.g. food-primary liquor licence) \_\_\_\_\_ DO SOLEMNLY DECLARE:

1. I **have never been** charged, convicted or discharged of a criminal or drug/alcohol related offence, nor do I, to the best of my knowledge, have any criminal or drug/alcohol police record.

OR

2. I **have been** charged, convicted or discharged of the following criminal and /or drug/alcohol related offence(s). List dates of offence(s) along with the outcome and any sentences and/or fines received.

I make this solemn declaration, conscientiously believing it to be true and knowing it is of the same force and effect as if made under oath.

DECLARED BEFORE ME AT \_\_\_\_\_ )  
 \_\_\_\_\_ (place) \_\_\_\_\_ )  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, )  
 \_\_\_\_\_ (year) . \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )

\_\_\_\_\_  
(Lawyer, Notary Public, Commissioner for taking Affidavits)

\_\_\_\_\_  
(person's signature with name printed in full underneath)

\_\_\_\_\_  
(Address)

## Appendix 2: Local Government/First Nation Confirmation of Receipt of Application

This form is to be completed and submitted with the Food Primary Licence Application if Hours of Liquor Service that extend past midnight and/or Patron Participation entertainment endorsement is requested.

Name of Applicant: \_\_\_\_\_

Establishment name: \_\_\_\_\_

Establishment address: \_\_\_\_\_

Applicant Proposal:

- Hours of liquor service that extend past midnight – hours requested must be between 9:00 am to 4:00 am of the same business day

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Open							
Close							

- Patron Participation entertainment endorsement – dancing, karaoke or other types of entertainment that involve patron participation in the service area

Describe the type of patron participation activities that will take place within your establishment:

\_\_\_\_\_

Local Government/First Nation (name):

Name of Official:

Title/Position:

Email:

Phone:

Signature of Official:

Date Received:

Check here if the LG/FN will not be providing comment:  Yes, opting out of comment.

Note: The LF/FN cannot provide comment for their own application.

Is the establishment located on Treaty First Nation Land?  No  Yes

### Instructions for the Local Government/First Nation

This serves as notice that an application for a new food primary licence is being made within your community and is requesting hours of liquor service past midnight, and/or a patron participation entertainment endorsement. The Branch requests that you consider the endorsement and/or hours requested and provide the Branch with resolution within 90 days of the above received date. Alternatively, LG/FN can delegate staff with the authority to provide comments.

Consider these factors which must be taken into account when providing resolutions/comment:

- Hours of liquor service that extend past midnight – must be between 9:00 a.m. – 4:00 a.m.
- Patron Participation entertainment – dancing, karaoke or other types of entertainment that involve patron participation in the service area.

To provide a resolution or comment:

- Comments and recommendations must be in writing and must include whether the application should be approved or rejected and the reasons on which they are based
- The comments must include the views of LG/FN on:
  - The impact of noise on the community in the immediate vicinity of the establishment
  - The general impact on the community
  - Whether hours of liquor service that extend past midnight and/or patron participation entertainment may result in the service area being operated in a manner that is contrary to primary purpose.
- Indicate if the LG/FN has gathered the views of residents, and provide a description of the method used to gather those views
- Provide any reports that are referenced in, or used to determine the resolution.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.
- Provide any reports that are referenced in, or used to determine the resolution.
- If more than 90 days is required, provide a written request for extension to the Branch.
- If LG/FN opts out, or is the applicant, the Branch will gather public input and contact LG/FN staff for information to assist the Branch in considering the regulatory criteria.

If you have any questions, or the establishment is located on Treaty First Nation land, please contact the Branch licensing help desk toll-free at 1-866-209-2111 or directly at 250-952-7049.

Liquor Control and Licensing Branch:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8  
Phone: 1-866-209-2111 or 1-250-952-7049 (Victoria)  
Email: [LCLBHelpDesk@gov.bc.ca](mailto:LCLBHelpDesk@gov.bc.ca)