

# Liquor Policy Manual



Liquor and Cannabis  
Regulation Branch

December 2025

## Update Summary

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December 2025	<b>4.2 Manufacturer Licence</b> <a href="#">4.2.1 Contract manufacturing</a>	33 - 34
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# SECTION 1: General Information

## 1.0 Introduction

### Purpose

The Liquor Policy Manual is a repository for all liquor policies. It is specifically written for the staff of the Liquor and Cannabis Regulation Branch. However, external regulatory and enforcement agencies and the licensees of licensed establishments may also find this manual a useful source of information.

### Authority

The liquor licensing system is established by the *Liquor Control and Licensing Act* and its accompanying regulations. Some of the policy statements in the manual come directly from the Act or regulations. Others are policies established under the authority given to the general manager (GM) in the Act or are based on the Branch's interpretation of the licensing provisions in the Act and regulations.

[Liquor Control and Licensing Act](#)  
[Liquor Control and Licensing Regulation](#)

### The Effect of Policies

The *Liquor Control and Licensing Act* and Regulations provide the GM with some discretionary decision-making power. This discretion allows the GM to consider unique circumstances that may arise in individual cases. However, the concept of administrative fairness limits the exercise of this discretion. In all instances, the GM must apply the principles of the Act and Regulations and, in doing so, act consistently with the statutory mandate and objectives within them. Applying the policies in this manual results in a common understanding of purpose and consistent and principled decision-making. Being principled and consistent ensures administrative fairness.

Within this broader context, policy statements in this manual should be understood as the way the GM interprets the legal requirements and obligations in the Act and Regulations. These policies are directions to staff that communicate what is permitted and not permitted and provides the framework for decision-making.

## 1.1 Licence Classes

Section 14 of the *Liquor Control and Licensing Act* gives the GM authority to issue licences, and the accompanying regulation establishes each licence class. A general description of each licence class follows. More information can be found under specific topic headings in later chapters of this manual.

### Liquor Primary Licence

The liquor primary licence is the broadest class of licence administered by the Branch. Any business may apply for a liquor primary licence, except for businesses directed at minors or businesses operating in a motor vehicle. Liquor primary establishments may be anything from a standalone bar, night club, hotel or resort to a military mess, stadium or cultural centre. Additionally, any business wanting to offer liquor service as an additional service to patrons or have a liquor-focused service area (e.g., spa, art gallery and retail store) may also apply for a liquor primary licence. Liquor primary establishments must offer food and non-alcoholic beverages in addition to their liquor service, but food service in the range generally offered by a restaurant is not expected.

[Liquor Control and Licensing Regulation, section 9 and 10]

### Liquor Primary Club Licence

There is one sub-class of the liquor primary licence — the “liquor primary club licence”<sup>1</sup>. The focus of a club is generally social, athletic, recreational, fraternal, benevolent or patriotic in nature, but this does not preclude profit-making.

Clubs are understood as not operating primarily for profit, and liquor sales are restricted by regulation to actual club members and their guests. As a result of these provisions, a club is not generally considered to be a public place in the sense that other establishments are public places and is not open to the public when operating as a licensed establishment.

[Liquor Control and Licensing Regulation, section 11]

### Food Primary Licence

Food primary licences are for establishments where the primary focus is the service of food such as restaurants, bistros, and cafes. Food primary establishments can remain open 24 hours a day but are subject to the hours endorsed on the licence; liquor service may only be endorsed between the hours of 9:00 a.m. and 4:00 a.m.

[Liquor Control and Licensing Regulation, sections 16 - 19]

### Catering Licence/Endorsement

A catering licence enables catering companies to provide a full range of food and beverage services to clients' events. A catering endorsement enables food primary and liquor primary (excluding liquor primary club) establishments to cater food for their clients' events at locations that are primarily offsite. Caterers may also serve liquor at residential events.

Licensed caterers can purchase, transport, and sell liquor at catered events, and may maintain a liquor inventory, but approval must be obtained prior to each event.

[Liquor Control and Licensing Regulation, sections 12 -13, 20 - 21, and 23]

### U-Brew/U-Vin Licence

The U-Brew/U-Vin licence is issued to establishments providing supplies, facilities, and/or services to people making their own wine, beer, cider, or wine coolers. The regulations set out a range of terms and conditions pertaining to this licence, including: the respective roles of U-Brew and U-Vin licensees and their customers; how the customer's ingredients and product are to be stored on the premises; and special record keeping and reporting requirements.

These terms and conditions are designed to ensure that U-Brew and U-Vin licensees, their staff, and their customers do not become manufacturers or vendors of liquor. Rather, licensees only supply ingredients and/or assist customers through the fermentation or brewing process, so long as the end product is for the customer's own private use.

[Liquor Control and Licensing Regulation, sections 42 – 52]

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<sup>1</sup> Since most policies that apply to liquor primary establishments also apply to liquor primary club establishments, the term “liquor primary” also refers to “liquor primary club” throughout this manual unless otherwise specified.

### Manufacturer Licence

Wineries, breweries, and distilleries that produce or manufacture liquor for sale and, typically, for consumption off the premises, are required to have a manufacturer licence.

A licensed manufacturer may also operate a tasting room at the manufacturing site where product samples may be offered to the public.

In addition to offering guided tours to the public and operating a tasting room, manufacturers can apply for endorsements to operate an on-site retail store and lounge and/or separate area designated for special events and picnics which permits consumption of liquor on site.

[Liquor Control and Licensing Regulation, sections 28 - 36; and Liquor and Cannabis Regulation Branch Policy]

### Agent

An agent's licence allows independent liquor agents and importers to promote, market and take wholesale orders for liquor products from liquor manufacturers outside of B.C.

[Liquor Control and Licensing Regulation, sections 39 – 40]

### Licensee Retail Store Licence

A licensee retail store (LRS) licence permits the sale of liquor for consumption off the premises. There is a moratorium in effect on new LRS licences; no new LRS licences may be issued.

[Liquor Control and Licensing Regulation, sections 54(1), 55]

### Wine Store Licence

There are several different types of wine stores. Wine stores include stores associated with a particular winery or group of wineries, independent wine stores, Vintners Quality Alliance (VQA) wine stores and tourist wine stores. They operate as a separate retail store and are not located at a winery. There is a moratorium in effect on new wine store licences; no new wine licences may be issued.

[Liquor Control and Licensing Regulation, sections 54(2), 61 - 64]

### Special Wine Store

The special wine store licence permits the sale of wine on grocery store shelves.

[Liquor Control and Licensing Regulation, sections 54(3), 67 - 68]

## SECTION 2: Food Primary Licence

### 2.0 Introduction

This chapter covers policies that relate to Food Primary operating details.

#### 2.0.1 Assessment of primary operating purpose in the service area of a food primary licence application

Licensing staff will determine whether the business carried on in the proposed service area of a licensed establishment is primarily food service during all hours of liquor sale and service. Since effective management and control of the proposed licensed area cannot be assured, applications from the following establishments are not eligible for a food primary licence:

- Mall “food fairs” or establishments where the dining space is not defined or controlled by any single food outlet;
- Standalone banquet rooms without fully equipped kitchens, including banquet rooms that are not an extension of a licensed food primary establishment; and
- Mobile food providers, (e.g., food trucks) and other street vendors offering food service.

[[Liquor Control and Licensing Act](#), sections 19 (2)(b)-(e) and (3); [Liquor Control and Licensing Regulation](#), section 17 and 19(a)]

### 2.1 Restaurant Operating Details and Furnishings

#### Policy Rationale

Section 16 of the Liquor Control and Licensing Regulation states that a food primary licence “authorizes a licensee to sell drinks containing liquor to patrons in the service area under the licence when the primary purpose of the business carried on in the service area is the service of food.” In part, it is the specific operating details and furnishing requirements of a food primary establishment that maintains the distinction between a food primary and a liquor primary.

Under section 19 of the Regulation, the general manager may consider some or all of the following when determining if the primary purpose of the business is food: kitchen equipment; furnishings and lighting; menu; type and hours of entertainment and games that are available or to be offered; advertising; hours of operation; financial records; and the ratio of receipts for food sales to liquor sales must be what one might expect of an establishment in the food service business. These aspects of a restaurant are regulated by policy to ensure the operation of the restaurant and behaviour of patrons does not become so similar to that of liquor primary licensed establishments that the distinction between the two becomes blurred.

The policies below outline the requirements for restaurant operating details and furnishings that are consistent with the primary operating purpose of food service. They also address the necessity of separating the licensed dining area from other unlicensed areas of the establishment so that patrons will not be confused about where liquor may be consumed.<sup>2</sup> 1 Consistent with other policies governing premises, appropriate management and control of the licensed area is a fundamental concern.

[Liquor Control and Licensing Regulations, section 81(1); Liquor and Cannabis Regulation Branch Policy]

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<sup>2</sup> See related discussion and policy in sections [13](#) and [18.3](#)

## Policies

### 2.1.1 Operating details consistent with food service

A food primary licence may be issued for an establishment if the primary purpose of the business is the service of food. In determining whether to issue a licence, the Branch may consider whether the establishment:

- has kitchen equipment sufficient for operating as a primarily food service establishment;
- is furnished with tables, chairs, booths, and/or counters and stools, the height and width of which are suitable for dining;
- uses a kind of lighting that is positioned, and suitable, for dining;
- has a menu with a varied selection of food items, including both appetizers and main courses, or their equivalent; these food items must be prepared in the establishment's kitchen;
- offers entertainment and games of a type and/or during hours that are consistent with an establishment primarily in the business of food service;<sup>3</sup>
- advertises as primarily in the business of food service;
- operates during the hours consistent with an establishment primarily in the business of food service;
- has financial records that demonstrate the primary focus of the business is food service;
- has a ratio of receipts from food sales to liquor sales that is consistent with an establishment primarily in the business of food service; and
- has any other characteristics that would be relevant and would assist in the determination of whether the establishment is primarily in the business of food service.

[Liquor Control and Licensing Regulations, section 19; Liquor and Cannabis Regulation Branch Policy]

#### 2.1.1.1 Where furnishings are more consistent with another licence class

If the general manager is of the opinion that the operating details and furnishings are more consistent with a liquor primary licensed establishment, the applicant or licensee may be asked to apply for that licence. The general manager may consider construction and furnishings typically found in liquor primary establishments, such as:

- bandstand-style stages
- dance floors disproportionate to the size of the establishment
- D.J. booths and high-volume speakers, and
- strobe and multi-track overhead lighting

to be inconsistent with, or indicate a shift in emphasis from, an establishment primarily engaged in food service.

[Liquor and Cannabis Regulation Branch Policy]

### 2.1.2 Dual food and liquor primary licences

See section [13](#)

### 2.1.3 Entertainment in food primary establishments

See section [18.3](#)

### 2.1.4 Food primary licences on motor vessels

Special conditions apply to liquor sales and service on motor vessels, established under the Branch's broader authority to set licence terms and conditions under section 15 of the Act. The conditions for motor vessels were

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<sup>3</sup> See section [18.3.3](#) for special conditions that apply to karaoke box-style restaurants.

established to accommodate the circumstances of a category of motor vessel, including dinner cruises - or larger motor vessels that ply scheduled routes or travel from one destination to another.

To ensure that motor vessel licensing is in the public interest and recognizing the difficulties of controlling patrons when the licensee has a limited ability to eject unruly or intoxicated persons, the policy gives special consideration to providing for the safety of passengers who have consumed alcohol. These requirements are incorporated into federal safety standards for the type of boat transportation being offered. As a condition of the liquor licence, the licensee must demonstrate that these standards have been met. Liquor kept on board must be ordered through a designated liquor store or other person approved by the Liquor Distribution Branch, unless otherwise approved by the general manager.

Dockside liquor service is not permitted. This policy reflects the view that the purpose of licensing is to permit liquor service while the vessel is underway.

[*Liquor Control and Licensing Act*, section 15(1)(2); Liquor Control and Licensing Regulation, section 74(3); Liquor and Cannabis Regulation Branch Policy]

### 2.1.5 Temporary use area (TUA) endorsement

Establishments on ski hills or golf courses may be endorsed to extend their licensed activities to outdoor area(s) on their property up to 26 times a year. While a Temporary Use Area (TUA) may be endorsed for outdoor areas, it cannot overlap an area eligible for permanent licensing (except the playing area at a golf course) such as a patio adjacent to the licensed interior of the establishment.

#### Golf Courses

Only one licence on the property can be endorsed. TUAs must be outdoors on the same property as the golf course and owned or leased by the licensee. TUAs can overlap the licensed playing area at a golf course.

#### Ski Hills

Only one licence per ski hill can be endorsed (for example, Whistler-Blackcomb is considered two separate ski hills). The licensee must have an ownership interest in the downhill ski business, and its licence must be located on the same ski hill. TUA locations must be outdoors on the ski hill property. The legal entity that owns the ski hill is required to sign the application to confirm they support the specific licence applying for the TUA Endorsement.

#### All Properties

Applicants must identify the capacity (maximum number of people to occupy each proposed TUA). Official 'occupant load' is not required. The Local Government / First Nation will be asked to gather public input and provide the LCRB with a resolution, commenting on the proposed TUA Endorsement.

#### Operating a TUA

Once a licence has a TUA Endorsement, the licensee may submit online requests to activate their TUA(s) via LCRB Authorization – using the liquor and cannabis licensing portal (<https://justice.gov.bc.ca/lcrb>) – up to 26 days per year. Each day that a TUA activation is in effect counts against the annual total of 26. A TUA Authorization may serve to activate multiple TUA locations for use at different points (and for different groups) throughout the day; this counts as only one activation day, but all groups' attendance counts must be included in the total capacity number and security plans handled accordingly.

TUAs may operate no later than 10 p.m. (or earlier if required by licence or TUA terms and conditions or community bylaws). Activated TUAs must be appropriately bounded and staffed so that the liquor service and

consumption area is clearly visible to ensure that liquor stays within the licensed boundaries and patron entry and exit is controlled so not to exceed capacity.

The terms and conditions of the TUA are in effect during the times indicated on the Authorization. Unless otherwise specified, TUA Authorizations are subject to the same terms and conditions as the Food Primary licence; however, TUA Authorizations may also have specific terms and conditions related to bounding, staffing, entertainment or activities, minors, capacity, hours, etc.

TUA activation requests submitted through the liquor and cannabis licensing portal are reviewed differently depending on the total number of people expected to attend the event(s):

- Notification (“small” <500 persons): the licensee must submit an online request to LCRB – by using the liquor and cannabis licensing portal (<https://justice.gov.bc.ca/lcrb>) – at least 7 days in advance. Authorizations for these events are automatically sent to the licensee for posting at the activated site(s)
- Approval (“large” 500+ persons): the licensee must submit their online request to LCRB – by using the liquor and cannabis licensing portal (<https://justice.gov.bc.ca/lcrb>) – at least 21 days in advance. In addition, the licensee must email their liquor inspector an event-specific security plan. If approved, copies of the authorization and security plan must be submitted to local police.

#### **Cancellation or amendment of a TUA activation:**

If the licensee wishes to cancel an activation, the licensee must advise their liquor inspector at least 24 hours before the start time listed on the Authorization. A cancelled activation does not count against the total of 26 days per year. If a licensee wants to amend an issued Authorization, the licensee must contact their liquor inspector to obtain approval for the changes. This should be done with the same lead time as making original requests: 7 days for small activations; 21 days for large activations. This cannot be done online using the liquor and cannabis licensing portal (<https://justice.gov.bc.ca/lcrb>).

[Liquor Control and Licensing Regulation, section 14; Liquor and Cannabis Regulation Branch Policy]

#### **2.1.6 Allowing food primaries to shift the focus of the business away from food service when liquor service isn’t occurring**

If liquor is not being served, a food primary can operate without a focus on food in the service area (i.e., the area where liquor may be sold, served, or consumed). Any business, even businesses without a primary focus on food service, can apply for a food primary licence. For example, a bookstore may apply for a food primary licence and have a restaurant space within the bookstore, provided separation requirements are met (see section [13](#) - Adjoining Areas).

[Liquor Control and Licensing Regulation, section 16 and 81(1); Liquor and Cannabis Regulation Branch Policy]

#### **2.1.7 Liquor-free events at food primaries**

Food primary establishments are required to notify the Branch (through the liquor and cannabis licensing portal) at least 14 days in advance of any liquor-free event that ends between 8 p.m. and close, regardless of the event start time. There is no restriction on the number of liquor-free events a food primary may host. Licensees must follow all the terms and conditions outlined in the Food Primary Terms and Conditions Handbook.

[Liquor and Cannabis Regulation Branch Policy]

## SECTION 3: Liquor Primary Licence

### 3.0 Introduction

The liquor primary licence is the broadest class of licence administered by the Branch. Establishments operating under this licence may be anything from a standalone bar, hotel or resort, to a spa, art gallery or cooking school. The purpose of the liquor primary licence is to sell all types of liquor to patrons for onsite consumption; for some types of businesses, liquor service is the primary purpose of the establishment and for others liquor service is an ancillary service offered to their patrons.

There is one sub-class of the liquor primary licence – the “liquor primary club licence.” The statutory provisions that apply to clubs can be found in section 11 of the Liquor Control and Licensing Regulation. The rationale for these provisions relates to the standard eligibility criteria for club licences, in terms of a minimum number of members and primary operating purpose. Clubs are understood as not operating primarily for profit, and liquor sales are restricted by regulation to actual club members and their guests.

Certain types of businesses, or certain areas within an establishment, may not be eligible for licensing or may be licensed with additional terms and conditions due to their unique character and public safety concerns. In addition to the general policies that apply to all liquor primary licences, this chapter details special conditions and endorsements related to specific types of liquor primary establishments such as stadiums, arenas, motor vessels, theatres, convention centres, recreation centres, golf courses and ski hills.

### 3.1 Liquor Primary Licence

#### Eligibility for a liquor primary licence

Any business, except those that operate in a motor vehicle or are primarily directed at minors, can apply for a liquor primary licence. Examples range from stadiums and pubs to spas and art galleries. Halls and multi-purpose facilities are also eligible for a liquor primary licence. This allows businesses to offer liquor as their primary focus or as an additional service to their patrons. The licensed area can overlap all or part of the business, or it can be a separate area within the primary business.

For Food Primary/Liquor Primary Dual licensing requirements, see section [13](#), Adjoining Areas.

[Liquor Control and Licensing Regulation, section 10]

### 3.2 Liquor Primary Club Licence

#### Eligibility for a liquor primary club licence

To qualify as a club an applicant must meet two criteria: it must have at least 50 members who pay an annual membership fee and it must be either:

- A corporation without share capital (e.g. a society) that does not operate for the financial gain of its members, or
- A chartered branch of this type of corporation (e.g. a branch of a Royal Canadian Legion)

Clubs that held liquor primary club licenses on January 22, 2017, continue to be eligible for licensing and retain any club privileges permitted by the licence terms and conditions, as long as they have at least 50 members who pay an annual membership fee.

[Liquor Control and Licensing Regulation, section 11(1)]

### Liquor Primary Club transition to Liquor Primary

Liquor primary (LP) clubs may apply to transition to a regular LP licence. LP clubs that transition to a LP will lose all club privileges previously granted but will generally retain other LP terms and conditions and endorsements such as Family Foodservice or Off-Premises Sales.

Transition to regular LP is subject to a LG/FN community input process (see section [11](#)).

[Liquor Control and Licensing Regulation, section 71(2)(b)(i); Liquor and Cannabis Regulation Branch Policy]

## 3.3 Liquor Primary Special Conditions

### Policy Rationale

Individual licensed establishments vary greatly from one another. Some “special conditions” apply to a number of liquor primary establishments because of their unique character. These include: clubs, golf courses with kiosks, take-out windows and beverage carts, motor vessels, concert halls, curling clubs, golf course facilities, recreation centres, stadiums/arenas, and theatres.

The special terms and conditions which apply to these establishments reflect the Branch’s mandate to prevent minors from accessing liquor, hold licensees accountable for the care and control of the establishment and promote public safety by reducing public intoxication. Exemptions from policy are strictly limited because both the Branch and local government took into account the nature of the activities and events proposed for the licensed venue when reviewing the application and approving the licence. Had the original application been based on the proposed activities/events for which the exemption is sought, the Branch and/or local government may not have approved it or approved it with different terms and conditions.

### 3.3.1 Liquor Primary Clubs

The statutory provisions that apply to liquor primary (LP) clubs can be found in section 11(1) of the regulations. These provisions largely relate to the sale of liquor to club members and guests, the management of guests, and the management of liquor for personal consumption by club members.

The rationale for these provisions relates to the standard eligibility criteria for club licences in terms of a minimum number of members and primary operating purpose. Clubs are understood as not operating primarily for profit, and liquor sales are restricted by regulation to actual club members and their guests. As a result of these provisions, a club is not generally considered to be a public place in the sense that other establishments are public places. Licensees must control entry into their licensed areas by maintaining a daily record of the names and addresses of all guests and their member hosts.

The following general terms and conditions apply to a LP club licence:

- liquor may be sold or served only to club members and their guests
- entry into the licensed area of the club must be controlled by maintaining a register of the names of all guests, the name of the member accompanying each guest, and the date the guest is in attendance
- only persons who are club employees, members, or registered guests are permitted in the licensed area of the club
- minors are permitted when liquor is being served on Remembrance Day.

[*Liquor Control and Licensing Act*, section 15(1)(2); Liquor Control and Licensing Regulation, section 11(4)]

## Liquor Primary Club Special Privileges

### Green-Lined Areas

Liquor Primary (LP) Club licences are eligible for a form of discretion that allows additional flexibility in de-licensing some or all licensed areas without having to apply to the Branch to be temporarily de-licensed. Service areas licensed in this manner are denoted in green on the establishment's floor plans and are thus described as "green-lined" areas.

Green-lined areas are only available to club licenses; however, any establishment that was granted a green-lined area, and any related privileges, before January 23, 2017, may continue as permitted by the terms and conditions of the licence.

#### Use of a green-lined area is permitted as follows:

When a licensee decides to provide liquor service in a green-lined area, the area must operate as a licensed service area, under the terms and conditions of the licence. However, when a licensee decides to temporarily de-license, the green-lined area(s) can be used for liquor-free purposes (including public purposes) with no need to notify the Branch unless it's being used for a liquor-free public event ending after 8:00 p.m. (see the Liquor Primary Handbook for more information and specific terms and conditions). There is no limit to temporarily de-licensing green-lined areas for liquor-free purposes.

The green-lined service area may also be used for a third-party event under a Special Event Permit (SEP) or an event where liquor service will be catered without having to apply to the Branch to temporarily de-license the area. However, if the licensee is the SEP applicant, they are required to apply to the Branch to temporarily de-license the area (note that temporary changes, including de-licensing, are limited to a maximum 6 per year). The SEP holder is subject to all the terms and conditions which apply to the SEP, and the SEP holder may invite anyone from the public, including minors, and must:

- (a) purchase liquor from the Liquor Distribution Branch for use at the SEP, and
- (b) ensure that liquor does not move in either direction between the still-active licensed LP club's service area(s), if applicable, and the SEP service area.

If an establishment has multiple service areas and one or more service areas are in effect (that is, liquor is being served) while a separate green-lined area is being used for a SEP or unlicensed purpose, there must be adequate separation between the areas. This separation can be in the form of:

- a wall curtain
- wall dividers
- sliding doors

Entrance and exit between these areas must be controlled to ensure that minors do not pass through a LP club service area where they are not permitted, to use the washroom for example.

The following terms and conditions apply to all green-lined areas:

- When an area is being used as a green-lined area (de-licensed) and that area includes the service bar, liquor service is not permitted from the bar and the liquor must be locked up;
- When an area is being used as a green-lined area, minors are permitted; and
- When an area is being used for liquor service, minors are not permitted unless the licenceterms and conditions state otherwise.

A LP Club licensee may apply to extend a green-lined area to other service area(s) of the establishment, by submitting a structural change application to the LCRB.

[Liquor Control and Licensing Act, section 15(2)(p); Liquor and Cannabis Regulation Branch Policy]

### Club Locker Privileges

If authorized by the general manager, a licensee may permit "locker privileges." Clubs that have this permission may allow their members to keep a small quantity of liquor in the member's locker for personal consumption. The liquor must be purchased from the licensee and it may be consumed in the locker room or any service area approved for this privilege. Members are required to secure liquor kept for personal consumption in personal lockers when not being consumed. No external liquor can be brought into the establishment or locker area and the liquor must not be taken home or away from the premises.

[Liquor Control and Licensing Regulation, section 11(2); Liquor and Cannabis Regulation Branch Policy]

### On-site Events - Outside of Service Area (no longer available, grandfathered licences only)

The general manager has, in the past, permitted liquor service at events outside licensed service areas but on the same site. However, this permission is no longer available to new applicants. Current licensees that have this permission (i.e., a term and condition on the face of the liquor licence) may continue to hold special events such as a garden party, club barbecue or outside function. Such permission could allow club members and their guests to consume liquor that they have purchased from the licensee on the lawn behind the premises.

[Liquor and Cannabis Regulation Branch Policy]

### Minors – Special banquet activities or award ceremonies

Minors may be permitted in the service area in order to attend special banquet activities or other types of award ceremonies, provided:

- only minors who were competitors in the associated event may attend;
- minors must be accompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor;
- minors will only be allowed to attend during the full sit-down meal and award ceremonies; and minors must leave at the end of the meal and related ceremony.

### 3.3.2 Golf Courses

A liquor primary (LP) licence can be issued for the playing and/or practice area of a golf course which permits the sale and service of liquor, when the areas are being used for golf, from a kiosk, take-out window or beverage cart. The practice or playing area can also be licensed with service from the interior LP service bar (including an LP/Food Primary shared service bar (see section [13.1.4](#)). However, there is no requirement that a licensee also operate an interior LP lounge to operate a kiosk, cart or service window.

Special conditions apply to liquor sales and service on the playing area of a golf course, in this case established under the Branch's broader authority to set licence terms and conditions under section 15 of the Act. Since the licensee's ability to supervise patron behaviour over such a large area is difficult, the rules for liquor service in the

playing area of a golf course are fairly restrictive. The conditions set out in the policy relate to both the responsibilities of the licensee and servers from kiosks, take-out windows, beverage carts, or the interior LP service bar, as well as to the areas of the golf course where liquor may be consumed or carried.

The following general terms and conditions apply to liquor sales and service to patrons on the playing area of a golf course from kiosks, take-out windows, beverage carts and interior LP service bars:

- golf course applicants/licensees must apply to serve liquor to patrons on the playing area from a kiosk, take-out window, beverage cart, or through the interior liquor primary service bar;
- a golf course must have a LP licence to serve liquor from a kiosk, take-out window, or beverage cart; a golf course must have an interior LP licence to allow service from the main service bar to the playing area;
- patrons may purchase a drink in one licensed area at a golf course and take it to another service area at the golf course as long as the patron takes a direct route between the service areas. This allows patrons to carry liquor between the licensed club house and the licensed playing areas;
- while liquor may be carried across an unlicensed area to take it to another service area, liquor purchased for consumption must not be consumed in areas other than licensed service area(s);
- minors are permitted on the licensed playing and practice areas of the golf course without a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor;
- one beverage cart is permitted for every nine holes on a golf course;
- persons serving liquor on the playing area of the golf course must be employed by the licensee, be at least 19 years of age, and have successfully completed Serving It Right: The Responsible Beverage Service Program;
- the licensee is responsible for ensuring that patrons do not bring their own liquor onto the golf course;
- during the hours of liquor service, snacks and non-alcoholic beverages must be available for sale at reasonable prices;
- rules pertaining to the availability of liquor service on the playing area from beverage carts, kiosks, take-out windows or from the interior LP service bar are to be posted before the first tee box where patrons can see them;
- signs must be posted at the tee box one hole before a roadway crossing notifying golfers that they are not to consume or hand-carry open beverages containing alcohol while crossing public roads in a golf cart;
- such other terms and conditions as may be imposed in the public interest.

[Liquor Control and Licensing Act, sections 15(1) and 15(2); Liquor Control and Licensing Regulation, sections 88, 141(2)(e) and 4(h); Liquor and Cannabis Regulation Branch Policy]

### 3.3.3 Motor Vessels

Special conditions apply to liquor sales and service on motor vessels, again established under the Branch's broader authority to set licence terms and conditions under section 15 of the Act. The conditions for motor vessels were established to accommodate the circumstances of a particular category of motor vessel, including dinner cruises - or larger motor vessels that ply scheduled routes or travel from one destination to another.

To ensure that motor vessel licensing is in the public interest, and recognizing the difficulties of controlling patrons when the licensee has a limited ability to eject unruly or intoxicated persons, the policy gives special consideration to providing for the safety of passengers who have consumed alcohol. These requirements are incorporated into federal safety standards for the type of boat transportation being offered. As a condition of the liquor licence, the licensee must demonstrate that these standards have been met. Liquor kept on board must be ordered through a designated liquor store or other person approved by the Liquor Distribution Branch, unless otherwise approved by the general manager.

The special conditions that apply to motor vessels allow liquor service at dockside for approved mooring locations only and for a maximum of one hour prior to departure and one hour after the end of the trip. If dockside service beyond these times is contemplated, the licensee must first obtain a resolution from the appropriate local government or First Nation. The Branch, in deciding whether to authorize the extended liquor service hours, will consider this resolution. This limitation is in effect because of the potentially negative effects liquor service may have on communities. These policies reflect the view that the purpose of licensing is to permit liquor service while the vessel is underway, and that, with the exception of the one-hour service prior to departure and after the vessel's return, liquor sales and services in the community can be provided by means other than dockside liquor service.

[*Liquor Control and Licensing Act*, section 15(1)(2); *Liquor Control and Licensing Regulation*, section 74(3); *Liquor and Cannabis Regulation Branch Policy*]

### 3.4 Event-driven Establishments

#### Concert Halls, Live Event and Movie Theatres, Conference Centres, Stadiums/Arenas, Recreation Centres, Outdoor Event Venues

While most establishments may serve liquor at any time during licensed hours, some types of establishments or service areas may only serve liquor in conjunction with an event – the licence is described as “event driven.” The establishment is always licensed but the hours of liquor service are limited to a short time surrounding the event. Liquor service in concert halls, conference centres, stadiums/arenas, cultural centres, live event venues, movie theatres and outdoor event venues is always event-driven. Special event areas at a licensed winery, brewery and distillery are also event-driven only (see section [4.11.3](#)).

Some event driven establishments may only serve liquor in conjunction with a live event. An event is a “live event” only if the primary presentation occurs through individuals who are physically presenting the event. Common types of live events are presentations by an individual performer, a band, a theatre company, a dance troop, or a comedy or variety show. The presenters or performers may use mechanical or visual aids in support of their activities or presentations, but the primary focus of the event is on the individuals who are there in person and the live actions they perform.

Live events that are typically presented at a stadium include sporting events, various types of live band, or public rallies led by a person on stage. Typical concert hall events include plays and other dramatic presentations, comedy acts, symphonies and popular music and variety shows. In most cases, events which are more typically presented in conference centres, such as expositions with themes such home and garden, boats, or recreational vehicles do not qualify as live events since the primary purpose of the event is to display objects which people look at or try out. However, conventions such as annual conferences of professional organizations or conferences related to particular topics such as climate change, governance, or security may be live events if the primary focus is on presentations by live speakers.

The licensed hours for event driven establishments are typically specified as, for example, from noon to 2:00 a.m. with the additional term and condition that “Liquor service is event-driven only,” signifying that within the licensed hours, liquor service may only occur when associated with an event. The wording of the term and condition which specifies that the liquor service hours are event-driven typically would be something like “Liquor service is event driven only. Liquor service hours of sale limited to one hour prior to, during, and one hour after an event.”

Liquor cannot be sold or served at other times unless the establishment is temporarily de-licensed and the sale and service of liquor is under a Special Event Permit (SEP). However, LPs are not required to ‘de-license’ for a manufacturer farmer’s market, as long as the LP does not provide liquor service.

When the liquor primary licence is event driven, the following general terms and conditions apply:

- the hours of liquor service must be associated with the types of events approved for liquor service and are limited to one hour before, during and one hour after the event;
- the establishment is always licensed but the hours of liquor service are limited and are always related to the presentation of an event - liquor cannot be sold or served at other times unless the establishment is temporarily de-licensed and another licence comes into effect – such as a SEP.

Event-driven establishments may apply to have a designated lounge area with set hours that are not event-driven, subject to local government / First Nation and public input.

Licences issued on or before August 1, 2012, for event-driven establishments which do not fit the definitions set out in this section may continue as permitted by the terms and conditions of the licence. Complete applications received prior to July 31, 2012, will be assessed against the policy which was in effect at the time.

[*Liquor Control and Licensing Act*, section 15(2); Liquor Control and Licensing Regulations, section 9; Liquor and Cannabis Regulation Branch Policy]

### 3.4.1 Concert Halls/Live Event Theatres

A concert hall/live event theatre is a large room, hall, building or premises, the primary purpose of which is a public gathering place to view live performances featuring entertainment such as music, singing, dancing, acting, comedy or variety shows or public speaking.

As an event-driven LP licence, liquor may only be served when some type of performance (i.e. live event) is taking place.

Licensed live event theatres may show films or broadcasts and may have live all-ages events without liquor service without seeking approval from or providing notice to the Branch. However, live event theatres are eligible to apply to serve liquor at films and broadcasts, and to licence the theatre auditorium (see section [3.4.2.2](#)).

Generally, concert halls/live event theatres have fixed, tiered seating. Dance floors or areas are not permitted in a concert hall/live event theatre regardless of size.

The following terms and conditions apply to concert halls/live event theatres:

- patrons must have purchased a ticket to enter the theatre;
- all types of liquor may be sold;
- patrons are permitted to consume liquor purchased in both the lobby and licensed seating areas when minors are present;
- the liquor service bar must not be in the auditorium;
- taking patron orders for liquor is permitted in the auditorium but hawking (offering pre-poured drinks from a tray) in the auditorium is not allowed;
- minors are not permitted to be present when there is adult entertainment; and
- liquor service is event specific and is limited to one hour before, during and one hour after the event and at intermissions within the approved liquor service hours, except in areas where a non-event driven lounge is permitted.

See section below for terms and conditions for live event theatres permitted to show films and broadcasts.

[*Liquor Control and Licensing Act*, section 15(2); Liquor and Cannabis Regulation Branch Policy]

### 3.4.2 Movie Theatres

A movie theatre is a building or premises primarily designed for the presentation of movies and broadcast performances to the public. A motion picture is any moving visual image that may be generated for viewing from any medium, including film, video tape, video disk or an electronic or digital storage device, or any source, including electronic, wire, fibre optic cable, telecommunication, digital or satellite sources. It does not include a video game. A motion picture theatre licence is required for an establishment that shows even one movie a year.

Generally, movie theatres have fixed, tiered seating. Dance floors or areas are not permitted in a movie theatre regardless of size. Drive-in theatres are not eligible for a liquor primary (LP) licence.

#### 3.4.2.1 Multiplex Theatres

The following terms and conditions apply to multiplex theatres:

- patrons must have purchased a ticket to enter the theatre;
- all types of liquor may be sold;
- liquor service is permitted in a separate, age restricted (no minors permitted) LP lounge and any connected age-controlled theatre auditoriums (i.e. not the entire lobby area);
- LP lounge, theatre auditorium and connecting hallways/areas may all be part of the licensed area with no minors permitted;
- the liquor service bar must not be in the auditorium;
- although individual patron orders may be taken and served in the auditorium, hawking of liquor (offering pre-poured drinks from a tray) is not allowed in the auditorium; and
- liquor service is event specific and is limited to one hour before, during and one hour after the event and at intermissions within the approved liquor service hours, except in areas where a non-event driven lounge is permitted.

#### 3.4.2.2 Single Screen Movie Theatres/Live Event Theatres Permitted to Show Films and Broadcasts

The following terms and conditions apply to single screen movie theatres/live event theatres permitted to show films and broadcasts:

- patrons must have purchased a ticket to enter the theatre;
- all types of liquor may be sold;
- liquor service permitted in the lobby and theatre auditorium, all of which may be licensed as an LP:
  - liquor service is permitted in the theatre lobby with minors present;
  - liquor is permitted in the auditorium during films or broadcasts provided there are no minors present;
  - Liquor is permitted in the auditorium during live events, with minors present;
- the liquor service bar must not be in the auditorium;
- although individual patron orders may be taken and served in the auditorium, hawking of liquor (offering pre-poured drinks from a tray) is not allowed in the auditorium;
- licensees have discretion to determine if a given movie is age restricted (no minors permitted) without applying for permission or notifying the Branch;
- minors are not permitted to be present when there is adult entertainment, and
- live event venues may show pay-per-view or other broadcasts; and
- liquor service is event specific and is limited to one hour before, during and one hour after the event and at intermissions within the approved liquor service hours, except in areas where a non-event driven lounge is permitted.

[*Liquor Control and Licensing Act*, section 15(2); Liquor and Cannabis Regulation Branch Policy]

### 3.4.3 Convention/Conference Centres

A convention/conference centre is a building or premises with at least one large exhibition area and one or more smaller rooms or halls of sufficient size with adequate support facilities such as washrooms, assembly areas and catering services which, as its primary purpose, hosts provincial, national, and international meetings, trade shows, conferences, congresses, and conventions. Universities may have convention/conference centres composed of a number of separate facilities as well as multiple rooms in single facilities.

Convention/conference centres are distinguished from concert halls/theatres and stadiums/arenas by the breadth of events which they are designed to host.

The following terms and conditions apply to convention/conference centres:

- liquor service is always event or activity specific,
- all types of liquor may be sold, and
- minors are allowed in the licensed area except when there is adult entertainment.

[*Liquor Control and Licensing Act, section 15 (2)*; Liquor and Cannabis Regulation Branch Policy]

### 3.4.4 Stadiums/Arenas

A stadium/arena is a permanent structure consisting of outside walls, a central playing area with tiered seating for viewing and additional support facilities such as dressing rooms, concession areas and washrooms (it is more than just a playing field with bleachers) that is used primarily as a venue for live professional and amateur sporting events and live concerts. Liquor service is always event driven (see section 3.4).

To ensure the safety of spectators in stadiums, this section specifies that liquor may be served only in plastic, paper or other disposable containers, including disposable/recyclable plastic bottles or aluminum cans that are opened prior to handing them over to patrons — unless the general manager expressly authorizes some other type of container for use in all or parts of the stadium.

To ensure the safety of spectators in stadiums, this section specifies that liquor may be served only in plastic, paper or other disposable containers, including disposable/recyclable plastic bottles or aluminum cans that are opened prior to handing them over to patrons — unless the general manager expressly authorizes some other type of container for use in all or parts of the stadium. Plastic containers must comply with BC's Single-Use and Plastic Waste Prevention Regulation, which includes a list of prohibited plastic materials. Learn about the rules on [B.C.'s Plastics webpage](#).

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There is one exception to the disposable container requirement. If a formal dinner is being held in a stadium, the licensee may use glassware. This is restricted to plated or buffet dinners only.

A stadium/arena must receive written consent from an organizer or promoter for the sale and service of liquor during an event in which participants are minors or the entertainment appeals primarily to minors. This allows the organizer or promoter to assess the appropriateness of liquor sales during their activity or event. Minors can be present in the tiered seating area except when there is adult entertainment.

Stadium licensees may apply to the Branch for permission to have vendors in the stands and other areas of the facilities (hawkers). The same rules apply for vendors selling and serving liquor in the stadium stands as for other staff serving liquor in the stadium. Hawkers must not be minors and must not be paid on a commission basis.

Stadium licensees may apply to the Branch for permission to offer self-service of liquor in private suites/boxes and are permitted to allow minors in private suites/boxes.

Finally, out of consideration of non-drinking spectators, specific areas of the stadium's tiered seating must be designated as areas where the possession and consumption of liquor is not allowed. These non-liquor areas must consist of a reasonable choice of seats within the range of ticket prices offered at the stadium, and they must be consistent in numbers to the level of demand for seats of this kind in the stadium.

[*Liquor Control and Licensing Act*, section 15(2); Liquor and Cannabis Regulation Branch Policy]

### Stadiums – Private suites/boxes

The term 'suite/box' means an area in a stadium which is clearly delineated on all four sides as separate seating, with three walls being floor to ceiling and with one or more doorways, which is rented as a whole and with clear views of the events occurring at the stadium and which is rented for event viewing either by the event or game or for all or part of a season.

Stadiums with a liquor primary licence may apply for approval to allow the stocking of liquor in private suites/boxes and self-service by the patrons using those suites/boxes. This may include stocking full bottles of spirits, allowing for "bottle service," (i.e., the practice of patrons having full bottles of spirits and serving themselves from those bottles, in the suite/box). Licensees are responsible for regularly monitoring private suites/boxes and ensuring that they retain copies of any keys or access codes to the private suites/boxes and all locked cabinets in the suites/boxes.

The following terms and conditions apply to self-service in private suites and boxes:

- all liquor used in the suites/boxes must be purchased from the licensee at regular prices;
- all types of liquor may be pre-stocked;
- glassware is permitted in the suite/box;
- patrons may serve themselves from the liquor supplied to the suite/box; staff may also serve patrons;
- liquor must not be taken from the suite/box to other parts of the stadium;
- minors may be present in the suite/box but if there are no adults present the liquor must be secured in locked cabinet;
- no other form of entertainment is allowed; the suite/box is intended for viewing the entertainment provided at the stadium;
- suite/box renters may order liquor from the licensee for an event and have it stored in a refrigerator or bar in the suite/box;
- if the suite/box is for the exclusive use of one renter, liquor remaining at the end of the event may be stored in a locked cabinet in the suite/box for use at a different event; excess liquor must not be taken away from the stadium;
- if the suite/box is not used exclusively by one renter then at the end of the event all remaining liquor must be returned to the licensee;
- licensees are required to regularly monitor suites/boxes to ensure compliance with liquor laws and the terms and conditions of the licence;
- in addition to the enforcement actions that the general manager can take, the licensee must also immediately remove intoxicated patrons from the establishment and immediately remove or lock up all stocked liquor if patrons of the suite/box are over consuming or intoxicated or minors are consuming liquor and, for the rest of that event, allow only regular liquor service for consumption in the suite/box.

It is the responsibility of licensees to ensure that they have access to and control over all areas inside the stadium, including private suites/boxes.

[*Liquor Control and Licensing Act*, section 15(2); Liquor and Cannabis Regulation Branch Policy]

### 3.4.5 Outdoor Event Venues

An outdoor event venue is an outdoor premise, that is not required to have a permanent structure, in which the primary purpose is a public gathering place to hold events such as music and arts festivals, live concerts and large-scale events. As an event-driven LP licence (see section [3.4](#)), liquor may only be served when some type of performance (i.e. live event) is taking place.

Licensees of outdoor event venues must have valid interest in the entire property (see section [10.3](#)).

Minors are permitted in event-driven facilities as long as the event is not liquor-focused and there is no adult entertainment or gambling (except for licensed ticket raffles).

To ensure the safety of patrons, liquor may be served only in plastic, paper or other disposable containers, including disposable/recyclable plastic bottles or aluminum cans that are opened prior to handing them over to patrons — unless otherwise authorized by the LCRB. \*See note below.

Liquor service area(s) must be surrounded by a barrier sufficient to contain the sale, service and consumption of liquor to that area. If liquor service is provided throughout the whole site, the whole site must be surrounded by a barrier such that the entire perimeter of the licensed area must be identifiable. This helps the licensee control capacity, evaluate patrons when they arrive, and prevent patrons from removing liquor from the licensed area. The type of perimeter fencing required will vary with the event. For example, stanchions may be sufficient for a small corporate event, whereas a community event would require more substantial fencing.

In the interest of public safety, the safety of patrons, and to prevent community disturbances, outdoor event venues may not sell liquor for off-site consumption.

Finally, if the licensee is holding a "large" 500+ persons event, the following additional terms and conditions apply:

- at all times a service area is open to patrons, licensees must have controls at each entry point and must be able to count the number of people entering and leaving;
- licensees are responsible for controlling entry to the liquor service area(s); and
- licensees must notify the LCRB at least 21 days in advance and must submit a security plan to the liquor inspector by email.

#### Security Plans

For Outdoor Event Venues with 500 or more people, the liquor inspector will require you to submit a security plan. The security plan must describe the event in detail, including staffing levels and security, liquor service areas, and capacity at the venue. It must describe how key safety and security risks will be addressed, such as service to minors, overcrowding and intoxication, and control and safety of guests, including entering and exiting service areas.

A template for the Security Plan is available on the LCRB website at:

[https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/lcrb052\\_security\\_plan\\_for\\_temporary\\_use\\_area\\_activations.pdf](https://www2.gov.bc.ca/assets/gov/employment-business-and-economic-development/business-management/liquor-regulation-licensing/forms/lcrb052_security_plan_for_temporary_use_area_activations.pdf)

\*As of July 15, 2024 businesses can no longer distribute or sell single-use (disposable) food service ware in B.C. made with certain hard-to-recycle plastics including polystyrene foam (e.g. Styrofoam™), or use them to package food or drinks.

### 3.4.6 Recreation Facilities

A recreation facility offers a variety of sporting, cultural and social activities to members and the general public. Recreational facilities include stadiums, municipal recreation centres, golf courses, tennis, squash or racquet ball courts, skiing facilities, curling, hockey and other skating options, dance and exercise facilities, bowling facilities, and swimming facilities.

Minors may be in the licensed service area of a recreation facility in order to attend special banquet activities or other types of award ceremonies, provided:

- only minors who were competitors in the associated event may attend;
- minors must be accompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor;
- minors will only be allowed to attend during the full sit-down meal and award ceremonies; and minors must leave at the end of the meal and related ceremony.

[*Liquor Control and Licensing Act*, section 15(2)(b); Liquor and Cannabis Regulation Branch Policy]

### 3.5 Minors Terms and Conditions: Recreation Facilities and Family Food Service

#### Minors: Licensed Lounge Service Area of a Recreation Facility

Liquor primary (LP) licensees may apply for a term and condition to permit minors in licensed lounge service areas located in recreation facilities.

Eligible recreational facilities must have a primary focus of one or more recreational or sporting activities (e.g., tennis clubs, rowing clubs, curling clubs, and golf course establishments). The licensed lounge service area that is eligible for this term and condition does not include multi-purpose rooms or banquet facilities.

Section 166(2)(3) of the regulations permits minors in a LP establishment if they are entertainers or if, as is the case with licensed establishments located in recreation facilities, the Branch determines it is not contrary to the public interest.

Minors are often involved in sports and recreational activities. Permitting minors in the licensed lounge area where the focus is on sports and recreational activities is considered in the public interest.

The terms and conditions under which recreation facilities may permit minors to enter their LP lounge licensed area, if approved, include the following:

- Minors are permitted into the licensed area with special terms and conditions, provided they have approval from the Branch, only when the facility is open and actively functioning for recreation purposes on a day-to-day basis and is being used for sports, sports-related, or recreational activities only (for example, in the case of a seasonal recreation facility, minors would not be permitted in the separate LP or LP club licensed service area during the off-season);
- Minors are not required to be accompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor;
- Minors must leave the licensed lounge no later than 10:00 p.m.;
- Minors are permitted to stay at recreational facilities that have a lounge past 10:00 p.m., as long as the licensee has received branch approval to permit minors in the lounge, the event is family-focused, and the service area is not open to the public;
- Adult entertainment, if offered, must not commence until after 10:00 p.m., provided no minors are present;
- Minors are not permitted in the LP or LP club licensed area when the facility is being used for an activity which is clearly adult or non-recreational in nature, such as pub nights, holiday parties, and concerts; and
- Minors are not permitted if any gaming (gambling) activity takes place, with the exception of ticket raffles licensed under the *Gaming Control Act* or the sale of B.C. lottery products.

Recreation facilities (including separate lounges in bowling alleys) with the ability to offer meal service may now also apply for the Family Foodservice term and condition. The Family Foodservice term and condition permits accompanied minors until 10:00 p.m. during non-recreational events and in ancillary areas of the establishment. See **Family Food Service** below.

[*Liquor Control and Licensing Act*, sections 15(2)(b) and 79(1); Liquor and Cannabis Regulation Branch Policy]

#### **Minors: Bowling Facility Concourse and Bowlers' Seating Area**

In addition to being eligible for a term and condition permitting minors in the lounge service area until 10:00 p.m. (see above), the bowlers' area (the concourse and/or bowlers' seating area immediately behind the bowling lanes) may be included for consideration in an application for a LP licence. A reasonable section of the bowling centre must be set aside where consumption of liquor is not permitted out of consideration for non-drinking patrons. If the application is approved, minors unaccompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor may be present in the licensed service areas of the bowling facility (with no hour limitations).

Bowling facilities with an existing LP licence for a dedicated lounge may apply for a structural change to include the concourse and/or bowlers' seating area if the areas are not currently licensed. The compliance history of the licensed establishment will be one of the factors considered in evaluating whether to permit minors in these areas. Minors are not permitted if any gaming (gambling) activity takes place, with the exception of ticket raffles licensed under the *Gaming Control Act* or the sale of B.C. lottery products.

[*Liquor Control and Licensing Act*, sections 15(2)(b) and 79(1); Liquor and Cannabis Regulation Branch Policy]

#### **Minors: Family Foodservice**

Liquor primary (LP) licensees may apply for a Family Foodservice term and condition to permit minors, accompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor, in their establishments until 10:00 p.m. The Family Foodservice term and condition applies to all licensed areas, including banquet halls and other ancillary rooms.

To qualify, LPs must offer a selection of appetizers and main courses (or equivalent). Establishments may use either their own kitchen or the kitchen of another establishment that is located in the same building to provide meal service. The establishment providing the kitchen and food preparation services for the purposes of this term and condition does not necessarily have to be owned by the same licensee as the LP establishment.

If approved, the Family Foodservice term and condition will be added to the face of the licence. A LP establishment that holds the Family Foodservice term and condition is not required to clear the establishment of guests prior to operating after minors have cleared.

Licensees with a Family Foodservice term and condition may further restrict or prohibit minors at any time without approval and without notification to the Branch.

The Family Foodservice term and condition replaced the previous downhill ski resort term and condition available to LPs in downhill ski resort areas (which permitted minors until 8:00 p.m. for the purpose of family dining). Ski resort area LPs must qualify for Family Foodservice in order to have minors in their licensed area(s).

Commercial gaming facilities (i.e., casinos, commercial bingo halls, and community gaming facilities) and adult entertainment establishments are not eligible for the Family Foodservice term and condition.

However, establishments that have only occasional licensed poker events or occasional adult entertainment may qualify for the Family Foodservice term and condition. Establishments holding occasional licensed poker events or occasional adult entertainment have two options. They may either hold the event:

- After 10:00p.m.; or
- Before 10:00 p.m., as long as minors are prohibited from the establishment for the duration of the event.

Information on Gaming Policy and Enforcement Branch (GPEB) poker event licences is available at:

<http://www.gaming.gov.bc.ca/licences/index.htm>.

Consistent with the requirements of the Gaming Control Regulation, minors are permitted in licensed establishments approved for the Family Foodservice term and condition during licensed bingo events or during licensed ticket raffles when accompanied by their parent or guardian.

If a Family Foodservice term and condition is approved in establishments where BC Lottery Corporation (BCLC) lottery products are offered, during the hours that minors are permitted the licensee must satisfy BCLC that minors will be restricted from the purchase of age-restricted self-serve lottery products. BCLC requires licensees to ensure patrons are notified that the purchase of lottery products by minors is prohibited. Consistent with the treatment of other lottery retailers where purchase is age-controlled, wall or ceiling mounted gaming screens are not required to be covered or switched off. Information on BCLC Retailer Agreements is available at the following link:

<http://lotto.bclc.com/retailer-hub/policies-and-procedures/lottery-retailer-manual.html>.

If a Family Foodservice term and condition is approved in establishments selling tobacco products, that establishment is required to meet the tobacco law requirements during hours when minors are present. Tobacco products, including vending machines, and tobacco advertising must be covered during the hours when minors are permitted. Tobacco retailer guidelines and provisions are available online at: <http://www.hc-sc.gc.ca/hc-ps/pubs/tobac-tabac/rtr-bc-dtr-cb/index-eng.php>.

[*Liquor Control and Licensing Act*, sections 15(2)(b) and 79(1); Liquor and Cannabis Regulation Branch Policy]

## 3.6 Dressing Rooms/Green Rooms

### 3.6.1 Concert halls, live event theatres, convention and conference centres, stadiums/arenas, recreation centres

The dressing room and “green room” (a room used by performers when not on stage) areas of concert halls/live-event theatres, convention/conference centres, and stadiums/arenas with liquor primary (LP) licences may be licensed under the LP licence with special terms and conditions to facilitate management control of the area. By licensing these areas where liquor is commonly consumed by the players or performers, the licensee assumes responsibility for the care and control of liquor consumption in these areas and the Branch has supervisory and inspection authority at all times. Since the LP licences for these facilities are event driven, licensed dressing rooms and “green rooms” are also event driven.

When minors are present, liquor is not permitted in the dressing room/green room. Since the dressing rooms, particularly those of stadiums and arenas, will be used by teams of minors and mixed minors and adults, often alternating day by day or week by week, the LP terms and conditions allow the licensee to use these areas for liquor-free purposes (to accommodate the presence of minors) without having to apply to the Branch to de-license.

LP establishments granted a green-lined dressing room before January 23, 2017, may continue as permitted by the terms and conditions of the licence.

[*Liquor Control and Licensing Act*, section 15(2); Liquor and Cannabis Regulation Branch Policy]

## 3.7 Liquor Primary Endorsements

### 3.7.1 Temporary Use Area (TUA) Endorsement

Establishments on ski hills or golf courses may be endorsed to extend their licensed activities to outdoor area(s) on their property up to 26 times a year. While a TUA may be endorsed for outdoor areas, it cannot overlap an area eligible for permanent licensing (except the playing area at a golf course), such as a patio adjacent to the licensed interior of the establishment.

#### Golf Courses

Only one licence on the property can be endorsed. TUAs must be outdoors on the same property as the golf course and owned or leased by the licensee. TUAs can overlap the licensed playing area at a golf course.

#### Ski Hills

Only one licence per ski hill can be endorsed (for example, Whistler-Blackcomb is considered two separate ski hills). The licensee must have an ownership interest in the downhill ski business, and its licence must be located in on the same ski hill. TUA locations must be outdoors on the ski hill property. The legal entity that owns the ski hill is required to sign the application to confirm they support the specific licence applying for the TUA Endorsement.

#### All Properties

Applicants must identify the capacity (maximum number of people proposed to occupy each proposed TUA). Official 'occupant load' is not required. The local government / First Nation will be asked to gather public input and provide LCRB with a resolution, commenting on the proposed TUA Endorsement.

#### Operating a TUA

Once a licence has a TUA Endorsement, the licensee may submit online requests to activate their TUA(s) via LCRB Authorization – using the liquor and cannabis licensing portal (<https://justice.gov.bc.ca/lcrb>) – up to 26 days per year. Each day that a TUA activation is in effect counts against the annual total of 26. A TUA Authorization may serve to activate multiple TUA Locations for use at different points (and for different groups) throughout the day; this counts as only one activation day, but all groups' attendance counts must be included in the total capacity number and security plans handled accordingly.

TUAs may operate no later than 10 p.m. (or earlier if required by licence or TUA terms and conditions or community bylaws). Activated TUAs must be appropriately bounded and staffed so that the liquor service and consumption area is clearly visible to ensure that liquor stays within the licensed boundaries and patron entry and exit is controlled so not to exceed capacity.

The terms and conditions of the TUA are in effect during the times indicated on the Authorization. Unless otherwise specified, TUA Authorizations are subject to the same terms and conditions as the LP licence. However, TUA Authorizations may also have specific terms and conditions for each TUA related to bounding, staffing, entertainment or activities, minors, capacity, hours etc.

TUA activation requests submitted through the liquor and cannabis licensing portal are reviewed differently depending on the total number of people expected to attend the event(s):

- Notification ("small" <500 persons): the licensee must submit an online request to LCRB – by using the liquor and cannabis licensing portal (<https://justice.gov.bc.ca/lcrb>) – at least 7 days in advance. Authorizations for these events are automatically sent to the licensee for posting at the activated site(s)
- Approval ("large" 500+ persons): the licensee must submit their online request to LCRB – by using the liquor and cannabis licensing portal (<https://justice.gov.bc.ca/lcrb>) – at least 21 days in advance. In addition, the licensee must email their liquor inspector an event specific security plan. If approved, copies of the authorization and security plan must be submitted to their local police.

Cancellation or amendment of a TUA activation:

If the licensee wishes to cancel an activation, the licensee must advise their liquor inspector at least 24 hours before the start time listed on the Authorization. A cancelled activation does not count against the total of 26 days per year. If a licensee wants to amend an issued Authorization, the licensee must contact their liquor inspector to obtain approval for the changes. This should be done with the same lead time as making original requests: 7 days for small activations; 21 days for large activations. This cannot be done online using the liquor and cannabis licensing portal.

[Liquor Control and Licensing Regulation, section 14; Liquor and Cannabis Regulation Branch Policy]

### 3.7.2 Off-Premises Sales Endorsement

Off-premises sales provide a convenient service to the public in any community, but particularly in small or rural communities with limited access to retail liquor outlets.

The regulations and policies in place today balance public convenience with other public interest considerations. Section 15 of the regulations provides the general authority for off-premises sales endorsements and restricts these endorsements to liquor primary (LP) and LP club licensed establishments only.

The LP licence may be endorsed for off-premise sales provided:

- the licence results from a renewal, amendment (excluding relocations) or transfer of a licence already endorsed for off premises sales, or
- the establishment in respect of which the endorsement is sought, for a new licence or the relocation of an existing licence, is at least 30 kilometres calculated using the shortest travelling distance by road, ferry or a combination of the two (if a building cannot be accessed using roads or ferries, the distance is measured using a straightline) from each of the following:
  - a government liquor store
  - a licensee retail store
  - an establishment with a licence endorsed for off premises sales.
- or, if the establishment is a brew pub, then an endorsement may be approved to permit the off-premise sales of beer manufactured under the brewery licence and registered by that brewery with the Liquor Distribution Branch (LDB). See s. 3.8 – Brew Pubs – for more information related to brew pubs.

The following conditions apply to the sale of packaged liquor within licensed establishments with off-premises sales endorsements:

- sales must be made from the primary service bar, unless the Branch approved a different area (sales counter) for off-premises sales before June 5, 2000;
- off-premises sales are allowed during the hours of liquor service under the licence, except that no off-premises sales may be made after 11 p.m.;
- delivery of liquor purchased under the off-premise sales endorsement is permitted, no later than a half hour after off-premise sales are permitted under the licence (see LP Terms and Conditions Handbook for delivery terms and conditions);
- licensees must ensure that any individual delivering liquor on their behalf (e.g., employee or third-party delivery driver) is 19 years of age or older and is Serving It Right certified. This term and condition does not apply to common carriers (e.g., Canada Post, Fedex). To ensure a third-party delivery driver is Serving It Right certified, the licensee should confirm that the delivery service provider requires Serving It Right certification for its drivers delivering liquor and only sends liquor orders to drivers that are Serving It Right

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certified. Additionally, a licensee should confirm that delivery service providers are ensuring drivers are familiar with additional terms and conditions for delivery drivers (e.g., not delivering to intoxicated persons and complying with age verification requirements);

- no liquor, other than beer, wine, and coolers made with spirits, may be sold for off-premises consumption;
- self-service sales are prohibited;
- packaged liquor must be stored behind the service bar (or sales counter);
- packaged liquor is not permitted in the publicly accessible service area until the sale is completed and must be removed from the premises immediately thereafter;
- a licensee with a catering endorsement must not offer off-premises sales at an event catered by the licensee; and
- in the case of an endorsement on a licence for a brew pub, only beer manufactured under the brewery licence may be sold for off-premises consumption (see Brew Pubs section below).

LP establishments with off premises sales endorsements not attached to a brewery may only sell their products off premises in the original containers which were purchased from the LDB. They must not, for example, fill growlers or containers from a large keg for off premises consumption.

[Liquor Control and Licensing Regulation, section 15, Liquor and Cannabis Regulation Branch Policy]

### 3.8 Brew Pubs

A brew pub is a LP establishment that is located on the same site adjacent to a brewery manufacturing facility where the LP has the same ownership as the associated brewery. Brew pubs are eligible to apply for an off-premise sales endorsement to sell associated brewery products, including growlers.

A brewery may fill and re-fill containers (e.g., growlers) with the brewery's products for off-premises sales in the brewery or in the brew pub with an off-premises sales endorsement. The brew pub may allow customers to bring back empty containers which were previously purchased to have them refilled at the bar. In either case, all off-premises products are treated as packaged liquor products. The brew pub may only sell or re-fill product container sizes for each type of product the brewery has registered with the Liquor Distribution Branch.

Brew pubs may also sell beer transferred directly from the adjacent brewery via pipelines. The LDB classifies brew pubs and issues sales agreements which have their own eligibility criteria. For more information visit the LDB website: [www.bcladb.com/doing-business-ldb/sales-agreements](http://www.bcladb.com/doing-business-ldb/sales-agreements)

[Liquor Control and Licensing Regulation, section 15; Liquor and Cannabis Regulation Branch Policy]

## SECTION 4: Manufacturer Licence

### 4.0 Introduction

The *Liquor Control and Licensing Act* stipulates that anyone in BC manufacturing liquor (containing more than 1% alcohol by volume) for human consumption and for sale must have a licence issued by the Branch (see exemption in 4.2 below). The government of Canada also requires distilleries, wineries, and breweries to obtain a federal licence to manufacture liquor and manufacturers who fortify their wines with grain alcohol to obtain a user licence. Alcohol produced for non-human consumption or use also falls within federal jurisdiction.

This section provides an overview of the legislation, regulations, and policy specific to all manufacturers not contained elsewhere in this manual. There are some minor differences in requirements for breweries, distilleries, and wineries. Any unique policies are identified as such.

Information on business ownership and changes to a licence which also apply to manufacturers is contained in section [10](#) entitled “Business Ownership and Changes to a Licence.”

Information on structural changes which apply to manufacturers is in section [15](#) and information on relocations is in section [24](#) of this manual.

### 4.1 Definition of “Manufacture”

The “manufacture” of liquor is defined by the regulations as including one or more activities related to the brewing, distilling, or fermenting of liquor and includes packaging, blending, and flavouring. Anyone performing one or more of these manufacturing activities must first obtain a British Columbia manufacturer licence. This includes a liquor packaging facility that is contracted by a manufacturer to bottle or otherwise put liquor into containers intended for sale to the public or to licensees (see section [4.7](#)).

The regulations exempt a person from the requirement to have a manufacturing licence if:

- the person is manufacturing liquor for an educational or scientific purpose,
- the liquor is manufactured to test equipment used in liquor manufacturing and the person makes the equipment, or
- the person produces beer or wine making kits and the liquor is manufactured when testing the kits.

In all exempt cases the liquor manufactured cannot be sold. Please see section [26.4](#) for more detail on these exemptions and how the liquor can be used.

A person producing or manufacturing wine, beer, or cider in a location other than a public place or in a licensed U-Brew/U-Vin establishment and where under both circumstances the product is for personal consumption or for consumption at no charge by others does not require a manufacturer licence. Federal and BC law prohibits the personal manufacture of spirits.

If a person manufactures liquor without a licence in a situation that otherwise requires it, the liquor must either be destroyed or exported outside the province.

[Liquor Control and Licensing Act, section 1, Liquor Control and Licensing Regulations, section 1, 2 28, 191]

### 4.2 Manufacturer Licence

Manufacturer licences are issued to:

- wineries for the manufacture of table wine, aperitif wine, dessert wine, flavoured wine, fruit wine, mead, Asian wine, sake, ice wine, sparkling wine, cider, wine coolers (made by fermenting grapes or fruit or any

other agricultural product) and other similar products. This includes fortified wines (wine to which spirits are added) such as port, sherry, mantilla, madeira and vermouth;

- distilleries for the manufacture of spirits, including whisky, gin, rum, vodka, tequila, cachaça, Asian spirits, spirit coolers, products such as brandy that are manufactured by distilling wine, Armagnac, cognac, eau de vie, liqueurs and other similar products;
- breweries for the manufacture of beer and beer coolers, malt-based seltzers, and sugar-based seltzers; and
- companies engaged by a winery, brewery, or distillery to package their products (see section [4.7](#)).

The Liquor Distribution Branch, for the purposes of differentiating markup and distribution privileges, classifies some manufacturers into sub-categories, which have their own eligibility criteria:

Winery:

- Land based
- Commercial

Distillery:

- Craft
- Commercial

Brewery:

Markup varies depending on worldwide annual production of the brewery or by the brewing company that owns that brewery.

For more information on these sub-categories visit the LDB website: [www.bclldb.com/doing-business-ldb](http://www.bclldb.com/doing-business-ldb).

The basic manufacturing licence permits the licensee to operate one or more sampling areas (see section [4.9](#)) and also offer guided tours of the manufacturing site (see section [4.10](#)).

A manufacturing licence can also be endorsed with any or all of the following endorsements. Each endorsement authorizes unique activities:

- On-site store
- Lounge
- Special event area
- Picnic area

These endorsements are described in detail in section [4.11](#).

[Liquor Control and Licensing Act section 1, 8, 14, Liquor Control and Licensing Regulation sections 1, 2, 28, 29, 32, 34, 35, 37, Liquor and Cannabis Regulation Branch Policy, Liquor Distribution Branch Policy]

### 4.2.1 Contract manufacturing

Contract manufacturing occurs when a licensed manufacturer:

- produces bulk liquor or liquor product(s) for another licensed manufacturer of the same licence type; or
- produces liquor product(s) in association with a person, who may be the owner of a liquor trademark, but does not hold a liquor licence. In this scenario, the licensed manufacturer must maintain ownership and control of the product at all times until it is sold via the terms of the manufacturer's agreement with the LDB.

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Manufacturer licensees who have product contract manufactured must ensure that they are still manufacturing liquor at their licensed manufacturing establishment. Manufacturer establishments that are not being used to manufacture liquor will be considered dormant. (For more information on dormancy see section 25, and dormancy specific to manufacturers, see section [25.9](#).)

For additional information regarding contract manufacturing, see the terms and conditions set out in the [Manufacturer Licence Terms and Conditions Handbook \[PDF, 615KB\]](#).

### 4.3 Manufacturer Site

The manufacturing site is determined by the Branch and includes the property owned or leased (see section [10.3, Valid Interest](#)) by the licensee at the time of the licence application. Zoning must be in place to allow manufacturing (and any endorsement areas, if applicable) on the proposed site.

Site requirements depend on the site type:

- Building(s) on acreage and/or agricultural land:
  - The site must be contiguous property(s) and may include multiple buildings.
  - It is acceptable for properties to be considered contiguous where a public road intersects them provided the properties are directly across the road from one another and the manufacturer business clearly links the two properties, operating as the same business.
- Stand-alone building on a property with a small piece of surrounding land:
  - The site may be the building and the associated land.
  - Licensed areas must be contiguous (i.e., an endorsement area must not be separated from the manufacturing facility by a public area, another business or another licensed establishment) except where the licensed area is separated from the patio by a public sidewalk.
- In a building (or commercial unit) with no additional property:
  - The site may be the footprint of the building (or portion thereof) that contains the manufacturing facility and associated endorsement areas (if applicable).
  - As above, licensed areas must be contiguous except where the interior is separated from the patio by a public sidewalk.

The site impacts the determination of eligibility for an endorsement area and ensures that the manufacturing facility and endorsements all appear to be on the same property, associated with each other, and physically separate from any other business or licensed establishment.

Any modification or expansions that result in a change to the licensed area must be approved by the Branch and are subject to the same considerations as the original application. Examples include expansion to production area, adding extra on-site storage or adding an endorsement area.

For floor plan and site plan requirements, see section [12](#).

[Liquor Control and Licensing Act, sections 14, 15, 16, Liquor Control and Licensing Regulation, section 81, Liquor and Cannabis Regulation Branch Policy]

#### 4.3.1 Other businesses or liquor licences on the manufacturer site

A licensed manufacturer may have other businesses and/or non-manufacturer licenses on the manufacturing site, provided the following separation requirements are met.

Where there is another licence, business, or unlicensed area adjacent to the manufacturer licence or endorsement service areas, owned and operated by different licensees/legal entities, physical separation must be maintained with no direct access between the establishments. Establishments must be separated by full height (floor to ceiling) walls, and each must have its own dedicated entrance/exit.

Where there is another business, unlicensed area, or licence—other than a liquor primary or food primary licence—adjacent to the manufacturer licence or endorsement service areas, owned and operated by the same licensee/legal entity, the following physical separation must be maintained, with no direct access between the establishments:

- separation must always be fixed and immovable and sufficient to determine the occupant load of service areas and to control access so that the licensee may maintain control of the establishment;
- on-site store service areas must have minimum 6-foot walls;
- for other service areas, partial height walls may be permitted; and
- separation must be sufficient to prevent the other types of licensed service areas from becoming an extension of the manufacturer licence or endorsement service areas.

Kitchen and washroom facilities may be shared, and common vestibules or hallways are permitted. Patrons in a food primary establishment must have access to washrooms without having to go through the manufacturer lounge or special event areas.

Where there is a liquor primary or food primary licence adjacent to manufacturing facilities and the adjacent licences are both held and operated by the same licensee/legal entity, patrons may remove liquor sold or served in the service area under one licence and take it to a service area under the adjacent licence. While fixed and immovable physical separation is not required, the licensee must ensure the occupant load of each service area is not exceeded and only authorized activities occur in the related service area.

Where there are multiple manufacturer licences on the same site with the same licensee, there is no requirement to erect walls for separation and the single licensee may share and move equipment between the licensed areas; the licences and related endorsements are permitted to overlap. See [4.11.5](#) for overlapping endorsement areas.

Other site considerations include:

- A picnic area may not be adjacent to or appear associated with a licence other than the manufacturer licence, or a liquor primary or food primary licence (see section [4.11.4](#) for additional information relating to the picnic area site);
- Manufacturer licensed areas, including the route of a guided tour, may not overlap any other non-manufacturer licence or other business on the site.

For information related to liquor primary brew pubs at brewery sites, please see section [3.8](#).

For floor plan and site plan requirements, see section [12](#).

### Tied house exemption for other liquor licences on manufacturer site

Where a manufacturer is applying for a non-manufacturing licence on the manufacturing site, or on the property immediately adjacent to the manufacturing site, the Branch will consider the site factors noted in section [4.3](#) above to determine if the non-manufacturing licence is considered to be on the same site, therefore exempting it from tied house restrictions.

Unless an exemption has been granted, manufacturers cannot be tied financially or otherwise to licensed establishments such as bars and restaurants that are not located on the same site (see section [10.4](#) for more information on tied houses).

[Liquor Control and Licensing Regulations sections 58(1) and 81; Liquor and Cannabis Regulation Branch Policy]

#### 4.4 Manufacturers Located on Agricultural Land Reserve (ALR)

Manufacturers applying for a licence in the Agricultural Land Reserve (ALR) must ensure they meet all the requirements of the Agricultural Land Commission Act and regulations administered by the Provincial Agricultural Land Commission (ALC).

For more information on ALC requirements, please see the ALC website at [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca).

#### 4.5 Liquor Distribution Branch (LDB) Manufacturer's Agreement

Prior to selling liquor, a manufacturer must obtain a signed Manufacturer's Agreement with the Liquor Distribution Branch (LDB).

The LDB is responsible for the wholesale and distribution of all beverage alcohol products in British Columbia. The LDB authorizes manufacturers to act as agents of the LDB for the purposes of making sales to entities such as bars, restaurants and private liquor retailers including the manufacturer's own on-site store. This authorization, which varies by type of manufacturer, is documented in a Manufacturer's Agreement between the LDB and the manufacturer. For more information, applicants should visit the LDB website: <http://www.bclldb.com/doing-business-ldb>

Compliance with the terms of the Manufacturer's Agreement is a condition of a manufacturer licence. If the LDB suspends a Manufacturer's Agreement, the LCRB will suspend all endorsements on the manufacturer licence to prevent the resale of the product at the manufacturing site. In addition, all sampling privileges at the manufacturing site will be suspended. The manufacturer will not be eligible for a special event permit to sell or serve its liquor. Any endorsement applications in progress will be put on hold. These suspensions and prohibitions will remain in place until the LDB removes the suspension on the Manufacturer's Agreement.

If the LDB cancels a Manufacturer's Agreement, the LCRB will initiate steps to cancel the manufacturer's licence. The manufacturer may request that the licence not be cancelled until such time as the manufacturer is able to sell the liquor to another manufacturer or arrange for its export outside of B.C.

[*Liquor Distribution Act*, section 5, *Liquor Control and Licensing Act*, section 49(3), Liquor and Cannabis Regulation Branch Policy]

#### 4.6 Manufacturer Licence Application Process

To apply for a manufacturer's licence, an applicant must:

- meet all applicant eligibility requirements (see section 10.0 of this manual for specific requirements for all licensees);
- declare understanding of the application and licence requirements;
- identify area's manufacturing site proposed for licensing, including storage and, if applicable, off-site storage;
- submit to the Branch all information requested in the manufacturer licence application;
- demonstrate they have the equipment necessary to manufacture liquor on-site. Manufacturers must maintain their equipment (either owned or leased) on-site on an ongoing basis.

Documentation is reviewed by staff and, if all requirements are met, the applicant is granted 'approval in principle' to begin any necessary construction. Once the applicant is ready to begin manufacturing, a liquor inspector will

conduct a final inspection and forward to licensing for final review and approval to complete the licensing process. Once the licence is issued, manufacturing can begin. Applicants are required to declare intent and ability to produce liquor at their manufacturing establishment (on-site).

[Liquor Control and Licensing Act, sections 12, 15, Liquor Control and Licensing Regulation, section 28 Liquor and Cannabis Regulation Branch Policy]

## 4.7 Contract Packaging (Co-Packing)

The definition of ‘manufacture’ includes the packaging and blending of liquor. However, the packaging and blending of liquor does not need to occur at the manufacturing site. A brewery, winery or distillery may choose to have their products packaged at an off-site licensed co-packer. In a co-packing arrangement, the product is always owned by the manufacturer (not the co-packer) and is immediately returned to the manufacturer once the packaging is complete.

Anyone performing manufacturing activities must obtain a manufacturer’s licence; therefore, the separate location must obtain a manufacturer’s licence for their packaging facility (a sub-class of the distillery licence).

The licence for co-packers authorizes manufacturing activities limited to the packaging, bottling, blending, and flavouring of liquor on behalf of a winery, brewery, or distillery. A manufacturer can co-pack for another manufacturer within the same class without a co-packing licence. However, if a manufacturer wishes to co-pack a product type for which they are not licensed, then the manufacturer will also require a co-packer’s licence (e.g., a brewery co-packing wine). The licence for co-packers does not authorize the fermenting, distilling or direct sale of liquor. No sampling areas or endorsements are permitted. The Branch will impose terms and conditions on the co-packer’s licence that are unique to the co-packaging arrangement in accordance with the requirements of the Act and regulations. No sampling areas and endorsements may be permitted for the co-packing licence.

It is the responsibility of both the manufacturer (winery, brewery, or distillery) and the co-packer to ensure that the other party is licensed by the Liquor and Cannabis Regulation Branch. Both the manufacturer and the co-packer must retain a copy of the other party’s licence and the co-packing contract and agreement as part of their record keeping requirements.

Co-packers are also required to obtain a federal manufacturer’s licence and should contact the Canada Revenue Agency (CRA) regional excise duty office for this purpose.

[Liquor Control and Licensing Act, sections 8 and 15, Liquor Control and Licensing Regulation section 30, Liquor and Cannabis Regulation Branch Policy]

## 4.8 Storage of Liquor by Liquor Manufacturers

Manufacturers are permitted to store liquor in approved areas on the manufacturing site and in one or more off-site storage areas.

### 4.8.1 Storage at the manufacturing facility

On-site storage areas are approved at the time of application and identified on the red-line floor plan. To change or add on-site storage locations, a structural change application is required. All liquor stored at the manufacturing site must be adequately secured (e.g., with an alarm system or lock and key).

[Liquor Control and Licensing Act, section 15(2)(m), Liquor Control and Licensing Regulation section 79, Liquor and Cannabis Regulation Branch Policy]

### 4.8.2 Off-site storage

Licensees must notify the Branch of any off-site storage locations. Storage locations must be secure, located in BC, and must not be located in a residence.

[Liquor Control and Licensing Act, section 15(2)(m), Liquor and Cannabis Regulation Branch Policy]

## 4.9 Sampling at the Manufacturing Facility

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Manufacturer licences are authorized to have one or more sampling areas, which are service areas allowing the sale and service of samples so that patrons can taste the manufacturer's products. Manufacturers should refer to their [Terms and Conditions handbooks](#) for the maximum sample volumes that may be sold per person per day. Maximum sample volumes are cumulative, no matter where they are sold (e.g., in the sampling area, endorsement area, or on a guided tour). The maximum volumes on selling samples prevent licensees from operating sampling areas like a lounge without the necessary licence endorsement.

While there are no limits on the number of free samples a manufacturer can serve, a licensee must not allow patrons to become intoxicated.

Sampling area(s) may be located indoors and can be extended outdoors. Whenever possible, the outdoor sampling area should be located immediately adjacent to the associated interior sampling area.

Sampling area(s) may overlap certain endorsement areas, such as an on-site store or lounge (see section [12](#)).

Outdoor sampling areas may not exceed 300 square metres. Amplified sound or entertainment are not permitted in an outdoor sampling area.

Patrons may take samples out of a sampling area if they are going to an adjacent service area (such as a lounge or picnic area, or on a guided tour).

Sampling areas must be indicated on the floor plan and are approved at the time of licensing. To change or add a sampling area(s), a structural change application is required. Structural changes for sampling areas do not require local government or First Nation (LG/FN) notification.

[Liquor Control and Licensing Act, section 15(2), Liquor Control and Licensing Regulations section 28, 79]

## 4.10 Guided Tours

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A manufacturer licence authorizes a licensee to provide guided tours of their manufacturing site and sell or serve samples to patrons on the tour. Tours may be offered between 9 a.m. and 11 p.m. The intent of the guided tour is to offer patrons a time-limited guided experience focused on the manufacturer's operation and products. Manufacturers may vary guided tour routes as needed. For example, a manufacturer may want to tour different areas of a vineyard during different seasons. Seated intervals are permitted during a guided tour, but must be supervised by the tour guide. For example, a manufacturer may want to provide a short education session while patrons are seated and serve samples. Areas occupied during seated intervals of a guided tour are not meant to function as an alternate consumption area and will differ from a defined service area like a patio due to the time-limited nature of the tour and presence of the tour guide.

A guided tour may pass through any endorsement area, sampling area, or outdoor features of the manufacturing site but may not pass through another business or areas under a separate liquor licence unless held by the same

licensee. Where there are multiple manufacturers (e.g., distillery and winery) on the same site with the same licensee, patrons may carry and consume sample products manufactured under both licences while on a tour.

[Liquor Control and Licensing Act, section 15(2), Liquor Control and Licensing Regulation section, 38 and 81, Liquor and Cannabis Regulation Branch policy]

## 4.11 Endorsements

Four endorsements are available by application that grant additional privileges to the manufacturer licence – an on-site store, lounge, special event area and picnic area.

A licensed manufacturer may hire a third-party operator to operate an endorsement area (e.g., the lounge, on-site store or special event area) or the manufacturing facility itself. For full details on requirements for third-party operators, please see section [10.9](#).

[Liquor Control and Licensing Act, sections 8, 14, 15, Liquor Control and Licensing Regulation, sections 32, 33, 34, 35, 36 and 37]

### 4.11.1 On-site store endorsement

The on-site store endorsement allows the licensee to sell their own packaged liquor products (manufactured under the manufacturing licence and registered with LDB) from a store located on the manufacturing site, through an online store and/or market. (See the Manufacturer Terms and Conditions Handbook and section [19.9.2](#) of this manual for more information). The LDB may approve beer, wine and cider products produced by a manufacturer for sale as growlers from the on-site store.

The endorsement does not require the manufacturer to construct what is commonly perceived to be a “store.” Subject to the separation criteria as outlined in this chapter (e.g., section [4.3.1](#) and below), the store endorsement area may be as simple as a sales counter or interior area where sales at the manufacturer site are processed.

Under an on-site store endorsement, the licensee may also sell packaged liquor through a mobile point of sale system, almost anywhere on the manufacturing site, including in a co-located food primary or liquor primary licensed establishment that is held by the same licensee. Packaged liquor sales are not permitted in picnic consumption-only areas or in co-located businesses, unless it’s a food-primary or liquor-primary establishment that is held by the same licensee.

Licensees must ensure that wherever the sale of packaged liquor takes place, it is registered to the on-site store.

A mobile point of sale system gives manufacturers the flexibility to make packaged sales in places that are convenient for patrons while they are visiting the manufacturing site, such as on a guided tour or in a sampling area. Patrons can then possess the product immediately, have it delivered, or pick up their purchase from the on-site store. Drive-through type sales are prohibited, including sales in or next to driveways, thoroughfares, roadways, and parking lots.

Packaged liquor sold under the on-site store endorsement cannot be consumed at the manufacturer site, except in a picnic area endorsement. Licensees must have an on-site store endorsement to conduct packaged sales and the liquor may be delivered from an approved liquor storage area on-site (see section 4.8.1 for more information).

A manufacturer licence allows for one on-site store endorsement . A single licensee may hold multiple manufacturing licences on the same site (e.g., a winery and distillery). Where there are multiple manufacturing licences on the same site and each licence is owned by the same licensee, a separate on-site store is permitted for

each manufacturing licence, or a single store may be shared with no requirement to erect walls for physical separation of the different products.

If there is another business on site, other than an FP or LP licence held by the same licensee/legal entity, the on-site store must have walls (at least 6ft high) for separation with no direct patron access between the store and the other business. See sections [4.3.1](#) and [13](#) for additional information on adjoining areas.

For online sales policy, see section [19](#), Liquor Service and Sales and Manufacturer Terms and Conditions Handbook.

[Liquor Control and Licensing Act, section 15, Liquor Control and Licensing Regulation, sections 35, 81 102-105; Liquor and Cannabis Regulation Branch Policy]

#### 4.11.2 Lounge endorsement area(s)

The lounge endorsement permits the sale and service of liquor for on-site consumption in a designated lounge area on the manufacturing site. A lounge may include an indoor lounge area, a standalone patio area (see section [16](#) for more information on patios), or both. A lounge may be located, in whole or in part, in:

- an area designated as a sampling area,
- an on-site store, and
- a Special Event Area.

The addition of a lounge must be approved by the Branch and is subject to local government input. It must also have an occupant load determined by local officials. See section [11](#) for details on the application process for a lounge and the requirements for local government/ First Nation input.

The location of lounge patios may be separate from an interior lounge area on the manufacturing site; however, they must minimize the occasions when servers would be required to pass through an unlicensed area.

A lounge is primarily for the sale of products manufactured at the site and registered with the LDB under that manufacturer's licence. However, manufacturers may sell any kind of liquor for on-site consumption in approved lounge or special event areas, as long as the cost to purchase liquor of another manufacturer/s does not exceed 20% of the total value of liquor purchased for the lounge or special event area in any given quarter (measured in dollars) and measured quarterly beginning in January of each year).

[Liquor Control and Licensing Act, section 15 Liquor Control and Licensing Regulation, sections 32, 33, 72 and 81, Liquor and Cannabis Regulation Branch Policy]

#### 4.11.3 Special event area endorsement (SEA)

The special event area endorsement allows for the hosting of special events such as weddings, concerts, private parties or promotional events open to the public within a designated area. A special event area may be located in any area on the manufacturing site, including, in whole or in part, in:

- an area designated as a sampling room;
- an on-site store;
- a lounge or any other endorsement area (if the SEA overlaps the picnic area, service is permitted within that area during the special event only, and the picnic area is considered closed); and/or,
- a production area.

This endorsement allows patrons to purchase and consume liquor in the SEA. The policy regarding the type of liquor that may be sold is the same as the policy for lounges (see section above). The SEA is event-driven only and is not intended to be an extension or an alternative to a lounge.

The SEA must be approved by the Branch and is subject to local government / First Nation and public input. The interior space of the SEA or bounded patio must have an occupant load as determined by local officials (see section 3 for details on the application process for an SEA and the requirements for local government/First Nation input).

Outdoor SEAs approved after January 23, 2017, must have a specified person capacity approved by the Branch. Pre-existing outdoor SEAs do not require a person capacity (except in the case of a patio), but if a structural change application to an SEA is received, a person capacity must be imposed by the Branch.

SEAs with a patio must meet patio policy requirements (see section 16) and be designed and located to prevent noise disturbances to nearby residents. The bounding is required for any outdoor area and for the duration of the event.

[Liquor Control and Licensing Act section 15 Liquor Control and Licensing Regulation, sections 33, 72 and 81 Liquor and Cannabis Regulation Branch Policy]

#### 4.11.4 Picnic area endorsement

The picnic area endorsement permits liquor sales and consumption as separate activities in distinct outdoor areas:

- One Picnic Sale Area
- One or more Picnic Consumption-Only Area(s)

The sale area gives licensees the option to sell visitors a glass of their product (e.g., beer, wine, or a mixed drink in the case of distillers) in the picnic area. This is particularly beneficial for manufacturer licensees who may not have a lounge endorsement.

The picnic area endorsement may have one or more areas solely for patron consumption of liquor they have been sold or served in other service areas under the licence. The total combined picnic endorsement area must not exceed 1000 square metres. Applicants must declare the necessary zoning and person capacity approval from their local government and/or local First Nation when applying for a picnic area endorsement. Applicants located within the Agricultural Land Reserve must ensure their proposed picnic areas comply with the Agricultural Land Commission's Act and regulations.

The following conditions apply to each area under the picnic area endorsement:

- Liquor consumption is permitted throughout the picnic area, including the sale area.
- Picnic areas cannot be adjacent to a service area under a different licence, except if the licensed manufacturer also holds an adjacent liquor primary or food primary licence.
- A picnic area must not overlap a lounge, including a lounge patio.
- An SEA may overlap a picnic area. If these two areas overlap, the SEA terms and conditions apply to the picnic area during a special event.
- A guided tour may enter a picnic area.
- Amplified music in or adjacent to the picnic area is not permitted, except if the picnic area is located adjacent to an SEA) and there is amplified music at an event occurring within the SEA.

#### Picnic Sale Area

- Only one contiguous area not exceeding 300 square metres may be designated as a sale area under a picnic area endorsement.
- Patrons may consume liquor in the picnic sale area.

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- There must be clearly marked boundaries around the area separating it from the consumption-only area(s) under the picnic area endorsement and other licensed/unlicensed areas on the manufacturing site. For example, using fencing, trees, planters, barrels, bushes/natural flora, etc. This ensures patrons do not carry open liquor to a place where open liquor may be prohibited. These requirements may vary depending on the location of the manufacturing site and the proposed picnic area.
- No more than 30 persons are permitted in the area and signage indicating maximum person capacity must be posted for visitors to see.
- Liquor sold in the area must be made onsite or through [contract manufacturing](#) and registered to the licence with the Liquor Distribution Branch.
- The sale of liquor in this area is permitted from 9 a.m. to 6 p.m., or a half hour after sunset, whichever is earlier. If sunset is after 6 p.m., the sale area can operate as a consumption-only area with the associated terms and conditions in effect.
- The area may only have temporary and removable furnishings like picnic tables and umbrellas.
- If the sale area is located within the Agricultural Land Reserve it must not have ground cover (e.g., paving, gravel pad, concrete, etc.) unless otherwise approved by the Agricultural Land Commission.

### Picnic Consumption-only Area(s)

- A licensee may have one or more consumption-only areas under a picnic area endorsement provided the combined area of the picnic sale area (if the licensee has one) and all picnic consumption-only areas under does not exceed 1000 square metres.
- Liquor sales are prohibited in consumption-only area(s).
- There must be clearly marked boundaries around the consumption-only area separating it from the sale area in the picnic area endorsement and other licensed/unlicensed areas on the manufacturing site. For example, using fencing, trees, planters, barrels, bushes/natural flora, etc. This ensures patrons do not carry open liquor to a place where open liquor may be prohibited. These requirements may vary depending on the location of the manufacturing site and the proposed picnic area.
- Person capacity for consumption-only areas must be approved by the general manager and signage indicating maximum person capacity must be posted for visitors to see.
- Consumption-only areas may operate between 9 a.m. and no later than half an hour after sunset (i.e., dusk) unless further restricted by the Branch.

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Note: Prior to 2005, some approved picnic area endorsements were restricted in hours of operation and terms and conditions by local government. Since 2005, local government consideration and public input is no longer required for picnic areas.

[Liquor Control and Licensing Act, section 15; Liquor Control and Licensing Regulation sections 34, 38, 72 and 81; Liquor and Cannabis Regulation Branch Policy]

#### 4.11.5 Conditions for liquor consumption in overlapping endorsement areas

When endorsement areas overlap, the following rules apply regarding liquor consumption. Note: Endorsement areas may overlap with the manufacturer's production area. There is no requirement for separation between these areas.

Where endorsement areas overlap (e.g., a lounge endorsement area overlaps an on-site sales endorsement area), the activities authorized under each endorsement may occur within the overlapping area. However, the activities occurring in the overlapping areas must be in accordance with each endorsement. For example, if the hours of operation for the on-site store end at 11 p.m., the activities authorized by the on-site store endorsement (e.g., sale of packaged liquor and service samples) must end at 11 p.m. whereas if the hours of operation for a lounge

endorsement end at 1 a.m., sale of liquor by the glass may continue in the overlapping area between 11 p.m. and 1 a.m.

Liquor obtained from a lounge, special event area, sampling area or on-site store may be carried and consumed by a patron within a guided tour area. A patron may consume liquor they bring to a picnic area endorsement provided the liquor was obtained from a service area under the manufacturer licence or a service area under an adjacent liquor primary or food primary licence if the licensed manufacturer holds the adjacent liquor primary or food primary licence.

Where approved, a single licensee with multiple manufacturer licences (e.g., a winery and a distillery) at the same site may have overlapping endorsement areas where both licences' products may be served (such as a winery lounge overlapping a distillery lounge). Manufacturer endorsement areas, sampling areas, and guided tours may not overlap another type of licence on the same site (e.g. liquor primary, food primary, etc.).

[Liquor Control and Licensing Act, section 15; Liquor Control and Licensing Regulations, sections 38 and 81; Liquor and Cannabis Regulation Branch Policy]

## 4.12 Application to Temporarily De-license Endorsement Areas

A manufacturer may apply to temporarily de-license their lounge endorsement area, special event area endorsement, or picnic area, to accommodate events hosted by third party groups (such as weddings, parties, concerts, etc.) under a Special Event Permit.

When an event under an SEP is held in a manufacturer's on-site store, the licensee is not required to temporarily suspend the service area but must only sell packaged liquor for offsite consumption for the duration of the event.

During the SEP, in any service area of the establishment, opened liquor, including samples, must not be sold or served. Only liquor purchased under the SEP may be served for on-site consumption.

Temporary de-licensing is limited to a maximum of six occasions per year. See section 4 of the [Special Event Permit Manual](#) for additional information.

## 4.13 Product Availability to Licensees

Where a tied house relationship does not exist, the general principle is that manufacturers may not provide a particular liquor product exclusively to one or a limited number of other establishments.

Manufacturers may provide licensees with private label products, but in order to prevent this practice from becoming a mechanism to provide preferred licensees with a price discount, manufacturers are required to make a reasonable quantity of comparable product at comparable prices available to all licensees.

Manufacturers may choose to produce limited-run specialty products, or they may be produced at the request of a licensee. These limited-run products may be made available only to particular licensees without offering a comparable product to other licensees. Such products must be genuinely special and not normally produced by the manufacturer. They are exempted from the requirement to offer a comparable product to other licensees because these products are produced by exception.

[Liquor and Cannabis Regulation Branch Policy]

# SECTION 5: Licensee Retail Store Licence

## 5.0 Introduction

This section provides an overview of policy specific to licensee retail stores (LRS) that is not contained anywhere else in the manual.

## 5.1 Licensee Retail Store (LRS) Licence

An LRS licence is issued to the owners of private retail stores selling liquor for off-site consumption.

There is currently a moratorium on new LRS licences being issued by the general manager. The only opportunity for a proposed licensee to be issued an LRS licence is through the Transfer of Liquor Licence Application process (see section [10.7](#)). This moratorium is in effect until July 1, 2032, when it will then be reviewed by the general manager.

### 5.1.1 Moratorium on new LRS licences

No applications for new LRS licences are being accepted and no new LRS licences will be issued. This moratorium is in place until no earlier than July 1, 2032.

This moratorium does not affect a Wine Store licence converting to an LRS licence. (see section [7.3.1](#))

[Liquor Control and Licensing Regulations, section 61]

## 5.2 Structural Changes

Structural changes are changes to existing construction and defined in detail in section [15](#).

Relocations are licence transfers from an existing licensed location to a new licensed location and defined in detail in section [24](#).

### 5.2.1 Structural changes vs relocation for LRS licences

Where an LRS proposes to move to a location that is attached to or abutting the existing building, this is considered a structural change and requires a structural change application

Structural changes for LRS licences are subject to standalone policy (see [section 5.3](#)) below.

Some existing LRSs are set up for drive-through sales, and while these stores can continue to operate their drive-through, the addition of a drive-through window is not permitted.

An application by an LRS proposing to temporarily or permanently move from one unit to another unit with no common walls, in the same building structure (e.g. a shopping mall) requires a permanent or temporary change of location application subject to policy (see section [5.3.2](#) and [5.3.3](#)).

[*Liquor Control and Licensing Act*, section 3(3)(b) and 51(1); Liquor Control and Licensing Regulations, sections 60 and 79 (1) and (2); Liquor and Cannabis Regulation Branch Policy]

## 5.3 Relocations of an LRS Licence

A Licensee Retail Store licence can be permanently and temporarily relocated to another address in British Columbia. When an LRS is applying to relocate, the permanent or temporary location is subject to the one kilometre distance criteria and any local rules and requirements.

### 5.3.1 One-Kilometre Rule

Licenseses may relocate their LRS licence to another location in B.C., provided they do not relocate within one kilometre of another permanent LRS location, a LRS hold location (i.e., the original LRS location that a LRS licensee in a temporary location will return to), a BC Liquor Store or proposed location of another store. This rule is commonly referred to as the “one kilometre rule” or “one kilometre distance criterion.” Distance is measured from the front door, as the crow flies, to the front door of another store. The front door is the main entrance to the licensed or proposed service area.

For a permanent relocation of a LRS licence, there are four circumstances under which the general manager may approve a permanent relocation within one kilometre of another permanent LRS, LRS hold location, a BC Liquor Store (referred to as ‘liquor stores’ in regulation) or proposed location of another store. These are:

- Where the address of the proposed new permanent location has the same legal address (PID) as the current permanent LRS location;
- When the proposed new permanent location is not closer to a permanent LRS location, a LRS hold location, a BC liquor store or proposed location of another store than the current location;
- Where the shortest travelling distance by road between the proposed new permanent location and a permanent LRS location, a LRS hold location, a BC liquor store or proposed location of another store is 1 km or more because of a watercourse or body of water; or
- Where the permanent relocation is needed due to fire, flood or other event beyond the licensee’s control and the store has been substantially destroyed as a result.

For a temporary relocation of an LRS licence, there are three circumstances under which the general manager may approve a temporary location within one kilometre of a permanent LRS, a LRS hold location, a BC liquor store or proposed location of another store. These are:

- Where the distance between the current location of the licensee’s retail store location and the proposed temporary LRS location is 250 m or less; or
- Where the proposed temporary LRS location is no closer to a permanent LRS location, a LRS hold location, a BC liquor store or a proposed location of another store than the current location of the LRS; or
- Where the shortest travelling distance by road between the temporary LRS location and a permanent LRS location, a LRS hold location, a BC liquor store or proposed location of another store is 1 km or more because of a watercourse or body of water.

[Liquor Control and Licensing Regulations, section 60 (2) and 60.1 (4)]

### 5.3.2 Permanent Relocation Process

Upon approval, a permanent relocation application will allow an LRS licence to be relocated to a new address to continue operating.

Licenseses are required to submit the following information when applying to relocate an LRS licence:

1. Preliminary Site Approval (PSA)
  - Applicant must satisfy the one-kilometre criterion
  - At minimum, an offer to lease or purchase is required to demonstrate valid interest at the proposed location
  - Applicants must maintain valid interest at their originating location throughout the application process – proof is required upon request
2. Approval in Principle (AIP)
  - In addition to floor plans and signage, the applicant must submit the following for their proposed LRS site within three months from the date they were granted PSA:

- valid interest in the form of an executed lease or Certificate of Title
- proof that appropriate zoning is already in place or that an application for rezoning has been submitted and is actively being reviewed by local government.

### 3. Final Approval

- The applicant continues to have 12 months from the date they were granted AIP to complete construction and/or renovations
- They also have 12 months from the date they were granted AIP to provide proof that appropriate zoning is in place if their rezoning application was underway or in progress when AIP was granted.

Applications to relocate an LRS licence will not be approved by the general manager for any of the following reasons:

- If the proposed location is within one kilometre of an existing LRS, an LRS relocation application in progress (unless one of the four circumstances described above exists), or the location of a BC liquor store;
- If the applicant does not have valid interest in the proposed location by way of a fully executed lease or land title before being granted approval in principle; or
- The applicant fails to provide proof that zoning is in place for the proposed location before final approval.

The general manager has no discretion or authority to make exceptions for an LRS that does not meet these criteria.

[Liquor Control and Licensing Regulations, section 60 (1) and (2); Liquor and Cannabis Regulation Branch Policy]

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### 5.3.3 Temporary Relocation Process

Upon approval, a temporary relocation application will allow an LRS licence to be temporarily relocated to a new address for a period of 5 years while changes (e.g., renovations) are made to the original operating location, known as the licensee's hold location. LRS hold locations, like permanent LRS locations are protected from encroachment of other LRS relocations by the 1km distance requirement. However, temporary LRS locations will not be protected by the same 1 km distance requirements if other LRS are looking to relocate nearby.

An LRS licensee may apply to relocate from the permanent LRS location to a temporary LRS location if:

- The store needs necessary repairs due fire, flood, or other event beyond the licensee's control;
- Significant alterations to, or renovations of the store are to be carried out by a person other than the licensee; or
- The licensee intends to carry out significant alterations to or renovations of the store and has reasonable grounds to believing that it would be impractical to continue to operate the store while alterations or renovations are carried out.

Licenses are required to submit the following information when applying to temporarily relocate an LRS licence:

#### 1. Preliminary Site Approval (PSA)

- The temporary location must satisfy the 1 km distance requirement, except in prescribed circumstances
- At minimum, an offer to lease is required to demonstrate valid interest at the proposed temporary location
- Additionally, applicants must maintain a right or interest at their hold location that allows them to return to their hold location to ensure the general manager can continue to protect the

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location under the 1km distance requirements – proof of right or interest is required upon request and may include for example:

- an offer to lease
- Certificate of Title
- Right of First Refusal

## 2. Approval in Principle

- In addition to floor plans and signage, the applicant must submit the following for their proposed temporary location within three months from the date they were granted PSA:
  - valid interest in the form of an executed lease or Certificate of Title for the temporary LRS location
  - proof that appropriate zoning is already in place or that an application for rezoning has been submitted and is actively being reviewed by local government.

## 3. Final Approval

- The applicant continues to have 12 months from the date they were granted AIP to complete construction and/or renovations at a temporary LRS location
- Within those 12 months the licensee is also required to provide proof that appropriate zoning is in place if their rezoning application was underway or in progress when AIP was granted.
- If an application is approved, the general manager must specify the following:
  - the date the licence amendment (i.e., the change in address) is to be effective;
  - the expiry date of the amended licence;
  - and the date after which no further renewals of the LRS relocation licence
- Provided the licensee continues to meet the requirement to maintain a right or interest in their hold location the general manager will protect it from encroachment of other LRS during the 5 year period.
- Protection of a licensee's hold location ceases if the LRS relocation licence expires or is cancelled by the GM for any reason, or if the licensee fails to maintain a right or interest in the licensee's hold location.

## 4. Extension of Approval

- The licensee may request a one-time extension to the 5 year approval to operate at the temporary LRS location. This request must be submitted to the LCRB at least 180 days before the expiry date of the 5 year period to avoid business disruption.
- The general manager may grant an extension if extenuating circumstances have prevented the licensee from completing the renovation or reconstruction required on their hold location.
  - Explanation and supporting information of the extenuating circumstances and how it relates to the initial reasoning for the temporary relocation request should be presented with the extension request.
- The general manager has the discretion to grant a 2 year extension, therefore allowing up to a maximum of 7 years for the LRS temporary location.

## 5. Returning to a hold location or relocating to new permanent location

- An application for a permanent relocation (see section [5.3.2](#) for more information) must be submitted at least 180 days before the expiry date of the temporary relocation. The proposed location for the permanent relocation of the LRS relocation licence can be one of the following options:
  - Relocating to the licensee's hold location
  - Application to permanently relocate to the temporary LRS location (subject to 1km rule)
  - Proposing a new permanent LRS location (also subject to 1km rule)
- If the licensee has not been approved to move to any of the above locations on the date the permitted temporary location expires, the GM will amend the LRS relocation licence to reflect

the address of the LRS hold location, requiring the licensee to cease operation at the temporary location on the expiry date.

- If the LRS hold location is inoperable when the licence is amended (either by the licensee's choice via a permanent relocation application or the time period has run out for the temporary location and the GM has amended the licensee's licence to reflect the hold location), the licence will be put into dormancy (see [section 25](#) for more information on dormancy). The dormancy period will begin the date the LRS licence was amended with the hold location.
- In the event the licensee has not submitted a relocation application and the GM has had to amend the licence with the hold location, the licensee may not begin operating until they have submitted a structural change application and received approval from the branch they can begin operating again.

Applications to temporarily relocate an LRS licence will not be approved by the general manager for any of the following reasons:

- If the proposed location is within one kilometre (unless the prescribed circumstances of [section 5.3.1](#) for temporary relocations requirements) of any permanent LRS location, any BC liquor store, any proposed location of another store, or any LRS hold location;
- If the applicant does not have valid interest in the proposed temporary location by way of a fully executed lease or land title before being granted approval in principle; or
- The applicant fails to provide proof that zoning is in place for the proposed location before final approval.

The general manager has no discretion or authority to make exceptions for an LRS that does not meet these criteria.

[Liquor Control and Licensing Regulations, section 60.1; Liquor and Cannabis Regulation Branch Policy]

### 5.3.4 Grocery Stores – LRS relocating to store-within-a-store grocery store

An existing LRS and BC Liquor Store (BCLS) may temporarily or permanently relocate to an eligible grocery store as a store-within-a-store subject to the one kilometre distance or exemption criteria. An eligible grocery store must meet the following conditions:

- Must have a minimum of 10,000 square feet of space, including storage space; and
- Must be primarily engaged in retailing a general line of foods, including canned, dry and frozen food, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products and snack foods, and non-liquor beverages.

To maintain eligibility, these conditions must continue to be met, along with the following additional requirements:

- The sales revenue from food and non-liquor beverages:
  - totals at least 70% of non-liquor sales; and
  - totals at least 50% of all sales, including liquor sales from a retailer located in the grocery store.

Convenience stores and multipurpose stores are not eligible.

#### Shared or Adjoining Facilities between an LRS and a Grocery Store

Liquor stores within grocery stores must appear to be distinct and separate from the rest of the grocery store and have controlled access and separate cash tills within the liquor store. The same shopping cart will be permitted to move between the grocery and liquor stores.

The entire perimeter of the licensed area must be identifiable. The majority of the perimeter of the licensed area must be bounded by a fixed and immovable barrier. For the portion of the perimeter that is not fixed and immovable, the barrier must be sufficient to:

- Monitor and control entrance to the licensed area;
- Prevent unaccompanied minors from accessing the area;
- Secure the retail area when required (i.e., when operating hours for the liquor retail area do not align with grocery store hours); and
- Identify the main entrance (including what is considered to be the front door) to the licensed area.

### Co-branding

An eligible grocery store is permitted to co-brand with a LRS that is located within the grocery store or with any stand-alone LRS that the eligible grocery store owns, regardless of its location. The owner of the grocery store and the LRS must be the same legal entity for stand-alone stores.

Policy related to Wine Store relocation to a grocery store can be found in section [7.5](#) of this manual.

[Liquor Control and Licensing Act, section 3(3)(b); Liquor Control and Licensing Regulation, sections 81(1) and 60 (1) and (2); Liquor and Cannabis Regulation Branch Policy]

### 5.3.5 Refusal of an LRS relocation or LRS temporary relocation applications

To support equitable access to viable LRS locations and prevent non-viable applications from obstructing locations within the one kilometre, the general manager may refuse to accept an application to relocate an LRS if all the following circumstances are present:

- The applicant submitted a previous application to relocate the same LRS;
- The applicant withdrew/terminated the previous application; and
- Less than 3 months have passed since the previous application was withdrawn/terminated.

[*Liquor Control and Licensing Act*, section 14(2) and (3); Liquor and Cannabis Regulation Branch Policy]

### 5.3.6 Plans approval guidelines

Staff will do the following when approving plans for an LRS relocation or structural change:

- Identify non-public access areas on the floor plans;
- Blue-line public area only;
- Review for suitable separation between the LRS and other licensed and unlicensed areas; and
- Ensure the new location does not include plans for drive-through facilities.

[*Liquor Control and Licensing Act*, section 5(b); Liquor and Cannabis Regulation Branch Policy]

## 5.4 Standalone Policy

### Policy Rationale

In the public interest, government does not want liquor to be viewed as a regular consumer product. Therefore, liquor retailers cannot be associated with the non-liquor retail sector, except for grocery stores, and a liquor retailer cannot operate in a shared retail space with any other business. That means a liquor store cannot appear to be associated with retailers such as convenience stores, department stores, or warehouse stores by way of signage, logos, etc., and a liquor store must be physically separated from the space occupied by another business.

## Policies

### 5.4.1 Permitted associations

See LRS Terms and Conditions Handbook for permitted associations.

### 5.4.2 Association with eligible grocery stores

If an LRS and an eligible grocery store do not have common ownership, they can only appear associated under the store-within-a-store model. If they have common ownership, they can appear associated (i.e., use the same brand) regardless of location.

[Liquor Control and Licensing Regulation, sections 3(b) and (c)]

### 5.4.3 Standalone requirements where an LRS is owned by or is being sold together with the associated licensed establishment or eligible grocery store as permitted by [5.3.1](#)

#### 1. Location and Physical Requirements

- LRS locations previously approved by the general manager may continue;
- Use of an existing approved common staff door may continue but no new common staff doors will be approved;
- Liquor must be stored on-site, unless approved for off-site storage; and
- Common liquor storage areas with the associated businesses are permitted, providing the licensee ensures the liquor purchased under each liquor licence is physically separate, clearly labelled, and clearly identifiable to any reasonable person.

#### 2. Naming and Appearance Requirements

The LRS may use a common name and other visual identifiers of the associated business (e.g. logos, trademarks, signage, colour schemes)

#### 3. Separation of Business Requirements

The LRS must not operate as a loss leader in support of any other business.

#### 4. Advertising and Promotional Requirements

- Joint advertising and promotions between the LRS and any associated licensed establishment is allowed. The LRS may:
  - Sell trademarked or brand name non-liquor products of the associated business (for a list of non-liquor items that may be sold in LRS see section [5.6.2](#));
  - Conduct joint advertising with the associated business;
  - Offer discounts by or in an LRS, based on purchases in the associated business, provided the dollar value of the points required to buy liquor does not result in the liquor being less than the minimum pricing requirements;
  - Offer gift cards that are associated with or redeemable by the associated business; and
  - Operate a customer loyalty program with the associated business.

[Liquor Control and Licensing Regulations, section 58 and 81]

### 5.4.4 Prohibited associations

LRS establishments are prohibited from appearing to be associated with any other business that is not an LP, LRS, licensed hotel (including associated FP) or eligible grocery store (see section [5.3.4](#)). Standalone policy for LRS licensed establishments as described above is as follows:

#### 1. Location and Physical Requirements

- An LRS must be located in:
  - A permanent, free standing building that does not contain another business; or
  - If in a building with other businesses, the LRS must be separated from any other business in a manner satisfactory to the general manager (13.1.5),
- A separate and dedicated public entrance must be maintained for both the LRS and any shared or adjoining area, with no public entrance to either facility from the other, although they may share a common public thoroughfare such as a lobby or corridor.
- Direct common staff door links with any other businesses are not permitted, although indirect common door links may be permitted, such as a strip mall service corridor; and
- Liquor must not be stored in storage areas shared with any other business.

## **2. Naming and Appearance Requirements**

- A LRS may not use a name or other visual identifier (e.g. logos, trademarks, signage, colour schemes) of another business.

## **3. Separation of Business Requirements**

- An LRS must maintain and have available upon request separate business and financial records (e.g. bank accounts, credit accounts) for each liquor licence; and
- An LRS must not operate as a loss leader in support of any other business.

## **4. Advertising and Promotional Requirements**

- An LRS must not:
  - Sell the trademarked or brand-name non-liquor products of another business unless those products are also available for wholesale purchase by other licensees;
  - Jointly advertise with another business;
  - Offer discounts based on purchases in another business; or
  - Operate a customer loyalty or gift card program in association with another business.

[Liquor Control and Licensing Regulations, section 58 and 81]

## **5.5 Signs and Advertising**

The following conditions apply to signage and advertising of an LRS:

- The words “British Columbia/BC liquor store” or “government liquor store” may not be used.
- Signs and advertisements may not use pictures of minors, or personalities, images or activities that may appeal to minors.

[Liquor Control and Licensing Regulation, section 169]

## **5.6 Conditions for Liquor Sales Within an LRS**

See the LRS Terms and Conditions Handbook for the following general terms and conditions for liquor sales within an LRS:

- Hours of sale
- Liquor sales and pricing
- Loyalty programs
- Games and entertainment
- Licensee/Manufacturer Contests
- Permitted associations

### 5.6.1 Types of liquor sold

An LRS is permitted to sell all types of liquor, unless restricted by the general manager.

[Liquor Control and Licensing Act, section 15(2)(i); Liquor Control and Licensing Regulation, section 54(1)(a)]

### 5.6.2 Sale of non-liquor items

The sale of food, non-alcoholic beverages, and items other than liquor is permitted in an LRS but is limited to the following:

- Packaged snacks and non-alcoholic beverages
- Liquor-related item (e.g., glasses, bottle openers, corkscrews)
- Cigarettes and other tobacco products, and
- Lottery products licensed by the B.C. Lottery Corporation

[*Liquor Control and Licensing Act*, sections 15(2)(c); Liquor Control and Licensing Regulation, sections 59(b) and (c); Liquor and Cannabis Regulation Branch Policy]

### 5.6.3 Minors

Minors are only permitted in an LRS when they are accompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor. Minors, including the minor children of licensees or their employees, may not be employed or appear to be employed in an LRS, including any area in or around the premises where product is stored or any empty container return areas.

[*Liquor Control and Licensing Act*, section 15(2)(b) and 78(2); Liquor Control and Licensing Regulations, section 160 (4)]

### 5.6.4 Training requirements: Serving It Right

It is an operational requirement that all licensees, managers, and staff must obtain “Serving It Right” (SIR) certification prior to working in a licensed establishment, including an LRS.

Licensees must keep records of the SIR certificate number and expiry date for every person working in the LRS.

[*Liquor Control and Licensing Act*, section 60; Liquor Control and Licensing Regulations, section 184]

### 5.6.5 Temporary off-site sale endorsement

An LRS may apply for a temporary off-site sale endorsement, allowing the licensee to set up a temporary retail store at an eligible event (i.e., tasting-focused food and beverage festivals) licensed under a Special Event Permit.

Once endorsed, licensees may accept invitations from special event permit holders to set up a temporary store at an event. Licensees must notify the Branch prior to each event to obtain an event-specific authorization to set up the temporary store. For general terms and conditions of the authorization, see the LRS Terms and Conditions Handbook.

Eligible festivals must have a primary focus on tasting or introduction of liquor products and/or accompanying food (i.e. a wine festival licensed under a special event permit would qualify, whereas a music festival would not).

This is the only circumstance under which licensees may sell liquor outside of the liquor store.

[Liquor Control and Licensing Regulation, section 69; Liquor and Cannabis Regulation Branch Policy]

## 5.7 Liquor Delivery and Online Sales

An LRS may offer delivery of the liquor products they are authorized to sell to the public, if they comply with the following terms and conditions:

- Liquor can only be sold and delivered to individuals 19 years of age or older. When proof of age is required, customers must show two pieces of identification at the time of delivery. One of those pieces must be a government issued identification card such as a driver's licence with photo, name and birth date. The other piece must contain the person's name along with a signature or picture;
- Delivery to an intoxicated person or someone under the influence of drugs is prohibited;
- Delivery must end no later than one half hour after the store's closing time;
- Delivery charges must include the regular retail price of the liquor plus a separate delivery charge and customers must be informed of both charges when they place an order;
- Delivery must take place from the licensee retail store only; and
- Delivery transaction records must be maintained for at least three years. These must include the date, time and address of each delivery, the products purchased, the prices charged, delivery fees, total amount paid and the name of the purchaser.

Licensees must ensure that any individual delivering liquor products on their behalf, (e.g., employee or third-party delivery driver), is 19 years of age or older and is Serving It Right certified and adheres to the terms and conditions of the LRS liquor licence. This term and condition does not apply to common carriers (e.g., Canada Post, FedEx).

To ensure a third-party delivery driver is Serving It Right certified, the licensee should confirm that the delivery service provider requires Serving It Right certification for its drivers delivering liquor and only sends liquor orders to drivers that are Serving It Right certified. Additionally, a licensee should confirm that delivery service providers are ensuring drivers are familiar with additional terms and conditions for delivery drivers (e.g., not delivering to intoxicated persons and complying with age verification requirements).

[Liquor Control and Licensing Regulation, section 194]

### 5.7.1 Online sales

See section [19](#) and the LRS Terms and Conditions Handbook.

## 5.8 On-premise Liquor Consumption

### 5.8.1 Consumer tastings

The following conditions apply to consumer tastings in licensee retail stores:

- The tasting can be offered by the licensee or by a manufacturer/agent
- The licensee may charge an attendance fee for the event
- The time and length of the tasting is within the discretion of the licensee and manufacturer/agent, but all tastings must end thirty minutes before the store's closing time
- Only two consumer tastings may be conducted in a store at any one time
- Personnel used to serve beverage samples during a consumer tasting hosted by a licensee may be store staff or hired servers
- Personnel used to serve beverage samples during a consumer tasting hosted by a manufacturer are provided by the manufacturer and may either be a licensed agent of the manufacturer or a server hired by the manufacturer/agent who is familiar with the rules governing consumer tastings
- Demonstrations of food and wine pairing or other types of food preparation demonstrations are permitted provided:

- Food ingredients or final product are not for sale
- Primary function of the establishment remains that of a retail outlet
- Licensee complies with rules respecting consumer tastings when beverage samples are also served, and
- Such other conditions as may be considered appropriate by the Branch.

[Liquor Control and Licensing Act, section 15(2); Liquor Control and Licensing Regulation, section 70(3)]

### 5.8.2 Sampling at consumer tastings

An LRS is permitted to sell samples when conducting their own consumer tastings. They may also have a maximum of two manufacturers or agents providing free samples in their store at one time. Samples provided from manufacturers or agents must be free of charge. Sample sizes are increased to ½ standard drink (75 ml wine, 175 ml beer, 20 ml spirits) in total per person per day, divided as the licensee chooses – whether there is a charge or provided for free. If there is more than one licensee serving samples in a store, each licensee may serve up to the maximum amount.

### 5.8.3 Employee tastings

LRS licensees may conduct tastings using product samples to acquaint employees with products to be offered for sale in the LRS. Employee tastings must be conducted outside the licensed area.

For more information on product samples, please see the LRS Licence Terms and Conditions Handbook.

[Liquor Control and Licensing Act, section 62; Liquor Control and Licensing Regulations, section 40(b)]

## 5.9 Value-added Promotions in an LRS

An LRS licensee may accept value-added promotional items from liquor manufacturers and their agents to offer to their customers. The agent must keep a record of the value-added promotions that are being offered and be able to produce it upon request by an inspector.

Value-added promotional items must be of nominal value, not exceeding 25 percent of the wholesale price of the base product and may include:

- “On-packs,” where a liquor-related or branded item such as a corkscrew is attached to a bottle or case of liquor.
- “In-packs,” where an item other than liquor, such as a T-shirt, is included inside a case of liquor, and
- “Near-packs,” where an item other than liquor, such as a bag of chips, is placed near or alongside a liquor product and is given away whenever that product is purchased
- Third-party coupons attached to a liquor product by a neck tag or back label, or placed inside a case, provided they are not for a rebate or reduction on the purchase price of a liquor product, for a free liquor product of any kind, or for cash.

The following conditions apply to value-added promotions in licensee retail stores:

- LRS licensees may keep leftover items at the end of the promotional period and continue to offer them to their customers until they are gone but must not retain items for personal use or future promotions;
- The retailer must not see a value-added item as a separate item;
- Promotions must follow the Liquor Distribution Branch guidelines outlined in The Beverage Alcohol Promotions Program for BC Liquor Stores booklet;
- Both the licensee and manufacturer/agent may advertise promotions; and
- Promotional items are limited to 5 times per SKU per calendar year.

[Liquor Control and Licensing Act, sections 62; Liquor Control and Licensing Regulation, section 40(b); Liquor and Cannabis Regulation Branch Policy]

## 5.10 Redemption of Product Vouchers

Licensees may enter into an agreement to honour a manufacturer's product voucher. The following conditions apply:

- product vouchers must not exceed these size limits:
  - distilled spirits – smallest available size per product (not exceeding 1.14 litres)
  - wine – smallest available size per product (not exceeding 2 litres)
  - Beer/cider/coolers – one dozen smallest available size bottles or cans (total not exceeding 4 litres)
- The manufacturer/agent must pay the licensee the full retail price for the quantity of liquor specified on the voucher, and
- The licensee is not permitted to charge or receive a redemption fee from the manufacturer/agent.

[Liquor Control and Licensing Act, section 62; Liquor Control and Licensing Regulation, section 40(b); Liquor Control and Cannabis Branch Policy]

## 5.11 Appendix: History of the LRS Model

The following summarizes the LRS licensing model since its inception in 1985. When the LRS model was introduced, to operate an LRS the licensee was also required to own and operate a qualifying liquor primary (LP) establishment. The model has evolved significantly over time and different rules may apply to licences that were issued at different times.

1985	Licensee retail stores introduced as an extension of off-sales privileges for hotels and various types of pubs only.  Product limited to BC beer, wine, cider, and coolers.
1988	Stores had to be attached or adjacent to licensed hotels or pubs. Separate Licence Class – “G” (LRS) and “H” (non-conforming LRS) class introduced and shortly thereafter restricted to full-service hotels only.
1988 – 91	Product selection gradually increased to include foreign product.
1992	Regulations amended to prevent new LRS applications from being accepted.
2002	290 LRS's existed in the province.
Apr 2002	LRS's permitted to sell spirits.  Size of LRS's increased from 1000 to 2000 sq. ft upon application.  Could be open on Christmas Day.
June 2002	LRS's permitted to sell lottery products.
Aug 2002	Moratorium lifted for period from August 12, 2002 to November 29, 2002.

Eligibility limited to existing pub, hotel, and cabaret licensees, or those with complete applications in place as of August 12, 2002.

LRS must be on or appear to be on same property as liquor primary establishment.

No provision for local govt input but subject to appropriate zoning being in place.

Aug 2002 LRS's can sell near-packs (gifts with purchase) approved by LDB.

Nov 2002 LRS's and LP's can apply to relocate to any place within the province but must move together.

525 applications received by time moratorium again in effect.

Apr 2003 2000 sq. ft size restriction removed.

Regulations amended to confirm that the LRS can only operate if the qualifying liquor primary establishment is open and operating.

LRS must not appear to be a standalone liquor store nor appear to be associated with another business in the vicinity.

Physical layout of LRS: LRS cannot be split in two, but a dedicated room for a product line within the LRS is permitted.

Nov 2003 LRS's can apply to relocate their store away from their adjoining liquor primary establishment (or vice versa), but the regulations continue to stipulate that the LRS and the qualifying LP must be owned by the same person.

An LRS may move to any location within the local government or First Nations' jurisdiction, provided the distance from the original site is not more than 5 km (as the crow flies). In either case, the proposed site must be properly zoned for an LRS.

Zoning is required, but there is no provision for local government input.

Relocations of liquor primary establishments is restricted to locations within the same community, which is a narrower definition than the same local government jurisdiction, which has implications for LRS's and LRS applications.

No offsite storage allowed for LRS's.

LDB increases LRS purchasing discount rate to 12%.

Apr 2004 Policy directive sent to all LRS applicants setting time frames for completing LRS applications; termination dates set out.

May 2004 LRS Relocation Criteria changed to implement a distance criterion of 0.5 kms between a proposed site for relocation with another LRS application or existing LRS, unless otherwise approved by the Branch; policy subsequently incorporated into the regulations in August 2004.

Solicitor General informed liquor industry that moratorium on any new LRS's would remain in place for a minimum of four years to allow industry to stabilize.

Jan 2005	LRS's allowed to have consumer tastings and test kitchens on premises.
Apr 2005	LDB increases LRS liquor purchase discount rate to 13%.
Jan 2007	LDB increases LRS liquor purchase discount rate to 16%.
June 2007	<p>An LP licence that is suspended or cancelled because of a suspension or cancellation of a municipally, regionally, provincially or federally granted licence, permit or certificate may result in the Branch taking enforcement action against the licensee. If the Branch suspends an LP licence, the licensee has 30 days to provide evidence of having acquired the necessary licence, permit or certificate otherwise the LRS licence is suspended for the same period as the LP. If LP licence is cancelled, the associated LRS will also be cancelled.</p> <p>LRS applicants are permitted a maximum of two relocation applications without licensing unless otherwise approved by the Branch.</p>
Nov 2007	LCRB informed liquor industry that moratorium on any new LRS's would remain in place for the foreseeable future.
Dec 2009	<p>The requirement that an LRS licensee also own and operate an LP is eliminated. The status of the LRS is no longer dependent on the status of the associated LP.</p> <p>Relocation policy for LRS is no longer tied to the location of the LP but is instead based upon the current location of the LRS. An LRS may relocate to another location within the same LG or IN jurisdiction or up to 5 km from the site of the existing LRS but must continue to be located at least 0.5 km from another existing or proposed LRS.</p> <p>Existing associations between an LRS and an associated LP, LRS or licensed hotel (including associated FP) approved prior to Dec 2 are grandfathered.</p>
Feb 2010	<p>Separation requirement of 0.5 km for relocation of LRS increased to 1.0 km.</p> <p>Requirement that LRS may not appear to be associated with another business in the near vicinity expanded to prohibit LRS from appearing to be associated with another business no matter where they are located, since LRS are no longer required to be physically linked to an associated LP.</p>
July 2012	LRS moratorium continued by regulation until at least July 1, 2022.
Jan 2013	The circumstances under which an LRS may be relocated to within 1 km of another LRS are now specified in regulation.
Mar 2014	An LRS may now store liquor in an approved off-site storage area.
Jun 2014	<p>An LRS may now transfer up to \$10, 000 worth of liquor inventory per year to another LRS.</p> <p>An LRS may now apply for a temporary off-site sale endorsement, allowing the licensee to set up a temporary retail store at an eligible event licensed under a Special Event Permit.</p>
Feb 2015	An LRS may relocate into an eligible grocery store as a store-within-a-store model provided the licensee of the LRS and the owner of the grocery store are the same (subject to the one-kilometre rule).

LRS's owned by or located within eligible grocery stores may co-brand.

The regulation restricting LRS relocation outside its local government/First Nation jurisdiction (i.e. the 5 kilometre rule) has been repealed.

The 1 km distance criteria separating LRS's has been retained and extended to include BCLS's.

The LRS moratorium is maintained.

Apr 2015	<p>In anticipation of a surge of LRS relocation applications, a lottery was held to determine the order in which the applications would be reviewed and assessed for the one-kilometre rule.</p> <p>The mandatory display of social responsibility materials (Alcohol Sense) came into effect to promote the responsible sale, service and consumption of liquor.</p>
May 2015	<p>Independent Wine Store (IWS) licensees may apply to convert their licence to a Licensee Retail Store licence (LRS), allowing these licensees to sell all types of liquor products.</p>
Sep 2015	<p>Liquor suppliers are now able to provide LRS's with brand-identified refrigerators.</p>
May 2016	<p>New minimum liquor retail prices for LRS imposed.</p>
Jun 2016	<p>Based on LPR recommendation #59, LRS's can now sell samples and can now host two manufacturers or agents conducting sampling at any one time. Samples can now total ½ a standard drink size per customer per day.</p>
Sep 2016	<p>Lease and zoning requirements for LRS relocations require applicants to provide valid interest in the form of a certificate of title or a fully executed lease as well as evidence that rezoning is underway (or already in place) in their proposed location before approval in principle is granted. Pre-Clearance Approval (PCA) step in the application process renamed to Preliminary Site Approval (PSA) to better reflect the process.</p>
Oct 2016	<p>LRS's may sell and deliver their products on a website that clearly identifies their store and licence number. LRS's may accept special orders and deliver them from their store.</p>
Jan 2017	<p>Restrictions removed on the size of kegs of beer or cider that can be sold by LRS's</p>
Dec 2017	<p>To support equitable access to viable LRS locations and prevent non-viable applications from obstructing locations within the 1 km, the general manager may now refuse to accept an application for an LRS relocation under a specific set of circumstances.</p>
Nov 2018	<p>In an effort to provide equal treatment to public and private liquor retailers, agents may offer value-added promotional items to private sector retailers regardless of whether that same promotion has been offered to BC Liquor Stores.</p>
May 2019	<p>Though LRS's may deliver liquor to customers under certain terms and conditions, licensees are deemed responsible for ensuring anyone delivering for them follows these rules. This includes</p>

employees and non-employees who deliver through an unlicensed third party. Licensees are held accountable for any contravention that takes place while liquor is delivered from their store.

July 2021

The hours of liquor service for in-store patrons at LRS, Wine Stores and Special Wine Stores, Manufacturer Onsite Store endorsements, and Rural Licensee Retail Stores are permanently extended to begin no earlier than 7 a.m. and end no later than 11 p.m. Hours of operation may be limited further by the GM and/or the local government or First Nation for the area in which a store is located.

Sep 2021

Moratorium on new LRS licences continued by regulation until July 1, 2032.

July 2024

A LRS license is permitted to be temporarily relocated, subject to the 1 km rule and associated criteria, to operate at a new address while alterations (e.g., renovations due to events beyond their control, site redevelopment, etc.) are made. When approving a temporary relocation application, the general manager has the authority uphold the LRS hold location in consideration of the 1 km rule to ensure that upon the license returning to the location is remains in compliance as well as any LRS licences relocating nearby.

Revised  
July 16,  
2024

## SECTION 6: Rural Licensee Retail Store Licence

### 6.0 Introduction

In addition to containing some requirements under the LCLA and select terms and conditions, this section provides an overview of policy specific to rural licensee retail stores (RLRS) that is not contained anywhere else in the manual.

The RLRS licence class was established in the Liquor Control and Licensing Regulation on February 26, 2021. The RLRS licence class authorizes the sale of packaged liquor in retail locations in communities that are too small to financially support a Licensee Retail Store or government liquor store. At the same time the RLRS licence class was established, 225 existing authorizations under the Rural Agency Store (RAS) program managed by the Liquor Distribution Branch (LDB) transitioned to a licence class regulated by the LCRB. This was a recommendation from the government-appointed Business Technical Advisory Panel in their April 2018 report to government:

*Rural agency store authorizations (currently administered by the LDB) should be converted to a new form of rural license tied to the community of operation and which is regulated by the LCLB. Appropriate rules and restrictions for these licenses should be introduced following consultation with relevant stakeholders (recommendation #21).*

An RLRS licence authorizes the licensee to sell liquor in unopened containers to patrons. Licensees are also permitted to sell or serve samples of liquor in the service area to patrons. If authorized by the general manager, an RLRS may also sell liquor in unopened containers to other licensees (see section [6.8.1 Sales to other Licences](#)).

It is important to note that as location criteria for RAS authorizations evolved over the decades the program was in operation, RASs already in operation and unable to meet new location requirements were granted legacy rights to continue operating in existing locations only. The converted RASs are permitted to continue operating only in their existing locations.

[Liquor Control and Licensing Regulations, sections 70.2(1), 206.1(2)]

### Definitions

**General store** – Under the Liquor Control and Licensing Regulation it is a requirement that an RLRS be located in a store that is, in the opinion of a general manager, a general store. In forming the opinion of whether a store is a general store, the general manager may consider factors that include the following:

- Whether the store is engaged in selling a selection of goods from a majority of the following categories:
  - Fresh dairy products;
  - Fresh or frozen fish, meats, or poultry;
  - Fresh or frozen fruits and vegetables
  - Fresh or frozen baked products
  - Canned, dry, and other frozen goods;
  - Water, juices, carbonated beverages;
  - Confectionery and packaged snacks; and
  - Household items such as cleaning supplies, over the counter medicines, pet food, hardware
- Whether the quantity and selection of goods in each of the categories is consistent with a retailer of those goods.
- How the business is being presented to the public through signage advertising, etc.

**Rural Community** – before issuing an RLRS licence, the general manager must be satisfied that the proposed store will be located in a rural community or tourist destination resort. The general manager may consider factors that include:

- the number of permanent residents within a 5 km radius of the store; and
- whether the community is separated from other communities by a municipal or regional boundary or a similar boundary recognized by the local government or First Nation with jurisdiction over the proposed site of the RLRS.

**Tourist Destination Resort** – before issuing an RLRS licence, the general manager must be satisfied the proposed store will be located in a rural community or tourist destination resort. The general manager may consider factors that include:

- The nature of what is being referred to as the tourist destination;
- The amount of time the location serves as a tourist destination resort annually;
- The number of permanent residents and/or the number of tourists that can be accommodated within a 5 km radius of the store; and
- Whether the tourist destination resort is separated from other communities/tourist destination resorts by a municipal or regional boundary or similar boundary recognized by local government or First Nation with jurisdiction over the proposed site of RLRS.

**Independently-owned** – it is a requirement of an RLRS licence that the general store is, in the opinion of the general manager, independently owned. When the general manager is considering whether a general store is independently owned, the following relevant factors may be considered:

- The legal and beneficial owner of the general store;
- Whether the owner is managing operations of the general store;
- Whether the owner is a franchisee or otherwise affiliated with another business and the nature of that other business.

[Liquor Control and Licensing Regulations, section 70.4 (a)(a.1), 70.5(a)(i), Liquor Control and Licensing Branch Policy]

## 6.1 Rural Licensee Retail Store (RLRS) Licence

An applicant for a new RLRS licence must satisfy the following requirements:

- A person must not apply for a RLRS licence unless the general store, in which the proposed RLRS will be located, began operating at least 12 months before the application is made;
- The proposed RLRS will be located in a rural community or tourist destination resort;
- There is no other RLRS in the rural community or tourist destination resort;
- The proposed RLRS must be located in a store that is, in the opinion of the general manager, a general store;
- Unless authorized by the general manager, be located at least 10km when travelling by all-weather road from another RLRS, LRS or government liquor store that was established before the RLRS; and
- That the general store in which the RLRS is located is, in the opinion of the general manager, independently owned.

[Liquor Control and Licensing Regulations, section 70.3, 70.4 , 70.5 (a)(i), (b)]

### 6.1.1 Renewal of RLRS licences

Although an RLRS applicant has to satisfy the above criteria in order to be issued an RLRS licence, not all criteria will apply at the time of renewal. For example, LRS and government liquor stores do not have to meet any separation requirements in relation to an RLRS. This means that it is possible for an LRS or BCLS to be established within 10km of an RLRS after the RLRS has been licensed (i.e., the RLRS would be less than 10km away from the LRS or BCLS).

In addition to other applicable requirements under the LCLR, the following criteria apply for the renewal of non-converted RLRS licences (i.e., RLRS licences issued after February 26, 2021):

- The licence is located in a general store, in the opinion of the general manager;
- Less than half of all store shelves, including fridges, are stocked with liquor products;
- The remaining shelf space is stocked with products consistent with products in a general store; and
- The general store is, in the opinion of the general manager, independently owned.

[Liquor Control and Licensing Regulations, section 70.4, 70.5 (a)(i)(ii)]

### 6.1.2 Structural changes vs relocation for RLRS licences

Where an RLRS proposes to move to a location that is attached to or abutting the existing building, this is considered a structural change and requires a structural change application.

Structural changes are changes to existing construction are defined in detail in section 15.

An application by an RLRS proposing to move from one unit to another unit with no common walls, in the same building structure (e.g., a shopping mall) is considered a relocation, requiring a relocation application and is subject to requirements under the LCLR. See section 6.1.3 (Relocations) below.

*Liquor Control and Licensing Regulation s.79; Liquor and Cannabis Regulation Branch Policy*

### 6.1.3 Relocations of an RLRS licence

In addition to other requirements to amend a licence, the general manager must not approve an application to amend a RLRS licence to relocate the store unless the general manager is satisfied that

- The new location of the RLRS
  - Is in a store that is, in the opinion of the general manager, a general store;
  - In which less than half of the shelf space, including shelf space in refrigerators, will be stocked with liquor products;
  - Is at least 10km, when travelling by all-weather road from another RLRS or a LRS or government liquor store that was established before the RLRS, unless otherwise authorized by the general manager; and
  - Will be in the same rural community or tourist destination resort as the current location of the store.
- The rural community or tourist destination resort has no other RLRS.

[Liquor Control and Licensing Regulations, section, 70.51]

## 6.2 Standalone Policy

### Policy Rationale

In the public interest, government does not want liquor to be viewed as a regular consumer product. Therefore, liquor retailers generally cannot operate in a shared retail space. An exception has been made for grocery stores permitted to carry wine on shelves and for RLRSs selling packaged liquor.

### 6.2.1 Prohibited associations

RLRS establishments are prohibited from appearing to be associated with any other business with the exception of another RLRS.

#### Location and Physical Requirements

- An RLRS must be located in:
  - A general store that is located in a permanent, free standing building that only contains the business of the general store and any associated business permitted by the general manager (e.g., a post office);
    - If the general store is located in a building with other businesses (e.g., a mall), the RLRS must be separated from any other business in a manner satisfactory to the general manager (see [13.1.5](#)); and
    - Staff only doors and shared staff spaces may be permitted in non-public areas of the RLRS and another business the RLRS adjoins, if both the RLRS and adjoining business are owned by the same legal entity. Indirect common door links may also be permitted, such as a strip mall service corridor.
    - A separate and dedicated public entrance must be maintained for the RLRS and any shared or adjoining area, with no public entrance to either facility from the other, although they may share a common public thoroughfare such as a lobby or corridor.

#### Naming and Appearance Requirements

- An RLRS may be associated with another RLRS and use a common name or other visual identifier (e.g. logos, trademarks, signage, colour schemes).

#### Advertising and Promotional Requirements

- An RLRS must not:
  - Jointly advertise liquor sales with another business except for an RLRS;
  - Offer liquor product discounts based on purchases in another business; or
  - Operate a customer loyalty or gift card program involving liquor products in association with another business.

[RLRS Terms and Conditions Handbook]

### 6.2.2 Plans approval guidelines

Staff will do the following when approving plans for an RLRS relocation or structural change:

- Identify all areas of the proposed establishment, clearly identifying the area proposed for licensing, non-public access areas, entrances, and exits; blue-line public area only; and

- Review for suitable separation between the RLRS and other licensed and unlicensed areas.

[Liquor Control and Licensing Act, section 5(b); Liquor and Cannabis Regulation Branch Policy]

### 6.2.3 Liquor product separation in RLRS

The licensee is responsible for determining product display and tasting areas, if tastings are offered. The product display area does not need to be bounded and may encompass a variety of shelf configurations such as a small corner of the store, a kiosk, multiple shelves on one or both sides of an aisle, etc. if the following conditions are met:

- Liquor products are not intermingled with other goods. All liquor products that the public has access to are in a distinct display area within the RLRS; and
- Liquor must be secured and inaccessible to the public during the hours that liquor is not available for sale (e.g., when licensed hours do not align with the general store’s hours of operation).

The licensee may move the product display area within the grocery store without notifying the Branch if it continues to meet the above-noted conditions.

Liquor inventory must be securely stored within the non-public areas of the store (i.e., stockroom) or in an approved off-site storage location.

[Liquor Control and Licensing Regulations, s. 70.5(a)(ii), RLRS Terms and Conditions Handbook]

## 6.3 Signs and Advertising

The following conditions apply to signage and advertising of an RLRS:

- Signs and advertisements must comply with the Code for Broadcasting Alcoholic Beverages under the federal Broadcasting Act.

- 

[Liquor Control and Licensing Regulation section 169]

In addition:

- The words “British Columbia/BC liquor store” or “government liquor store” may not be used.
- Signage must not mislead the public as to the class of liquor licence you hold.

[Liquor and Cannabis Regulation Branch Policy]

## 6.4 Conditions for Liquor Sales Within an RLRS

See the [RLRS Terms and Conditions Handbook](#) for further information on the requirements for the RLRS licence, including general terms and conditions for liquor sales within an RLRS:

- Hours of sale;
- Liquor sales and pricing;
- Loyalty programs;
- Games and entertainment;
- Licensee/Manufacturer Contests; and
- Permitted associations.

### 6.4.1 Types of liquor sold

An RLRS is permitted to sell all types of liquor, unless restricted by the general manager.

[Liquor Control and Licensing Act, section 15(2)(i); Liquor Control and Licensing Regulation, section 70.2(1)(a)(i)]

### 6.4.2 Minors

See the RLRS Terms and Conditions Handbook for information related to minors and permitted employment duties related to liquor

### 6.4.3 Training Requirements: Serving It Right

It is a requirement under the *Liquor Control and Licensing Act* that all licensees, managers and adult staff involved in the sale and service of liquor must obtain “Serving It Right” (SIR) certification prior to working in a licensed establishment, including an RLRS.

For more information regarding SIR requirements for RLRS licensees see the RLRS Terms and Conditions Handbook.

[*Liquor Control and Licensing Act*, section 60; *Liquor Control and Licensing Regulations*, section 184]

### 6.4.4 Temporary off-site sale endorsement

An RLRS is not eligible for an off-site sale endorsement.

## 6.5 Liquor Delivery and Online sales

An RLRS may offer delivery of the liquor products they are authorized to sell to the public, if they comply with the following requirements outlined in the terms and conditions handbook:

- The liquor is delivered to a place where liquor can legally be possessed or consumed.
- Individuals the liquor is delivered to must be 19 years of age or older (for information on verifying age, see the “ID Requirements” section of this handbook).
- Individuals the liquor is delivered to are not intoxicated.

You must ensure that any individual delivering liquor on your behalf (e.g., employee or third-party delivery driver) is 19 years of age or older and is Serving It Right certified. This term and condition does not apply to common carriers (e.g., Canada Post, FedEx).

To ensure a third-party delivery driver is Serving It Right certified, the licensee should confirm that the delivery service provider requires Serving It Right certification for its drivers delivering liquor and only sends liquor orders to drivers that are Serving It Right certified. Additionally, a licensee should confirm that delivery service providers are ensuring drivers are familiar with additional terms and conditions for delivery drivers (e.g., not delivering to intoxicated persons and complying with age verification requirements).

In addition:

- You may deliver products ordered online from your store, but you may not make deliveries directly from your offsite storage facility if you have one.
- Your charge for the liquor must be your regular retail price of the liquor plus a separate delivery charge, if any. You must inform customers of both charges when they place an order.
- You may deliver no later than one half hour after the hours permitted for liquor sales as indicated on your licence.
- You must keep delivery transaction records for at least six years. These must include the date, time and address of each delivery, the products purchased, the prices charged, delivery fees and total amount paid.
- You must not take orders for liquor or arrange for payment and delivery of liquor outside of your store.
- You or your staff must process and prepare the order to be delivered by you, your staff or a third-party delivery service.
- You are responsible for making sure that anyone delivering for you follows these rules, including a person who is not your employee. As the licensee you will be held accountable for any contravention that takes place while liquor is delivered from your store.

[Liquor Control and Licensing Act, section 15; Liquor and Cannabis Regulation Branch policy]

### 6.5.1 Online sales

See Liquor Sales Location section in the RLRS Terms and Conditions Handbook.

## 6.6 On-premise Liquor Consumption

### 6.6.1 Consumer tastings

The following conditions apply to consumer tastings in licensee retail stores:

- The tasting can be offered by the licensee or by a manufacturer/agent
- The licensee may charge an attendance fee for the event
- The time and length of the tasting is within the discretion of the licensee and manufacturer/agent, but all tastings must end thirty minutes before the store's closing time;
- Only two consumer tastings may be conducted in a store at any one time;
- Personnel used to serve beverage samples during a consumer tasting hosted by a licensee may be store staff or hired servers; staff or hired servers must have Serving it Right certification;
- Personnel used to serve beverage samples during a consumer tasting hosted by a manufacturer are provided by the manufacturer and may either be a licensed agent of the manufacturer or a server hired by the manufacturer/agent who is familiar with the rules governing consumer tastings; and
- Demonstrations of food and wine pairing or other types of food preparation demonstrations are permitted provided:
  - Patrons are not charged a fee for any food pairing items that is separate from any attendance fee that may be charged;
  - Licensee complies with rules respecting consumer tastings when beverage samples are also served; and
  - Such other conditions as may be considered appropriate by the Branch.

[Liquor Control and Licensing Act, section 15(2); Liquor Control and Licensing Regulation, section 70.8]

### 6.6.2 Sampling at consumer tastings

An RLRS is permitted to sell samples when conducting their own consumer tastings. They may also have a maximum of two manufacturers or agents providing free samples in their store at one time. Samples provided from manufacturers or agents must be free of charge. Sample sizes are increased to ½ standard drink (75 ml wine, 175 ml beer, 20 ml spirits) in total per person per day, divided as the licensee chooses – whether there is a charge or provided for free. If there is more than one licensee serving samples in a store, each licensee may serve up to the maximum amount.

[Liquor Control and Licensing Act, s. 15(2); Liquor Control and Licensing Regulation, ss. 70, 70.2(1)(a)(ii); RLRS Terms and Conditions Handbook]

### 6.6.3 Employee tastings

RLRS licensees may conduct tastings using product samples to acquaint employees with products to be offered for sale in the RLRS. Employee tastings must be conducted outside the licensed area.

For more information on product samples, please see the RLRS Licence Terms and Conditions Handbook.

## 6.7 Value-added Promotions in an RLRS

An RLRS licensee may accept value-added promotional items from liquor manufacturers and their agents to offer to their customers. The agent must keep a record of the value-added promotions that are being offered and be able to produce it upon request by an inspector.

Value-added promotional items must be of nominal value, not exceeding 25 percent of the wholesale price of the base product and may include:

- “On-packs,” where a liquor-related or branded item such as a corkscrew is attached to a bottle or case of liquor;
- “In-packs,” where an item other than liquor, such as a T-shirt, is included inside a case of liquor;
- “Near-packs,” where an item other than liquor, such as a bag of chips, is placed near or alongside a liquor product and is given away whenever that product is purchased; and
- Third-party coupons attached to a liquor product by a neck tag or back label, or placed inside a case, provided they are not for a rebate or reduction on the purchase price of a liquor product, for a free liquor product of any kind, or for cash.

The following conditions apply to value-added promotions in licensee retail stores:

- RLRS licensees may keep leftover items at the end of the promotional period and continue to offer them to their customers until they are gone but must not retain items for personal use or future promotions;
- The retailer must not sell a value-added item as a separate item;
- Promotions must follow the Liquor Distribution Branch guidelines outlined in The Beverage Alcohol Promotions Program for BC Liquor Stores booklet;
- Both the licensee and manufacturer/agent may advertise promotions; and
- Promotional items are limited to 5 times per SKU per calendar year.

[RLRS Terms and Conditions Handbook]

## 6.8 Redemption of Product Vouchers

Licensees may enter into an agreement to honour a manufacturer’s product voucher. The following conditions apply:

- Product vouchers must not exceed these size limits:
  - distilled spirits – smallest available size per product (not exceeding 1.14 litres)
  - wine – smallest available size per product (not exceeding 2 litres)
  - Beer/cider/coolers – one dozen smallest available size bottles or cans (total not exceeding 4 litres)
- The manufacturer/agent must pay the licensee the full retail price for the quantity of liquor specified on the voucher; and
- The licensee is not permitted to charge or receive a redemption fee from the manufacturer/agent.

[Liquor Control and Licensing Act, section 62; Liquor Control and Licensing Regulation, section 40(b); Liquor Control and Cannabis Branch Policy]

### 6.8.1 Sales to other licensees

RLRS licensees are permitted to purchase or sell liquor to another RLRS. These sales/purchases must not exceed \$10,000 annually.

The general manager may approve an RLRS to sell to specific food primary or liquor primary (hospitality) licensees because of the distance to the nearest government liquor store.

An RLRS must seek approval from the general manager to sell to individual hospitality licensees.

Requests for sales to hospitality licensees will be reviewed and the general manager may consider the following:

- The distance between the RLRS and the hospitality licensee is less than the distance between the hospitality licensee and the nearest government liquor store; or
- If the distance between the RLRS and hospitality licensees is less than the distance between the hospitality licensee and the nearest government liquor store, approval will be granted.

[Liquor Control and Licensing Regulation, s. 70.2(2), (3); Liquor Control and Licensing Branch Policy]

## 6.9 Appendix: History of the RAS Model

1970s	LDB launches the RAS program allowing an existing private business to sell packaged liquor in communities too small to support a standalone liquor store
2004	Significant changes made to eligibility criteria for a RAS authorization. RAS operators that do not meet the new full-service grocery store business criteria are permitted to continue operating in their current location only.
2021	February 26, 2021, 225 existing Rural Agency Store (RAS) authorizations, issued and governed by the Liquor Distribution Branch (LDB) are converted to Rural Licensee Retail Store licences, regulated by the Liquor and Cannabis Regulation Branch.

## SECTION 7: Wine Store Licence

### 7.0 Introduction

This section provides an overview of policy specific to wine stores that is not contained elsewhere in the manual.

### 7.1 Wine Store Licence

The wine store licence includes different classes and subclasses, including:

- Vintners' Quality Alliance [VQA] stores - which are authorized to sell only 100% BC wine if located in a standalone store. VQA stores that have a third-party operator agreement with a qualified grocery store for wine to be sold on the shelf, are authorized to sell all types of wine;
- Winery off-site stores - which are authorized to sell only the wines registered to that winery, unless stated otherwise on the licence (see below);
- Independent wine stores (standalone or grocery "store-in-a-store" model) - which are authorized to sell all types of wine;
- Special wine stores - a which is authorized to sell all types of wine on the shelf of a qualified grocery store.
- Tourist wine stores - which are authorized to sell only 100% BC wine; and
- Sacramental wine stores - which are authorized to sell only sacramental wine and may sell that wine only to ministers of religion and to other legitimate suppliers affiliated with religious organizations (please see section [19.10](#) for more information on sacramental wine).

Some winery off-site stores, prior to transitioning from appointments to licences, received permission to sell wines manufactured by other wineries (with whom a partnership existed) in addition to the wines registered to the winery. These stores have written permission in the form of a letter or a licence term and condition that states specifically which wineries' products they may carry. Without this explicit written permission, wine stores may not sell additional products or products from wineries with whom they have shared ownership. Wineries may no longer obtain permission to sell additional products.

Like an LRS, wine stores are authorized to sell only packaged wine for consumption off the premises. Wine stores are also generally required to be standalone businesses which must not appear to be associated with any other business. However, when wine store appointments were transitioned to licences (see appendix) there were several exceptions in place to the standalone requirement (e.g. sacramental wine stores, tourist wine stores), which could continue to operate as they were. The special wine store licences are also exempt from the standalone requirement because they are necessarily associated with the grocery store that owns the licence.

On-site stores located at the same site as the winery, distillery or brewery are discussed in section [4.11.1](#).

[*Liquor Control and Licensing Act*, section 14, 15, *Liquor Control and Licensing Regulation*, section 62, 63, 64]

### 7.2 Moratorium on New Wine Store Licences

No new applications for wine stores are being accepted. The moratorium does not include special wine stores (see section below).

[*Liquor Control and Licensing Regulation*, section 61]

### 7.3 New Special Wine Store Licences

A special wine store licence may be issued only to a successful bidder under the *Special Wine Store Licence Auction Act* and may only be located in an eligible grocery store. This auction took place December 2016. No further auctions are scheduled to take place.

[*Liquor Control and Licensing Regulations*, section 67, 68(b)]

### 7.3.1 Converting an Independent Wine Store to an LRS licence

Independent Wine Store (IWS) licensees may apply to convert their licence to a Licensee Retail Store licence. IWS licences are wine stores that are licensed to sell all types of wine (except sacramental wine). Conversion will allow these licensees to sell all types of liquor products.

Upon conversion, licensees will be issued an LRS licence and the IWS licence will be permanently terminated. Converted licences are no longer eligible to sell wine on grocery store shelves and will no longer be allowed to sell wine directly to Special Occasion Licence holders.

For an IWS to convert to an LRS, the IWS location must not be within 1 km of another permanent LRS location, LRS hold location,, BC Liquor Store or proposed location of another LRS or BCLS unless the proposed location of the new LRS will be in the same location occupied by the IWS on December 17, 2020. If the proposed location of the LRS will be in a different location than the one occupied by the IWS on December 17, 2020, the proposed location must meet the 1 km separation requirement from all other permanent LRS locations, LRS hold locations, and BCLS. Licence holders must be in good standing with a renewed IWS licence before they are eligible to apply for a conversion.

The deadline to apply for this conversion has been set for 4:30 pm Monday March 31, 2025.

[Liquor Control and Licensing Regulation, section 66]

## 7.4 Valid Interest and Management Contracts with Third Parties

Due to pre-existing arrangements from the time when VQA wine stores were regulated under the *Liquor Distribution Act*, VQA wine stores are not required to maintain valid interest in the same way as other licence types. Although the BC Wine Institute acts as the licensee and is responsible for the operation of VQA stores, it is the third-party operators selected by the BC Wine Institute that hold valid interest in the wine store business or establishment.

All other types of wine stores are required to maintain valid interest in the establishment. For more information on management contracts with third parties and maintaining valid interest in an establishment, please see section [10.9](#).

[Liquor Control and Licensing Regulation, section 62, *Liquor Control and Licensing Act*, section 18, 19]

## 7.5 Structural Changes and Relocations

See section [24](#) for general information on relocations, including wine stores.

See section [15](#) for general information on structural change applications, including wine stores.

### 7.5.1 Structural changes versus relocations

Moving to a location that is attached to or abutting the existing building is considered a structural change and requires a structural change application.

An application by a wine store proposing to move from one unit to another unit with no common walls in the same building structure (e.g. a shopping mall) is considered a relocation, requires an application to transfer location, and is subject to policy [7.5.2](#) (Relocations) below.

[*Liquor Control and Licensing Act*, section 17, Liquor Control and Licensing Regulations, section 79]

### 7.5.2 Relocation of a wine store

A wine store licensee may apply to relocate their store anywhere in the province, subject to local zoning requirements. Wine store relocation applications are subject to standalone policy (see section 7.7) unless the wine store is relocating to the shelf of an eligible grocery store (see section 7.6).

[*Liquor Control and Licensing Act*, section 17, *Liquor Control and Licensing Regulations*, section 62, 65]

## 7.6 Grocery Stores – Store-Within-a-Store & Wine on Shelf

Wine store licensees may apply to relocate within a grocery store, either in a store-within-a-store or on the grocery store shelf. Wine on shelf is limited to VQA, TWS and SWS. There is no distance restriction between other liquor retail or wine store outlets that prohibits the relocation of a wine store.

### Grocery Store Eligibility Requirements

To be eligible for liquor sales, a grocery store must have a minimum of 10,000 square feet of space, including storage space, and must be primarily engaged in retailing a general line of foods including canned, dry and frozen food, fresh fruits and vegetables, fresh and prepared meats, fish and poultry, dairy products, baked products and snack foods, and non-liquor beverages.

To maintain eligibility, these conditions must continue to be met, along with the following additional requirements:

- the sales revenue from food and non-liquor beverages:
  - totals at least 70% of non-liquor sales, and
  - totals at least 50% of all sales, including liquor sales from a retailer located in the grocery store.

Convenience stores and multipurpose stores are not eligible.

[*Liquor Control and Licensing Act* section 17, *Liquor Control and Licensing Regulation* section 56, 64 (2), 65]

### 7.6.1 Store-within-a-store

Wine stores within a grocery store must be physically separated from the rest of the grocery store in the same manner as a liquor store within a grocery store as described in section 5 of this manual.

The wine store-within-a-store may sell any type of wine that is permitted under the terms and conditions of their licence.

An eligible grocery store can co-brand with a wine store that is located within it or with any standalone wine store that the grocery store owns. The owner of the grocery store and the wine store must be the same legal entity for standalone stores.

[*Liquor Control and Licensing Act* section 17, *Liquor Control and Licensing Regulation*, section 65, 81(1)]

### 7.6.2 Wine on shelf

BC VQA stores and Special Wine Stores may be located on dedicated shelf space within an eligible grocery store. In the case of VQA stores, the BC Wine Institute will continue to hold the licence but must apply to appoint the grocery store as the third-party operator.

These wine stores may sell both domestic and imported wine (including cider, mead and sake) on grocery store shelves.

Wine that is sold off the shelf may be purchased at designated tills or regular tills. Regardless of the type of till, the staff making the sale must have Serving it Right certification and be at least 19 years of age.

#### Floor plans/separation requirements for wine on the shelf

The licensee is responsible for determining product display and tasting areas, if tastings are offered. The product display area does not need to be bounded and may encompass a variety of shelf configurations such as a small corner of the store, a kiosk, multiple shelves on one or both sides of an aisle, etc. if the following conditions are met:

- All product to which the public has access must be within one contiguous product display area within the grocery store; separate “wine sections” are not permitted.
- The liquor must be able to be secured and inaccessible to the public during the hours that liquor is not available for sale (e.g. when licensed hours do not align with the grocery store’s hours of operation)

The licensee may move the product display area within the grocery store without notifying the Branch if it continues to meet the above-noted conditions.

Liquor inventory must be securely stored within the non-public areas of the store (i.e., stockroom) or in an approved off-site storage location.

[Liquor Control and Licensing Regulation, sections 65.1, 70, 80]

## 7.7 Standalone Policy

### 7.7.1 Permitted business associations

Wine stores are permitted to appear to be associated with a winery and any other wine store owned by the same legal entity, or an eligible grocery store.

A grocery store may be associated with a wine store where either:

- the owner of the grocery store and the wine store are legally affiliated and either the same legal entity or wholly owned subsidiaries of the same legal entity, regardless of where the wine store is located; or
- where the wine store is located within the grocery store, whether or not the two businesses are commonly owned.

In addition, wine stores whose location was approved and/or whose store was associated or appeared to be associated with another business that was approved prior to February 1, 2013 are permitted to continue the association if the business remains in the same location.

Sacramental wine stores are permitted to be associated with and/or located in religious supply stores.

Wine stores must not appear to be associated with any another business unless approved by the Branch, similar to the requirements for licensee retail stores.

[*Liquor Control and Licensing Act* section 19, Liquor Control and Licensing Regulations, section 62]

### 7.7.2 Permitted associations

See Wine Store Terms and Conditions Handbook for permitted associations

### 7.7.3 Prohibited associations

Except for permitted associations outlined in section [7.7.2](#), wine stores may not appear to be associated with any other business, and the following requirements apply:

## 1. Location and Physical Requirements

- Wine stores must be located in:
  - A permanent, free standing building that does not contain another business; or
  - If in a building with other businesses, the wine store must be separated from any other business in a manner satisfactory to the general manager (see [13.1.5](#)).
- A separate and dedicated public entrance must be maintained for the wine store, with no public entrance to any adjoining facility, although a wine store may share a common public thoroughfare such as a corridor or lobby with an adjoining business or facility;
- Direct common staff door links with any other business are not permitted; and
- Common liquor storage areas with any other business are not permitted.

## 2. Naming and Appearance Requirements

- A wine store may not use a name or other visual identifier (e.g. logos, trademarks, signage, colour schemes) of another business.

## 3. Separation of Business Requirements

- Wine stores must maintain and have available upon request separate business and financial records (e.g. bank accounts, credit accounts) for each liquor licence; and
- A wine store must not operate as a loss leader in support of any other business.

## 4. Advertising and Promotional Requirements

- Selling trademarked or brand name non-liquor products of another business is prohibited in a wine store, unless these products are also available for wholesale purchase by other licensees and do not share the other business name.
- A wine store may advertise the products sold in the wine store, but joint advertising involving a wine store and another business is prohibited.
- Offering discounts by or in a wine store based on purchases in another business is prohibited.
- Gift cards may not be associated with or redeemable by another business.
- Operating a customer loyalty program in a wine store which recognizes purchases made in another business is prohibited.

[*Liquor Control and Licensing Act* section 7, Liquor Control and Licensing Regulations, section 62, 81]

## 7.8 Transfers of Ownership

For general information on ownership transfers and tied house requirements, please see section [10](#) of this manual.

### 7.8.1 VQA wine store licences not transferable

BC VQA wine store licences held by the BC Wine Institute are not eligible to transfer the licence(s) to a new owner.

[*Liquor Control and Licensing Act*, section 19 (2)(e)]

### 7.8.2 Winery-operated wine stores

Ownership transfers for winery-operated wine stores are prohibited unless the winery and any winery-operated wine store(s) are being sold together to the same legal entity.

[Liquor Control and Licensing Act, section 19(2)(e); Liquor and Cannabis Regulation Branch Policy]

## 7.9 Signage and Advertising

The following conditions apply to signage and advertising:

- The words “British Columbia/BC liquor store” or “government liquor store” may not be used; and

- Signs and advertisements may not use pictures of minors, or personalities, images or activities that may appeal to minors.

Sacramental wine stores are permitted to advertise to members of the clergy or ministers of religion and are prohibited from advertising to the public.

[*Liquor Control and Licensing Act*, section 64; *Liquor Control and Licensing Regulations*, sections 169 and 171]

## 7.10 Conditions for Liquor Sales Within a Wine Store

See the Wine Store Terms and Conditions Handbook for the following general terms and conditions for wine sales within a Wine Store:

- Hours of sale
- Wine sales and pricing
- Outdoor patios
- Loyalty programs
- Games and entertainment
- Licensee/Manufacturer Contests
- Permitted associations

[*Liquor Control and Licensing Act*, section 15(2)]

### 7.10.1 Types of wine sold

Wine stores are licensed to sell **only** wine. Wine refers to a range of products, including:

- Table wine (red, rose, and white);
- Sparkling wine and crackling wine;
- Fortified wine, including sherry and port;
- Mead;
- Rice wine (sake); and
- Cider and wine coolers.

[*Liquor Control and Licensing Act*, sections 3(3) and 15(2)(i)]

### 7.10.2 Sale of non-wine items

All wine stores may sell non-wine products that have been approved by the Liquor and Cannabis Regulation Branch. These approved products include:

- items specifically identified with storing or serving wine, such as wine racks and cabinets, ice buckets and chillers, wine glasses and corkscrews;
- printed materials such as books and pamphlets concerning wine in general or specific wines that are sold in the store;
- items that identify wine products for sale in the store, such as umbrellas, T-shirts and aprons;
- packaged snack food items and other wine-related food items such as cheese and crackers;
- wine-related soft drinks and juices, such as club soda for spritzers;
- de-alcoholized wine; and
- lottery products licensed by the B.C. Lottery Corporation.

Wine stores may not sell:

- confectionary items such as candy, gum, potato chips, etc.; or
- tobacco products

In addition, tourist wine stores are permitted to sell other tourist-related items. Winery-operated wine stores, which unlike other wine stores are often located within another store, may sell products related to the associated business, such as artisanal foodstuffs.

Sacramental wine stores located in religious supply stores may sell other items related to the religion.

[*Liquor Control and Licensing Act*, section 15(2)(c); Liquor Control and Licensing Regulation, sections 59(b) and (c); Liquor and Cannabis Regulation Branch Policy]

### 7.10.3 Minors

Minors are permitted in wine stores if they are accompanied by a parent or guardian who is shopping. A minor may not be employed in any capacity in a wine store. Minors are permitted without a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor in sacramental wine stores and tourist wine stores.

For full details on minors in licensed establishments and the identification of minors, please refer to the Wine Store Terms and Conditions Handbook.

[*Liquor Control and Licensing Act*, sections 15(2)(b) and 78(2); Liquor Control and Licensing Regulations, section 160 (4)]

### 7.10.4 Temporary off-site sales endorsement

A wine store or special wine store may apply for a temporary off-site sales endorsement, allowing the licensee to set up a temporary retail store at an eligible event (e.g. tasting-focused food and beverage festivals) licensed under a Special Event Permit.

Once endorsed, licensees may accept invitations from special event permit holders to set up a temporary store at an event. Licensees must notify the Branch prior to each event to obtain an event-specific authorization to set up the temporary store. For general terms and conditions of the authorization, see the Wine Store and Special Wine Store Terms and Conditions Handbook.

Eligible festivals must have a primary focus on tasting or introduction of liquor products and/or accompanying food (a wine festival licensed under a special event permit would qualify, whereas a music festival would not).

This is the only circumstance under which licensees may sell liquor outside of the liquor store.

[Liquor Control and Licensing Regulation, section 69; Liquor and Cannabis Regulation Branch Policy]

## 7.11 Wine Delivery

A wine store may offer delivery of the wine products they are authorized to sell to the public, as long as they comply with the following terms and conditions:

- Wine can only be sold and delivered to individuals 19 years of age or older. When proof of age is required, customers must show two pieces of identification at the time of delivery. One of those pieces must be a government issued identification card such as a driver's licence with photo, name and birth date. The other piece must contain the person's name along with a signature or picture;
- Delivery to an intoxicated person or someone under the influence of drugs is prohibited;
- Delivery must end no later than one half hour after the wine store closing time;
- Only regularly stocked products that are available for purchase by walk-in customers may be delivered;
- Delivery charges must include the regular retail price of the liquor plus a separate delivery charge and customers must be informed of both charges when they place an order; and
- Delivery must take place from the wine store only;

Delivery transaction records must be maintained for at least three years. These must include the date, time and address of each delivery, the products purchased, the prices charged, delivery fees, total amount paid and the name of the purchaser.

Licensees must ensure that any individual delivering liquor products on their behalf (e.g., employee or third-party delivery driver) is 19 years of age or older and is Serving It Right certified and adheres to the terms and conditions of the wine store liquor licence. This term and condition does not apply to common carriers (e.g., Canada Post, FedEx).

To ensure a third-party delivery driver is Serving It Right certified, the licensee should confirm that the delivery service provider requires Serving It Right certification for its drivers delivering liquor and only sends liquor orders to drivers that are Serving It Right certified. Additionally, a licensee should confirm that delivery service providers are ensuring drivers are familiar with additional terms and conditions for delivery drivers (e.g., not delivering to intoxicated persons and complying with age verification requirements)

[Liquor Control and Licensing Regulation, section 194]

### 7.11.1 Online sales

See section [19](#) and the [Wine Store Terms and Conditions handbook](#).

## 7.12 Value-Added Promotions in Wine Stores

Wine store licensees may accept value-added promotional items from liquor manufacturers and their agents to offer to their customers. The agent must keep a record of the value-added promotions that are being offered and be able to produce it upon an inspector's request.

Value-added promotional items must be of nominal value, not exceeding 25 percent of the wholesale price of the base product and may include:

- "On-packs," where a liquor-related or branded item such as a corkscrew is attached to a bottle or case of liquor;
- "In-packs," where an item other than liquor, such as a T-shirt, is included inside a case of liquor; and
- "Near-packs," where an item other than liquor, such as a bag of chips, is placed near or alongside a liquor product and is given away whenever that product is purchased;
- Third-party coupons attached to a liquor product by a neck tag or back label, or placed inside a case, provided they are not for a rebate or reduction on the purchase price of a liquor product, for a free liquor product of any kind, or for cash.

The following conditions apply to value-added promotions in wine stores:

- Wine store licensees may keep leftover items at the end of the promotional period and continue to offer them to their customers until they are gone; licensees must not retain items for personal use or future promotions;
- The retailer must not see a value-added item as a separate item;
- Promotions must follow the Liquor Distribution Branch guidelines outlined in *The Beverage Alcohol Promotions Program for BC Liquor Stores* booklet;
- Both the licensee and manufacturer /agent may advertise promotions; and
- Promotional items are limited to 5 times per SKU per calendar year.

[*Liquor Control and Licensing Act*, sections 62; Liquor Control and Licensing Regulation, section 40(b); Liquor and Cannabis Regulation Branch Policy]

## 7.13 Redemption of Product Vouchers

Wine store licensees may enter into an agreement to honour a manufacturer's product voucher. The following conditions apply:

- Product vouchers must not exceed the smallest available size per product (not exceeding two litres);
- The manufacturer/agent must pay the licensee the full retail price for the quantity of liquor specified on the voucher; and
- The licensee is not permitted to charge or receive a redemption fee from the manufacturer/agent.

[*Liquor Control and Licensing Act*, section 62; *Liquor Control and Licensing Regulation*, section 40(b); *Liquor Control and Cannabis Branch Policy*]

## 7.14 On-premises Wine Consumption

Consumption of wine or any other liquor within a wine store is prohibited, except for consumer tasting purposes and product sampling by staff.

[*Liquor Control and Licensing Regulations*, section 54(2) and (3)]

### 7.14.1 Consumer tastings

The following conditions apply to the conduct of consumer tastings in wine stores:

- The tasting can be offered by the licensee or by a manufacturer/agent
- The licensee may charge an attendance fee for the event
- The time and length of a tasting is within the discretion of the licensee and manufacturer/agent, but all tastings must end thirty minutes before the store's closing time
- Only two consumer tastings may be conducted in a store at any one time
- Personnel used to serve beverage samples during a consumer tasting hosted by a licensee may be store staff or hired servers
- Personnel used to serve beverage samples during a consumer tasting hosted by a manufacturer are provided by the manufacturer and may either be a licensed agent of the manufacturer or a server hired by the manufacturer/agent who is familiar with the rules governing consumer tastings
- Demonstrations of food and wine pairing or other types of food preparation demonstrations are permitted provided:
  - Food ingredients or final product are not for sale
  - Primary function of the establishment remains that of a retail outlet
  - Licensee complies with rules respecting consumer tastings when beverage samples are also served
- Such other conditions as may be considered appropriate by the Branch.

[*Liquor Control and Licensing Act*, section 15(2); *Liquor Control and Licensing Regulation*, section 70(3)]

### 7.14.2 Sampling at consumer taste trials

Wine stores are permitted to sell samples when conducting their own consumer tastings. They may also have a maximum of two manufacturers or agents providing free samples in their store at one time. Samples provided from manufacturers or agents must be provided free of charge. Sample sizes are increased to ½ standard drink (75ml wine, 175ml beer, 20ml spirits) in total per person per day, divided as the licensee chooses – whether there is a charge or provided for free. If there is more than one licensee serving samples in a store, each licensee may serve up to the maximum amount.

## 7.15 Employee Tastings

Wine store licensees may conduct tastings to acquaint employees with products to be offered for sale in the wine stores. Employee tastings must be conducted outside the licensed area. For more information on product samples, please see Wine Store Terms and Conditions Handbook.

Wine sample sizes for employee tastings must be consistent with “tasting” and not be misconstrued with providing wine by the glass.

[*Liquor Control and Licensing Act*, section 62; Liquor Control and Licensing Regulations, section 40(b)]

## 7.16 Temporary De-licensing

Temporary de-licensing for alternate use is not permitted in a wine store.

[*Liquor Control and Licensing Act*, section 6(c) and 12(2)(b); Liquor Control and Licensing Regulations, section 69]

## 7.17 Appendix – History of the Wine Store Model

All wine store licensees were once operated by appointments under the *Liquor Distribution Act*. Over the years, the Liquor Distribution Branch (LDB) approved a series of unique wine store models, largely to promote the BC wine industry.

In 2007, a transition began to shift oversight of all wine store liquor retailing from the LDB to the LCRB.

In 2013, wine store appointments were converted to licences under the *Liquor Control and Licensing Act* and regulations. This allowed for a more equitable regulatory oversight of all liquor retail outlets.

As of 2015, Independent Wine Stores can convert their licences to an LRS licence, subject to the 1 km rule, allowing these stores to sell all types of liquor products. Converting to an LRS licence prevents licensees from selling wine off grocery store shelves; however, they may be located in a grocery store as part of the “store-in-a-store” model. The deadline to apply for this conversion has been set for 4:30 p.m. Monday, March 31, 2025.

In 2016, Government restricted the sale of wine manufactured by other wineries with whom a partnership exists, in winery-operated stores (winery off-site stores), unless the licensee has existing permission in the form of a letter on the licence file or a term and condition on the face of the licence. Without this explicit permission, wine stores may not sell additional products or products from wineries with whom they have shared ownership. Wineries may no longer obtain permission to sell additional products.

Introduced in 2016, the Special Wine Store licence permits the sale of 100% BC wine on the shelves of eligible grocery stores. To determine eligibility for the special wine store licence, government conducted a series of auctions. Policy Directive 16-02 provides a detailed explanation of this process.

In 2019, the *Liquor Control and Licensing Regulation* was amended to eliminate regulatory measures that only allowed sales of BC wine on grocery store shelves. Those amendments enable licensees who are permitted to sell wine on grocery store shelves (BC VQA stores and Special Wine Stores) to sell all domestic and imported wine (including cider, mead and sake). BC VQA stores and Special Wine Stores may be located on dedicated shelf space within an eligible grocery store.

# SECTION 8: Catering Licence and Catering Endorsement

## 8.0 Introduction

This section provides an overview of the legislation, regulations, and policies specific to catering licences and catering endorsements.

A catering licence enables catering companies to provide a full range of food and beverage services to their local, out of province or international clients. Licensed caterers may purchase, transport, sell and serve liquor, and maintain a liquor inventory.

A catering endorsement enables food primary and liquor primary (excluding liquor primary club) establishments to cater food for their clients' events at locations that are primarily offsite. A catering endorsement may not be used to alter the primary focus of the establishment or alter the terms and conditions under which the establishment operates on a day-to-day basis.

The host of a catered event is not required to obtain a special event permit. Catered events encompass a wider range of business events than are currently eligible under the special event permit program.

### 8.0.1 Definitions

**"Catered Event"** refers to an event (other than a Residential Event) where the caterer is hired by the host to sell liquor, and the host invites the guests.

Catered Events include:

- **personal events** which are invitation-only events for family and friends such as a wedding or birthday party
- **corporate events** which are business events that typically are invitation only, no admission, and a host bar
- **community events** such as a festival, exhibition, sports tournament or concert, or
- **other events** such as a political party fundraiser, gallery event or theatre show.

**"Catering Authorization"** refers to the approval granted by a liquor inspector for a Catered Event.

**"Event"** includes Catered and Residential Events.

**"Host"** refers to the client that hired the Caterer to provide food and liquor at an event.

**"Residence"** refers to a private dwelling (where someone lives), and the land surrounding it (see 8.4.1 Definitions for further information.)

**"Residential Event"** refers to an invitation only event held at a residence where liquor is sold by a licensed Caterer, such as a dinner party or wedding (see section [8.4](#) for further information.)

## 8.1 Eligibility

### 8.1.1 Catering licence

Applicants must meet the relevant eligibility requirements outlined in section [8.1.2](#) of this manual for a catering licence to be issued, renewed, transferred or amended.

To qualify for a catering licence, applicants must be primarily in the business of preparing and serving food at other people's events, and they must be able to demonstrate that they have the equipment at their establishment (the

place where the applicant prepares food) and the personnel necessary to prepare and serve food at catered events.

In determining if an applicant is eligible for a catering licence, the general manager may consider:

- kitchen equipment located at the proposed establishment;
- food selection offered;
- advertising;
- financial records;
- staffing;
- the ratio of receipts from food sales to receipts from liquor sales at events catered by the person; and
- any other relevant consideration that may assist in the determination. These criteria are discussed further in sections [8.1.2](#) – [8.1.7](#).

[*Liquor Control and Licensing Act*, section 19; *Liquor Control and Licensing Regulation*, sections 25 – 27]

### 8.1.2 Catering endorsement eligibility

Applicants for a catering endorsement must hold a valid food primary or liquor primary (except a liquor primary club) licence and must meet the following criteria:

- the primary purpose of the licensee’s catering operation must be the preparation and service of food; and
- the licensee must have the equipment in its establishment and the personnel necessary to prepare and serve food at catered events.

In determining if an applicant meets the above eligibility criteria, the general manager may consider:

- kitchen equipment located at the proposed establishment;
- food selection offered;
- advertising;
- financial records;
- staffing;
- the ratio of receipts from food sales to receipts from liquor sales at events catered by the person; and
- any other relevant consideration that may assist in the determination. These criteria are discussed further in sections [8.1.3](#) – [8.1.7](#)

Essentially, applicants must be able to demonstrate that:

- their licensed establishment prepares food onsite as part of its business; and
- the licensee intends to cater food at other people’s events held offsite (events must typically occur offsite, see section [8.4.1](#) for further details).

Examples of liquor primary establishments that typically would qualify for a catering endorsement would be hotels, pubs, convention centres and conference centres.

See section [8.1.9](#) for examples of ineligible establishments.

[*Liquor Control and Licensing Regulation*, sections 12-13, 20 – 21, and 27]

### 8.1.3 Kitchen requirements:

The kitchen should, other than in exceptional circumstances, contain:

- commercial appliances including an oven, refrigerator and dishwasher;
- a food storage area and a food preparation area; and

- the equipment needed to transport and serve food at events hosted by others.

See section [26.4](#) regarding exercising discretion.

[Liquor Control and Licensing Regulation, sections 13(1)(b), 21(1)(b), 25(b) and 27; Liquor and Cannabis Regulation Branch Policy]

#### 8.1.4 Food selection available

The applicant must provide clients with a reasonable variety of appetizers and main courses from which to choose. Caterers must be in the food preparation business, meaning they must prepare most of the food they serve. They may, however, purchase items such as bread, desserts, or specialty items.

[Liquor Control and Licensing Regulation, sections 13(1)(a); 21(1)(a), 25(a) and 27(b); Liquor and Cannabis Regulation Branch Policy]

#### 8.1.5 Staffing

The business must have a cook and adequate servers to cater events.

[Liquor Control and Licensing Regulation, sections 13(1)(b), 21(1)(b)25(b) and 27(e); Liquor and Cannabis Regulation Branch Policy]

#### 8.1.6 Financial records and receipts

The applicant must make financial records and receipts available upon request. (See section 80 of the Liquor Control and Licensing Regulation for a complete list of the required records.)

[Liquor Control and Licensing Regulation, sections 13(1)(a), 21(1)(a), 25(a), 27(d), and 80]

#### 8.1.7 Food to liquor ratio

The ratio of receipts from food sales to receipts from liquor sales at events must support the fact that the primary focus is food.

[Liquor Control and Licensing Regulation, sections 13(1)(a), 21(1)(a), 25(a), 27(d), and 80; Liquor and Cannabis Regulation Branch Policy]

#### 8.1.8 Examples of businesses ineligible for a catering licence

The primary purpose of the applicant's business must be the preparation and service of food to be eligible for a catering licence. The following are examples of businesses and organizations that would not be eligible for a catering licence because they are not primarily in the business of preparing and serving food:

- liquor primary clubs (additionally, this licence class is restricted to serving liquor to members and guests only);
- manufacturers;
- service clubs such as Rotary or Lions;
- grocery stores;
- promoters;
- bartending services;
- event planners.

Mobile food carts or trucks are ineligible because they do not have a permanent establishment location. Additionally, they would be unlikely to be catering for other people's events.

[Liquor Control and Licensing Regulation, section 25(a); Liquor and Cannabis Regulation Branch Policy]

### 8.1.9 Examples of businesses ineligible for a catering endorsement

The catering endorsement is designed for establishments to provide a full range of food and beverages at unlicensed locations. Liquor primary club and manufacturer licences are ineligible for a catering endorsement because:

- Manufacturer endorsements allow manufacturers to sell and serve product to customers at the manufacturer's facility and are a means of encouraging customers to visit the manufacturer and purchase its product. Manufacturers are limited in their product selection by operating conditions (e.g., wineries can only sell BC wine);
- Liquor primary clubs are restricted to serving liquor to members and guests only.

The following are examples of liquor primary establishments that are generally considered ineligible for a catering endorsement, due to the limited nature of their liquor primary licence (i.e., the establishments are event-driven or do not provide significant food service):

- stadiums, concert halls, theatres and other live-event establishments;
- gaming facilities;
- motor vessels and trains;
- nightclubs; and
- airport lounges.

[*Liquor Control and Licensing Act*, section 19(1); Liquor Control and Licensing Regulation sections 13& 21; Liquor and Cannabis Regulation Branch Policy]

### 8.1.10 Tied house exemption

If an applicant has a tied house association with a small- or medium-volume manufacturer, an application maybe submitted to the Branch to request a tied house exemption. The manufacturer will be required to sign the application to show they support it. See section [10.4](#).

[*Liquor Control and Licensing Act*, section 19(5)(b); Liquor Control and Licensing Regulation section 180; Liquor and Cannabis Regulation Branch Policy]

## 8.2 Catering Business Requirements

### 8.2.1 Catering Endorsement Terms and Conditions and Rules and Requirements that Differ from Primary Establishment

The terms and conditions and rules and requirements that apply to a catered event may differ from the terms and conditions and rules and requirements regarding hours, food service, minors or entertainment that apply to the licensee's food or liquor primary establishment. For example, a food primary licensee may offer entertainment, such as dancing, at a catered event even if its restaurant is not approved to allow this type of entertainment, or a liquor primary licensee may cater an event that has minors even though its liquor primary establishment does not permit minors.

[Liquor Control and Licensing Regulation, sections 10(2), 18(2); Liquor and Cannabis Regulation Branch Policy]

## 8.3 Catered Events

### 8.3.1 Venue

Catered events may take place in the event site. An event site under a catering authorization is considered "an establishment licensed under the LCLA" for security staff licensing requirements under the Security Services Act and regulation (see s. 1(1.1) SSR. Events may take place in a food primary or liquor primary establishment, or a manufacturing establishment if the licensee de-licenses the area. Catered events may take place in the green-lined area of a liquor primary club. See sections [17.3.2](#) and [17.3.3](#) for information about de-licensing (temporary suspensions) and alternate use.

[*Liquor Control and Licensing Act*, sections 15(2)(a) & 26(2)(a); Liquor and Cannabis Regulation Branch Policy]

### 8.3.2 Catered events held onsite

A licensee with a catering endorsement may cater events that are outside the service area of its establishment (the area that is red-lined on the floor plans) but on the same property. However, these events must generally take place in an unlicensed banquet room or the equivalent, rather than other unlicensed areas of the establishment. Catered events may also be held onsite in unlicensed outdoor areas such as a courtyard, lawn or rose-garden, but may not take place in parking-lots.

A licensee with a catering endorsement must ensure that events are primarily catered at locations offsite to prevent a change in the primary focus of the operation of the establishment.

Unless authorized by the LCRB, licensees with a catering endorsement must not offer liquor for sale at a series of events hosted by the same person if, as a result of doing so, the licensee is or appears to be operating an ongoing business with that person. When reviewing a request for a catering authorization, the LCRB considers the following:

- Host (i.e., is the licensee requesting to cater an event for the same host each time)
- Scheduling of events (i.e., how frequent are the events)
- Event location (i.e., is the event located in the same location each time)
- Event promotion and advertisement (i.e., is the event being promoted or advertised to appear like a business)

[Liquor and Cannabis Regulation Branch Policy]

### 8.3.3 Separation of catered event from adjoining areas

The site of a catered event must be adequately separated from adjacent licensed and unlicensed areas, and all means of access to the site of the catered event must be supervised to the Branch's satisfaction.

If a catered event is held on the same property as another licensed establishment that does not permit minors, minors at the catered event may not pass through the service area of the establishment to access the washrooms, or for any other purpose. If the catered event is held on the same property as another licensed establishment that allows minors, minors at the catered event must comply with any applicable restrictions while in the service area of that establishment (e.g., must be accompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor).

Outdoor events must be surrounded by a barrier sufficient to confine the service and consumption of liquor. This helps the caterer control capacity, evaluate patrons when they arrive, and prevent patrons from removing liquor from the licensed area. The type of perimeter fencing required will vary with the event. Stanchions may be sufficient for a small corporate event, whereas a community event would require more substantial fencing.

[Liquor Control and Licensing Act sections 15(2)(b) & 26(2)(b); Liquor Control and Licensing Regulation 81(3) & 97(a); Liquor and Cannabis Regulation Branch Policy]

### 8.3.4 Event capacity

Caterers must ensure that the number of people at the catered event complies with the venue's occupant load and the maximum attendance (including staff) specified in the catering authorization.

[Liquor Control and Licensing Regulation 97(e) & (f)]

### 8.3.5 Liquor service hours

The general manager has limited the hours of liquor service at catered events as follows:

- Liquor may be served at indoor events between 9:00 a.m. and 2:00 a.m. and at outdoor events from 9:00 a.m. to 10:00 p.m. With local government and the Branch's approval, outdoor event hours may be extended until 2:00 a.m.
- For New Year's Eve, liquor service at catered events may be extended to 4:00 a.m. if food is available to patrons and local government has given approval.

The general manager may consider the factors described in section 17.2.1 Factors considered in the public interest in setting the permanent hours of liquor service when setting the hours for a catered event.

[Liquor Control and Licensing Act section 26(2)(a); Liquor Control and Licensing Regulation, section 97(b); Liquor Control and Licensing Branch Policy]

### 8.3.6 Liquor-tasting events

In most cases, caterers are not allowed to serve at liquor-tasting events because the focus of the event would be on the consumption of liquor, rather than on food.

The caterer's records and catered events may be inspected to determine whether required food items and non-alcoholic beverages are available to patrons.

[Liquor Control and Licensing Regulation, sections 26(a), 27(f) & 97(c)]

## 8.4 Residential Events

Sections [5](#), [7](#), [9.1](#), [9.3](#), [10](#), and [12](#) of this manual do not apply to residential events.

**See Also:** section [19](#)

### 8.4.1 Definitions

A "residence" is defined in the Act as:

- a building or part of it, or a manufactured home that is occupied and used by the owner, lessee or tenant solely as a private dwelling, together with the land and buildings adjacent to it that are used for the convenience, occupation and enjoyment of the occupants, or
- a private guest room in a hotel, motel or other building in which private rooms are maintained for the accommodation of the public

A lodging or boarding house includes a "bed and breakfast" establishment.

The common room of a condominium or strata complex is considered part of the residence of a condominium or strata unit owner or tenant. When the room is booked for a private social function by residents, no catering authorization is required.

If a house and property is being rented out as a business as a venue for events, it would not, in most cases, qualify as a residence. A building, or part of it, must be used solely as a private dwelling. A building that is being used as a venue for events or other business purposes is not used solely for private use.

However, any bedrooms being occupied would be treated as a residence.

A private summer dwelling that is used for vacation rentals but is not typically used for events or business purposes, would be eligible as a location for a residential event.

A private guest room in a hotel, inn, bed & breakfast or similar business qualifies as a residence, but the area that is considered residential is limited to the room and does not include other areas of the building or the land adjoining it.

A "**residential event**" is defined in the Liquor Control and Licensing Regulation and means an event catered by a caterer

(a) that occurs at a residence, and

(b) at which the only persons attending, other than the caterer and the caterer's staff, are the host(s) of the event and the persons personally invited by the host(s) or named in an invitation issued by the host.

Examples of residential events include dinner parties and weddings.

If an event is occurring at a residence, and either everyone is welcome to attend or anyone can purchase tickets to attend the event, then the event would not meet the definition of a "residential event." A flyer or other method of bulk mailing is not considered a personal invitation.

[*Liquor Control and Licensing Act*, sections 1 & 25(2); Liquor Control and Licensing Regulation, section 2; Liquor and Cannabis Regulation Branch Policy]

### 8.4.2 Selling and serving liquor

A caterer may only sell liquor at a residential event to the host; they may not sell drinks directly to patrons (i.e., only hosted bars are allowed).

Caterers may serve liquor provided by the host or the host's guests at a residential event. This includes commercially made and homemade or U-Brew/U-Vin products.

All liquor sold by a caterer to the host must be consumed at the residence. At the conclusion of the residential event, all unused liquor purchased under the caterer's licence must be returned to the caterer's establishment, except for unfinished bottles of wine, which may be re-sealed for the host to keep or for guests to take home.

Caterers must not promote or encourage intoxication and must not allow patrons to become intoxicated. Caterers must refuse service to a person who is intoxicated or showing signs of intoxication.

[*Liquor Control and Licensing Act*, sections 75 & 82; Liquor Control and Licensing Regulation, sections 26(h) and (i)]

### 8.4.3 Hours

As catering authorizations are not required for residential events, there are no established liquor service hours.

[*Liquor Control and Licensing Act*, section 25(2)]

#### 8.4.4 Inspections

Liquor inspectors do not have authority to enter residential events to check for compliance because residential events are not establishments or event sites referred to in a catering authorization.

*[Liquor Control and Licensing Act, section 1 & 25(2)]*

## SECTION 9: U-Brew and U-Vin Licence

### 9.0 Introduction

This section provides an overview of the legislation, regulations, and policies specific to U-Brew and U-Vin licences. A U-Brew and U-Vin licence enables U-Brew and U-Vin companies to provide supplies, facilities, and/or services to people making their own beer and wine (which includes fortified wine, wine coolers, cider and sake).

The purpose of a U-Brew/U-Vin licence is to operate as a facility where customers make product for their own consumption. Therefore, customers are required to actively participate in the process. There are specific steps that a customer is required to perform – adding ingredients, cleaning bottles, bottling product and removing product (see U-Brew and U-Vin Terms and Conditions Handbook).

U-Brew and U-Vin licensees, their staff, and their customers are not manufacturers or vendors of liquor. Instead, licensees supply ingredients and/or assist customers through the fermentation or brewing process, and the end product is for the customer's own private use offsite.

### 9.1 Definitions and Interpretation

#### 9.1.1 Definitions

**"bottle"** includes a can, keg, cask or other container or package into which beer, wine or cider is placed after it is removed from a carboy;

**"carboy"** means a container used for the aging or storage of beer, wine or cider;

**"customer"** means a person who pays a fee to produce or manufacture beer, wine or cider in a U-Brew or U-Vin;

**"licensee"** means a person holding a licence under section 12.1 of the Act to operate a U-Brew or U-Vin.

#### 9.1.2 Interpretation

The only sections of this manual that apply to U-Brew and U-Vin applicants and licensees are sections [1–4](#), [7.1](#), [11](#), and [19](#).

### 9.2 Applicant Eligibility and Changes to a Licence

#### 9.2.1 Eligibility

Applicants must meet the relevant eligibility requirements outlined in section [9](#) of this manual for a U-Brew and U-Vin licence to be issued, renewed, transferred or amended.

Applicants will be required to have valid interest in their business and in their establishment and all applicants must undergo a background check prior to licensing.

Licensees and their employees are not required to have Serving it Right certification as liquor will not be served.

[*Liquor Control and Licensing Act*, section 19; *Liquor Control and Licensing Regulation*, section 185]

### 9.2.2 Renewals

Licensees are required to renew their licence each year by March 31.

[*Liquor Control and Licensing Act*, section 23(1); Liquor and Cannabis Regulation Branch Policy]

### 9.2.3 Changes to a licence or to business ownership

Licensees are required to comply with the requirements of section [10](#) of this manual and those set out in the U-Brew and U-Vin Terms and Conditions Handbook.

Licensees do not need to request approval for structural changes to their establishment, as U-Brew and U-Vin establishments do not have service areas.

[Liquor Control and Licensing Regulation, section 79]

### 9.2.4 Relocation of U-Brew and U-Vin establishment

Licensees must not change the location of their establishment without first applying to the Branch for an amendment to their licence (i.e., transfer of location).<sup>4</sup>

No local government comment is necessary for a relocation of a U-Brew and U-Vin establishment. Applicants will be subject to a final inspection.

[*Liquor Control and Licensing Act*, section 17]

### 9.2.5 U-Brew/U-Vin Kits

A U-Brew/U-Vin licence is not required for a business that sells kits, juices or other ingredients for customers to make beer or wine at home. However, if customers are manufacturing beer or wine at the business that sells kits, juices or other ingredients, a U-Brew/U-Vin licence is needed.

[*Liquor Control and Licensing Act*, section 2(a)(i)]

### 9.2.6 Federal requirements

Licensees must be registered with the federal government. Licensees making wort need a federal licence to operate as a brewery (for the manufacture of wort). Licensees should contact the [Canada Revenue Agency](#)<sup>5</sup> for information about registration and licensing well before applying to the Branch for a U-Brew and U-Vin licence. U-Brews are also regulated by the *Excise Act (Canada)*. See also [Circular ED 212-10](#)<sup>6</sup>.

U-Vins are also regulated by the *Excise Act, 2001 (Canada)*. See also [Excise Duty Memorandum 4.1.3](#)<sup>7</sup>.

[*Excise Act (Canada)*; *Excise Act, 2001 (Canada)*]

## 9.3 Naming your establishment and requirements for Sign

Licensees may call their establishments a U-Brew and/or U-Vin, as the case may be, or Ferment-on-Premises. The Branch considers these terms interchangeable. Some licensees may wish to refer to their establishments as

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<sup>1</sup> For the purposes of this section, 'relocation' means a relocation to a new address, as defined in section [24](#)

<sup>5</sup> <http://andandwww.cra-adrc.gc.ca/and>

<sup>6</sup> <http://www.cra-arc.gc.ca/E/pub/ed/ed212-10/ed212-10-e.html>

<sup>7</sup> <http://www.cra-arc.gc.ca/E/pub/em/edm4-1-3/edm4-1-3-e.html>

"Ferment-on-Premises" to be consistent with federal legislation. However, the licence an applicant receives will be called a U-Brew and U-Vin licence.

The business name and exterior signage must be approved by the Branch. All business names and signage must comply with advertising terms and conditions for U-Brews and U-Vins and cannot mislead the public as to establishment's class of business licence, for example a U-Brew/U-Vin, may not call themselves a brewery or winery. Signage must also comply with local government bylaws.

U-Brew and U-Vin establishments must post the "U-Brew and U-Vin Notice to Customer" sign available on the LCRB's [website](#).

[*Liquor Control and Licensing Act*, section 15(2)(e), U-Brew and U-Vin Terms and Conditions; Liquor and Cannabis Regulation Branch Policy]

## 9.4 Minors

Minors are not permitted in the areas of the establishment where liquor is stored unless accompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor or if they are an employee of the establishment.

For further information on minors in U-Brew and U-Vins, please refer to the U-Brew and U-Vin Terms and Conditions Handbook.

[*Liquor Control and Licensing Act*, section 15(2)(b); Liquor Control and Licensing Regulation, section 44(2)(a), 50; U-Brew and U-Vins Terms and Conditions]

## 9.5 Hours

The Liquor Control and Licensing Regulation does not restrict U-Brew and U-Vin hours of operation, as liquor is not sold or served in these establishments. Licensees must, however, adhere to hours of operation set by local business licensing bylaws.

[Liquor and Cannabis Regulation Branch Policy]

## 9.6 Production Requirements

### 9.6.1. Types of liquor that may be offered

A licensee may permit customers to produce beer and wine.

The maximum alcohol content for beer is 11.9%. The maximum alcohol content for wine<sup>89</sup> is 22.9%. The maximum amount of wine that may be produced at one time is 500 litres.

The production of spirits is prohibited.

Licensees may not offer kits for customers to make spirits at home. The production of spirits for personal use without a licence is prohibited by federal law.<sup>10</sup>

[*Excise Act (Canada)*, section 4; *Excise Act, 2001 (Canada)*, sections 2, 60, 61, 70(2)(g); *Liquor Control and Licensing Act*, sections 2(a)(i)]

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<sup>8</sup> In addition to being included in the definition of "wine" under the LCLR, cider, wine coolers, and sake are included in the definition of wine under the *Excise Act, 2001 (Canada)*.

<sup>9</sup> Litres in bulk form. This does not include any amounts of packaged wine.

<sup>10</sup> A person is prohibited from possessing a still or other equipment suitable for producing spirits, unless they have a licence. A still that is to be used for other purposes, such as the purification of water, is allowed.

# SECTION 10: Business Ownership and Acting for the Licensee

## 10.0 Applicant Eligibility

### 10.0.1 Introduction

In determining whether a licence should be issued, renewed, transferred or amended (in certain circumstances), the Branch must consider whether the criteria for applicant eligibility have been met.

Topics in this section relate to applicant eligibility and include:

- Age requirements;
- Applicant suitability (fit and proper screening);
- Valid interest (business ownership and property interest); and
- Associations between manufacturers/agents and other licensees (tied house).

### 10.0.2 Definitions

**“Applicant”** may include:

- Sole proprietors (individuals);
- Partnerships;
- Public corporations whose shares are traded on or through the facilities of a security exchange;
- private corporations;
- Societies;
- Legions and fraternal organizations;
- Local governments or First Nations;
- Trusts;
- Executors; and
- Other corporations not listed above (e.g. colleges, universities).

**“Affiliate”** means

- (a) If the applicant is a partnership, all partners;
- (b) If the applicant is a public corporation, all directors and officers;
- (c) If the applicant is a private corporation, all directors, officers, or shareholders holding more than 10% or greater interest in the corporation;
- (d) If the applicant is a society as defined in the *Societies Act*, all directors and senior managers;
- (e) If the applicant is a branch of the Royal Canadian Legion or another fraternal organization, all directors and officers;
- (f) If the applicant is an organization or corporation not mentioned in paragraphs (b) to (d), all directors of the corporation or, if the organization is not a corporation and does not have directors, all of the individuals responsible for the governance of the organization;
- (g) If the applicant is a trust, all trustees and beneficiaries;
- (h) If the applicant is an executor, all executors and administrators;
- (i) If the applicant is a receiver, the receiver; or
- (j) If the applicant is a local government or First Nation, all persons identified by the local government or First Nation as its representative.

**“Associate”** means any person who has an interest in a licensee or applicant or an affiliate of an establishment, is related to a licensee or applicant or affiliate, or has any other connection with the applicant, affiliate, licensee or establishment which the general manager determines is significant, and includes the following:

- (a) Any person that has a financial interest in the licensee or applicant;
- (b) Any person that has a financial interest in the licensee’s or applicant’s business;
- (c) Any person that has a financial interest in the premises to which the licence or application relates;
- (d) If the licensee or applicant has a financial interest in another business or premises, any other person with a financial interest in that business or premises;

If the licensee or applicant is an individual, who is

- i. The spouse of the individual
  - ii. Any relative of the individual or the spouse referred to in subparagraph (i)
  - iii. Any corporation if the individual has a financial interest in the corporation
  - iv. Any other officers, directors or persons with a financial interest in the corporation referred to in subparagraph (iii)
  - v. Any other corporation that has a financial interest in the corporation referred to in subparagraph (iii), the other corporation’s officers and directors and any person that has a financial interest in the other corporation; or
- (e) if the licensee or applicant is a corporation, any other corporation that has a financial interest in the corporation, the other corporation’s officers and directors and any person that has a financial interest in the other corporation.

## Policies

### 10.1 Age requirements

Minors (under the age of 19) are not eligible to apply for or hold a liquor licence in British Columbia. The legislation also restricts the Branch from issuing, renewing, amending or transferring a licence if an affiliate of the applicant is a minor. This means there are restrictions on the roles minors may play in applicant organizations, as follows:

- If the applicant is a partnership, a minor may not be a partner;
- If the applicant is a publicly traded business corporation, a minor must not be a director or officer. Minors may own shares in a public corporation, as long as they own less than 10% of voting shares;
- If the applicant is a private corporation, a minor must not be a director or officer. Minors may own shares in a private corporation, as long as they own less than 10% of voting shares;
- If the applicant is a corporation that does not have directors (e.g. a strata council, co-op, or university), a minor must not be responsible for the governance of that corporation;
- If the applicant is a society as defined under the *Societies Act*, minors are permitted to be members of the society but must not hold a position as a director or senior manager of the society;
- If the applicant is a trust, a minor must not be the trustee;
- If the applicant is a local government or First Nation, a minor must not represent the local government or First Nation; and
- If the applicant is an unincorporated organization that operates a place of worship, a minor must not be responsible for governance of the organization.

[*Liquor Control and Licensing Act*, section 19(2)(a)]

## 10.2 Applicant Suitability (“Fit and Proper” Assessment)

### 10.2.1 Introduction

To be eligible for the issuance, amendment, transfer or renewal of a liquor licence, the Act requires that an applicant or a licensee be “fit and proper” to hold a licence. Associates and affiliates of an applicant or licensee are also subject to the same requirement and may also be screened for suitability at the Branch’s discretion.

### 10.2.2 Criminal record and judicial matters search requirements

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Applicants for new licences, those applying to have a licence transferred to them, and those that are applying for approval as new shareholders (for Manufacturer and Agent licences), directors or officers must submit one of the following (completed within the last 4 months):

- a criminal record and judicial matters check from the Commissionaires; or
- a police information check (criminal record check) from their local police department or RCMP detachment.

The criminal record and judicial matters check and a completed personal history summary form must be submitted to the Branch with the initial application. The persons required to submit a criminal record and judicial matters check and personal history summary form are outlined in the table below.

Legal Entity Type	Persons requiring a completed Criminal Record and Judicial Matters Check and Personal History Summary form
Sole Proprietor	Individual
Partnerships	All Partners
Public Corporation	All Directors
Private Corporation	Manufacturers and agents: All shareholders holding 10% or more voting interest <sup>11</sup>  All other licence types: All Directors and Officers of licensee/applicant corporation.
Society	All Directors
Local government/First Nation	Delegate(s)
Trusts	Trustee(s)
Executors	Executor(s) or Administrator(s)
Receivers	Receiver

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Other corporations not described above (e.g. educational institutions, cooperatives, military mess, strata councils)	Varies depending on the type of legal entity, for example: <ul style="list-style-type: none"><li>• top four (deans) of the Board of Governors for an educational institution</li><li>• Criminal record and judicial matters checks are not required for a military mess due to the level of scrutiny federal military personnel undergo</li></ul> Other types of legal entities not described above are dealt with on a case by case basis.
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<sup>1</sup> Non-voting shareholders and shareholders holding less than 10% of voting shares must submit only full legal names and dates of birth.

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April 2025

If any convictions or discharges are indicated on a criminal record and judicial matters check, or if the Branch receives information about convictions or discharges regarding the applicant, then a verifiable record from the appropriate police authority is required, unless the Branch indicates that a statutory declaration is sufficient. An application will generally not be considered complete until all the required records of criminal convictions have been received and reviewed. During the assessment, the Branch will consider any and all prior convictions across Canada and any contraventions of bylaws within B.C.

For applicants residing outside Canada, the Personal History Summary form includes instructions about how to obtain a declaration from the country, state or local government in which they reside, signed by a lawyer, Notary Public or Commissioner for Taking Affidavits in lieu of a criminal record and judicial matters check.

[*Liquor Control and Licensing Act*, sections 13(2) and 24]

### 10.2.3 Other factors in determining applicant suitability

Other factors routinely considered in determining applicant suitability include:

- A review of compliance history with the *Liquor Control and Licensing Act* and regulations if the applicant holds or has held a liquor licence; and
- A review of the applicant's driver's abstract to identify any alcohol- or drug-related driving infractions in the past 5 years.

The Branch may also choose to consider the following factors if the Branch identifies any other concerns relating to an applicant, licensee or deemed licensee (in the case of a licence transfer application) and their affiliates and associates:

- Any previous or pending charges or convictions
  - Under the laws of any level of government within Canada,
  - Under the laws of any foreign country, or
  - Involving the abuse of alcohol or other addictive substances.
- Any criminal activities
  - Involvement in criminal activity either directly or indirectly,
  - Membership or association with an organized crime group,
  - Business capital connected to or associated with a criminal source, or
  - Involvement in the sale of liquor without a licence.
- Compliance record
  - Failure to provide documents requested by the Branch,
  - Failure to fully cooperate during an investigation, or
  - Failure to disclose a relevant fact on an application.

- Personal character and reputation
  - Concerns about the individual’s financial integrity,
  - Disregard for the law or persistent violations of local bylaws, or
  - Disregard or lack of awareness of the legal and social responsibilities of a licensee.

The Branch has authority to make a suitability determination at any time during the application process or during the term of the licence.

Third-party operators and their affiliates are also subject to the same consideration of applicant suitability. For more information on third-party operators, please see section [10.9](#).

In the case of the death or bankruptcy of a licensee, the Branch may also assess the suitability of executors, administrators, trustees in bankruptcy or successors, or their affiliates (for more information, please see sections [10.8.10](#) and [10.8.11](#))

[*Liquor Control and Licensing Act*, sections 13, 18(2), 19(4), 22(1) and (3), 24(2)]

### 10.2.4 Suitability decisions – fit and proper issues

The Branch is prohibited from issuing, renewing, transferring or amending a licence unless the applicant, licensee or their affiliate are determined to be “fit and proper” to hold a licence. If the Branch receives information regarding an applicant’s suitability to hold a liquor licence, then the individual is given an opportunity to provide a written submission prior to the Branch making a decision.

If a licensee is found unfit to hold a licence during the term of a licence, the Branch may suspend, cancel, or transfer the licence to a person who is at arm’s length from the licensee.

[*Liquor Control and Licensing Act*, sections 19(4) and 49(1)(a)]

## 10.3 Valid Interest

### Introduction

A liquor licence is linked to both the licensee and the physical establishment. Applicants or licensees must have acceptable “valid interest” in their establishment. This section outlines the factors considered in determining whether valid interest exists and the types of proof which may be acceptable.

### Policies

#### 10.3.1 Consideration of valid interest

A licence must not be issued, renewed, transferred or amended unless the licensee owns the licensed establishment or premises, or has an arrangement that the General Manager determines provides the licensee a sufficient degree of control over the proposed area that allows the licensee to comply with the requirements of the *Liquor Control and Licensing Act*, the regulations, and the terms and conditions of the licence. This is known as “valid interest.”

In assessing whether an applicant is eligible for a liquor licence, licensing staff will review whether valid interest is met. This may include considerations of whether the applicant:

- is the owner of the establishment (i.e. property and building/s) to which the licence relates; or
- is the lessee of the establishment under a lease or sublease that does not expire for at least 12 months from the date the licence is issued; or
- holds an assignment or offer of lease or sublease pertaining to the property and building/s; or
- in respect of a purchase in progress, possesses an offer or option to purchase the establishment; or
- in respect of the renewal of a licence, owns, leases or subleases the establishment (where the

- applicant leases or subleases the space, the lease must not expire for at least 12 months from the date the renewal is issued); or
- in respect of the issue of a licence or renewal of a licence for a motor vessel, either owns the dock or has a moorage agreement in place for a period not less than 12 months.

In respect of an application for the addition of a patio, see the policies set out in [Policy 16: Patios](#).

The Branch may require appropriate documents be provided as evidence of ownership of the business, and either ownership of the property or the lease or sublease agreement.

The Branch also has the authority to cancel a licence if valid interest in the establishment is lost.

[*Liquor Control and Licensing Act*, sections 19 (2)(b) and (c), 19(3), and 49 (1)(a)]

### 10.3.2 Demonstrating proof of valid interest

The Branch may require an applicant or licensee demonstrate valid interest during the approval stage of the licensing process or at any time. Failure to maintain valid interest is cause for the general manager to cancel a licence.

### 10.3.3 Disputes regarding the validity of a lease

In the event of a dispute between a lessor and lessee regarding whether a lease is still valid, the Branch may require the disputing parties to get a court order to determine whether the lease is null and void despite the terms on the face of the lease.

### 10.3.4 Documents in the name of the licensee

Evidence of valid interest in the property (as specified in policy [10.3.1](#)) must be in the exact same name as the applicant or licensee (the persons(s) or corporation to whom the licence has been or will be issued).

### 10.3.5 Suitability decisions based on valid interest

The Branch will not approve the issuance, renewal, transfer or amendment of a licence unless the licensee holds valid interest. If a licensee loses valid interest in an establishment while holding a licence, the Branch has the authority to suspend, cancel, or transfer the licence to a person who is at arm’s length from the licensee.

[*Liquor Control and Licensing Act* sections 19(2)(c), (d) and (3), 49(1)(a)]

## 10.4 Associations Between Manufacturers/Agents and Other Licensees

### Introduction

Generally, tied house relationships between licensees (specifically liquor primary, food primary, private liquor/wine store, or the business location of a caterer) and manufacturers or agents are prohibited under the Act. “Tied house” refers to a relationship between a manufacturer/agent and another licensee if the relationship puts the licensee in the position of being likely to promote the sale of that manufacturer’s/agent’s liquor products over another manufacturer. A tied house relationship may result in the licensee benefitting more when they sell the liquor of that manufacturer’s/agent’s liquor.

There are certain circumstances under which tied house arrangements are permitted. Where a tied house relationship is permitted, the licensee may sell the liquor of a particular manufacturer over another manufacturer’s liquor products. An exemption to the inducement provisions is also permitted. These are described in the following sections.

### 10.4.1 Tied house relationships

A tied house relationship may exist between a manufacturer/agent and licensee (specifically liquor primary, food primary, private liquor/wine store, or the business location of a caterer) where:

- the manufacturer/agent has any amount of ownership interest in the licensee; OR
- the licensee has any amount of ownership interest in the manufacturer/agent; OR
- the manufacturer/agent operates the licensee's licence under a third-party operator agreement; OR
- the licensee operates the manufacturer/agent licence under a third-party operator agreement; OR
- an affiliate of the manufacturer/agent (e.g., a shareholder, director, officer), or an immediate family member of the manufacturer/agent or affiliate has any amount of ownership in the licensee or has any amount of ownership interest in or operates the licence under a third-party operator agreement. Immediate family members include spouses, parents, siblings and children only; OR
- an affiliate of the licensee (e.g. a shareholder, director, officer), or an immediate family member of the licensee or the affiliate has any amount of ownership in the manufacturer/agent or has any amount of ownership interest in or operates the licence under a third-party operator agreement. Immediate family members include spouses, parents, siblings and children only; OR
- an affiliate of the licensee that is a director or officer is also a director or officer of the manufacturer/agent.

This list is not exhaustive. There may be other factors or combination of factors that, when taken together, lead to a reasonable conclusion that a licensee is likely to promote the sale of liquor of a specific manufacturer/agent over another.

U-brew/U-Vin licensees are permitted to own, or have an interest in, another type of liquor licence. Tied house restrictions are not applicable to U-Brew/U-Vins because these businesses do not sell liquor.

[*Liquor Control and Licensing Act*, sections 19(5)(b) and 62]

### 10.4.2 Informing the Branch of tied house relationships

Licensees must inform the Branch of any tied house relationships, except those that operate in conjunction with each other at the same site of the manufacturer. When the Branch receives a statement disclosing the relationship between a manufacturer/agent and a licensed establishment, the Branch will:

- Assess the nature of the relationship; and
- Determine whether the licensee is likely to promote the sale of the manufacturer's or agent's liquor products.

[*Liquor Control and Licensing Act*, sections 19(5)(b), 52(2)(a) and 62; *Liquor Control and Licensing Regulation* sections 180 and 182(1)(d)]

### 10.4.3 Terms and conditions imposed when a tied house relationship exists

The Branch is prohibited from issuing, renewing, transferring or amending a licence if a licensee and a manufacturer/agent are in a tied house relationship because the relationship puts the licensee in the position of being likely to promote the liquor of that manufacturer/agent. If a licensee is in a tied house relationship with a manufacturer or agent, the Branch will issue the licence but impose tied house restrictions on that licence and the related establishment will be prohibited from selling the liquor of that manufacturer.

In general, product exclusivity is not permitted, and products must be made as widely available as possible to all licensees, taking into account the reasonable constraints of production volumes and delivery costs.

If a licensee and a manufacturer or agent fails to disclose the existence of a tied house relationship, the Branch has the authority to suspend, cancel, or transfer the licence to a person who is at arm's length from the licensee.

[*Liquor Control and Licensing Act* sections 19(5)(b), 49(1)(b)]

## 10.5 Tied House Exemptions

### 10.5.1 Who can obtain exemptions

Manufacturers and other licensees in a tied house relationship may apply for an exemption to the tied house restrictions to allow them to sell the manufacturer's products at that establishment, known as a tied house exemption. Agents are not eligible to apply for tied house exemptions.

[*Liquor Control and Licensing Act*, section 19(5); *Liquor Control and Licensing Regulation*, s. 176]

### 10.5.2 Tied house exemption for stadiums and concert halls

Stadiums and concert halls are eligible for an automatic exemption from the tied-house prohibition that has been developed in recognition of liquor industry sponsorship of sporting and cultural events.

A liquor supplier and the liquor primary or food primary licensee of an eligible stadium or concert hall may not be owned by the same legal entity but may enter into a financial arrangement with the licensee. Eligible stadiums or concert halls must be primarily oriented to provincial, national or international events, involving adults or professionals, and:

- In the case of a stadium, have a minimum of 5,000 tiered seats; and
- In the case of a concert hall, have a minimum of 1,500 permanent seats.

The exemption permits an arrangement in which up to 90% of a designated category of liquor (i.e. draught beer, draught cider, bottled or canned beer, bottled or canned cider, wine, and spirits) from one supplier in exchange for payment from that supplier. The remaining 10% must be purchased from a different supplier or suppliers and may not be subject to this type of financial arrangement. For more details, see the *Liquor Primary Terms and Conditions Handbook*.

[*Liquor Control and Licensing Act*, sections 19(5)(b) and 62; *Liquor Control and Licensing Regulations*, section 177 and 182(1)(a)]

### 10.5.3 Tied house exemption for converted winery operated off-site wine stores

Certain wine stores were created under the authority of the *Liquor Distribution Act* and were brought under the Branch's licensing regime (i.e. were converted to licences) in 2013. In some of these converted wine stores, the wine store licence and the winery licence are not owned by the same legal entity and are instead owned by a group of manufacturers. Individual manufacturers in the consortium were permitted to become shareholders in the winery operated off-site wine stores in order to be able to sell their products in the stores. These anomalies are permitted to continue, and they are exempt from the tied house provisions and inducement provisions, but no further changes to the existing legal entities are permitted.

[*Liquor Control and Licensing Act*, sections 19(5)(a) and (b) and 62; *Liquor Control and Licensing Regulations*, section 178 and 182(1)(b)]

#### 10.5.4 Tied house exemption for manufacturer on-site establishment

All manufacturers are automatically eligible for exemptions to the tied house prohibition to allow them to have any type and any number of on-site licensed establishments where their liquor may be sold. Product produced on-site from the manufacturer may be sold at any of these establishments, provided all the establishments are owned and operated by the exact same licensee as the manufacturer and are located at the same site as the manufacturing facility.

For full details, see the [Manufacturer Terms and Conditions Handbook](#).

[*Liquor Control and Licensing Act*, sections 19(5)(b) and 62; *Liquor Control and Licensing Regulations*, section 179 and 182(1)(c)]

#### 10.5.5 Tied house exemption for winery-operated wine stores

Licensees who hold a wine store licence and a winery licence are exempt from the tied house prohibition for those wine stores owned by the manufacturer but located away from the manufacturing site. They may only sell the wine manufactured by the commonly owned winery. For full details, see the *Wine Store Terms and Conditions Handbook*.

[*Liquor Control and Licensing Act*, sections 19(5)(b) and 62; *Liquor Control and Licensing Regulations*, section 179(1)(a) and 182(1)(c)]

#### 10.5.6 Tied house exemption for small- and medium-volume manufacturers

Licensees of an offsite establishment (specifically a liquor primary, food primary, business location of a caterer, special wine store licence, licensee retail store or wine store) can submit an application to the Branch to request a tied house exemption. Each manufacturer licence is limited to a maximum of three off-site establishment tied house exemptions, provided the criteria set out below is met. The manufacturer is required to sign the application to show they support it. An exemption will not be granted without support of the manufacturer.

An offsite establishment amounts to one exemption in the following circumstances:

- a stand-alone establishment
- where establishments at the same site are entirely separate from each other (i.e. with full height walls)
- where establishments at the same site are not entirely separate from each other, i.e. where there is no demising (full height) wall between a food primary and liquor primary establishment and/or a business location of a caterer
- where there is an overlapping food primary and liquor primary establishment (i.e. dual licences)

To qualify for this exemption, annual production volumes under the B.C. manufacturer's licence must not exceed:

- 100,000 litres for a distillery;
- 750,000 litres for a winery; and
- 300,000 hectolitres for a brewery.

In addition, the manufacturer must either:

- have an ownership interest in the establishment, or
- operate the establishment under a third-party operator agreement, or
- have a relationship with the establishment, through a family member who either owns the establishment or is the third-party operator of the establishment.

An application for a tied house exemption must include information on the production volume of the manufacturer. Manufacturers that qualify for a tied house exemption offsite based on these production volume limits and then later expand their production beyond these limits may keep any previously approved offsite tied house exemptions.

However, such manufacturers will no longer be eligible to support other licensee's applications for new offsite tied house exemptions.

A manufacturer in a tied house relationship with an offsite licensed establishment may not provide a particular liquor product exclusively to that establishment or other tied establishments unless otherwise approved by the Branch. Generally speaking, the exclusive sale of a product to a tied establishment will only be permitted in situations where the product is produced in such small quantities that it is not reasonable to make it available for purchase by other licensee.

Both the licensee and the manufacturer may apply to remove an existing tied house exemption at any time.

[*Liquor Control and Licensing Act*, sections 19(5)(b) and 62; Liquor Control and Licensing Regulation, sections 180 and 182(1)(d)]

## 10.6 Inducements

### 10.6.1 Inducement prohibition

Suppliers (manufacturers or agents) must not offer any discounts on product in exchange for preferential shelf space or offer volume discounts to licensees. Suppliers also must not offer discounted product in exchange for marketing benefits. For example, suppliers must not compensate retailers for purchasing and promoting their products by offering a percentage discount on liquor products, with the difference being used to create a marketing fund to promote the products of those suppliers.

Licensees must not accept discounts on products, nor enter into paid or unpaid marketing program agreements to sell the liquor of a particular supplier(s). Licensees must carry and make available to consumers a representative selection of brands of liquor products from a variety of suppliers that are not associated with or connected with each other. Licensees must not sell shelf space or provide preferential shelf space locations to certain suppliers.

Every licensee is also subject to terms and conditions on the licence that relate to offering or receiving inducements to sell or promote liquor, which are set out in each of the licensee handbooks. The licensee is responsible for knowing and complying with the terms and conditions as outlined in the relevant terms and conditions handbook.

Exemptions from the inducement prohibition are discussed in sections below.

[*Liquor Control and Licensing Act*, s. 62; Liquor and Cannabis Regulation Branch Policy]

### 10.6.2 Inducement exemptions resulting from tied house exemptions

Inducement restrictions under the Act are exempted in cases where a tied house exemption has been approved. This applies to the licensee's business relationship with the associated manufacturer. The licensee may promote the sale of the associated manufacturer's liquor and may enter into business agreements with that manufacturer that are not otherwise permitted.

[*Liquor Control and Licensing Act*, sections 19(5)(b) and 62; Liquor Control and Licensing Regulation, section 182]

### 10.6.3 Inducement exemptions by the general manager

The general manager has discretionary power to exempt manufacturers or establishments from the inducement provisions, with or without conditions.

[*Liquor Control and Licensing Act*, sections 62(3)(a); Liquor Control and Licensing Regulation, section 183]

## 10.7 Changes in Corporate Ownership and Licence Transfers

### Policy Rationale

When a change to a licence involves a change in ownership where the business is no longer principally owned and/or operated by the person named in the original application, a review of applicant eligibility and suitability are required. Any change involving a change in the legal entity status of the licensee or third-party operator (TPO) requires an application.

#### 10.7.1 Definitions applicable to a change in ownership or sale of a licensed establishment

For a change in ownership or sale of a licensed establishment, the following policy definitions apply:

- *a licence transfer* involves an assignment of the licence from the approved licensee to the new or partially new ownership of a licensed establishment, or to any new partners in a partnership that owns a licensed establishment
- *a change in legal entity status* involves any other change in the person(s), organization, or business legally responsible for the licensed establishment.

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For a change in ownership or sale related to a Manufacturer or Agent licence, the following additional policy definitions apply:

- *an external share transfer* occurs when a new shareholder has entered a corporation that owns, operates or has an interest in a licensed establishment.
- *an internal share transfer* occurs when a shareholder of the corporate licensee that owns, operates or has an interest in a licensed establishment is removed, or when shares are redistributed among existing shareholders, but no new shareholders are added.

#### 10.7.2 Responsibilities accompanying the transfer of a licence/transfer of shares

A prospective purchaser of a licensed business and/or the shares of a corporate licensee assumes the liabilities of the licence, including any unreported changes made by the previous licensee. The purchaser is responsible for making inquiries to determine whether the licence is in good standing prior to its acquisition. The branch can provide documents such as comfort letters and floor plans on request; consent from the current licensee and/or a fee may be required, depending on the information requested.

## 10.8 Permanent Change to a Licensee or Third-Party Operator

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### 10.8.1 External transfer of shares – Manufacturer and Agent licences only

The addition of shareholders or holding companies is subject to the branch's approval. All shareholders added to a corporate licensee or TPO are subject to an applicant eligibility assessment (see sections 9.0, 9.1, and 9.4 for information on applicant eligibility). Shareholders holding less than 10% of shares in the licence may be exempted from the suitability assessment requirement. Removal of shareholders is treated as an internal transfer of shares.

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### 10.8.2 Internal share transfers – Manufacturer and Agent licences only

Corporate licensees and TPOs must report any transfer of shares within their corporation or holding companies, except for:

- The removal of shareholders or
- The redemption or dissolution of shares

Regardless of the two exemptions above, an internal transfer of shares must always be reported if:

- The licence has been identified as having an association with another licence (a tied house), OR
- The removal of the shareholder or redemption or dissolution of shares results in any of the remaining shareholders transitioning from owning less than 10% of voting shares to owning 10% or more of voting shares in the licensee corporation.

This requirement allows the Branch to ensure licensees and operators are fit and proper and monitor tied house associations.

[*Liquor Control and Licensing Act*, s. 59(2) (a), section 19(4), section 18(2)]

### 10.8.3 Amalgamations

Private corporations must report when there has been an amalgamation of companies within or involving the licensee or third-party corporation. The Branch deals with amalgamations as either an internal or external transfer of shares (for Manufacturer or Agent licences only), or a transfer of ownership or change to the TPO, depending on:

- whether the amalgamated corporation is comprised of individuals or legal entities other than those that were already approved within the licensee or third-party corporation, prior to the amalgamation; and
- whether the corporation's Canada Revenue Agency (CRA) Business Number (BN) will change as a result of the amalgamation.

If the amalgamation for any licence type results in the licensee corporation registering a new BN, then the application will be subject to the same application requirements and fees as a transfer of ownership.

If the amalgamation related to a Manufacturer or Agent licence does not add new individuals or legal entities to the licensee, and the corporation keeps the same BN, then the application will be subject to the same application requirements and fees as for an internal transfer of shares.

If the amalgamation related to a Manufacturer or Agent licence adds new individuals or legal entities to the licensee, and the corporation keeps the same BN, then the application will be subject to the same application requirements and fees as an external transfer of shares.

Any amalgamation within a TPO corporation, for any licence type, resulting in a new BN, will be subject to the same application requirements and fees as a change to third-party operator application.

Any amalgamation within a TPO corporation, related to a Manufacturer or Agent licence will be subject to the same application requirements and fees as a change to third-party operator application.

[*Liquor Control and Licensing Act*, s. 59(2) (a), section 19(4), section 18(2)]

### 10.8.4 Addition or removal of partners

The addition or removal of partners to a partnership is treated as a licence transfer (see section [9.8.5](#)) and is subject to the Branch's approval. This may occur when a new partner joins the partnership, a partner dies, a partner wishes to withdraw, or there are any other changes in the makeup of the partnership that change the legal entity status of a partnership. All partners in a new partnership are treated as a new applicant and are subject to an eligibility assessment (see sections 9.0 – 9.4, regardless of whether the partners are new or were part of a previous partnership).

[*Liquor Control and Licensing Act*, section 19(4)]

### 10.8.5 Transfer of licence

Transferring a liquor licence occurs when the entire legal entity to which the licence is issued changes to a new legal entity, as a result of the sale of the business and its assets. The Branch will not approve a licence transfer if the purchaser of the business does not meet the eligibility and suitability requirements of the Act (see section 9.0 – 9.4).

[*Liquor Control and Licensing Act*, sections 19]

### 10.8.6 Licence not transferable without branch's consent

Sale of an establishment is contingent upon Branch approval of the licence transfer. This is to ensure the new owner meets the Branch's eligibility requirements for holding a licence (see sections [10.0](#) – [10.4](#)).

[*Liquor Control and Licensing Act*, section 21(1) and (2)]

### 10.8.7 Use of licence by the purchaser of the business (proposed transferee)

For the purpose of describing the transfer process, the licensee named on the face of the licence is generally described as the seller or the former licensee. The party purchasing the business is described as the purchaser, the proposed transferee, or, after an administratively complete application is received, the deemed licensee.

The seller is responsible for the licence until the Branch receives an administratively complete application to transfer the licence. An administratively complete transfer application is one that has been signed by the authorized signatories of the purchaser and the seller. When an administratively complete application has been confirmed by the Branch, the purchaser becomes the deemed licensee and both the purchaser and the seller are notified by the Branch.

As the deemed licensee, the purchaser is permitted to use the licence and is liable for any contraventions of the Act, Regulations or terms and conditions at the establishment until the Branch decides whether to approve or deny the licence transfer. The deemed licensee is also permitted make changes to the licence.

If the Branch is able to approve the transfer, the deemed licensee becomes the licensee.

If the Branch denies the transfer, the Branch may either:

- authorize the transfer of the licence, with a specified period, to a person who is at arm's length from the proposed transferee; or
- suspend or cancel the licence.

[*Liquor Control and Licensing Act*, section 22]

### 10.8.8 Denial or refusal of a licence transfer

See section [26](#) Applications, Reapplication Renewals and Refunds.

### 10.8.9 Order for transfer of licence

The Branch may order, on written notice to the licensee, transfer of a licence to a person who is at arm's length from the licensee, within a specified period, in the following circumstances:

- A circumstance that would prevent the issuance of a licence;
- The licensee fails to disclose a material fact required by an application, or makes a false or misleading statement in an application;
- The licensee is convicted of any offence under the law, if the offence relates to the establishment or the operation of the establishment; or
- An unauthorized third-party operator or relocation of an establishment.

The purpose of these requirements is to ensure the licensee continues to meet the eligibility requirements for holding a licence at all times.

[*Liquor Control and Licensing Act*, section 49(1)]

#### 10.8.10 Death of a licensee

Upon receipt of the necessary documents, licensing staff will approve and issue an amended licence with the name of the executor, or administrator appended. Heirs, executors, administrators or successors must be screened to ensure they are fit and proper to hold a licence. Once approved to operate the establishment, the heirs, executors, administrators or successors have the powers and obligations of the licensee until the expiration of the licence. The Branch may renew the licence with the name of the heir, executor, administrator or successor appended, for a period of one year. By the end of the one-year renewal period, a transfer application and appropriate documentation must be submitted to the Branch and the licence transferred into the name of the new owner of the business.

[*Liquor Control and Licensing Act*, sections 24(1) and (2)]

#### 10.8.11 Bankruptcy or receivership of a licensee

Upon receipt of an application and the necessary documents, licensing staff will approve and issue an amended licence with the name of the executor, administrator, trustee (in the case of bankruptcy) or executor or administrator appended. The Branch has authority to screen executors, administrators, and trustees in bankruptcy or successors, or any of their affiliates, to ensure they are fit and proper to hold a licence. Once approved, the executor, administrator, or trustee may operate the licensed establishment until the business is sold.

[*Liquor Control and Licensing Act*, sections 24(1) and (2)]

### 10.9 Acting for the Licensee: Third-party Operators and Licensee Representatives

A third-party operator is an individual or other entity appointed by a licensee to operate their establishment.

The third-party operator enters into a contractual agreement with the licensee and benefits financially from the arrangement. The licensee must apply to the Branch for approval of the third-party operator before the arrangement takes effect so the Branch can screen the third-party operator for suitability (see section [10.0](#), [10.1](#), [10.2](#), and [10.4](#) for eligibility requirements). While it's expected that the licensee will enter into a management agreement with the third-party operator, the licensee is not permitted to lease or sublease the premises to the third-party operator due to the requirements for the licensee to maintain valid interest (see section [10.3](#)).

The third-party operator is not permitted to operate the establishment until the Branch has approved the third-party operator application. The licensee is responsible for informing the Branch if the third-party operator changes or ceases to operate the establishment. The third-party operator agreement must be in place when a licensee engages a third-party – a proprietorship, corporate entity or partnership – to manage the operation of the establishment.

A licensee, except those with a manufacturer endorsement, is permitted only one third-party operator per licence.

A third-party operator:

- must not be an employee of the licensee;
- must be approved by the Branch in advance of the arrangement taking effect;
- cannot make changes to the licence;
- cannot assume accountability for the operation of the establishment on behalf of the licensee, as the licensee remains legally responsible for the operation of the licensed establishment;
- must not enter into a separate agreement or allow another person to use the licence; and,

- must be 19 years of age or over, unless a minor is less than a 10 percent shareholder in a private corporation (for full details, see section [10.1](#) on applicant eligibility).

A third-party operator’s responsibilities may include, but are not limited to:

- ordering liquor and maintaining inventory;
- employing staff to work in the establishment; and,
- marketing activities related to the operation of the business.

Although appointment of a third-party operator does not remove legal liability from the licensee, a third-party operator is subject to the same “fit and proper” criteria as discussed in section [10.2](#). Additionally, corporate third-party operators are subject to the same requirements to report changes as discussed in section [10.7](#).

[*Liquor Control and Licensing Act*, section 18(1) and (2); Liquor and Cannabis Regulation Branch Policy]

### 10.9.1 Acting on behalf of the licensee: Licensee Representative

To provide flexibility and convenience, licensees have the option to authorize one representative per licence to take specified actions on the licensee’s behalf and to legally bind the licensee in respect of those matters. Examples include communicating with the Branch, signing a licence change application, and attending enforcement hearings. Licensees who wish to authorize a representative must submit a notification form (at no cost) to specify the responsibilities assigned to the licensee representative. The representative holds those responsibilities until the licensee instructs the Branch to remove them as the representative.

[Liquor and Cannabis Regulation Branch Policy]

### 10.9.2 Communicating with the Branch

To protect applicant and licensee privacy, the Branch will only share information related to an establishment or licence with authorized individuals: the applicant, the licensee, or a licensee’s representative if they have been authorized to obtain licence information from the Branch.

# SECTION 11: Local Government, First Nation, and Community Input

## 11.0 Introduction

Local governments and First Nations (LG/FN) are often in the best position to consider the effects of liquor licensing on the community. Therefore, legislation provides for LG/FN involvement in the application process for certain licence applications and amendments, including:

- Liquor primaries
- Food primaries (in certain circumstances)
- Manufacturer lounges
- Manufacturer special event areas
- Rural Licensee Retail Stores

If the legislation requires the applicant to notify the LG/FN of an application, the LG/FN has the option of providing input or opting out.

If the LG/FN chooses to participate in the process, the policies below address the role of LG/FN in different types of applications, including the steps LG/FN must take in assessing applications. The policies also address how the Branch receives and considers comments and recommendations from LG/FN.

Communities vary widely and sometimes it is not appropriate or possible for LG/FN to comment on applications. The policies below also include an outline of the process for LG/FN to opt out of participating in the process, and for local governments to delegate authority on providing comments and recommendations to the Branch.

The intention of the policies in this section is to provide a framework for a close working relationship with the Branch and local communities and to provide guidance for LG/FN on the available options for providing input on applications.

### Policies

## 11.1 Determining Occupant Load

Occupant load is normally determined by fire and/or building authorities, in keeping with local government bylaws (such as the Vancouver Building Bylaw). See SECTION 14: Occupant Load and Capacity section [14: Occupant Load](#) for more information on obtaining occupant load, and for more information on floor plans see section [12](#).

[Liquor Control and Licensing Regulation, section 145]

## 11.2 Application Conditions that Require LG/FN Notification and Community Input Process

### 11.2.1 Liquor primary licences (including clubs)

For liquor primary applications, the applicant must notify the LG/FN as part of the application process for the following:

- an application for the issuance of a new licence
- an application for any of the following amendments:
  - Converting a liquor primary club licence into a liquor primary licence;

- Adding or increasing the size of a temporary use area endorsement (for a golf course or a ski hill only);
- a permanent extension of hours of liquor service;
- a permanent increase in the person capacity of a service area;
- the permanent addition of a patio; and
- the permanent relocation of the establishment of a new location

[*Liquor Control and Licensing Act*, section 38(1); *Liquor Control and Licensing Regulation*, sections 71(1) and (2)]

### 11.2.2 Manufacturer licences

Applicants applying for lounge or special event area endorsements on a manufacturer licence must notify the LG/FN as part of the application process.

Manufacturer licensees with an existing lounge or a special event area endorsement must notify the LG/FN if they apply for any of the following amendments to the licence:

- a permanent extension of hours of liquor service for the service area under the endorsement;
- a permanent increase in the person capacity of the service area under the endorsement; and
- the permanent addition of a patio.

If the applicant requesting a lounge or special event area endorsement already holds another manufacturer licence at the same site that is already endorsed for the same area, notification to the LG/FN is not required. The reason for this exception is because the second endorsement does not change the footprint, hours, or the impact of the establishment on the community.

[*Liquor Control and Licensing Act*, section 38(1); *Liquor Control and Licensing Regulation*, sections 71(1), (4), (5) and (8)]

### 11.2.3 Food primary licences

For food primary applications, applicants who apply for any of the following must notify the LG/FN as part of the application process:

- adding or increasing the size of a temporary use area endorsement (for golf courses and ski hills only);
- extending liquor service hours past midnight; and
- adding patron participation entertainment (e.g. dancing, karaoke).

[*Liquor Control and Licensing Act*, section 38(1); *Liquor Control and Licensing Regulation*, sections 71(1) and (3)]

### 11.2.4 Rural Licensee Retail Stores

The Branch will notify the relevant LG/FN of an application for a new RLRS once the Branch has confirmed the applicant has met all other requirements set out in [Section 6: Rural Licensee Retail Store Licence](#).

If an LG/FN opts to provide comments and recommendations on an application, they must comment, in writing, on

- whether the residents and LG/FN support the sale of liquor by the general store; and
- provide a description of the method used to gather those views.

As RLRS locations are restricted to moves within the existing community, LG/FN notification of a relocation application is not required.

## 11.3 Application Submissions to LG/FN Requiring the Community Input Process

### 11.3.1 Initial submission of the application

The applicant is responsible for submitting the required components to the LG/FN before submitting their application to the Branch. The required components include:

- The entire application package, except:
  - corporate documentation, and
  - the information relating to applicant suitability (i.e., completed criminal record and judicial matters check and the Personal History Summary form).

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Applicants are encouraged to familiarize themselves with LG/FN requirements before applying.

Once the applicant completes the application via the online portal, the application is automatically forwarded to the LG/FN. If the LG/FN decides to consider the application, the LG/FN will “accept” the application via the online portal. Accepting the application initiates a 90-day period for the LG/FN to gather input and provide comments to the Branch.

Throughout this process, both the Branch and LG/FN will maintain open communication and inform each other of any issues, clarifications, or changes to the application.

[*Liquor Control and Licensing Act*, section 38(1); *Liquor Control and Licensing Regulation*, section 71(6) and (10)]

### 11.3.2 Applicant suitability issues

In some cases, the Branch may determine that an applicant is not suitable to hold a licence. This may be because of a history of serious or recent criminal or unlawful activity, or other issues.

To prevent unnecessary consideration of an application where concerns have been identified that will likely lead to an application being denied, the Branch will notify the LG/FN as quickly as possible. The LG/FN may choose to withhold their comment until the Branch has made a final decision regarding the applicant’s suitability.

[*Liquor Control and Licensing Act*, section 13(1)]

## 11.4 Completing the Community Input Process Where LG/FN opts In

Note: LG/FNs must complete both the public input process (part 1) and provide comments (part 2) in order to participate in the decision-making process. LG/FNs that do not complete both parts of the process will be considered to have opted out (see section [11.8](#)).

### 11.4.1 Requirements for gathering public input

The views of local residents may be gathered either by conducting a public hearing, posting site signage, conducting a mail-out to residents, and/or any other method the LG/FN considers appropriate.

The public input process is required unless there are no residents in the area that in the opinion of the general manager may be affected by the proposed establishment or licence amendment.

The LG/FN must ensure the method they choose:

- is fair and equitable to both the residents and the applicant;
- provides all nearby residents with reasonable notice and opportunity to comment;
- avoids bias;
- is appropriate to local circumstances; and
- provides sufficient information for residents to understand the nature of the application including:
  - the type of licence or licence change
  - the proposed person capacity and/or hours of liquor service, if applicable.

The LG/FN may combine this process with the public input process for considering a rezoning application for the proposed site, as long as the input process provides sufficient detail about the proposed establishment or licence change as noted above (see [11.5.1](#)).

[*Liquor Control and Licensing Act*, section 38(3) (c); *Liquor Control and Licensing Regulation*, sections 71(8) and (9) (c) and (d)]

#### 11.4.2 Requirements for providing comments and recommendations to the Branch

If an LG/FN wants to provide comments and recommendations on an application, they must consider:

- the location of the proposed establishment, event site, or service area;
- the person capacity; and
- the hours of liquor service.

If an LG/FN wants to provide comments and recommendations on an application, they must comment, in writing, on:

- the impact of noise on the community in the immediate vicinity of the establishment or event site (in the case of a temporary use area application) or service area (in the case of a manufacturer lounge or special event area); and
- the general impact on the community if the application is approved; and
- in the case of a food primary, whether the application for hours after midnight or patron participation may result in the focus of the establishment shifting away from food service.

Recommendations to the Branch must include whether the application should be approved or rejected and must include the reasons on which those recommendations are based.

If an application will affect nearby residents, local governments must also:

- comment on the views of local residents; and
- provide a description of the method used to gather those views.

The Branch can only consider LG/FN input if the LG/FN has completed both:

- Part 1: a public input process (unless there are no nearby residents who may be affected) and
- Part 2: provided comments to the Branch.

If the LG/FN is not prepared to do the complete process, the Branch will conclude that the LG/FN has opted out (see section [11.7](#)).

Comments and recommendations must be provided to the Branch within 90 days (for information on extensions, see section [11.4.4](#)) after the local government signs the initial application form acknowledging the receipt (see examples of comments in Appendix 1).

Comments and recommendations must take the form of a resolution (see Appendix 1 for a sample resolution and template), unless the LG has delegated this authority (see section [11.6](#)).

If multiple applications are being considered for the same site, the resolution or letter must speak to all criteria for each application.

[*Liquor Control and Licensing Act*, section 38(3); *Liquor Control and Licensing Regulation*, sections 71(7), (8), (9) and (10)]

### 11.4.3 Imposition of fees by local government

Local governments may impose fees, by bylaw, on applicants for costs incurred in providing comments and recommendations on an application. Fees may vary for different types of applications and for different methods used to conduct the assessment of the application.

[*Liquor Control and Licensing Act*, section 41]

### 11.4.4 Timeframe for LG/FN to provide input to the Branch

If an LG/FN chooses to provide comments and recommendations to the Branch, they must do so within 90 days of receipt of the application. The 90-day period begins once the LG/FN signs and dates the application form.

If additional time is needed to provide the input, such as the additional time required to complete the rezoning process, the LG/FN must submit a written request for an extension to the Branch. The Branch may authorize an extension after considering:

- the reasons for the request;
- the proposed date by which comments will be provided;
- any adverse effects the applicant may experience if an extension is authorized;
- whether the circumstances of the delay relate to the specific application under consideration or whether they suggest a general pattern of delay for all applications in the area; and
- any other factors that may be relevant in the public interest.

The Branch will issue decisions on extension approvals in writing. If the Branch determines that delays are unreasonable, the Branch may opt to complete the process of community input for that application.

If the applicant is not providing the LG/FN with the information they need to be able to consider the application, the LG/FN is asked to notify the Branch. Applications will be terminated if the applicant does not take the necessary steps to proceed with the application.

[*Liquor Control and Licensing Act*, section 38(3) (b)(ii); *Liquor Control and Licensing Regulation*, section 71(10)]

## 11.5 Other Application Conditions that Require LG/FN Input

### 11.5.1 Zoning

Applications can only be approved if proper zoning is in place.

If the Branch receives written notification from an LG/FN that an existing licence does not have appropriate zoning, a business licence or any other permission required by LG/FN to operate the establishment, the Branch has authority to suspend or cancel the licence.

If rezoning is required for an application to proceed, the LG/FN may want to address zoning prior to considering an application. In these situations, the LG/FN would not sign the liquor licence application. When and if zoning is approved, the LG/FN would sign the application, initiating the 90-day timeframe (see section [11.4.4](#)).

If the LG/FN wants to consider zoning and liquor licensing at the same time, the LG/FN would sign the application and inform the Branch that rezoning is required. The public input process can address both zoning and liquor licensing at the same time as long as the input process provides sufficient detail about the proposed establishment or licence change (such as changes to hours, capacity, location, etc.).

### Retail store relocations

For retail store relocations, LG/FN input is limited to zoning only.

Applicants for a wine store or special wine store relocation are required to provide evidence that zoning is either in place or that an application for rezoning at their proposed location has been submitted and is under active consideration by the LG/FN.

To prevent licensee retail stores from place-holding sites within a desired area, applications for a licensee retail store relocation will not be accepted by the Branch if they are submitted within 3 months of a previous relocation application.

Proof of zoning is required before approval in principle can be granted. Applicants have 12 months from the date approval in principle is granted to provide proof that appropriate zoning is in place.

[Liquor Control and Licensing Regulation, section 75(2)]

### Picnic area endorsements

Applicants must declare that they have proper zoning for picnic area endorsements at a manufacturing site (for both new applications and amendments).

### Objection/No Objection process

In certain circumstances, staff from an LG/FN will be asked if they have objections to a licence amendment application. This process is not required to be completed by the council or LG's formal delegate.

In these cases, the LG/FN is not required to complete the two-part process described in section [11.4](#). Instead, the LG/FN or a staff member may provide written comments indicating whether it objects to a proposed amendment.

The Branch will take any comments into account when determining whether to amend a licence.

The following application types follow this process:

#### Applications for permanent amendments, including:

- Adding liquor service during films and broadcasts for a licensed live event theatre
- Relocating an LP on or very close to an existing site
- Relocating manufacturer lounge & SEA on or very close to an existing site
- Adding hawking for a Stadium

- Making permanent changes to terms and conditions on LP licence in certain circumstances as determined by the Branch.

Applications for temporary amendments:

Temporary changes	LP (including LP club)	Manufacturer Lounge and Special Event Area	FP
Hours of liquor service	✓	✓	✓ (for hours past midnight)
Patron Participation Endorsement	N/A	N/A	✓
Extension to service area	✓	✓	N/A
Temporary changes to a specific term and condition	✓	✓	✓

### 11.6 Delegation of Community Input Process

To provide flexibility, a local government (LG) may delegate the authority to provide comment on some or all types of applications that would otherwise require a resolution. The delegation must comply with applicable local government legislation.

**Note:** First Nations are not eligible to delegate authority for liquor licensing matters.

The delegation can be general (e.g. all liquor licensing matters) or very specific (e.g. all applications to extend closing times up to 2 a.m., or all applications where public input resulted in no more than five letters of opposition). The level of delegation is at the discretion of the LG.

The following table shows the various types of LGs and details the delegation process for each.

Type of Local Government	Legislation	Decision-making body	Mechanism for delegation	Permitted delegates	Required documentation to show delegation
Municipal Government	<i>Community Charter</i> , [section 154]	Municipal Council	Bylaw	a) council member or council committee,  b) officer or employee of the municipality, or  c) another body established by the council	Copy of bylaw

Local trust area (island or group of islands)	<i>Islands Trust Act</i> , [section 10]	Trust council	Bylaw	Not specified but subject to any restrictions or conditions specified in the bylaw	Copy of bylaw
Regional District	<i>Local Government Act</i> , [sections 229, 230]	Regional District Board	Bylaw	a) a board member or board committee, b) an officer or employee of the regional district, or c) another body established by the board	Copy of bylaw
City of Vancouver*	<i>Vancouver Charter</i> , [section 161]	City Council	Vote	A committee comprised of: a) members of the council, b) employees of the city; or c) members of the council and employees of the city	Copy of minutes from meeting where council voted to delegate their powers

\*The City of Vancouver has assigned the chief licence inspector the executive or administrative power of council to provide comments and views of residents to the general manager for new food primary licence applications and all other licence amendments (see section 269 of the *Vancouver Charter* and section 9A.1 of License By-law No. 4450).

An LG that has delegated authority should send a copy of the delegation to the Branch at [LCRBliquor@gov.bc.ca](mailto:LCRBliquor@gov.bc.ca) describing the parameters of the delegation. If delegation has occurred, the LG may provide comments and recommendations to the Branch in the form of a letter from the delegated body. The delegated body is required to complete both parts of the community input process (see section [11.4](#)).

The Branch will review delegated authorities to ensure the delegation is done according to the relevant LG legislation.

An LG must also ensure that there is a process in place for the reconsideration of delegated comments by the LG council or board, as the case may be. Unsuccessful applicants must be advised of the right to request reconsideration, including how to apply.

[*Liquor Control and Licensing Act*, section 40]

## 11.7 Application Process Where LG/FN Opt's Out

### 11.7.1 Application process where the LG/FN chooses to opt out

If the LG/FN chooses to opt out of providing input on specific applications, they should indicate this by selecting "Opt-Out" via the [online portal](#). LG/FNs are encouraged to decide as soon as possible if they are opting out to avoid unnecessary delays for the applicant. Ideally, this should be done within 30 days of receiving the application.

Where an LG/FN has opted out, the Branch will complete the community input and comment process that would otherwise have been completed by the LG/FN (see [11.4](#)). The Branch may also request additional information from staff of the LG/FN to determine if it would be in the public interest to approve the application.

The applicant must pay any costs incurred to obtain the views of residents.

[*Liquor Control and Licensing Act*, section 38(2); *Liquor Control and Licensing Regulation*, section 71(9)]

### 11.7.2 Application process where the LG/FN input is incomplete

**LG/FNs must complete both the community input and comment process, otherwise they will be considered to have opted out.**

The Branch can only consider LG/FN comments if the LG/FN has also conducted the public input process. This is to ensure that comments are informed by the public's input. An exception to this requirement is made if there are no residents in the area of the proposed establishment. Similarly, where an LG/FN has conducted public input, they must also provide comments on the regulatory criteria.

If the community input process is incomplete, and the Branch has been unable to obtain an amended resolution or letter, the Branch will complete both components of the process (see section [11.7](#)).

The Branch may take incomplete information into consideration in making a decision on an application but is not bound by it.

The applicant must pay any costs incurred to obtain the views of residents.

[*Liquor Control and Licensing Act*, section 38(2); *Liquor Control and Licensing Regulation*, section 71(9)]

### 11.7.3 Application process where the LG/FN is the applicant

If an LG/FN is the applicant, the Branch will gather community input and consider the regulatory criteria; the LG/FN is not permitted to conduct public input or provide comments on their own application. This is to prevent conflicts of interest.

The applicant must pay any costs incurred to obtain the views of residents. [*Liquor Control and Licensing Act*, sections 39(1)(c), and (3)]

## 11.8 Providing LG/FN Input to the Branch

The LG/FN input process, including gathering public input and providing comments to the Branch, is an important step in the application process.

### 11.8.1 Impact of a recommendation by an LG/FN on Branch decision

If an LG/FN recommends that a licence not be issued or amended, the Branch is bound by that recommendation and must not issue or amend the licence, unless the recommendation is inconsistent with the public interest or the branch has evidence of bias.

If an LG/FN recommends that a licence be issued or amended, the Branch will take that recommendation into account but is not bound by the LG/FN's recommendation.

[*Liquor Control and Licensing Act*, sections 38(4) and (5)]

### 11.8.2 Conditional recommendation by an LG/FN

In some cases, the LG/FN may want to recommend approving an application provided certain terms and conditions (e.g. limited hours of liquor service) are added to the licence/endorsement. In these situations, the comments should clearly explain the rationale for recommending restrictions.

Under these circumstances, and if the application otherwise meets the Branch's requirements, the Branch will take the recommendations of the LG/FN into consideration when determining the terms and conditions of a licence.

Branch decisions about terms and conditions recommended by the LG/FN will be clearly communicated to both the applicant and the LG/FN.

The LG/FN may also impose other operating rules on the proposed establishment.

through the terms and conditions of the applicant's business licence. In these cases, it would fall to the LG/FN to enforce those rules.

### 11.8.3 Imposition of entertainment restrictions by an LG/FN

An LG/FN may, through a bylaw, restrict or prohibit any or all types of entertainment that would otherwise be permitted under the regulation or the terms and conditions of a licence. In these cases, the local jurisdiction is responsible for enforcing the bylaw. Liquor inspectors do not have the authority to enforce local bylaws.

### 11.8.4 Circumstances under which the LG/FN may be asked for an amended resolution/letter

If the Branch determines that the resolution from the LG/FN does not meet the regulatory criteria, the Branch may ask the LG/FN for additional information, clarification, or a new resolution or letter.

## 11.9 Application Process on Treaty First Nations Land

Treaty First Nations may adopt the provincial model outlined in this section for providing input, or they may develop their own method. Since different nations may have different requirements regarding liquor applications, any applicants on Treaty First Nations land should call the Branch prior to applying.

## 11.10 Branch Assessment Community Input

### Introduction

The factors considered during the assessment of community input for an application relate to the characteristics of the community, the likely impact on the community if the application is successful, and any additional relevant factors. At this stage in the application process, community input has either been obtained from LG/FN, or, if they have opted out, the Branch will step in to conduct this process.

This section covers the Branch assessment of community input where:

- LG/FN opts in, and completes the public input process (if applicable) and provides comment
- LG/FN opts out, and the Branch completes the public input process

## 11.11 Branch Assessment of Community Input (where LG/FN opts in)

### 11.11.1 Branch review of LG/FN recommendation for applications that require community input

For all applications that require the applicant to notify LG/FN (see section 10.2) the Branch will review the LG/FN recommendations to ensure that all regulatory criteria have been met and that the LG/FN has completed both the public input process and provided comments on the required regulatory criteria (for a full description of the requirements, see section [11.4](#)).

LG input may be received in the form of either a resolution of council or a letter from senior staff (if the LG has delegated the authority to comment on applications to staff.)

If an LG/FN has not completed all steps required by the regulation, the Branch may ask the LG/FN for additional information, clarification, or a new resolution. If the LG/FN is unwilling or unable to complete all steps required, the Branch will take over and complete the community input and a consideration of the regulatory criteria (for more information, see section [11.7](#)). This may involve redoing the process, since the Branch is not able to consider partial input from an LG/FN.

[Liquor Control and Licensing Regulation, section 71(9)]

### 11.11.2 Branch decision based on LG/FN recommendation for applications that require community input

For all applications that require the applicant to notify LG/FN (see section [11.2](#)), and the LG/FN has completed all steps required by the regulations, the Branch will review the LG/FN recommendations and make a decision on the Site and Community Assessment. A copy of the decision will be provided to the LG/FN.

In cases where an LG/FN has completed all steps required by the regulation:

- If an LG/FN recommendation opposes the issuance or amendment of the licence or endorsement, the Branch must not issue or amend the licence or endorsement.
- If an LG/FN recommends that a licence or endorsement be issued or amended, the Branch must take that recommendation into account in deciding whether or not to issue or amend the licence but is not bound by the LG/FN recommendation.

In some cases, an LG/FN may support an application as long as certain terms and conditions are attached to the licence. Under these circumstances, the Branch will take the recommendations of the LG/FN into consideration when determining the terms and conditions that will apply. However, the Branch can only do this if:

- the application otherwise meets the Branch's requirements; and
- the Branch has the necessary authority to impose the recommended terms and conditions.

See section [11.8.2](#) for more information on conditional recommendations.

[*Liquor Control and Licensing Act*, sections 38(4) and (5), 39(1)(a) and (d)]

### 11.11.3 Where the branch determines the LG/FN input is not in the public interest

If the Branch determines that an LG/FN has made recommendations that are not in the public interest, the Branch will either deny the application or approve the application with appropriate terms and conditions or restrictions.

[*Liquor Control and Licensing Act*, section 39(1)(a)(ii)]

## 11.12 Branch Assessment of Community Input (where LG/FN opts out)

### 11.12.1 Where the branch will complete community input process

The Branch will complete the community input process required for the application if an LG/FN:

- has opted out of providing comment on an application; or
- has failed to comment on all the criteria required by the regulations (in some cases, the Branch may ask for an amended resolution, see section 10.8.4); or
- has failed to gather the views of local residents (unless there are no residents nearby), or
- is the applicant for the licence in question; or
- cannot or will not provide an amended resolution as requested (see section [11.7.2](#))

[*Liquor Control and Licensing Act*, sections 38(2) and (3) and 39 (1) and (2); *Liquor Control and Licensing Regulations*, sections 71(7) and (8)]

### 11.12.2 Factors considered by the branch in completing community input process

When completing the community input process, the Branch must consider:

- the location of the proposed establishment, event site, or service area;
- the person capacity; and
- the hours of liquor service.

The Branch must also consider the views of residents and will direct the applicant to complete this process using any method the Branch considers appropriate. The most common methods are requiring the applicant to post a public notice of application at the site requesting public comments, or by placing newspaper advertisements. Specifics of any signage and timeline requirements will be provided to the applicant for each individual application (see section “Form and Manner of community input” [11.12.3](#)).

The Branch will ask LG/FN staff for information to assist in the process of considering whether to issue or amend the licence/endorsement, including factors which may impact noise or the potential for community disturbance.

During the community input assessment, branch staff may also identify features of the establishment or other potential concerns that may warrant additional terms and conditions being added to the licence.

[*Liquor Control and Licensing Act*, sections 19(1), 39(1)(d) and (e), 39(2); *Liquor Control and Licensing Regulation*, section 71(7)]

### 11.12.3 Form and manner of community notification

Meaningful community input must allow for reasonable notice of the application to the public and provide residents affected by an application sufficient time to respond. In the event that the Branch steps in to complete the community input stage of the application process, the applicant will be instructed to provide reasonable public notice in one or more of the following ways:

- by posting a public notice of intent sign on the site; and/or
- by placing advertisements in local newspapers; and/or
- any other notification methods that may be directed by the Branch.

For signage requirements, the Branch will provide applicants with specific instructions on requirements such as wording, signage size, and signage location. Signs must be posted for 30 days to allow the community sufficient

time to provide input. At the time of posting, applicants must take photographs of the signage and submit them to the Branch. Photographs must show both the wording on the sign and its location on the site.

When newspaper advertising is required, the Branch will provide applicants with specific instructions on requirements such as wording, and frequency of the advertisements. Once the advertisement has been posted, applicants must submit the wording and dates to the Branch.

If the advertisement or sign contains errors or omissions, or is not consistent with the Branch's requirements, the Branch may require the applicant to redo the notification process.

#### **11.12.4 Costs incurred in community notification**

Costs incurred by applicants in obtaining community input must be paid by the applicant.

*[Liquor Control and Licensing Act, section 39(3)]*

#### **11.12.5 Factors considered in reviewing community input**

Written comments in response to community notification will be accepted by the Branch during the notification period and up to one additional week following the end of the public notification period. Petitions and form letters will not be accepted or considered by the Branch.

In the event that a public notice of intent sign is used to obtain community input, only the views of residents within a 0.8 kilometre (0.5 miles) radius of the proposed site will be considered. Where there are few, if any, residents within this radius, the Branch may decide to either increase the public notification radius or may waive the community input requirement. The decision will be based on the individual circumstances of each application.

#### **11.12.6 Branch decision based on community input**

If the Branch provides an opportunity for residents to submit their views, and the majority of residents within a 0.5-mile radius do not support the application, the Branch must not issue or amend the licence.

If the majority of residents support an application but there are other public interest factors, the Branch may refuse to approve the application or approve the application with terms and conditions or restrictions on the licence.

*[Liquor Control and Licensing Act, section. 39(4)]*

### **Appendix 1: Example of Resolution Comments for a New Liquor Primary Application**

The following provides an example of the type of e comments that local governments/First Nations might provide for a liquor primary application. Comments may be a mix of positive, negative and neutral observations relevant to each piece of criteria. The final recommendation is the result of balancing these "pros and cons."

If the comments refer to a staff report, the staff report must be attached.

#### **The impact of noise on the community in the immediate vicinity of the establishment**

Noise is not expected to be an issue because of the establishment's size and closing hours. The location is a commercial area that is removed from nearby residences, and it is suitable for a late-night entertainment venue where some street noise at closing time can be anticipated.

#### **The impact on the community if the application is approved**

If the application is approved, the impact is expected to be positive in that it will support the growth in tourism and offer a new social venue for residents. The maximum person capacity of 150 with closing hours of 2 a.m. Tuesday

through Saturday and midnight on Sunday and Monday is acceptable. A larger capacity or later hours is not supported given the low number of police on duty at that time.

**Council’s comments on the views of residents**

A total of 11 responses were received from nearby residents. Eight were in support of the application, citing the creation of additional jobs and a new entertainment venue as their primary reasons. Three letters were received in opposition to the application, citing concerns about noise and increased risk of drunk driving.

**Description of method used to gather views of residents**

The views of residents within one kilometre of the proposed establishment were gathered through written comments received in response to a public notice posted at the site and newspaper advertisements placed in two consecutive editions of the local newspaper. Residents were given 30 days from the date of the first newspaper advertisement to provide their written views. Residents were also given an opportunity to provide comments at the public meeting of Council held on (date).

**Council’s recommendation and rationale**

Council recommends the issuance of the licence. Council believes most residents in the area support the issuance of the licence, provided the closing hours are no later than 2 a.m. The establishment will create new jobs and provide a new entertainment venue that is needed in this area. The 2 a.m. closing time is consistent with other licensed establishments in the area and noise is not expected to be an issue.

**Appendix 2: Resolution Template**

RE: [Describe type of application, address and establishment name or proposed name].

At the [council/board] meeting held on [date], the [council/board] passed the following resolution with respect to the above-referenced application:

“Be it resolved that:

1. The [council/board] has considered the following\*:
  - The location of the establishment
  - The person capacity and hours of liquor service
2. The [council’s/board’s] comments on the prescribed criteria are as follows: [Comment on the following]

Criteria requiring comment	Guidance
The impact of noise on the community in the vicinity of the establishment.	Comments should be made in relation to potential impacts on the community in the vicinity of the establishment (or

<p>The general impact on the community if the application is approved.</p>	<p>proposed establishment) if the new licence or licence change were to be approved.</p> <p>Comments should be made in the context of the considerations below (see footnote), and speak to:</p> <p>the impact of noise</p> <p>the general impact (impacts beyond noise).</p>
<p>For a food primary licence only:</p> <p>Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose.</p>	<p>Food primary establishments must always maintain a primary focus on food when liquor is being served.</p> <p>Comments should speak to whether approval of the application may result in the food primary operating contrary to this (e.g. being operated more like a liquor primary, such as a nightclub or pub).</p>

3. The [council’s/board’s] comments on the views of residents are as follows: [describe the views of residents and the method used to gather the views].

4. The [council/board] [recommends/does not recommend] the [issuance of the licence/ approval of the licence change] for the following reasons: [provide detail]

[Attach reports that are referenced in the comments.]

\* The regulations require that the local government/First Nation consider these factors before providing comment. These considerations provide the context for understanding the potential impact of any new licence or change application. For example, an application for later hours needs to be considered in the context of the establishment’s location and person capacity – as well as the proposed hours – to understand the potential impact to nearby resident

# SECTION 12: Assessment of Floor Plans and Site Plans

## Policies

### 12.0 General Requirements for Floor and Site Plans

Following are the general requirements that apply to all floor and site plans.

A **floor plan** is a document, at least 8.5" x 11", showing a view from above, of the dimensions and relationships between rooms, spaces and other physical features on each floor of a structure. A floor plan for each level of the establishment must be submitted if the proposed establishment has more than one level. Either a hand-drawn or computer-generated plan is acceptable, as long as the plan is drawn to scale and is clear and legible.

A **site plan** is a document, at least 8.5 x 11", showing the layout of the establishment location and surrounding areas. A site plan must show any existing and proposed building footprints, pathways of travel, parking, and landscaping elements. Either a hand-drawn or computer-generated plan is acceptable, as long as the plan is drawn to scale and is clear and legible.

[Liquor Control and Licensing Act, section 12(c)]

### 12.1 Service Areas on Floor Plans

The service area may include:

- Seating areas;
- Interior hallways and stairwells joining one service area of the establishment to another;
- Patios;
- Dance floor/s;
- Stages used for patron seating; and
- Sides of a liquor service bar facing patrons.

The following cannot be included within the service area:

- Dedicated stage area for entertainers;
- DJ booths;
- Swimming pools and hot tubs;
- Ice rinks;
- Public walkways;
- Washrooms;
- Liquor storage areas;
- Liquor free seating (at a stadium);
- Kitchens (unless licensed as part of a cooking school); and
- Exterior stairwells, unless they are connecting two service areas.

In general, one service area may not overlap another service area (there are some exceptions to this rule, including service areas in manufacturing facilities and dual licences). If the floor plans indicate that the proposed establishment will be divided by an area in which liquor may not be sold, served, or consumed, the plans must indicate these as separate areas. Separation policy between service areas and any adjacent or

adjoining establishments, unlicensed businesses, or event sites is discussed in a separate section (see section [13](#)).

[Liquor Control and Licensing Regulation, section 81]

## 12.2 Floor and Site Plan Requirements by Licence Class

### 12.2.1 Food primaries

#### Floor Plan Requirements:

Floor plans must be submitted with the application. The floor plans must be stamped with the occupant load calculation. A licence cannot be issued without a stamped and dated final occupant load issued by the local government or First Nation (for information on occupant load requirements see section [14](#)).

The floor plan must identify all proposed service areas plus the following interior and exterior features of the food primary including:

- Each room or area, clearly showing intended use;
- Washrooms;
- Certain games areas (e.g. billiards tables at a food primary);
- Liquor storage areas;
- Kitchen and kitchen equipment consistent with the preparation of menu items offered;
- Location(s) of any outdoor patio(s);
- Stages;
- Furniture layout of tables and chairs for proposed service areas;
- Stairs and elevators;
- Entrances and exits;
- Liquor service bars or area from which liquor will be served;
- Any physical separation showing boundaries between the proposed service area(s) and any other licensed service areas or unlicensed area(s) (e.g. full or partial height walls, planters etc.); and
- Any other relevant features.

#### Site Plan Requirements:

One site plan must be provided, showing a clear and legible drawing of the restaurant/patio(s) footprint and its relationship to any adjacent or adjoining establishments, unlicensed businesses, or event sites. If the proposed food primary establishment is not a standalone building and there are any adjacent or adjoining establishments, unlicensed businesses, or event sites, applicants must also submit a site plan showing the relationship of these other areas to the area proposed for licensing. Separation requirements are discussed in section [13.1](#).

The site plan must include all proposed service areas and a representation of any interior or exterior spaces surrounding the establishment, including:

- Labelled building footprints, showing all other areas and any unlicensed businesses;
- Dimensions of each area;
- A description of the type of separation proposed;
- Road access and exits, including any relevant street names;
- Parking lots;

- Public walkways; and
- Landscaping elements.

Branch review of plans:

Plans must show consistency with food primary licence characteristics. Licensing staff will review the layout and plans as follows:

- For conformity with policies for entertainment areas (e.g. sizes and locations of stages, dance floors);
- To ensure a kitchen is located in the establishment and the equipment is sufficient to prepare the menu items offered;
- For line of sight from liquor service bars throughout the service areas;
- For conformity with policies for adjoining and adjacent licensed and unlicensed areas (see section [13](#)) and patio requirements (see section [16](#)); and
- For conformity with furnishing and equipment policies (i.e., chairs, stools, tables or counters adequate for dining).

[*Liquor Control and Licensing Act*, section 12(c) and 15; *Liquor Control and Licensing Regulation*, section 81]

### 12.2.2 Liquor primaries (including LP Clubs)

#### Floor Plan Requirements

Floor plans must be submitted with the application. Floor plans must be stamped with the occupant load calculation for the proposed service areas (see section [14](#) for more information). A licence cannot be issued without a stamped and dated final occupant load.

The floor plans must identify all proposed service areas plus the following interior and exterior features of the liquor primary:

- Each room with labels showing intended use (including proposed unlicensed areas of the establishment);
- Washrooms;
- Liquor storage areas;
- Location of any outdoor patio(s);
- Stairs and elevators;
- Entrances and exits;
- Liquor service bars or areas from which liquor will be served;
- The height and type of any physical separation (e.g. partial/full height walls, planters etc.) showing boundaries between the proposed service area and any other establishments or unlicensed areas;
- Dance floor(s);
- Private dance rooms;
- Stage(s);
- Green rooms;
- Sound or DJ booth;
- If the application includes a catering endorsement, a kitchen is required; and
- Any other relevant features.

Dance floors are not permitted in a concert hall/live event or movie theatre, regardless of size.

For club applications, the plans must identify any areas where members may keep liquor purchased from the licensee for their personal consumption or areas that can be used for alternate purposes (shown on plans as

a green-lined area) at the discretion of the club. For more information on green-lined service areas (where special terms and conditions apply) and how they affect the operation of establishments, please see [3.3.1](#).

#### Site Plan Requirements:

One site plan must be submitted showing the location of the proposed establishment in the larger building, any adjacent or adjoining buildings or establishments, unlicensed businesses, or event sites. The site plan must show the relationship of these other areas to the area proposed for licensing. Separation requirements are discussed in section [13](#).

The site plan must include all proposed service areas and a representation of any interior or exterior spaces surrounding the service areas and establishment, including:

- Labelled building footprints, showing all other areas;
- Dimensions of each area;
- A description of the type of separation proposed;
- Road access and exits, including any relevant street names;
- Parking lots, public sidewalks; and
- Landscaping elements (e.g. pathways etc.).

### 12.2.3 Additional floor and site plan requirements for food primaries and liquor primaries (including LP clubs)

Additional information on floor and site plans is required for certain types of applications. In these circumstances, the applicant must provide the basic information listed above for the food or liquor primary, plus the specific information listed below.

#### Floor Plan and Site Plan Requirements for Stadiums and Theatres:

If the application is for a stadium or theatre, applicants must also identify other relevant features on the plan, including:

- VIP private rooms;
- Causeways and concourses;
- Green rooms;
- Tiered seating;
- Playing surfaces;
- Lobby;
- Dedicated unlicensed seating area;
- Areas for performers and athletes;
- Corporate boxes;
- Banquet areas;
- Other licensed areas, including those held by other licensees; and
- Ramps between seating levels and any associated dining establishments.

Licensing staff will review the proposed liquor primary layout and site plans for:

- conformity with patio policy (see section [16](#));
- conformity with policies for adjoining and adjacent licensed and unlicensed areas (see section [13](#));
- location of “off-sales” (main service bar only), where permitted (see section [3.7.2](#));
- line of sight from liquor service bars throughout the service areas; and
- in the case of LP Clubs, to identify the locations where locker privileges and temporary delicensing

privileges apply (i.e. green-lined areas, see section [3.3.1](#)). Licensees may have one or more green-lined areas; however, the service bar must remain in the licensed (red-lined) service area.

If liquor is to be stored off-site, applicants must also submit the physical address of all storage locations. The Branch requires notification of any changes to off-site storage locations (see [12.6](#)).

[*Liquor Control and Licensing Act*, sections 12(c) and 15]

#### Additional Temporary Use Area (TUA) Endorsement Site Plan Requirements

If the application is for a TUA endorsement (available only for ski hills and golf courses), the site plan must also include the following:

- The exact location of the food or liquor primary applying for the endorsement;
- The exact location of all proposed TUA areas (numbered, if more than one);
- All nearby businesses and residential areas near the TUA locations; and
- The exact dimensions of each TUA location.

If the application is for a TUA endorsement at a golf course, the site plan must also include the following:

- The site plan features as per the golf course requirements below (see below);
- The exact location of each proposed TUA (numbered, if more than one); and
- The exact dimensions (in square metres) of each TUA location.

Licensing staff will review the layout and plans for:

- conformity with policies for adjoining and adjacent licensed and unlicensed areas (see section [13](#)); and
- line of sight from liquor service bars throughout the TUA.

[*Liquor Control and Licensing Act*, sections 12(c) and 15; *Liquor Control and Licensing Regulation*, section 14(2)]

#### Additional Floor and Site Plan Requirements for Motor Vessels

If the application is for a motor vessel, applicants must provide a current Transport Canada Inspection Certificate and must also identify other relevant features on the plan, including:

- Service areas and surrounding features of service area;
- Areas accessible by crew only;
- Marina layout; and
- Moorage location(s).

[*Liquor Control and Licensing Act*, section 12(c)]

#### Additional Floor Plan Requirements for Trains

Floor plans are required for trains, but the specific requirements may vary depending on the configuration of the train carriages. Capacity will be based on seating and crew.

[*Liquor Control and Licensing Act*, section 12(c)]

### Additional Site Plan Requirements for Golf Courses

If the application is for a golf course, applicants must also identify other relevant features on the plan, including:

- Playing area;
- Location of practice areas that are part of the structure, such as the driving range and putting greens; and
- Course layout (i.e., location of all holes, kiosks, take out windows etc.).

[Liquor Control and Licensing Act, section 12(c)]

### Additional Floor and Site Plan Requirements for Standalone Patios (patios with no interior service area)

Standalone patios cannot abut another licensed establishment's service area unless there is a full height wall separating the patio from the other establishment's service area with no access between the two areas. Applicants must also identify other relevant features on the plan, including:

- Kitchen;
- Liquor storage areas; and
- An adjoining permanent structure which is associated with the licence that is affixed to a foundation and is plumbed and wired.

[Liquor Control and Licensing Act, section 12(c)]

## 12.2.4 Licensee Retail Stores, Rural Licensee Retail Stores and Wine Stores

### Floor Plan Requirements

Floor plans must be submitted at the time of application. The floor plans must identify the proposed service area(s) plus the following interior features of the establishment:

- Each room or area with labels showing intended use and dimensions;
- Washrooms;
- Stairs and elevators;
- Entrances and exits (including those used by staff only);
- Liquor storage areas;
- Sales counter and cash register locations;
- Furniture and fixture layout (e.g. coolers);
- Location of tasting areas, demonstration kitchens or test kitchens;
- Non-liquor retail sales areas; and
- Any physical separation between the proposed service area and any other establishments or unlicensed areas.

### Site Plan Requirements:

The site plan must show the store footprint and its relationship to any adjacent or adjoining establishments or unlicensed businesses. Separation requirements are discussed in section [13](#).

The site plan must include all proposed service areas and a representation of any interior or exterior spaces surrounding the establishment, including:

- The location of any other surrounding buildings/businesses, showing the building footprints, type of businesses and building names, and their entrances and exits;
- A description of the type of separation proposed;
- Road access and exits, including any relevant street names; and
- Parking lots.

#### Additional Requirements for Liquor Stores in Grocery Stores (store-within-a-store model)

Stores located within grocery stores must be physically separated from the rest of the grocery store with controlled access and separate cash tills within the liquor store. The same shopping cart may move between the grocery and wine or liquor store where grocery merchandise can be paid for. Liquor must be paid for in the liquor store. The entire perimeter of the service area must be identifiable on the plans. The majority of the perimeter of the service area must be bounded by a fixed and immovable barrier. The barrier must be sufficient to:

- Monitor and control entrance to the store's service area;
- Prevent unaccompanied minors from accessing the area;
- Secure the retail area during unlicensed hours; and
- Identify the main entrance to the service area.

#### Branch Review of Plans:

Licensing staff will review the layout and plans:

- To identify public and non-public access areas;
- For conformity with policies for adjoining and adjacent licensed and unlicensed areas (see section [12](#));
- For conformity with policies around permitted and prohibited associations between licensees and other businesses; and
- To ensure the new location does not include plans for drive-through facilities.

[*Liquor Control and Licensing Act*, sections 12(c) and 15; *Liquor Control and Licensing Regulation*, sections 15(2), 58(1)(a)(iii), 65(2) and (3)]

### **12.2.5 Wine Stores and Special Wine Stores selling wine from grocery store shelves**

Wine stores and special wine stores selling wine from grocery store shelves are not required to submit floor or site plans and may determine the locations of product display areas and up to two tasting areas if tastings will be offered. The product display area does not need to be bounded and may encompass a variety of shelf configurations, such as a small corner of the store, a kiosk, or multiple shelves on one or both sides of an aisle, as long as the following conditions are met:

- All product to which the public has access must be within a contiguous product display area within the grocery store;
- Wine must be secured and inaccessible to the public during unlicensed hours (i.e., when licensed hours do not align with the grocery store's hours of operation);
- Wine inventory must be securely stored within the non-public areas of the store (i.e., stockroom) or in an off-site storage facility; and
- The location of tasting areas must be contiguous to the product display area and must be located within a physical barrier that bounds the area.

The licensee may move the product display area within the grocery store without notifying the Branch, as long as it continues to meet the above-noted conditions.

If liquor is to be stored off-site, applicants must also submit the physical address of all storage locations. The Branch requires notification of any changes in off-site storage locations.

[*Liquor Control and Licensing Act*, sections 12(c), and 15; *Liquor Control and Licensing Regulation*, sections 62(1)(b) and 62(3)(b) and (c)]

### 12.2.6 Manufacturer licences and endorsements

For full details of the licensing requirements unique to manufacturers, please see section [4](#).

#### Floor Plan Requirements

Floor plans must be submitted at the time of application. The floor plans must identify all proposed manufacturing areas, sampling areas and endorsement areas (e.g., on-site store, lounge, special event area, and picnic area) plus the following interior and exterior features of the manufacturing establishment:

- Each room or area with labels showing intended use and dimensions;
- Liquor service bars or area from which liquor will be served;
- Sampling areas(indoors/outdoors);
- Washrooms;
- Kitchen and kitchen equipment;
- Location of patio(s) and special event areas;
- Furniture layout;
- Manufacturing equipment layout in manufacturing area(s);
- Crush pad;
- Entrances and exits;
- Stairs and elevators;
- Laboratories;
- Overlapping areas;
- Any physical separation between the proposed service area(s) and any other service areas, other licences, and/or unlicensed area(s) (including other businesses);
- If no on-site store is being requested, the location of retail point of sale area;
- Outdoor storage tanks; and
- Secure product storage areas.

Floor plans must be stamped with the occupant load calculation for any proposed endorsement areas other than picnic areas and on-site stores (see s. 13 for more information). A licence cannot be issued without a stamped and dated final occupant load.

#### Overlapping areas

Manufacturer licences are unique in that overlap is permitted between service areas and endorsement areas in some cases. Where there are multiple manufacturer licences on the same site owned by the same licensee, there is no requirement to erect walls for separation, and the single licensee may share and move equipment between the licensed areas. However, where there are different licensees or businesses on the same site, there must be full-height wall separation (see section [4.3.1](#)) between them, except between the

manufacturing facilities and an adjacent liquor primary of food primary licence that is held by the same person who holds the manufacturer licence.

Lounge, special event, and on-site store areas may overlap each other and other manufacturer service areas. A special event area may also overlap a picnic area. However, picnic areas may not overlap an on-site store or a lounge patio.

#### Additional floor plan requirements for on-site stores

One on-site store or point of sale area is permitted. Floor plans for the on-site store must include the proposed service area plus the following interior features:

- Sales counters and cash registers;
- Sampling counters; and
- Entrances and exits.

For manufacturers situated on an acreage and/or agricultural land, a sampling area may be in a separate building on the site in conjunction with an on-site store.

#### Additional floor plan requirements for sampling areas

There are no limits on the number of sampling areas.

For manufacturers situated on an acreage and/or agricultural land, a sampling area may be in a separate building on the site in conjunction with an on-site store.

#### Additional floor plan requirements for manufacturer lounges and special event areas (SEA)

Lounge and SEA floor plans must show all service areas and the following details:

- Labels for each room;
- Overlapping areas;
- Patio(s);
- Liquor service bars;
- Dance floor;
- Stage;
- Sound or DJ booth;
- Washrooms; and
- Stairs, entrances, and exits.

Plans must also show the physical separation from unlicensed areas and any other licensed area (see section [13](#)).

For information on occupant load and determining capacity for manufacturer lounges and SEAs, see section [14](#).

#### Additional floor plan requirements for manufacturer picnic areas

A picnic area endorsement may include a single sale area no larger than 300 square metres as well as one or more consumption-only areas. The combined areas must not exceed 1,000 square metres. Each area must have a clear boundary. The site plan must show:

- All proposed consumption-only areas under the picnic area endorsement as well as the sale area if one is proposed
- The location of any service bar that may be used in the sale area
- All buildings and their uses (i.e., storage, manufacturing buildings, personal residence, garage, other businesses, etc.);
- All licensed areas (including other endorsements or licences approved by the Branch);
- Vineyards/orchards/agricultural crops; and
- Private and public roadways and parking areas.

#### Site Plan Requirements

The site plan must include all proposed service areas and a representation of any interior or exterior spaces surrounding the establishment, including the following information:

- Labelled footprints of all buildings on the site and surrounding properties, including the type of business or use, building names, and their entrances and exits;
- The location of agricultural lands (e.g., vineyards, orchards, hives, etc.) if any;
- A depiction of the separation (i.e., full height walls) proposed between any other business on the site and the manufacturer facility and endorsement areas (no public connecting doors are permitted);
- Any surrounding street names;
- Road access/exits;
- Other pathways of travel;
- Parking lots; and
- Landscaping elements.

#### Branch review of plans

Licensing staff will review the layout and plans:

- To assess site considerations to ensure that the manufacturing facility and endorsement areas all appear to be on the same property(s), associated with each other, and separate from any other business (excluding liquor primary or food primary establishments licensed to the same person that holds the manufacturer licence).
- To identify any outdoor areas (such as crush pads and storage tanks) to ensure they are adequately secured and bound;
- To identify any overlaps of endorsement areas with each other or the sampling area(s);
- To identify endorsement areas that serve a single licence and those that serve multiple licences if there are multiple manufacturer licences or a liquor primary or food primary licence on the same site and the licences are held by the same licensee;
- To ensure the picnic area is not adjacent to the service area of a food primary or liquor primary unless the manufacturer licensee is the same person who holds the liquor primary or food primary licence; and
- Where there are multiple manufacturer licences on the same site with the same licensee and one manufacturer licence currently has a lounge or special event area endorsement (SEA) and the licensee is applying for an overlapping lounge or SEA for another licence at that site, to ensure the proposed area has the same exact location and hours as the existing endorsement area.

Inspectors will verify equipment requirements, secure storage, and plans at the final inspection.

[*Liquor Control and Licensing Act*, sections 12(3), and 15]

### 12.2.7 Catering licence

Applicants for a catering licence are not required to submit floor plans as part of the application.

[*Liquor Control and Licensing Act*, sections 12(3), and 15]

### 12.2.8 U-Brew/U-Vin licence

Applicants for a U-Brew or U-Vin licence are not required to submit floor plans or site plans as part of the application.

[*Liquor Control and Licensing Act*, sections 12(3), and 15]

## 12.3 Plan Changes During the Application Process

Once submitted, floor plans may not be changed substantially during the application process. If significant changes to the floor plans or site plans are needed after the plans have been approved in principle, the applicant may be required to submit a new application.

For licensee retail stores, any changes affecting the location of the main entrance to the store after plans approval has been granted could have an impact on eligibility (due to the distance requirement) and are likely to require a new application (for more information on LRS eligibility, see section [5](#)).

[*Liquor Control and Licensing Act*, section 15]

## 12.4 Plan Approval Required Prior to Construction

For structural changes to existing licensed areas, the applicant **must** apply for a structural change and obtain floor plan and/or site plan approval from the Branch before any construction begins in a service area. A structural change application is required prior to making a:

- Structural change to a service area;
- Structural change to any other part of the establishment that will affect the operation of a service area;  
or
- Change to the location or size of the manufacturing facility or storage area in a manufacturing establishment.

A structural change application is not required for cosmetic changes or any other changes that will not affect the size, location, or operation of a service area.

For more information about structural changes, see section [15](#).

[*Liquor Control and Licensing Act*, section 15, Regulation, sections 79(1) and (2)]

## 12.5 Notification of Approval in Principle

If the plans meet the requirements:

- The service area(s) will be marked on the floor plan;
- The plans will be stamped as approved in principle, until a specified expiry date;
- A copy of the approved plans will be returned to the applicant indicating that construction may proceed,

- subject to any local approvals or permits that may be required;
- The applicant will be notified of the date by which construction must be completed; and
- The applicant will be advised to contact the local liquor inspector to complete the final inspection.

If the plans do not meet the requirements:

- The applicant will be notified in writing as to why the plans were rejected; and
- The applicant will be advised to either revise and resubmit the plans before the expiry date specified by the Branch or submit a new application.

Floor plans that have received approval in principle must be verified by the liquor inspector at the final inspection.

[*Liquor Control and Licensing Act*, section 15]

### 12.5.1 Extensions of approval in principle for floor plans

If an applicant is unable to complete construction within the timelines specified by the Branch, the applicant may apply for an extension. When granting approval for an extension, the Branch may request evidence, including photos, to determine the status of construction.

Written requests for extensions to approval in principle will only be considered if received before the deadline indicated in the approval-in-principle letter and must contain reasons for the request.

If the applicant fails to request an extension within the permitted time frame, or if the requested extension is not justifiable, the application will be terminated on the expiry date specified by the Branch.

## 12.6 Off-site Liquor Storage

There is no restriction on the number or type of off-site storage locations (e.g. storage unit, licensed establishment or warehouse) for an establishment; however, all liquor must be securely stored.

If liquor is to be stored off-site, applicants must also submit notification of the physical address of all storage locations. The Branch requires notification of any changes in off-site storage locations.

Off-site liquor storage is not permitted for caterers and U-Brew/U-Vin (Ferment-on-Premises) establishments.

[*Liquor Control and Licensing Act*, section 15(2)(m)]

## SECTION 13: Adjoining Areas

### 13.0 Introduction

The Liquor and Cannabis Regulation Branch's mandate is to oversee licensees and the operation of establishments. This chapter addresses issues related to the physical placement of service areas in licensed establishments in relation to their unlicensed areas. Physical characteristics of an establishment affect how well licensees and their staff can manage areas licensed for the sale, service, and consumption of liquor.

**“Establishment”** - a place, premises or vehicle that is the subject of a licence;

**“Service area”** - an establishment or event site or that part of an establishment or event site where a licence, permit or authorization allows liquor to be sold, served, or consumed.

[*Liquor Control and Licensing Act*, section 3(3)(b)]

### 13.1 Separation from Adjoining Areas

#### Policies

Every licence is required to have the service area satisfactorily separated from any adjacent areas, including other service areas under the licence, areas that are unlicensed, and areas that are the subject of a different licence. This policy is designed to address concerns that arise when a licensed establishment adjoins or shares facilities with another, particularly, the issue of public access between areas and the effects upon the licensee's ability to manage and control the licensed area. This section focuses on the considerations made in any decision to approve adjoining premises and on establishing the policy for combinations of licensed and unlicensed premises that have not been dealt with elsewhere.

When a licensed liquor primary service area adjoins either an unlicensed area or a food primary licensed service area, one of the most significant concerns that must be addressed in the licence terms and conditions is the possibility of access to the licensed area by minors. This includes both physical and visual access to adult-oriented activities that are not considered appropriate for minors. Control of minors and person capacity are also issues when a licensed establishment shares washroom facilities with an unlicensed establishment. For these situations, branch policy is intended to ensure that patrons do not have to pass through the licensed area in order to reach the washrooms. This LCRB policy is also designed to ensure patrons do not carry liquor from the licensed to the unlicensed area.

The rationale for physical and sight separation between two establishments is based on concern for the impact of one type of establishment on the other. Without this separation, it would be difficult for staff and patrons to know where one establishment begins and another ends. Licensees must ensure the areas are distinct and that people know different operating conditions are in effect. Assessing capacity levels also can be problematic without clear physical separation between the two areas. For example, when a pub fills up, patrons might be seated in an adjoining restaurant. Lack of physical separation between the two areas can make it difficult for staff to maintain effective management and control in both licensed areas.

Finally, for shared or adjoining facilities between licensee retail stores or wine stores and licensed or unlicensed areas, the main goal of the policy is to maintain clear separation between the two areas. Effective management and control of the service areas – and staff understanding the rules and responsibilities that apply to them in each area – is better achieved when the areas are clearly distinguishable. At the same time, the Branch is conscious of the cost to licensees of providing facilities (such as kitchens and washrooms) that might reasonably serve both areas.

This section deals specifically with adjoining food primary and liquor primary establishments, and food primary or liquor primary establishments and adjoining unlicensed areas. For specific policy on other adjoining areas, see:

- section [16.3](#), for patios adjoining the licensed areas of liquor primary establishments, food primary establishments, or manufacturer lounges
- section [4](#), for manufacturer lounges with adjoining or overlapping sampling rooms or onsite stores and tour areas that overlap other endorsement areas
- section [8.3.3](#), for catered events
- section [5.4.3](#), for licensee retail stores
- section [7.5](#), for wine stores

[Liquor Control and Licensing Regulation, section 81]

## Policies

### 13.1.1 General considerations in granting approval for shared or adjoining facilities

In some cases, the Branch may allow establishments to share a kitchen, washrooms, and/or lobby entrance areas, or maintain adjoining walls or entrances with other service areas or unlicensed areas. In determining whether to grant approval for shared facilities or adjoining areas, the Branch may consider:

- whether the licensee can maintain effective management and control of the establishment(s);
- whether the size and/or location of the shared facilities negatively impact patrons in adjoining areas; and
- any other factors as may be relevant to public safety and public interest.

[*Liquor Control and Licensing Act*, section 3(3)(b); Liquor Control and Licensing Regulation, section 81; Liquor and Cannabis Regulation Branch Policy]

### 13.1.2 Shared or adjoining facilities between unlicensed areas and food or liquor primary service areas

In determining whether to grant approval for shared or adjoining facilities between unlicensed areas and food or liquor primary service areas, the Branch may consider whether:

- separation between the areas is sufficient to determine a separate occupant load for the service area(s) and to control access so that the licensee may maintain control of the establishment;
- separation between the areas is fixed and immovable to ensure that the size of the service area(s) is maintained;
- dividers or other separation between the areas are sufficient to prevent a line of sight between the areas and exposure of minors to adult oriented activities and entertainment if provided in the unlicensed areas or the liquor primary service area (see [18.2](#));
- the service area is situated so that patrons do not carry liquor through an unlicensed area;
- dividers or other means of separation are designed in such a way that drinks cannot be placed on them or accessed from the unlicensed area; and
- signage is posted informing patrons of areas where they may not take their liquor, as recommended by the Branch.

[Liquor Control and Licensing Regulation, section 81(1); Liquor and Cannabis Regulation Branch Policy]

### 13.1.3 Shared or adjoining facilities between food primary and liquor primary establishments owned by different licensees

Food and liquor primary establishments that are owned and operated by different licensees must maintain a physical separation, with no direct access between the two establishments. Shared service bars are not permitted.

[Liquor Control and Licensing Regulation, section 81 (2); Liquor and Cannabis Regulation Branch Policy]

### 13.1.4 Shared or adjoining facilities between food primary and liquor primary establishments owned by the same licensee

When both establishments are owned by the same licensee, access between the interior establishments is permitted. Separation between the establishments must be sufficient to:

- determine a separate occupant load for each of the licensed service areas;
- prevent the food primary service area from becoming an extension of the liquor primary service area; and
- control access and egress to both service areas, particularly as it pertains to minors accessing a liquor primary.

The Branch may also consider whether:

- separation between the two licensed establishments is sufficient to determine a separate occupant load for each of the licensed establishments to prevent the food primary establishment from becoming an extension of the liquor primary establishment and to control access and egress to both establishments;
- separation between the areas is fixed and immovable to ensure that the size of the service area(s) is maintained;
- dividers or other separation between the licensed establishments is sufficient to prevent a line of sight between the establishments and exposure of minors to adult entertainment, if adult entertainment is provided in the liquor primary area (see [18.2.1](#));
- patrons in the food primary establishment have access to washrooms without having to go through the liquor primary establishment or, alternatively, patrons have access to shared washroom facilities from a common interior lobby;
- patrons are able to access the food primary establishment without going through the liquor primary establishment (access to the liquor primary establishment via the food primary establishment is generally permitted); and
- patios in both establishments are clearly separated with no direct access between the two.

Food and liquor primary establishments that are owned and operated by the same licensee at the same establishment may be permitted to share a service bar.

For movement of liquor between food primary and liquor primary establishments, see applicable terms and conditions handbooks.

[Liquor Control and Licensing Regulation, section 81 (2); Liquor and Cannabis Regulation Branch Policy]

### 13.1.5 Separation between an LRS, WS, or RLRS and any other business

The GM may consider some or all of the following when determining if the proposed method of separation between an Licensee Retail Store (LRS), Wine Store (WS), or Rural Licensee Retail Store (RLRS) and any other business meets the policy purpose:

- the method of separation;
- the nature of the adjoining business(es) (e.g., caters to minors);
- how patrons are prevented from entering the other business and accessing products from the other business; and,
- other factors that may be relevant to public safety and interest.

## 13.2 Dual Licensing

A service area may be subject to both a liquor primary and a food primary licence as long as the licences are held by the same licensee. Food primary licensees can apply for a liquor primary licence at the same location to operate as a bar or nightclub after a specified hour. Liquor primary licensees can also apply for a food primary licence at the same location to operate as a restaurant and permit minors without a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor during specified hours. Dual licences are subject to the standard approval processes for both types of licence.

In the case of dual licences, the licences must operate in the same footprint. No physical separation is required, but only one licence may be operative at any given time. When operating dual licences, the FP and LP hours cannot overlap; one licence must have an end time before the other starts. Each licence is subject to applicable policies and terms and conditions.

Dual licensing is not permitted for liquor primary clubs, as these establishments are limited to members only.

[Liquor Control and Licensing Regulation, section 11(4)(b). s. 77]

# SECTION 14: Occupant Load and Capacity

## 14.0 Introduction

### Definitions

“**occupant load**” means the maximum number of persons that are permitted by local authorities to safely occupy a building or a service area in part of a building at any given time.

“**person capacity**” means the maximum number of persons (patrons and staff) permitted by the Branch in a service area at one time.

“**patron capacity**” means the maximum number of patrons allowed in the service area at one time.

### Policy Rationale

Capacity limits in service areas are created to ensure the area can be managed effectively. As with other licensing conditions, capacity limits must consider public safety and potential impacts on the local community.

The sections below detail the considerations and technical requirements of setting the person capacity for new and existing licences. They also outline the policies regarding applications to permanently change a person capacity. “Patron capacity” is an old concept that is no longer applied to new licences. However, licences issued prior to 2002 may still be operating under an assigned patron capacity but must transition to a person capacity, as explained below.

### Policies

## 14.1 Determining Occupant Load

Occupant load is generally determined by fire and/or building authorities, or by local government bylaws. Applicants must take their floor plans and completed application form to the appropriate authority in their local government to obtain an occupant load.

In certain situations, more than one of these authorities will issue an occupant load. If occupant load calculations issued by these authorities differ, the Branch must accept the lowest figure as the final occupant load.

If occupant load is not available from fire and/or building authorities, the applicant must get written verification of this and submit it to the Branch with the application. Where an occupant load cannot be obtained from local authorities, the Branch will accept a calculation made by a registered professional architect or engineer.

Occupant load calculations are required for the following new applications and change applications:

- Food primary and liquor primary licences;
- Conversion of a liquor primary club licence to a liquor primary licence;
- Relocation applications;
- Structural change applications (see section [15](#) for information on structural changes);
- Manufacturer lounge or special event area;
- Standalone patios; and,
- Patios that are part of liquor primary, food primary, or manufacturer lounge or special event areas.

An occupant load must be assigned for each individual service area, including any patios. The occupant load must be stamped directly onto the front of the floor plans and signed and dated by the issuing authority (for floor plan

requirements, see section [12](#)). The occupant load must be current; floor plans stamped with occupant loads dated more than one year prior to the date of submission will not be accepted.

Where an LG/FN is only able to provide preliminary occupant loads, the Branch will proceed based on this information, as long as final occupant loads are obtained prior to approving the application.

Occupant load is not required for the following types of establishments:

- The playing area of a golf course;
- Temporary use area (TUA) applications;
- Other exterior areas which are not covered under the building codes and LG/IN bylaws, such as a mini-golf course;
- Picnic areas, exterior special event areas, and retail stores at a manufacturing site; and,
- All liquor retail stores.

Occupancy on motor vessels and trains are discussed later in chapter.

[Liquor Control and Licensing Regulation, section 72(5) 145]

## 14.2 Setting person capacity

To ensure public safety, the person capacity for a service area must not exceed the service area's occupant load (see section [14](#)). The Branch's determination of person capacity is based on a number of factors:

- Occupant load;
- Comments and recommendations from local government;
- The views of the community; and,
- The capacity proposed by the applicant.

Additional factors that may be considered in the public interest include:

- The location of the establishment, event site, or service area, as the case may be; and
- Whether the proposed capacity would allow the licensee to effectively control and manage the service area.

[Liquor Control and Licensing Regulation, section 72(5)]

### 14.2.1 Application conditions that require establishment of person capacity

Person capacity is set by the Branch. Person capacity may not exceed the occupant load. Person capacity calculations are not required for service areas in all types of establishments (e.g., a liquor retail store). The Branch must establish person capacity for the service areas of the following types of licences and endorsements:

- Liquor primary;
- Food primary;
- Temporary use area on a food primary or liquor primary; and
- A lounge, special event area or picnic area on a manufacturer licence.

A licensee may apply to increase person capacity of a service area in one of the establishment types listed above as long as the proposed person capacity does not exceed the assigned occupant load if there is one.

Occupant load calculations may be affected by certain proposed amendments to a licence (e.g., moving the location of a wall), and the Branch may consider it necessary to establish a new person capacity for that service area.

There is no requirement for the Branch to set person capacity for licensee retail stores, wine stores, special wine stores, catering licences, U-Brew/U-Vin licences, or manufacturer on-site stores, sampling areas, manufacturing areas, or tour areas.

[Liquor Control and Licensing Regulation, sections 72(1), (2), (3) and (5)]

#### 14.2.2 Setting temporary person capacity

For temporary changes to an interior area, the Branch considers occupant load when setting capacity. For exterior areas other than patios, an occupant load is not generally required, and the Branch instead considers the capacity proposed by the applicant.

#### 14.2.3 Setting person capacity for a dual licence

If an application for an amendment to a dual licence is received that has an impact on existing areas which have been assigned a patron capacity, the licensee will be required to submit a structural change application for each licence and the patron capacity of the existing service areas will be converted to a person capacity.

Since occupant load calculations differ based on the type of establishment, it is possible that a different occupant load and therefore different person capacity may be assigned for a dual food primary and liquor primary licence.

[Liquor and Cannabis Regulation Branch Policy]

#### 14.2.4 Setting person capacity for a service area on a vessel

If the service area is in a vessel, person capacity must not exceed total capacity for crew and passengers as set out in the vessel's inspection certificate issued by Transport Canada.

#### 14.2.5 Setting person capacity for a service area for airport lounges

Capacities and safety are mandated and monitored federally by Transport Canada Civil Aviation as set out under Canadian Aviation Regulations.

For post-security airport lounges, occupant loads provided by an architect or engineer may also be reviewed and approved by the airport authority.

#### 14.2.6 Setting person capacity for a service area for trains and train stations

If the service area is in a train, person capacity is determined based on the number of fixed seats and crew. For commuter trains, additional capacity for standing passengers is based on the number of handhold straps provided.

#### 14.2.7 Setting person capacity for manufacturer picnic areas

Occupant load is not required for picnic areas. Existing picnic areas that have been assigned a person capacity of 30 may apply to increase the capacity. Applicants with new applications for picnic areas may propose any capacity. The Branch will consider the potential for causing a disturbance to nearby residents before approving any increases in person capacity.

For overlapping picnic and special event endorsement areas, only one area can be used at any one time and the capacity of the endorsement area being used applies.

### 14.2.8 Setting person capacity for manufacturer lounges and on-site stores

Manufacturer lounges may overlap an on-site store, but maximum combined capacity applies to both areas at all times.

### 14.2.9 Setting person capacity for LP or FP TUA's

Occupant load is not required. The applicant proposes a capacity and the Branch's decision is subject to local government input (for information on the LG/FN approval process see section [11](#)).

### 14.2.10 Setting person capacity for exterior special event areas

Occupant load is not required. The applicant may propose a capacity and the Branch's decision is subject to local government input (for information on the LG/FN approval process see section [11](#)).

## 14.3 Occupant Load Changes Affecting Person Capacity

A local government or First Nation authority may amend the occupant load of a service area. If the revised occupant load is less than the approved person capacity, the Branch must amend the person capacity so that the person capacity does not exceed the occupant load. Where the occupant load exceeds the person capacity, no changes are required to the person capacity; however, the licensee may choose to apply for a structural change to increase person capacity up to occupant load, subject to local government or First Nation approval.

[*Liquor Control and Licensing Act*, section 59(2)(a)]

## 14.4 Applications for Permanent Changes to Capacity

Permanent changes to capacity require an amendment to the liquor licence. Comments and recommendations of the local government or First Nation are required in most instances. An application is required to increase the capacity of a:

- Liquor primary;
- Liquor primary club;
- Food primary and liquor primary TUAs;
- Manufacturer lounge;
- Manufacturer special event area (to increase the size of that area); and
- Picnic areas (for more detail see section [14.2.7](#) above).

In deciding whether to approve a request for a permanent change to capacity, the Branch will generally consider the same factors that are considered for new licence applications.

[*Liquor Control and Licensing Act*, section 59(2); *Liquor Control and Licensing Regulation*, section 72(3)]

## 14.5 Treatment of Existing Patron Capacities

Since December 1, 2002, all new licences have been issued, and will be renewed, with a **person capacity** figure that is equal to or less than the occupant load figure assigned by provincial and local building and fire safety authorities. This figure represents the maximum number of *all* persons (including patrons, staff, and any other persons) permitted in the licensed area.

Prior to December 1, 2002, new licences were issued with a **patron capacity** figure. These older licences will continue to have a patron capacity each time the licence is renewed unless a structural change application is submitted and approved, to convert a liquor primary club to a liquor primary licence or make structural alterations. In this case, a current occupant load is required, and the previous patron capacity will be replaced with an updated person capacity.

If a licensee has multiple service areas operating under a patron capacity and applies to amend only some of the capacities of the service areas, a person capacity will be assigned only for the areas that are the subject of the licence amendment and any other areas that are directly affected. All other service areas will continue operating under the assigned patron capacity unless the licensee requests a conversion to person capacity.

[Liquor Control and Licensing Regulation, section 73]

# SECTION 15: Structural Changes

## 15.0 Introduction

### Policy Rationale

The Branch has a duty to supervise licensees in the operation of their establishments under Section 3 (3)(b) of the *Liquor Control and Licensing Act*. A licensee's ability to responsibly operate their licensed establishment is related to the physical dimensions and layout of the establishment, which can help or hinder staff in effectively managing issues such as over-service and maintaining control of the establishment. Changes to the person capacity can also have an impact on public safety and the surrounding community. Consequently, regulations require that licensees get written permission from the Branch before making any structural changes that affect service area(s) of their establishments.

The Branch has developed the following structural change policies to clearly identify the type of proposed physical changes or changes to occupant load and person capacity to an establishment for which Branch approval is required.

### Policies

## 15.1 Definition of Structural Change

A structural change is defined as a physical change to an existing establishment's service area that results in a change to the size, location, or occupant load of a service area, or a physical change to any other part of the establishment that will affect the licensee's ability to manage and maintain effective control of the service area. If occupant load will be affected by the change, revised floor plans stamped with the updated occupant load must be submitted (see section [13](#)).

Applicants for a structural change must submit a brief description of the proposed change(s) that includes the general construction proposal and timeframes for construction. Licensees must receive approval from the Branch before undertaking structural changes. The Branch may refuse to renew, transfer, or amend and may also suspend or cancel a licence if the licensee fails to receive prior approval for structural changes.

Cosmetic changes, including flooring, wallpaper, paint, countertops, etc. or reconfiguring tables and chairs, or changing the type of material used in the perimeter bounding of an outdoor patio, are **not** considered structural changes and do **not** require Branch approval.

While some of the structural change requirements are common amongst all licensee types, some structural changes are only relevant to a particular class of licensee. Therefore, the information below is organized by licence type.

## 15.2 Structural Changes by Licence Class

### Food Primary, Liquor Primary and Liquor Primary Club:

The following is a list of examples of changes to the establishment that require prior Branch approval. This list is not exhaustive but is meant to provide a clear indication of the types of changes for which a licensee is required to seek approval before making the change. Approval is required for:

- Construction of a new building
- The addition or removal of a service area from the liquor licence
- The expansion or reduction of the size of a service area

- A change in the position of **exterior** access and exit points leading to or from a licensed service area
- The addition of a new outdoor patio, or the removal or expansion of an existing patio
- A change to capacity (occupant load) of a licensed establishment with or without changes to the licensed service area(s)
- Any other construction or changes that may affect the ability of a licensee to maintain effective control of their establishment
- A change to an on-site storage facility that results in changes to the size or operation of a service area

If changes to an establishment result in a decreased occupant load of a service area, person capacity must be amended to reflect the change. For any capacity increases proposed as a result of an increase in occupant load, the licensee must submit a structural change application.

If making changes to dual food primary and liquor primary licences, a structural change application is required for each licence.

If changing or replacing a motor vessel or railway car(s), a structural change application is required. If relocating to a new marina, berth or railway station, a relocation application is required (see section [24](#)).

For food primary, liquor primary, and liquor primary club establishments, the following changes **do not** require submission of a structural change application or Branch approval:

- Adding or changing the position or height of a wall, partial height divider (pony wall) or fixed planters that does not change the size or location of a service area
- Changes to the position of **interior** access and exit points leading to or from a licensed service area
- Adding or removing permanent display cabinets, booth seating, stages, or dance floors
- Any other construction or changes where the only impact to liquor service is patron routing or line of sight between a staff control point and the service area of the establishment, as long as they do not impact the ability to maintain control of the establishment.

### Manufacturer:

The following is a list of examples of changes to the establishment that require prior Branch approval. This list is not exhaustive but is meant to provide a clear indication of the types of changes that a licensee is required to seek prior approval for before making the change.

1. Approved Lounge & Special Events Area
  - New construction
  - The addition or removal of a service area from the liquor licence
  - An addition of or change in either the position or height of a wall, partial height divider (pony wall), or fixed planters used as separation between/within a service area
  - The removal or addition of permanent display cabinets, booth seating, stages, or dance floors
  - A change to the food and liquor service bar location or size
  - A change in the position of access and exit points leading to or from a licensed service area
  - The addition of a new outdoor patio, or the removal or expansion of an existing patio
  - A change to capacity (occupant load) of a licensed establishment with or without changes to the licensed service area(s)
  - Any other construction or changes that may affect patron routing, capacity, or the line of sight between a staff control point and the service area of the establishment
  - A change to an on-site storage facility that results in changes to the service area

If changes to an establishment result in a decreased occupant load of a service area, person capacity must be amended to reflect the change. For any capacity increases proposed as a result of an increase in occupant load, the licensee must submit a structural change application.

2. On-site Store Area
  - Changing the position of a wall, floor or ceiling surrounding the service area
  - Changing the position, new construction or removal of fixed articles, such as partial height dividers or walls that increase or decrease the physical space
3. Manufacturing Facility
  - Adding, removing, or changing a sampling area(indoors/outdoors)
  - Changing the manufacturing area, such as adding a new production building on site or changing walls, size of the manufacturing area, or site access.
  - Changing or adding secured on-site storage
4. Picnic Areas
  - Adding, removing or changing size/location/capacity of a picnic sale area
  - Adding, removing or changing size/location/capacity of a picnic consumption-only area

#### Licensee Retail Store and Wine Store:

The following is a list of examples of changes to the establishment that require prior Branch approval. This list is not exhaustive but is meant to provide a clear indication of the type of changes that a licensee is required to seek prior approval for before making the change.

Applicants for a structural change must submit a brief description of the proposed change(s) that includes the general construction proposal and time frames for construction. Types of changes that require an application include:

- A physical expansion or reduction
- A change in the position of a wall, floor or ceiling surrounding a licensed area
- Removal or addition of fixed articles such as a partial height divider, walls, etc. that increase or decrease the physical space
- Any addition of, or changes to, fixed refrigeration units that affect access by consumers to products, such as the relocation or addition of built in or walk in coolers
- A change in the access and exit points leading to or from the licenced area
- A change to an on-site storage facility that results in changes to the service area

### 15.3 Approval of Structural Change

The Branch may approve a request for the structural change of a licensed establishment if the change meets the policies applied during the initial application and would not be contrary to the public interest. Changes will not be approved if they:

- Violate terms and conditions that apply to a particular class of liquor licence and/or a particular establishment; or
- Otherwise interfere with the safe conduct and operation of the establishment.

Applicants must ensure that the proposal does not contravene health, building, fire and other local or provincial government authorities' requirements.

[Liquor Control and Licensing Regulation, sections 79 and 145; Liquor and Cannabis Regulation Branch Policy]

## 15.4 Structural Changes That May Require a New Licence

Occasionally, licensees will request approval for a structural change to expand their service area but the circumstances are such that a new licence or a relocation application is actually required.

A separate liquor licence may be required in the following circumstances:

- The new service area has property between it and the original service area that the licensee does not have a valid interest in or does not appear to be associated with the establishment (see section [16](#)); or
- The new service area has a focus that is not compatible with the licence type; or
- The new service area has a different civic address or legal description than the existing establishment; or
- The new service area is owned by a different legal entity than the original service area.

[Liquor and Cannabis Regulation Branch Policy]

## 15.5 Unreported Structural Changes and Licence Transfers

When a licence transfer application (see section [9](#)) for more information) has been approved, the new owner becomes responsible for the licence, even if unreported structural changes were undertaken by the previous licensee. To prevent this, a new owner may ask for and receive copies of the approved floor plans prior to submitting the licence transfer application to ensure the plan is up to date. Once the new owner of the business is deemed as the licensee, they are responsible for the licence and for any unauthorized structural changes.

[Liquor Control and Licensing Regulation, section 79; Liquor and Cannabis Regulation Branch Policy]

## 15.6 Setting Person Capacity (patrons and staff) for a Structural Change or Change in Size or Location of the Service Area

Once the floor plans stamped with an occupant load from the applicable authority (fire and/or building authorities or by local government) have been provided, and before approving a structural change, the Branch must set or confirm the person capacity of the service area (see section [13](#)) for more information on setting person capacity). The policies and practices that apply in determining a capacity change are the same as are applied during the initial application.

[Liquor Control and Licensing Regulations, sections 72(1), (3), (4) and (5); Liquor and Cannabis Regulation Branch Policy]

# SECTION 16: Patios

## 16.0 Introduction

### Policy Rationale

Liquor service on a patio may significantly impact facilities, businesses and residents in the immediate vicinity of the establishment. Because of this, licence conditions such as hours of operation, capacity, and entertainment will be considered by the Branch for patio applications.

### Policies

## 16.1 Types of Licences and Endorsements for which Patios are Permitted

The following types of licences may apply for an outdoor patio:

- Food primary licence
- Liquor primary licence
- Manufacturer licence, endorsed with a lounge or special event area endorsement

Patios are not considered for retail stores, which are licensed only for the sale of packaged liquor.

[Liquor and Cannabis Regulation Branch Policy]

## 16.2 Valid Interest for Patios

Applicants for a patio must have [valid interest](#) in the proposed area for the patio – this means that the licensee must have ownership or sufficient control over the proposed patio area such that the licensee can comply with the requirements of the *Liquor Control and Licensing Act*, the regulations, and the terms and conditions of the licence.

Although a patio is a permanent addition to a licence, licensees only need valid interest for the patio area when the patio is in operation. For example, if a licensee only intends to sell and serve liquor on the patio between April and September, they need only have valid interest for that period.

On application, a licensee may be required to provide evidence of valid interest through documentation. For example, a Certificate of Title demonstrating ownership or an annual lease agreement or confirmation from the owner of the land (e.g., a letter from the local municipality) that the licensee is authorized to use the proposed patio area for the intended periods.

Once a patio area is approved, licensees do not need to reapply annually/seasonally to use the area, nor do they need to provide LCRB with new evidence of valid interest each time they begin to sell and serve liquor on their patio. However, licensees must be able to produce evidence of valid interest when the patio is in use if it is requested (e.g., during an inspection).

[LCLA section 19 (3) (b) (i)]

## 16.3 Local Government/First Nations Role in Approving Patios

In determining whether to designate the outdoor patio of a liquor primary establishment or a manufacturer lounge or special event area as an area of the establishment in which liquor will be consumed, the factors considered will include comments and/or recommendations made by a local government or First Nation regarding the following:

- The impacts of noise on the community in the immediate vicinity of the establishment.
- In the case of an application that involves a lounge or special event area endorsement, the impacts of noise on the community in the immediate vicinity of the location of the service area under the endorsement.
- The general impact on the community.

Additional factors that may be considered in the public interest include:

- Whether the licensee can maintain effective management and control of the outdoor patio area;
- Whether the size and location of the outdoor patio negatively impacts surrounding residents and businesses; and
- Other factors that may be relevant in the public interest.

There are circumstances in which the general manager must gather the views of nearby residents of the proposed patio. These circumstances include:

- The recommendation of the local government or First Nation is not in the public interest;
- The local government or First Nation indicates that it does not wish to receive notice of the application; and
- The applicant for the licence or amendment is the local government or the First Nation for the area in which the establishment is proposed to be located or is located.

[*Liquor Control and Licensing Act*, section 38(1) and (3); *Liquor Control and Licensing Regulation*, section 71; *Liquor and Cannabis Regulation Branch Policy*]

## 16.4 Configuration and Location Requirements for Patios

Patios may be configured either as an extension of an interior service area or as a standalone patio with no interior service area for patrons. Regardless of interior seating, the Branch views a patio as an extension of the licence type with which it is associated and the patio must clearly reflect the licence type.

Licensees are responsible for selecting bounding and signage that will enable them to meet LCRB's regulatory requirements.

Patio bounding and signage must clearly demarcate the licensed patio area from any adjoining unlicensed areas and must be sufficient to ensure the licensee is able to meet all regulatory requirements, including:

- Controlling patron entry and exit;
- Ensuring intoxicated persons do not enter or remain in the establishment
- Preventing liquor being removed from the service area or allowing unlawful liquor to enter the service area;
- Ensuring minors are not allowed to purchase or consume liquor; and
- Preventing overcrowding, riotous behaviour and disorderly conduct.

Where bounding does not sufficiently demarcate the service area, the Inspector will work with the licensee to ensure compliance. If contraventions associated with insufficient bounding and signage occur, additional terms and conditions may be applied to the licence to ensure public safety.

Licensees must confirm that the patio, bounding and signage meet the requirements of all other relevant regulators (e.g., local governments, fire authority).

### **Manufacturer licence establishments with patios**

Patios should, whenever possible, be located immediately adjacent or touching the associated interior service area. In certain circumstances, patios may be located away from the interior service area if the patio is clearly associated with the interior area. The patio may not be accessed from another business or licence type.

In establishments where there is no interior service area, the patio must adjoin a permanent structure that is affixed to a plumbed and wired foundation associated with the licence.. The licensee must have valid interest in the patio and the adjoining permanent structure.

Only servers are permitted to carry liquor through unlicensed areas, such as public sidewalks.

[Liquor Control and Licensing Regulation, section 38 (3); Liquor and Cannabis Regulation Branch Policy]

### **Patios in establishments that also have an interior service area:**

Patios should, whenever possible, be located immediately adjacent or touching the associated interior service area. In certain circumstances, patios may be located away from the interior service area if the patio is clearly associated with the interior area. The patio may not be accessed from another business or licence type.

Only servers are permitted to carry liquor through unlicensed areas, such as public sidewalks; however, the patio design must minimize the occasions where servers would be required to pass through unlicensed areas carrying liquor. Patios with an interior service area may have fixed or portable food and liquor service bars.

### **Patios with no interior licensed area for patrons:**

In establishments where there is no interior service area, the patio must adjoin a permanent structure that is affixed to a plumbed and wired foundation that is associated with the licence and the licensee has valid interest in. As with all other types of establishments, the licensee must have valid interest for the licensed area (e.g. adjacent patio). Standalone patios may serve liquor from either a portable service bar or permanent structure.

Food primary establishments with only an outdoor patio must ensure that food is the main focus of the establishment at all times during operating hours and must offer a diverse menu of appetizers and main courses.

The kitchen equipment used to prepare the required menu offerings must be housed in the permanent structure. The liquor must be securely stored within the permanent structure unless the licensee has notified the Branch of an off-site storage location as required.

Liquor primary establishments with only an outdoor patio must make a reasonable variety of hot or cold snacks and non-alcoholic beverages available to patrons. They must also obtain local government input as part of the application process for this licence class.

Access to patios may not be from another business or licence type. Adjoining patios between food primary and liquor primary establishments must be clearly separated with no direct access between the two (see section [13](#)).

[Liquor and Cannabis Regulation Branch Policy]

# SECTION 17: Hours of Liquor Service

## 17.0 Introduction

The hours during which a licensed establishment can sell and serve liquor is a key consideration at the time of licensing and later, as a condition of licensing, it continues to be monitored while the licence is in effect. In addition to the specific details about hours of liquor service, discussion of this topic also provides a good illustration of the site and community assessment factors the Branch and local government or First Nations must consider during the decision-making process.

This chapter includes the following sections:

- Hours of Liquor Service
- Special Events
- Liquor-free Events

## 17.1 Hours of Liquor Service

### Policy Rationale

The hours during which a licensed establishment is open for the sale and service of liquor is one of the factors that has a significant impact on the surrounding residents in a community. For this reason, attention is paid to hours of liquor service in both the legislation guiding liquor licensing and how the general manager exercises discretion in this area.

Section 15 of the Act refers to “in the public interest” and establishes one of the Branch’s most important operating principles. Section 71(8) of the regulations identifies the need for a local government or First Nation to consider the effect of multiple factors attributed to the issuance or amendment of a licence on nearby residents, including the hours of liquor service. Additionally, there is a range of other public interest factors established by branch policy that may also be considered.

For the most part, branch policy considers community characteristics and the potential impact examined during the initial licensing process. By considering these factors, the Branch can accommodate the unique circumstances of the individual case. The Branch can determine the best “fit” between the licensed establishment and the community in which it conducts its business.

The policies below stipulate both the nature of these public interest considerations and the general authority guiding the days and hours of liquor service for licensed establishments. Additionally, there are policies setting out the requirements for temporarily or permanently changing opening or closing hours. The table “Hours of Liquor Service by Licence Type” at the end of this section shows the general hours of liquor service and any limitations or restrictions for a specific class

of licence. The table outlines policy as it is generally applied; however, application may vary depending on the individual circumstances of each licence.

### Policies

## 17.2 General Conditions in Setting the Hours of Liquor Service

Subject to a limitation by the general manager, the days and hours an establishment is permitted to be open for liquor service shall be those established by regulation.

[*Liquor Control and Licensing Act*, sections 38 and 39; *Liquor Control and Licensing Regulations*, sections 71(1), (2)(a),(b)(iii), (3)(a)(ii), (2)(b)(ii), 4(a), (b), (c)(i), (6), (7), (8), (9), and (10).]

### 17.2.1 Factors considered in the public interest in setting the permanent hours of liquor service

The general manager may impose, in the public interest, terms and conditions that may limit the days and hours an establishment is permitted to be open for liquor service. Legislation provides for LG/FN involvement in the application process for the following licence applications and amendments, including:

- Liquor primaries
- Food primaries (with proposed hours past midnight)
- Manufacturer lounges
- Manufacturer special event areas

In determining the days and hours of liquor service, for new and existing licences, the factors considered will include those considered by a local government or First Nation respecting hours of liquor service as follows:

- The location of the service area(s)
- Person capacity of the service area(s)
- Hours of liquor service for the establishment

The local governments must also consider and provide comment on the following:

- The potential for noise if the application is approved;
- The impacts on the community if the application is approved;
- If a food primary establishment, whether the amendment concerning the hours of liquor service may result in the establishment being operated in a manner that is contrary to its primary purpose and, therefore, inconsistent with an establishment primarily engaged in the service of food;
- The views of residents and a description of the method used to gather views; and
- The recommendations, including whether the application should be approved, and the reasons on which they are based.

Additional factors that may be considered in the public interest include:

- Hours of operation requested by nearby licensed establishments
- Ability of the police to supervise the establishment, particularly at closing time
- Availability of public transit options, such as taxis and buses
- Licensee's compliance history, and
- Establishment's history of compliance.

See [11.12](#) for information related to branch assessment of community input.

[*Liquor Control and Licensing Act*, sections 38 and 39; *Liquor Control and Licensing Regulation*, sections 71(1), (2)(a),(b)(iii), (3)(a)(ii), (2)(b)(ii), 4(a), (b), (c)(i), (6), (7), (8), (9), and (10); *Liquor and Cannabis Regulation Branch Policy*]

### 17.2.2 Application of licence amendment policy in temporary or permanent changes to opening or closing hours of liquor service

Both temporary and permanent changes to opening or closing hours require an amendment to a liquor licence. Applications involving the following changes will comply with the regulations and policy for notifying and considering comments from a local government or First Nation, as specified for a licence amendment:

- An extension of hours of liquor service at a liquor primary, liquor primary club, or manufacturer lounge or special event area, or
- Hours of liquor service at food primary establishment ending after 12:00 a.m.

All temporary change applications are subject to policy [17.3.6](#), limiting them to 6 events per year.

[Liquor Control and Licensing Regulation, section 71]

### 17.2.3 Temporary and permanent changes to opening or closing hours of liquor service

On application by the licensee, and in consideration of policies [17.2](#) through [17.2.2](#) and [17.3.6](#), the Branch may either temporarily or permanently amend the term and condition of a licence respecting hours of liquor service to:

- Increase or change the hours of liquor service to a later closing time,
- Increase or change the hours of liquor service to an earlier opening time, or
- Set different hours of liquor service on different days of the week.

[*Liquor Control and Licensing Act*, section 16; Liquor and Cannabis Regulation Branch Policy]

### 17.2.4 Temporary changes to liquor service hours

Licensees may apply to change their hours for events a maximum of six times per year. Examples of this include opening early for a televised sporting event or staying open late for a private function.

Temporary hour changes for manufacturer lounge and special event area endorsements, liquor primary, and food primary establishments requesting hours past midnight are subject to comment from the local government/First Nation.

### 17.2.5 Temporary or permanent hours of liquor service extension - exceptional circumstances

The regulation provides the general manager with authority to extend the liquor service hours of any licence, permit, endorsement or authorization beyond what is set out elsewhere in the regulation (e.g. beyond 4 a.m. and prior to 9 a.m.) if the general manager is satisfied that there are exceptional circumstances and it is not contrary to the public interest.

Approval for established hours outside of the permitted hours may be granted on the following basis:

- Province wide by class, temporary only;
- Region/city wide by class, temporary only; and
- Individual cases, temporary or permanent.

No provincial or regional/city expansion of hours will be granted on a permanent basis. This is because the regulations stipulate the maximum hours of liquor sales and service for licence classes and permits and the Branch will not permanently override the regulations and the supporting legislation on such a broad scale as a regional or provincial basis.

#### 1. For a temporary provincial/regional/city extension:

- It must be for an event of international, national or provincial importance that is also important to a large number of British Columbians either province-wide or regionally/civically
- The use of licensed establishments or special event permits (including the sale and service of liquor) outside the normal hours of liquor service will significantly contribute to the success or enjoyment of the event
- Is unlikely to lead to increased disturbances in the community

## 2. For an individual licence/permit/authorization/endorsement temporary or permanent extension:

- It must be a unique, exceptional circumstances that will have no likely adverse impact on the community and other licensees
- There are compelling reasons to extend hours beyond a licensee/permittee's interest in increasing sales. For example, establishments located post-security at International airports providing service to travellers who are coming from completely different time zones

To apply for extended hours, a request for discretion is required (see request for discretion policy, section [26.4](#)), in addition to the applicable permanent or temporary hours change application.

[Liquor Control and Licensing Regulation, section 138; Liquor and Cannabis Regulation Branch Policy]

### 17.2.6 Variation of hours in areas specified by a local government or First Nation

At the request of a local government or First Nation, and in consideration of the relevant public interest factors in section [17.2.1](#), the general manager may reduce hours establishments are permitted to be open for the sale of liquor throughout an area specified by the local government or First Nation.

If a local government or First Nation chooses to pass a by-law requiring all licensed establishments in a particular area to close at a time earlier than the time listed on their liquor licences, the general manager may amend the terms and conditions of the liquor licences to be consistent with the requirements of the city by-law.

For the general manager to consider the request of a local government or First Nation to reduce the hours establishments are permitted to be open for the sale of liquor, the local government or First Nation must ensure the following:

- Hours will only be rolled back to 2 a.m. and no earlier. Local governments or First Nations who choose to roll hours back to earlier than 2 a.m. will be responsible for enforcement of the earlier closing times.
- Prior to passing a by-law amending hours, local governments or First Nations must provide affected licensees with an opportunity to make submissions.

If the general manager is satisfied that local government has provided licensees with an opportunity for input and has amended its bylaws accordingly, the general manager may write to the affected licensees and advise them that the hours on the liquor licence will be changed within 30 days to be consistent with the local government or First Nation by-law.

[*Liquor Control and Licensing Act*, section 15(2)(a); Liquor and Cannabis Regulation Branch Policy]

### 17.2.7 Hours of liquor service by licence type

#### Liquor Primary and Liquor Primary Club

General Conditions:

- Hours may be approved between 9 a.m. and 4 a.m. of the next day<sup>12</sup>.
- The establishment must be cleared of patrons within one-half hour after the time stated on the licence for the hours of liquor service, unless otherwise approved.

Limitations:

- The establishment may not be used for another purpose between closing (within half an hour after the

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<sup>12</sup> Not applicable to caterer endorsement authorization

- end of liquor service) and 6 a.m. the next day.
- The licensee may deliver liquor no later than 11:30 p.m.

[Liquor Control and Licensing Regulation, sections 10(1)(b) and (2) and 89(a)]

### Food Primary

General Conditions:

- Hours may be approved between 9 a.m. and 4 a.m. of the next day<sup>13</sup>.
- Liquor must be taken from patrons within ½ hour after the time stated on the licence for the hours of liquor service, unless the liquor is an unfinished bottle of wine that is sealed by the licensee for the patron.

Limitations:

- Hours of liquor service limited to 12:00 midnight closing unless the licensee applies for later hours, following appropriate local government/ First Nation input as established by regulation and branch policy.
- The licensee may deliver liquor no later than 11:30 p.m.

[Liquor Control and Licensing Regulation, s. 18(1)(c) and (2), 90(1)(a) and (2)]

### Manufacturer Endorsements:

#### Lounge and Special Event Area

General Conditions:

- Hours may be approved between 9 a.m. and 4 a.m. of the next day.
- The establishment must be cleared of patrons within one-half hour after the time states on the licence for the hours of liquor service.

[Liquor Control and Licensing Regulation, section 33(1)]

#### On-site Store and Tour Area

General Conditions:

- Sale hours between 7 a.m. and 11 p.m.
- Delivery hours between 9 a.m. and 11 p.m.

[Liquor Control and Licensing Regulation, section 36(a); Liquor and Cannabis Regulation Branch Policy]

#### Picnic Area

General Conditions:

- Picnic sale area – hours between 9 a.m. and 6 p.m.
- Picnic consumption-only area(s) – hours between 9 a.m. and ending no later than ½ hour after sunset (i.e., dusk).

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<sup>13</sup> Not applicable to caterer endorsement authorization

## Catering Licence and Endorsements – Authorizations:

### General Conditions

- Hours may be approved between 9 a.m. and 4 a.m. of the next day.
- For catered events (not held in a residence), hours may be approved between 9 a.m. and 2 a.m. at indoor events and between 9 a.m. and 10 p.m. at outdoor events. With local government and branch approval, hours for outdoor events may be extended until 2 a.m.

[Liquor Control and Licensing Regulation section 97(b); Liquor and Cannabis Regulation Branch]

## Licensee Retail Stores

### General Conditions

- Sale hours between 7 a.m. and 11 p.m.
- Delivery hours between 9 a.m. and half an hour after store's closing time.

[Liquor Control and Licensing Regulation section 59(a)]

## Rural Licensee Retail Stores

### General Conditions

- Sale hours between 7 a.m. and 11 p.m.
- Delivery hours between 9 a.m. and half an hour after store's closing time.

[Liquor Control and Licensing Regulation section 70.7]

## Wine Stores

### General Conditions

- Sale hours between 7 a.m. and 11 p.m.
- Delivery hours between 9 a.m. and half an hour after store's closing time.

[Liquor Control and Licensing Regulation section 64(1)(a)]

## U-Brews/U-Vins

### General Conditions

- Hours between 9 a.m. and 11 p.m.

[Liquor and Cannabis Regulation Branch Policy]

## 17.3 Special Events

### Policy Rationale

As mentioned in the previous section, the hours of liquor service for a licensed establishment are specifically set by regulation, and any limitations imposed by the general manager on these hours are expressed as a term and condition of a licence. Under normal circumstances, the hours of liquor service are fixed for as long as the licensed establishment is in operation. For special circumstances or events, however, the general manager may exercise some discretion in this area.

One example of this is the policy to permit a licensed establishment to "... have extended hours of liquor service on December 31 until 4:00 a.m. on January 1, on the condition that food is available to patrons"(see related policy under Pricing in the chapter on Liquor Service and Sales). Establishments not providing food must close their liquor service at the usual closing hour stated on their licence.

Staff parties may also be an occasion on which licensees will want to have extended hours of liquor service. Provided a licensee can comply with the regular terms and conditions of their licence and can keep within their regular hours of liquor service for the duration of the party, a staff party may be held in the licensed establishment without any special arrangements or permission to do so. Licensees are reminded, however, that staff may not drink alcoholic beverages while on duty.

On the other hand, if the licence terms and conditions cannot be complied with during the staff party, the licensee must apply for temporary de-licensing of the licence. During the time specified for a staff party, the liquor licence is effectively suspended (i.e. de-licensed) under the authority provided in section 48 of the Act. In its place, a private special event permit, taken out by the licensee, is in effect for the duration of the party.

A licensee may also apply for temporary de-licensing to hold a public or private special event hosted by the licensee or someone else. In either situation, de-licensing for a food primary may be for any number of hours while de-licensing for a liquor primary may start at any time. However, once the event is over and the establishment is closed, it must stay closed for the rest of that business day until 6:00 a.m. The terms and conditions for events held in a licensed establishment are discussed in the policies below. Policies on special event permits is contained in the Liquor and Cannabis Regulation Branch Special Event Permit Policy Manual.

Temporary de-licensing is intended to provide flexibility for licensees to accommodate occasional events on an exceptional basis and therefore are limited to 6 changes per year. Frequent use of temporary de-licensing has the effect of changing the establishment's operating terms without local government or community input and is not permitted.

### Policies

#### 17.3.1 Extension of hours on New Year's Eve

Unless specifically prohibited by the general manager or by the local government/ First Nation, a food primary, liquor primary and manufacturer lounge/special event area may have extended hours of liquor service on December 31 until 4:00 a.m. on January 1, regardless of normal closing hour, on the condition that food is available to patrons.

Caterers and food primary and liquor primary licensees with a catering endorsement, with the approval of the local government/First Nation, may have liquor service hours for catered outdoor events extended until 2 a.m., and 4 a.m. for indoor events, provided food is available.

Food Primary establishments with a patron participation entertainment endorsement may allow dancing until 1 a.m. on January 1, provided it is not prohibited by local by-laws.

[*Liquor Control and Licensing Act*, section 15(2)(a); Liquor and Cannabis Regulation Branch Policy]

### 17.3.2 Temporary de-licensing of a food primary licence for a special event

A licensee, on written request, may apply to temporarily de-license a food primary licence for the purpose of holding a public or private special event or a catered event within the licensed establishment. Prior to holding the event, the host (either the licensee or another party) must apply for and obtain a special event permit, or the caterer must obtain a catering authorization, to be in effect for the duration of the event. The following terms and conditions apply to these special events:

- the special event is temporary and only occasional,
- the licence may be de-licensed for a period less than 24 hours,
- if the establishment has more than one area, the licence may be de-licensed for a specified area of the establishment provided there are physical barriers to prevent patrons and liquor moving between the two areas,
- there is at least one-half ( $\frac{1}{2}$ ) hour between the event and the operation of the permanent licence in which no patrons are permitted within the de-licensed area of the establishment,
- the liquor of the food primary licence is secure and inaccessible to any patrons in the establishment consuming liquor under a special event permit or catering authorization (unless the licensee is catering the event using its catering endorsement), and
- all liquor served at the event must be purchased separately under the special event permit or the catering licence/endorsement, and not be taken from the licensee's existing stock (unless the licensee is catering the event using its catering endorsement).

[*Liquor Control and Licensing Act*, sections 5 and 48; Liquor and Cannabis Regulation Branch Policy]

### 17.3.3 Temporary de-licensing of a liquor primary licence or manufacturer lounge endorsement area for a special event

A licensee, on written request, may apply to temporarily de-license a liquor primary licence for the purpose of holding a public or private special event or a catered event within the licensed establishment. Prior to holding the event, the host (either the licensee or another party) must apply for and obtain a special event permit, or the caterer must obtain a catering authorization, to be in effect for the duration of the event.

The following terms and conditions apply to these special events:

- the special event is temporary and only occasional,
- the licence will be de-licensed from one-half ( $\frac{1}{2}$ ) hour before the start of the event through until the end of liquor service hours for that business day (which stretches over to the next calendar day if regular hours of service end after midnight). Once the event is over and the establishment is closed for the night it must remain closed until at least 6:00 a.m.,
- if the establishment has more than one area, the licence may be de-licensed for a specified area of the establishment provided there are physical barriers to prevent patrons and liquor moving between the two areas,
- the liquor of the liquor primary licence is secure and inaccessible to any patrons in the establishment consuming liquor under a special event permit or the catering authorization (unless the licensee is catering the event using its catering endorsement), and
- all liquor served at the event must be purchased separately under the special event permit or the catering licence/endorsement, and not be taken from the licensee's existing stock (unless the licensee is catering the event using its catering endorsement).

[*Liquor Control and Licensing Act*, sections 3 and 15(1)(a); Liquor and Cannabis Regulation Branch Policy]

#### 17.3.4 Catered events at licensed establishments

Catered Events may take place in the licensed service area of a food primary, liquor primary or manufacturer provided the licensee receives approval to de-licence the area. Catered Events may take place in the green-lined area of a liquor primary club; no application required (see section [3.3.1](#)).

Licensees may have a catered event outside of their licensed service area in accordance with section [8.3.1](#).

[Liquor Control and Licensing Act, section 25(2), 82(b); Liquor and Cannabis Regulation Branch Policy]

#### 17.3.5 Temporary changes to hours of liquor service for special events

Temporary changes to hours of liquor service for special events are generally permitted, for up to 6 events per year, for manufacturer lounge and special event area endorsements and food primary, liquor primary, and liquor primary club establishments.

See next section for policy related to the frequency of temporary changes.

[Liquor and Cannabis Regulation Branch Policy]

#### 17.3.6 Restriction on the frequency of temporary changes

Temporary changes, including temporary de-licensing, are generally permitted for up to 6 events per year. In determining approval, consideration will be given to the cumulative effect of the requested changes and their impact on the operation of the licensed establishment. Temporary changes may not be used to change the operating terms and conditions of the licence or to circumvent local government and community input, where required.

If a licensee wishes to operate with amended licence conditions on a more frequent basis, an application for a permanent change to the licence should be submitted.

The general manager may make exceptions to the limitation on the number of temporary change applications, depending on the type of business, nature of the proposed event, and other extenuating circumstances, such as where the regulations would not allow for the applicant to apply for a permanent change to the licence.

[Liquor and Cannabis Regulation Branch Policy]

### 17.4 Liquor-free events in licensed establishments

#### Policy Rationale

Use of an establishment for liquor-free events is defined as a situation in which a licensee holds unlicensed events or activities in their licensed establishment. Liquor-free events are permitted in liquor primary, liquor primary club, and food primary establishments and manufacturer lounge endorsement areas under the conditions authorized by the general manager and are discussed in the policies below. Liquor-free events are not permitted for liquor retail stores.

Policies for use of licensed establishments for liquor-free events was established to allow establishments greater flexibility to be used for unlicensed events (e.g. allows the flexibility to use a nightclub or bar for a community meeting or an exercise class).

Policies governing use of an establishment for liquor-free events are directly related to the duty of the general manager, under section 3(3)(b) of the *Liquor Control and Licensing Act*, to “supervise licensees, permittees and the operation of establishments and event sites”. Liquor licences, and any specific conditions attached to a licence, are the primary tools used to perform this duty.

In exercising discretion to permit liquor free events in licensed establishments, the general manager must consider the extent to which the alternate use of an establishment for liquor-free events might undermine the licensee's ability to meet the terms and conditions of their licence.

Under the broader authority of section 15(1)(a) of the Act to set licence terms and conditions in the public interest, the general manager has established specific rules to guide the alternate use of food primary and liquor primary establishments for liquor free-events during licensed and unlicensed hours. The policies below are intended to preserve the licensee's ability to comply with the terms and conditions of their licence while, at the same time, offering a degree of flexibility in the way an establishment is used during and outside licensed hours.

## Policies

### 17.4.1 Liquor-free events in food primary establishments

Food primaries may hold an unlimited number of liquor-free events.

Licensees are required to notify the Branch (through the liquor and cannabis licensing portal) at least 14 days in advance of any liquor-free event that ends between 8 p.m. and close, regardless of the event start time. This enables inspectors and police to monitor late night all-ages events as necessary to maintain public safety.

The following terms and conditions apply:

- post signage outside the establishment to advertise a liquor-free event, the hours of the event and that the service area is closed to liquor service,
- ensure liquor is secured and inaccessible during the event,
- take measures to ensure the operation of the event does not disturb people in the vicinity of the establishment or jeopardize the safety of those attending the event, and
- keep a log of all liquor-free events whether they require notice or not, and the log must be available upon request by a liquor inspector or the local police.

The general manager may, in the public interest, add terms and conditions to a licence that limit liquor-free events.

[Liquor and Cannabis Regulation Branch Policy]

### 17.4.2 Liquor-free events in liquor primary and liquor primary club establishments, and manufacturer lounge endorsement areas

Liquor primary and liquor primary club establishments and manufacturer lounge endorsement areas are permitted to hold unlimited liquor-free events or activities prior to and during the hours of liquor service.

Licensees are required to notify the Branch (through the liquor and cannabis licensing portal) at least 14 days in advance of any liquor-free event that ends between 8 p.m. and close, regardless of the event start time. This enables inspectors and police to monitor late night all-ages events as necessary to maintain public safety.

The following terms and conditions apply:

- all liquor is secured and inaccessible for the period during which the unlicensed activities are taking place,
- if the licence does not have a family foodservice endorsement, there is at least one-half (½) hour between the licensed and unlicensed activities in which no patrons are permitted within the establishment,
- all-ages events are permitted prior to licensed hours, and
- the licensed establishment is not used for any purpose between the end of liquor service and 6 a.m.
- See section [17.4.2](#) for more information regarding liquor-free events at liquor primary establishments.

[Liquor Control and Licensing Act, section 15(1)(a); Liquor and Cannabis Regulation Branch Policy]



## SECTION 18: Entertainment

### 18.0 Introduction

This chapter covers topics related to the types of entertainment that may be provided in licensed establishments, with emphasis on entertainment in food primary licensed establishments. There are a number of principles behind entertainment policies:

- Entertainment should be compatible with the class of liquor licence held by the establishment;
- Entertainment may affect a licensee's ability to manage and control what takes place in the establishment;
- Some activities pose risks to public safety when combined with alcohol consumption; and
- Entertainment in licensed establishments may have impacts upon the local community.

For the entertainment terms and conditions for each licence class please see the applicable terms and conditions handbook.

### 18.1 General Conditions

#### Policy Rationale

The Branch's policy direction in this area focuses on four key issues. One issue is the extent to which the entertainment is compatible with a particular class of licence. For example, the entertainment provided in a restaurant should not make it indistinguishable from a liquor primary establishment. The food primary licensing process and licence terms and conditions were not designed to evaluate entertainment that may be suitable for liquor primary establishments. There is less input by the local community at the time of licensing a food primary because the focus is on food service, and the local community is generally not affected by noise and nuisance factors beyond those managed through the normal zoning and bylaw processes in place.

Likewise, wine stores and licensee retail stores do not require local community input and offering entertainment within the stores is generally incompatible with the retail sales nature of their stores. Entertainment decisions must also consider the extent to which the entertainment may affect the licensee's ability to maintain effective management and control of the establishment. For example, if the entertainment uses part of the service area, the licensee is responsible for ensuring that patrons will not be so crowded together that staff will be unable to observe and control their conduct.

The physical safety of staff, performers and patrons is another factor. Activities that might be considered safe in other settings may not be considered safe in an environment where alcohol is being consumed because of the effects of alcohol on mental acuity, physical dexterity and judgment. For this reason, entertainment such as contact sports may be permitted only when there is no patron participation; and then, only if the licensee can demonstrate that there are adequate safety measures in place to protect anyone present during the sporting event.

Finally, decisions regarding entertainment must consider noise, nuisance and other negative impacts on nearby residents and businesses.

Specific rules apply to entertainment when minors are permitted in an establishment as non-drinking patrons and entertainers. These policies are discussed in section [22](#), Minors.

## Policies

### 18.1.1 Authority to approve, prohibit, restrict or limit entertainment in a licensed establishment

The regulations allow the general manager to impose a licence term or condition that approves, prohibits, restricts or limits any type or form of game or entertainment in a licensed establishment.

A local government or First Nation may pass a bylaw restricting or prohibiting the type of entertainment or games in a licensed establishment. Where the local government or First Nation has established a bylaw that is in addition to, or more restrictive than, the terms and conditions set by the general manager, the local government/First Nation is responsible for its enforcement.

[*Liquor Control and Licensing Act*, sections 15(2)(c); *Liquor Control and Licensing Regulation*, sections 59(c), 64(1)(c)]

### 18.1.2 Factors considered in imposing terms and conditions for entertainment and games

In determining whether to impose a licence condition restricting or limiting a type or form of entertainment or games under policy 17.1.1, the general manager may consider the compatibility of the entertainment with the class of liquor licence held by the establishment, and specifically:

- If in respect of any licensed venue where minors may be present, whether the entertainment is adult-oriented (not suitable for minors – see [18.2.1](#));
- If in respect of a food primary establishment, whether the entertainment or games provided would result in a shift in focus away from the service of food whenever liquor is being served; or
- If in respect of a liquor primary establishment, whether the entertainment or games provided would result in the establishment being directed at or frequented primarily by minors;
- Any impact on the licensee's ability to maintain effective management and control of the establishment;
- The nature of the entertainment and whether the hours of sale during which the entertainment is offered should be restricted;
- The health and physical safety of the public, staff, performers and patrons;
- Noise, nuisance and other negative impacts on nearby residents and businesses; and
- Any other factor that may be relevant in the public interest.

[*Liquor Control and Licensing Act*, sections 15(2)(c) and 38(1); *Liquor Control and Licensing Regulation*, section 71(3)(a); *Liquor and Cannabis Regulation Branch Policy*]

### 18.1.3 Performances involving animals

No mammals, reptiles, birds or other animals are permitted in a performance or as entertainment in a licensed establishment, except as approved by the Branch.

[*Liquor Control and Licensing Act*, sections 12(3)(e) and 50(2); *Liquor and Cannabis Regulation Branch Policy*]

### 18.1.4 Liquor on stages

Professional entertainers are permitted to consume liquor on an unlicensed (non-redlined) stage provided they do not become intoxicated. However, patrons are prohibited from taking or consuming liquor on an unlicensed stage even when they are providing entertainment such as during an amateur or karaoke night. Dedicated stages cannot be included within the redlined area (see section [12.1](#)).

[*Liquor Control and Licensing Act*, section 15(2)(c); *Liquor and Cannabis Regulation Branch Policy*]

## 18.2 Adult Entertainment

### Policy Rationale

Exotic dancing and other adult-oriented performances and activities are not permitted in food primary establishments and other licensed establishments where minors are permitted. Strip shows, exotic dancing and other adult-oriented performances and activities are also prohibited in liquor primary establishments in which minors may be present.

Other restrictions placed on these shows and activities are related to concerns about the licensee's ability to maintain effective management and control of the establishment during these performances, and to health and safety concerns for staff, performers and patrons. These restrictions are not a commentary on the suitability of these activities in settings where liquor is not being consumed. Rather, the concern is that the combination of liquor consumption and these particular activities may be harmful to performers, patrons and the larger community.

### Policies

#### 18.2.1 Definitions of adult entertainment

Adult entertainment includes:

- **Exotic dancers** – entertainers who remove clothing during a performance and/or perform in a sexually suggestive manner (does not include burlesque dancers);
- **Adult oriented performers** – entertainers who present dramatic, musical, artistic, comedic or any other types of performances not suitable for viewing by minors characterized by nudity, actual or simulated sexual content, actual or simulated violence and/or abusive, hateful or obscene language; and
- **Adult-oriented activities** – activities not suitable for viewing by minors characterized by full or partial nudity, actual or simulated sexual content and/or actual or simulated violence, degradation or abuse.

Belly dancing, unless performed completely or partially nude, is not adult entertainment.

#### 18.2.2 Location of adult entertainment

The entertainment must take place in an approved area within the establishment service area. Separation between the licensed area and another licensed or unlicensed area in which minors may be present must be sufficient to prevent a line of sight between the two areas.

[Liquor and Cannabis Regulation Branch Policy]

## 18.3 Entertainment in Food Primary Establishments

### Policy Rationale

Food primary licensees must be able to ensure that entertainment provided does not shift the focus away from the service of food whenever liquor is being served.

Gaming (gambling), except for ticket raffles, is prohibited in food primary establishments because these activities are considered incompatible with the primary operating purpose of food service.

Entertainment that invites patron participation can have a greater impact on the licensee's ability to manage and control activity in the establishment than some other types of entertainment. In particular, if not properly regulated, patron participation entertainment can affect the licensee's ability to observe patron conduct. Patron participation entertainment is outside the normal terms and conditions of a food primary licence, and outside the

routine steps established to assess their impacts during the application process. To ensure that community concerns about noise, nuisance and other impacts are considered, input from local government or First Nation authority is required before patron participation entertainment will be approved for a food primary licensed restaurant. In contrast, the community input process is part of the approval process for liquor primary establishments and manufacturer lounge or special event areas. Also, the terms and conditions that apply to liquor primary establishments help to safeguard against public safety and community standards issues that arise when entertainment is combined with alcohol consumption.<sup>14</sup>

The Branch will consider any structural alterations necessary (such as a stage) to introduce a new form of patron participation or non-participation entertainment.<sup>15</sup> In particular, the alterations should not hinder the ability of staff to observe and supervise patron conduct.

## Policies

### 18.3.1 Definitions of patron participation and non-participation entertainment

For the purposes of policies on patron participation and non-participation entertainment in food primary establishments:

- **Patron participation entertainment** is any form of live entertainment, other than games, that entails the active involvement of patrons or results in patrons leaving their seats, including but not limited to:
  - sing-alongs or karaoke,
  - dancing, and
  - “amateur nights”, in which patrons are invited to sing, dance or perform stand-up comedy routines.
- **Patron non-participation entertainment** is any form of live entertainment that does not entail the active involvement of patrons or result in patrons leaving their seats, including but not limited to:
  - live music or DJs, and
  - stage performances.
- Patron participation and patron non-participation entertainment do not include:
  - games that are entirely patron initiated, such as cards or board games, or
  - recorded or broadcast entertainment, including recorded music, radio, film, video, and television.

[Liquor and Cannabis Regulation Branch Policy]

### 18.3.2 Applications for patron participation

An endorsement is required for patron participation. To apply for a patron participation endorsement, complete the “Permanent Change to a Liquor Licence” form available on the website.

Local government comment is required. See section [26](#) for a description of the application process.

FP establishments with a patron participation entertainment endorsement may allow dancing until 1:00am on January 1, provided it is not prohibited by local bylaws. An establishment with a licence endorsement for patron participation entertainment is also considered to have an endorsement for patron non-participation entertainment, provided the patron non-participation entertainment ends by midnight.

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<sup>14</sup> See relevant discussions in the sections dealing with Hours of Liquor Service (section [16](#)) and Liquor Service and Sales (section [18](#)).

<sup>15</sup> The licensee may be required to submit an application for a structural alteration. See related information and policies under [6.5](#) Structural Alterations

[*Liquor Control and Licensing Act*, section 38(1)); *Liquor Control and Licensing Regulation*, section 71(3)(a); *Liquor and Cannabis Regulation Branch Policy*]

### 18.3.3 Applications for establishments to have karaoke rooms or box-style enclosures

Unless otherwise directed by the Branch, licensing staff may approve applications for food primary or liquor primary establishments with karaoke entertainment in individual rooms or box-style enclosures, provided all regulation and policy requirements have been met. The application must be accompanied by building plans showing that clear glass observation windows to be fitted in each karaoke room will:

- be free of blinds or curtains,
- have a surface area of no less than .3 square metres (3.23 square feet),
- be installed in such a way that there is an unobstructed view of all parts of the room, and
- doors leading into a karaoke box room may not be fitted with locks or similar devices so that all areas used for dining purposes are accessible to staff and inspection authorities at all times, and
- karaoke control centres or equipment rooms may not be used as D.J. booths for any dine and dance activity.

Food primary establishment applications must also be accompanied by:

- a resolution from the local government or First Nation supporting the form of entertainment proposed; and
- a description of the proposed operation and furnishings showing that they are consistent with the service of food, and that all furniture is suitable for serving a meal to all persons in the rooms.

[*Liquor Control and Licensing Act*, sections 15(2)(c), 38(1)); *Liquor Control and Licensing Regulation*, section 71(3)(a); *Liquor and Cannabis Regulation Branch Policy*]

# SECTION 19: Liquor Service and Sales

## 19.0 Introduction

This chapter covers topics related to how liquor is sold and served in establishments licensed by the Liquor and Cannabis Regulation Branch. The policies and practices discussed here are, generally, the techniques the Branch uses to discourage over-service in licensed establishments.

This chapter is organized under the following headings:

- Type of Liquor Sold
- Ordering Liquor
- Pricing
- Dispensers and Drink Sizes
- Self Service
- Room Service and Mini-bars
- Online Sales

## 19.1 Type of Liquor Sold

The Branch may impose terms and conditions concerning the type of liquor that may be offered for sale or service in a licensed establishment. The Branch's actions in this regard are in keeping with the statutory duty to consider public safety and/or the public interest when establishing licence terms and conditions, and to ensure that liquor sales are properly managed and controlled.

Additionally, manufacturers continue to develop new products. For these reasons, limitations on the types of liquor that can be sold in most types of establishments are a matter of policy and not set out in legislation, although there are some exceptions.

### Manufacturers:

Manufacturer lounge and special event area endorsements are largely restricted to liquor manufactured on-site and registered to that manufacturer with the LDB, although up to 20% of purchases (in dollars) may come from other manufacturers. See section [4](#) for more information. This restriction is in place because manufacturer endorsements were designed to provide local manufacturers with additional sales channels for their products and foster development of a beverage tourism market.

### Licensee Retail Stores:

Licensee retail stores are permitted to sell packaged spirits, beer, wine, cider and coolers. Wine stores and special wine stores may sell packaged wine only.

### Liquor Primary Establishments:

Liquor primary establishments with off-premises sales endorsements are restricted to packaged beer, cider, wine and coolers. This endorsement is discussed in greater detail in section [3](#).

Any other limitations for liquor primary, food primary, licensee retail store establishments, and caterers are otherwise establishment and location specific, forming part of the terms and conditions of the liquor licence for a particular establishment.

[*Liquor Control and Licensing Act*, section 15(2)(i)]

## 19.2 Ordering Liquor

Licensed establishments are restricted to where they may purchase liquor.

The *Liquor Control and Licensing Act* requires that licensees not sell or serve liquor in their establishments in most cases) except liquor purchased:

- from the Liquor Distribution Branch (LDB),
- from a BCLIQUOR store,
- from an outlet designated in writing by the general manager,
- from an LDB authorized manufacturer, or
- as authorized in the terms and conditions.

The general manager has authorized permitted licensees to purchase or sell limited amounts of liquor from or to another licensee as authorized under the terms and conditions of the licence.

See the [term and condition handbooks](#) for the licence-specific authorization.

[*Liquor Control and Licensing Act*, section 8(3)(c) and 15(2)(d); Liquor and Cannabis Regulation Branch Policy]

### 19.3 Pricing

To ensure liquor is not sold at a price that may encourage over-consumption, there are minimum price policies for all liquor sales in establishments intended for on-premises consumption and retail sales. The minimum price for on-premise consumption is found in the regulations, while the minimum retail price can be found in the applicable terms and conditions handbooks.

The regulating of minimum pricing also includes the requirement that liquor may not be provided in unlimited or unspecified quantities for a single price.

Prices may vary throughout the day, as long as the price in each category meets the minimum pricing requirements. Minimum drink pricing does not apply to catered events. Caterers may vary prices for different events and may vary the price during the course of an event.

[Liquor Control and Licensing Regulations, sections 82(1)(a) and 84(1) and (2); Liquor Control and Cannabis Branch Policy]

### 19.4 Dispensers and Drink Sizes

Consumers must know how much alcohol is in their drinks to measure and moderate their alcohol intake, which is an important tool for controlling over-consumption in licensed establishments. Ensuring that liquor is dispensed from containers that are labelled with the amount of alcohol by volume they contain and ensuring the amount of liquor contained in the typical mixed drink is consistent are important in helping to prevent over-service and provide a measure of quality control.

For these reasons, the Liquor and Cannabis Regulation Branch licence terms and conditions handbooks address both the liquor content of drinks and the containers from which liquor is dispensed.

[Liquor Control and Licensing Regulation, section 83]

### 19.5 Self Service

To ensure that liquor sales and service are properly managed to reduce the likelihood of over-service and over-consumption, self-service of liquor is generally not permitted.

There are limited circumstances where a licensee may apply to the Branch for permission to allow for self-service of liquor. These include:

- LP stadium private suites/boxes in stadiums (see section [3.6.1](#)).
- LP clubs where members may purchase unopened liquor from the licensee, for personal consumption, while on the premises (see section [3.2](#)).
- FP, LP, and manufacturer lounges located at hotels where licensees may offer mini-bars (see below).

[Liquor Control and Licensing Regulation, section 11(2)(a)(b) and 87(2); Liquor and Cannabis Regulation Branch Policy]

## 19.6 Room Service

A Liquor Primary, Food Primary or Manufacturer lounge endorsement located at a hotel, or any overnight accommodation facility, may provide room service to registered guests during any period that room service meals are also available. The type of liquor permitted for room service sales is restricted to the type of liquor permitted by the terms and conditions of the licence. The hotel facility and the licensed establishment must have common ownership.

The intent of the room service regulation and policy is to allow registered guests to enjoy a drink in their hotel room, which is considered their temporary residence.

[Liquor Control and Licensing Regulation, section 87(1)]

## 19.7 Mini-bars

The rationale for mini-bars is related to that for room service. Hotel facilities with an LP, FP or manufacturer lounge endorsement may supply or operate a mini-bar service that offers liquor for purchase by registered guests of legal age at any time in guest rooms. As with room service, liquor permitted for mini-bars is restricted to the type of liquor permitted by the terms and conditions of the licence, and the hotel and the licensed establishment must have common ownership.

[Liquor Control and Licensing Regulation, section 87(2)]

## 19.8 Replacement of Faulty Keg or Spoiled Product by Brewer’s Agent

### Policy Rationale

Kegs of draft beer “on tap” are a common and popular feature in many licensed establishments. If kegs are damaged or contain spoiled product, proprietors may ask the brewer to replace it.

Accounting for keg replacements is considered part of the liquor register the licensee is required to maintain under the Liquor Control and Licensing Regulations. Failure to account properly for this

exchange of “faulty” product may be interpreted as the licensee unlawfully purchasing and selling liquor under the *Liquor Control and Licensing Act*. It may also be interpreted as the manufacturer or their agent giving liquor to a person in a manner other than is provided in the Act. Finally, it could be considered as evidence of an inducement activity intended to “induce, further or promote the sale of a particular kind, class or brand of liquor” contrary to the Act.

### Policies

#### 19.8.1 System of accounting for faulty keg replacement is part of liquor register

Faulty or damaged kegs, and the system or records used to account for the replacement of these kegs on credit by a brewer’s agent, are considered part of a licensee’s liquor register. A liquor register may be examined by a liquor inspector, peace officer or other person designated in writing by the Branch

## 19.8.2 Failure to properly account for liquor received or credited through the replacement of faulty keg

Failure to account for pickup and replacement of a keg by a brewer's agent, may be considered evidence of:

- unlawful sale of liquor
- unlawful purchase of liquor
- inducement activity intended to induce, further or promote the sale of a particular kind, class or brand of liquor, or
- giving liquor to a person in a manner other than is provided in the Liquor Control and Licensing Act.

## 19.9 Online sales

### 19.9.1 Licensee Retail Store (LRS), Rural Licensee Retail Store (RLRS) and Wine Store (WS)

Licensee Retail Stores and Wine Stores may sell their products online to the public on a website that is clearly identified with their store, as long as the licence number appears in a prominent place on the site. Online sales are subject to the same product sales restrictions as stated on the LRS, RLRS or WS licence.

A licensee may share a website with other licensees, if the following conditions are met:

- The site design clearly indicates which store (including the location) the customer is ordering from;
- Each store manages its own sales;
- Each store's licence number is posted in a prominent place on the site; and
- If the site is hosted by an unlicensed third party, the site may only serve as a "portal", or a functional equivalent, that provides links to licensee sites. No sales or advertising of specific brands or prices are allowed on the unlicensed site.

Licensees may deliver their products, including special orders, to customers from their store. Online sales are considered an extension of the LRS, RLRS or WS, so deliveries must be made from the store location. Deliveries cannot be made from an off-site storage site.

Licensees must ensure that any individual delivering liquor products on their behalf, (e.g., employee or third-party delivery driver) is 19 years of age or older and is Serving It Right certified and adheres to the terms and conditions of the LRS and WS liquor licence. This term and condition does not apply to common carriers (e.g., Canada Post, FedEx).

To ensure a third-party delivery driver is Serving It Right certified, the licensee should confirm that the delivery service provider requires Serving It Right certification for its drivers delivering liquor and only sends liquor orders to drivers that are Serving It Right certified. Additionally, a licensee should confirm that delivery service providers are ensuring drivers are familiar with additional terms and conditions for delivery drivers (e.g., not delivering to intoxicated persons and complying with age verification requirements).

[*Liquor Control and Licensing Act*, section 8; Liquor and Cannabis Regulation Branch Policy]

### 19.9.2 Manufacturer on-site store

A manufacturer with an on-site store may sell its products to patrons visiting their store or anywhere on the manufacturing site (e.g., sell on guided tours). The product may be delivered to patrons from the store or other registered storage areas on-site. Online sales and deliveries to the public are permitted if the website clearly identifies the manufacturing site and licence number.

Online sales are considered an extension of the on-site store endorsement and all deliveries to the public must take place from the sales area at the manufacturing site. A licensee can [temporarily deliver](#) to the public from off-

site storage. If a licensee is permitted to deliver directly to other licensees by their LDB Sales Agreement, they may deliver their product from either their manufacturing facility or a registered off-site storage facility.

Licensees must ensure that any individual delivering liquor products on their behalf (e.g., employee or third-party delivery driver) is 19 years of age or older and is Serving It Right certified and adheres to the terms and conditions of the liquor licence. This term and condition does not apply to common carriers (e.g., Canada Post, FedEx).

To ensure a third-party delivery driver is Serving It Right certified, the licensee should confirm that the delivery service provider requires Serving It Right certification for its drivers delivering liquor and only sends liquor orders to drivers that are Serving It Right certified. Additionally, a licensee should confirm that delivery service providers are ensuring drivers are familiar with additional terms and conditions for delivery drivers (e.g., not delivering to intoxicated persons and complying with age verification requirements).

Online sales are subject to the same product sales restrictions as the on-site store endorsement (manufacturer's products registered to the licence). Websites must be clearly associated with the manufacturing licence and the manufacturer's licence number must be prominently displayed on the site.

A manufacturer licensee may share a website with other licensees if the following conditions are met:

- The site design clearly indicates which store (including the location) the customer is ordering from;
- Each store manages its own sales;
- Each store's licence number is posted in a prominent place on the site; and
- If the site is hosted by an unlicensed third party, the site may only serve as a "portal", or functional equivalent, that provides links to several other licensee sites. No sales or advertising of specific brands or prices are allowed on the unlicensed site.

For information on manufacturer on-site store endorsements, please see section [4](#).

[*Liquor Control and Licensing Act*, section 8; Liquor and Cannabis Regulation Branch Policy]

## 19.10 Sacramental Wine

### Policy Rationale

Under section 8 of the federal *Importation of Intoxicating Liquors Act*, a person may directly import liquor into the province if the liquor is to be used for a sacramental purpose. This liquor is exempt from all federal excise taxes and is mark-up exempt. Sacramental wine that is sourced from within British Columbia is also given mark-up exemption status. Federal legislation recognize that wine used for sacramental purposes is unique and deserves special status under liquor control regimes. Along with this special status, and its associated tax and mark-up exemptions, certain controls are put in place to ensure that sacramental wine is used for its intended purpose. These controls are designed to maintain the integrity of the liquor control system and to ensure that sacramental products are not sold for the personal use or consumption of any person.

For information on wine store licences for the sale of sacramental wine, please see section [7](#).

### Policies

#### 19.10.1 Ministers of religion

Sacramental wine may only be used by, or sold to, members of the clergy such as priests, ministers, rabbis, or the official representatives of such persons.

[Liquor Control and Licensing Branch Policy]

### **19.10.2 Religious ceremonies in a regular place of worship**

Sacramental wine may only be used in, or sold for, religious ceremonies conducted by persons authorized to preside at such ceremonies in a regular place of worship such as a church, temple, or synagogue.

[Liquor Control and Licensing Branch Policy]

### **19.10.3 Social events associated with or ancillary to religious ceremonies**

Sacramental wine must not be used, sold for use, or consumed at any social events, including social events or occasions associated with or ancillary to religious ceremonies whether held on or off church, temple, or synagogue premises. Social events include, without limitation, wedding receptions, baptisms, confirmations, first communion ceremonies, bar mitzvahs, Seders and ordinations.

[Liquor Control and Licensing Branch Policy]

### **19.10.4 Personal consumption**

Sacramental wine must not be used, or sold, for the personal consumption of any person.

[Liquor Control and Licensing Branch Policy]

# SECTION 20: Food Service

## 20.0 Introduction

This chapter covers topics related to what kinds of food must be made available to patrons in a licensed establishment, the facilities used in food preparation and exemptions from the requirement to serve food. The policies contained in this chapter are the tools the Branch uses to ensure the availability of food in licensed establishments.

Applies to:

- Food primary
- Liquor primary
- Manufacturers with a lounge or special event area endorsement
- Caterers

## 20.1 General Conditions

### Policy Rationale

The availability of food in licensed establishments promotes moderation by encouraging people to eat while they drink — or ideally, to view alcohol consumption as a complement to a meal. Consumption of food lessens the intoxicating effects of liquor and encourages a public attitude in which liquor is seen as an accompaniment to food, rather than an activity that is indulged in for its own sake.

In part, this is the reasoning behind food primary licensed establishments enjoying flexibility within the terms and conditions of their liquor licences. As noted in section 18 (1)(a) of the Liquor Control and Licensing Regulation, a food primary licence is for an establishment in which “... the primary purpose of the business that will be carried on in the service area when liquor is being sold or served is the service of food.”

Food primary establishments can shift the focus of the business away from food service when liquor service isn't occurring. For example, a bookstore can use its restaurant space for an author signing event and would not be required to have food items available, provided liquor was not being sold or served in that area. Licensees are required to notify the Branch at least 14 days in advance of any liquor-free events that end between 8 p.m. and closing, regardless of when the event started. There are no restrictions on the number of liquor-free events that may be held in food primary establishments.

Branch policy for food primary licensed establishments prohibits liquor service in fast food or take-out restaurants where people may be leaving the establishment with their meal or may be inclined to “eat and run” to get on with the other commitments of their day. For other types of food primary establishments, Branch policy largely reiterates the requirement under section 18(1)(b) of the regulations, which states that “...when liquor is being sold or served, there must be a varied selection of food items, including both appetizers and main courses or their equivalent, available for purchase and the food items must be prepared in a kitchen in the establishment”.

For liquor primary licensees, a provision under section 10(1)(c) of the regulations guides food service in licensed establishments: “unless exempted by the general manager, food and non-alcoholic beverages must be available at reasonable prices or without charge to the patrons”. However, food service in the range generally offered by a food primary establishment is not expected. There is a similar requirement, under section 33(1)(b) of the regulations, for manufacturers with licence endorsements for a lounge or special event area. There is no regulatory requirement for manufacturers with a picnic area endorsement to provide food or non-alcoholic beverages in that area.

Finally, the policies below address the authority of liquor inspectors to inspect licensed establishments and their records to determine whether the necessary food items and non-alcoholic beverages are available to customers. Additionally, liquor inspectors may conduct inspections to ensure the establishment's food preparation facilities are sufficient to provide these items. For requirements specific to catered events, see section [8](#).

For requirements specific to manufacturer endorsements, see sections [4.11.1](#) through [4.11.4](#)

## Policies

### 20.1.1 Type of food service in liquor primary establishments and manufacturers with a lounge or special event area endorsement

Unless exempted by the general manager, licensees of liquor primary establishments and manufacturers with a lounge or special event area endorsements, must make a reasonable variety of hot or cold snacks and non-alcoholic beverages available to patrons at reasonable prices or without charge. Food service in the range generally offered by a food primary establishment is not expected, however packaged snacks such as chips, peanuts, and those commonly found in vending machines do not meet the food requirement.

[Liquor Control and Licensing Regulation, section 10(1)(c); Liquor and Cannabis Regulation Branch Policy]

### 20.1.2 Type of food service in food primary and caterer establishments and caterer endorsements

Licensees of food primary and caterer establishments and caterer endorsements must make a varied selection of food items available to patrons, including both appetizers and main courses or their equivalent. Liquor must not be sold or served unless these food items are available for purchase and prepared in the kitchen of the establishment.

[Liquor Control and Licensing Regulation, section 18(1)(b); Liquor and Cannabis Regulation Branch Policy]

### 20.1.3 Inspection to determine availability of food and non-alcoholic beverages

Liquor inspectors may inspect liquor primary and food primary licensed establishments and their records to determine whether required food items and non-alcoholic beverages are available to customers.

[*Liquor Control and Licensing Act*, section 42(1)(c)]

### 20.1.4 Food preparation facilities in licensed establishments

In the course of inspecting liquor primary and food primary licensed establishments liquor inspectors may consider whether the establishment has food preparation facilities sufficient to dispense the food items required under policies [20.1.1](#) and [20.1.2](#), and as required by the regulations.

[*Liquor Control and Licensing Act*, section 42(1)(c); Liquor Control and Licensing Regulation, sections 10(1)(c), 18(1)(b), 19(a); Liquor and Cannabis Regulation Branch Policy]

# SECTION 21: Management and Control of a Licensed Establishment

## 21.0 Introduction

This chapter covers topics related to how establishments licensed by the Liquor and Cannabis Regulation Branch are managed and controlled. The policies and practices discussed here are, generally, the techniques the Branch uses to encourage responsible management of licensed establishments.

## 21.1 Management of Patron Conduct

### Policy Rationale

Policies regarding the management of patron conduct are based on the duties set out in the [Liquor Control and Licensing Act](#) of both the Branch and the licensee. The Branch has a duty, under section 3 of the Act, to supervise licensees, permittees and the operation of establishments and event sites. Within this context, the Branch sets licence terms and conditions aimed at preventing conditions that might result in over-service, over-consumption and loss of control in the establishment. Licensees have additional responsibilities beyond the terms and conditions listed on the face of the liquor licence. They have a dual responsibility to control the conduct of patrons within the establishment by controlling conditions that might lead to patron misconduct. They must also deal with inappropriate conduct when it arises.

Section 61(3) of the Act ensures licensees and permittees have the authority to deal with inappropriate or unsafe patron conduct. Licensees are responsible for ensuring that sufficiently trained staff are employed at all times to fulfill their obligations to prevent intoxication and other inappropriate behaviour and deal with it when it arises. Licensees and permittees and their staff may ask a person to leave or forbid a person from entering the service area if:

- the person is intoxicated,
- they believe the presence of a person in an establishment or event site is undesirable, or
- that the person has, without lawful reason, a knife or weapon in their possession.

Furthermore, under section 51 of the Act, the Branch may take action against a licensee for failing to take reasonable measures to ensure that the operation of the establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment.

In the interests of public safety, the Branch has the power under section 48 of the Act to take immediate action and temporarily close an establishment where patron conduct is riotous, drunken or disorderly. Sometimes, situations may arise where public safety is threatened because of a particular event or temporary circumstance occurring in the vicinity of a licensed establishment. In these cases, the general manager may exercise authority under section 48(2)(a) of the Act to take immediate steps to temporarily close, or impose conditions on an establishment, even if the risk to public safety is unrelated to the way the establishment is managed. The general manager may also exercise authority under this section if public safety issues might arise when a planned event is to be held near a licensed establishment.

The policy regarding licence suspension and closure of premises largely reflects the relevant statutory obligation and the authority of the Branch to act when either licensees fail to perform their duty in this area is a risk to public safety.

## Policies

### 21.1.1 Licence suspension and closure of premises

#### 24-hour suspensions

A liquor inspector, peace officer, or other person delegated by the Branch may suspend the licence and order the immediate removal of patrons and closure of a premises in which:

- patrons or employees are engaging in riotous, violent, drunken or disorderly conduct, or the safety of one or more persons at the licensed establishment is threatened, or
- if it is in the public interest to do so.

The suspension and closure of the premises may take effect without a hearing and may be for a period of not more than 24 hours.

#### Suspensions or terms and conditions up to 14 days

The general manager may, without a hearing, suspend a licence or impose terms and conditions for a period not exceeding 14 days, if he or she has reasonable grounds to believe that it is in the public interest to prevent the licensed establishment from continuing to operate because of extraordinary circumstances existing at, or being associated with the operation of, the licensed establishment.

This power is available to address extraordinary circumstances where a 24-hour suspension is not adequate to ensure safety or protect the public interest. Extraordinary circumstances include, for example, when there has been violence or extensive criminal activity, there is the risk of retaliatory gang violence, or a possibility of public unrest (i.e., during or after a community event). In such circumstances, a longer licence suspension may be needed to provide sufficient time for the Branch to assess the situation and determine what is needed to eliminate the safety risks and rectify the situation.

This authority is not delegated and exercising it is the sole prerogative of the general manager.

[*Liquor Control and Licensing Act*, section 48(1)(2)(b); Liquor and Cannabis Regulation Branch Policy]

## 21.2 Serving It Right Program

### Policy Rationale

Managers and staff of licensed establishments learn about responsible liquor service through a self-directed online program called “Serving It Right: The Responsible Beverage Service Program.” The program contains information about the obligations of licensees, managers and staff when selling or serving liquor, along with helpful tips to meet those obligations (see <http://www.responsible-service-bc.ca/>).

People who sell and serve liquor are the front line in ensuring that liquor beverage service businesses act responsibly. It is especially important that people who are new to liquor service have access to suitable training. The *Liquor Control and Licensing Act* and regulations require that licensees, managers and employees of licensed establishments not serve liquor to minors, or to those who are intoxicated. Topics discussed in the training program include ways to refuse service or ask a patron to leave without causing conflicts or strained relationships.

Under section 60 of the Act and sections 185 and 188 of the Regulation, licensees, permittees and servers must successfully complete this training as a condition of operating a licensed establishment.

Anyone managing a licensed establishment must also have completed the program.

## Policies

### 21.2.1 Training requirements

Section 60 of the Act and sections 143, 184, 185, 186, 187, 188, 189 and 190 of the regulation set out the requirements related to the Serving It Right training program.

Licensees must ensure they and their employees take Serving It Right and keep records of the Serving It Right certificate numbers for each person, as well as the expiry date on the certificate, if applicable. This information must always be ready for inspection by a liquor inspector or police officer.

#### Applicants and licensees

All licensees must successfully complete the “Serving It Right: The Responsible Beverage Service Program” prior to operating an establishment. This rule applies to the following licence categories:

- liquor primary licence;
- food primary licence;
- catering licence;
- licensee retail store licence;
- rural licensee retail store licence;
- wine store licence, except a wine store licence that authorizes only the sale of wine for sacramental purposes;
- special wine store licence; and
- manufacturer licence.

The term ‘applicant’ includes persons requesting a new licence, the transfer of an existing licence, registration of an external or internal share transfer, and approval of a third-party operator agreement.

If the applicant or licensee is a private or public corporation the Serving It Right requirement may be satisfied if the program is completed by a director or authorized signing officer of the corporation who will have responsibility for controlling the sale of liquor. If the corporation enters a third-party operator arrangement, that operator is not an employee and so a director, officer or employee of the corporation must complete the program.

If the applicant or licensee is a partnership, at least one partner must complete the program. If the applicant or licensee is a sole proprietor that person must complete the program.

A valid Serving It Right number issued to those who complete the program which is provided by the applicant on the applicable LCRB form will be taken as evidence that the applicant has met this requirement.

#### Managers, servers, and other employees

Anyone engaged by contract or by employment to manage a licensed establishment must have completed the Serving It Right training program before starting their contract or employment.

Anyone hired or contracted as a bartender, server, sales staff or in any other position which requires the sale or service of liquor must have completed the Serving It Right training program before starting their employment.

[*Liquor Control and Licensing Act*, section 60; *Liquor Control and Licensing Regulation*]

### 21.2.2 Full exemptions from training requirement

Effective April 1, 2009, completion of the “Serving It Right: The Responsible Beverage Service Program” is not required for servers in all types of establishments relocating to British Columbia from other Canadian jurisdictions who have a certificate showing proof of completion of one of the following responsible beverage service programs:

ProServe Program (Alberta)  
Serve it Right (Saskatchewan)  
It's Good Business (Manitoba)  
Smart Serve (Ontario)  
Service in Action (Quebec)  
It's Good Business: Responsible Service of Alcohol (New Brunswick)  
It's Good Business (Nova Scotia)  
It's Our Business (Prince Edward Island)  
It's Good Business: Responsible Service of Alcohol (Newfoundland and Labrador)  
Be a Responsible Server (B.A.R.S.) (Yukon)

The server licence must not be expired and must be current within five years. Licensees are responsible for ensuring that servers who have completed training in other jurisdictions are informed about relevant BC legislation, such as the legal drinking age and any relevant operating terms and conditions that apply to their establishments. Licensees must also keep records of the Serving it Right certificate numbers for each employee, as well as the expiry date on the certificate, if applicable. This information must always be ready for inspection by a liquor inspector or police officer.

Additionally, licensees, managers and staff of ferment on premise licenses are not required to complete the Serving it Right program.

[Liquor Control and Licensing Regulation, section 143(1)(2)]

## SECTION 22: Minors

### 22.0 Introduction

This chapter covers topics related to the presence of minors in service areas and establishments, including the identification of minors, requirements respecting minors as patrons, minors as employees and as entertainers, and terms and conditions that apply when minors are permitted.

These and related issues are discussed in this chapter under the headings:

- General Conditions,
- Minors as Patrons-Licensed Establishments and Liquor Stores, and
- Minors as Employees or Entertainers.

For specific terms and conditions regarding minors in licensed establishments, see applicable Terms and Conditions Handbooks.

For additional terms and conditions regarding minors in certain types of liquor primary establishments (such as stadiums and theatres), see section 3. These terms and conditions, if approved for a specific liquor primary establishment, will be indicated on the face of the liquor licence.

### 22.1 Minors as Patrons

#### Policy Rationale

*The Liquor Control and Licensing Act* includes both a general prohibition on providing liquor to a minor (under age 19) and a prohibition on minors possessing liquor – in other words, minors themselves commit an offence by possessing liquor.

The reasons behind these sections of the Act and the policies that support them are public interest concerns about the effects of alcohol use on youth. Alcohol consumption by minors is associated with unwanted pregnancies, smoking, youth violence, poor school performance, youth suicide rates, and death and injury from driving accidents. It is also believed to have negative developmental impacts on the part of the brain responsible for higher-level thinking. One of the strategies to reduce the risk of minors consuming liquor is to, generally, not permit minors in areas where the consumption of liquor is a primary activity.

#### Policies

##### 22.1.1 Licensee prohibition on providing liquor to minors

Licensees are prohibited from selling, giving or supplying liquor to minors, and may not permit a minor to consume liquor in a licensed establishment.

A licensee must not allow a minor to have liquor in his or her possession in a service area, unless the establishment is permitted to have minors as employees and the minor is working as a server in the service area.

Licensees assess every patron before permitting the person into a liquor primary establishment or other establishment in which the presence of minors is restricted, or before selling or serving liquor to them in any licensed establishment.

A server or bartender cannot rely on the fact that door staff admitted a patron into the licensed establishment as the basis for serving that patron. The server or bartender must also determine that the patron is not a minor prior to serving them liquor or allowing them to remain in the licensed establishment.

[*Liquor Control and Licensing Act*, section 77(1) and (2); *Liquor Control and Licensing Regulation* section 159(2); *Liquor and Cannabis Regulation Branch Policy*]

### 22.1.2 Responsibilities of minors

It is an offence for a minor, unless the minor does so with lawful excuse<sup>16</sup>:

- to purchase liquor;
- consume liquor;
- possess liquor; or
- enter or be in a liquor store or service area unless authorized by the Branch.

It is also an offence for a minor to provide false or altered identification as a means to purchase liquor or gain access to a service area. Minors can be ticketed by police or other enforcement officers if caught contravening these prohibitions (the fine amount is \$230 for each offence).

[*Liquor Control and Licensing Act*, sections 57(1)(a), 78(1), (2), (3); *Liquor Control and Licensing Regulation*, sections 157 and 195(2); *Violation Ticket Administration and Fines Regulation*, Schedules 1 and 2]

### 22.1.3 Factors considered in permitting minors in liquor primary establishments

In determining whether to grant approval to permit minors in a liquor primary establishment or service area, the Branch may consider:

- whether the focus of the primary business is the service of liquor;
- whether minors should be present without restriction;
- whether it is appropriate for the minors to enter alone or whether they should be accompanied by a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor;
- whether the physical layout and the activities taking place permit staff to supervise the conduct of patrons to ensure that minors are not consuming liquor;
- whether the activities themselves are appropriate for minors to observe; and
- other factors that may be relevant to the public interest and to ensuring the proper conduct and operation of the licensed establishment.

See section 3 for more information regarding minors in liquor primary establishments.

[*Liquor and Cannabis Regulation Branch Policy*]

## 22.2 Employment of Minors

The general manager can set provisions for employing minors through terms and conditions. This provides flexibility for the general manager regarding the employment of minors. It is also consistent with how the general manager sets terms and conditions for when minors may be allowed entry into establishments and special events.

### 22.2.1 Employment of minors in a liquor primary

If a licence permits minors in a liquor primary (either with or without a parent, guardian, stepparent, grandparent, spouse of the minor, or another adult who could reasonably be expected to act in place of a parent and to be responsible for supervision of the minor), minors may be employed in the establishment during the hours minors are permitted as patrons; however, they may not sell or serve liquor. Minors hired before January 23, 2017, at a

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<sup>16</sup> The following circumstances are lawful excuses for providing liquor to a minor: liquor may be given to a minor by his or her parent, spouse or guardian at home as long as it is consumed there; liquor may be administered to a minor by a doctor or dentist, and sacramental wine may be given to a minor by a religious leader as part of a religious ceremony.

liquor primary establishment that limits the hours minors can be patrons may continue to work unrestricted hours at that establishment.

### **22.2.2 Employment of minor agents by the branch for compliance testing**

A regulatory exception to the requirements of section [22.1.1](#) related to the purchase and possession of liquor by a minor exists for minors employed or contracted by the police or branch to test licensees' compliance with the age of sale requirements (known as the Minors As Agents [MAP] program). These minor agents are permitted to enter establishments and liquor stores as patrons as part of their employment, as long as they are under the supervision of a police officer or branch employee.

*[Liquor Control and Licensing Act, sections 78(1) and (4)]*

# SECTION 23: Advertising and Signage

## 23.0 Introduction

This chapter covers topics related to licensee signage and advertising.

Advertising is defined by Liquor and Cannabis Regulation Branch policy as any public notice, announcement or display, including liquor packaging and signage, through any means of communication that is intended to promote:

- Liquor products,
- The brand name or manufacturer of liquor,
- The name of a premises where liquor is available or the opportunity to make liquor is available, or
- The name under which the holder of the licence or permit carries on business.

References to liquor products, manufacturers, licensed establishments, etc. in journalism articles or in scientific or academic research reports not paid for the licensee or permittee are not considered advertising.

## 23.1 General Conditions

### Policy Rationale

Policies governing advertising have been crafted with public safety principles in mind, primarily that consumption should not be encouraged, that irresponsible consumption should be prevented and that advertising should not target minors.

### Policies

Licensees, public special event permittees, manufacturers, LDB agency stores, duty free stores and the LDB may advertise:

- Liquor manufacturers and their products,
- Where liquor may be purchased and information about these establishments, and
- Prices

The advertisements must comply with Liquor Control and Licensing Regulations. The regulations incorporate the Canadian Radio-television and Telecommunications Commission's (CRTC) *Code for Broadcast Advertising of Alcoholic Beverages* (<https://crtc.gc.ca/eng/television/publicit/codesalco.htm>) as the advertising code for the province and is applicable to all advertising medium and not just broadcast advertising.

See the terms and conditions handbooks for the advertising and signage rules specific to each licence class.

[Liquor Control and Licensing Regulation, sections 169 and 171]

Unlicensed persons or entities not listed above (such as delivery services) are also permitted to advertise liquor but are restricted to advertising the following information in respect to liquor:

- Where the liquor is available, and
- Whether the liquor is beer, wine or spirits, without referring to the names of manufacturers or liquor products or the price of the liquor.

This advertising must also comply with the CRTC code.

[Liquor Control and Licensing Regulation, sections 169 and 170]

Any signs, including signs bearing the name of a licensed establishment, are considered to be advertising and must comply with the advertising terms and conditions outlined in this chapter. Signs must also comply with local government bylaws.

The name of the establishment and exterior signage must be approved by Branch staff. The name and signage may not be inconsistent with the class of licence held by the licensee or licence applied for.

Branch staff may also, in exceptional circumstances, require licensees to post signage in establishments to inform the public where liquor can be consumed or where/when minors are permitted in the establishment.

[Liquor and Cannabis Regulation Branch Policy]

## 23.2 Mandatory Display

Alcohol Sense is a joint initiative of the Ministry of Health, the Liquor and Cannabis Regulation Branch, the Liquor Distribution Branch, and the Centre for Addictions Research of BC.

Alcohol Sense is the first educational campaign for mandatory display under the LCLA amendment. It is a comprehensive new resource to provide information and tools to give parents the tools they need to guide their children towards healthy decisions about alcohol use.

Licensees are required to post [current social responsibility materials](#). Posters and tent cards are mailed out to licensees and must be prominently displayed in the establishments. These materials are updated from time to time and licensees will continue to receive the materials to display.

## SECTION 24: Relocation of an Establishment

### 24.0 Introduction

When changing the location of the establishment, the licensee must first receive branch consent in the form of approval for a relocation application.

There are two types of relocation:

- *Relocation to a new site* – a change in the location of the licensed establishment from one property (as identified by the legal description) to another, or
- *Relocation at the same site* – a change in the location of the establishment or the service area within the establishment on the same property (as identified by the legal description) to which a liquor licence has been granted.

[*Liquor Control and Licensing Act*, section 17; Liquor and Cannabis Regulation Branch Policy]

### 24.1 Relocation to a New Site

Any licensee may apply to relocate their licence anywhere within the province, subject to local government/First Nation zoning. The Branch will consider the same factors relevant to the establishment and its location as are considered in an application for a new licence.

The Branch may approve the application for relocation, if:

- The plans for the establishment at the new site are approved;
- The proposed establishment and its location comply with regulations, policies, and terms and conditions of the licence (refer to each licence section for more info);
- The applicant has demonstrated a valid interest in the proposed location;
- The applicant retains a valid interest in the currently licensed site; and
- Any other relevant factors are satisfactorily addressed.

[*Liquor Control and Licensing Act*, sections 19(1), (2)(c) and (d), (3), and 38; Liquor Control and Licensing Regulation, section 71; Liquor and Cannabis Regulation Branch Policy]

### 24.2 Relocation at the Same Site

Before approving the relocation of an establishment or a service area within an establishment at the same site, the Branch may consider the same factors as are considered in a request for structural alteration. (see section [15](#), Structural Changes)

[*Liquor Control and Licensing Act*, sections 19(1), 2(c), (d), and (3); Liquor and Cannabis Regulation Branch Policy]

### 24.3 LRS Relocations

Applications to permanently or temporarily relocate a LRS will generally not be approved if the proposed location is within 1 km of an existing or proposed LRS or BC Liquor Store.

Distance is measured from the front door to the front door of each service area, as the crow flies. The front door is the main entrance to the licensed or proposed service area regardless of whether the location is in a mall, grocery store or other free-standing building.

There are certain prescribed circumstances where a proposed location may qualify for exemption from the 1 km distance criteria, see section [5.3.1](#) for more details about when the criteria may apply.

A permanent relocation application will allow an LRS licence to be permanently relocated to another address to operate upon approval (refer to section [5.3.2](#) for more information).

A temporary relocation application will allow an LRS licence to be temporarily relocated to another address to continue operating while changes are made to the LRS hold location. A temporary LRS relocation is permitted when the permanent location is inoperable due to circumstances such as a fire, flood, or other circumstance beyond the licensee's control as well as when major renovation or reconstruction of the site is needed due to an aging building or redevelopment of the site for example (refer to section [5.3.3](#) for more information).

Competing LRS relocation applications are reviewed in order of date received by the Branch. The Branch will notify applicants if an application is incomplete. However, incomplete or insufficient applications will not be reviewed for compliance with relevant distance criteria until the information necessary to complete the application has been received. The proposed site in an incomplete application will not restrict competing applications in the surrounding 1 km radius until all required information has been submitted.

LRSs may be relocated to an eligible grocery store under the store in store model. See section [5.2.3](#) for more information on LRS in grocery store requirements.

[*Liquor Control and Licensing Act*, section 12; *Liquor Control and Licensing Regulation*, section 60 and 61]

## 24.4 Wine Store Relocations

There is no distance restriction between other liquor retail or wine store outlets that prohibits the relocation of a wine store. If a wine store licensee is associated with another business and applies to relocate the business, the nature of that association may be required to change.

Wine store licensees that sell only BC wine (including special wine store licences), other than winery- owned or sacramental wine stores, may be relocated to within a grocery store. The proposed wine store must be physically separated from the rest of the grocery store in a manner satisfactory to the general manager, unless the licensee owns the grocery store or holds a converted wine store licence. Please see section [7.6](#) for more information on wine store in grocery store requirements.

[*Liquor Control and Licensing Act*, section 12; *Liquor Control and Licensing Regulation*, section 65]

## 24.5 Liquor Primary Relocations

Liquor primary establishments may apply to relocate anywhere in the province, but they are subject to a local government/First Nation community input process for the new location.

A liquor primary with an off-sales endorsement can only keep the endorsement if the new location complies with the off-sales distance criteria of being 30 km from the nearest liquor retail outlet.

## 24.6 Relocation of Licensed Motor Vessels

Food primary and liquor primary establishments located on a motor vessel may apply to move the location of the vessel to a new marina or berth. If you are relocating to a new marina or berth, a relocation application is required. If you are making changes to, or replacing, your motor vessel (aside from purely cosmetic changes), a structural change application is required (see section [15](#)).

[*Liquor Control and Licensing Act*, section 12]

## 24.7 Relocation of Licensed Railway Station

Food primary and liquor primary establishments located on a railway may apply to move the location of the railway station. If you are relocating to a new railway station, a relocation application is required.

If you are adding and/or replacing railway car(s), a structural change application is required.

[*Liquor Control and Licensing Act*, section 12]

## 24.8 Relocation of Rural Licensee Retail Store

See [6.1.3](#): Relocations of an RLRS licence.

# SECTION 25: Dormancy

## 25.0 Introduction

### Policy Rationale

The purpose of a liquor licence is to regulate the sale of liquor in the public interest. It is a regulatory tool, issued by the Liquor and Cannabis Regulation Branch, for the purpose of operating a licensed establishment to support effective regulation of the sale and service of liquor within a community. As such, liquor licences that are not in use should not be viewed as assets or property to be leveraged or held for future opportunities. Inactive licences create challenges for effective regulation of the liquor industry and are contrary to public interest for a number of reasons.

Licensed establishments may occasionally close for short periods of time due to vacation, minor renovations etc. without any impact to the public interest and should be able to do so without impacting the establishments' operational status. Conversely, longer closures are more likely to have negative impacts to communities and can limit the general manager's flexibility in issuing new licences or amending active licences. Therefore, limits to longer establishment closures are needed.

Dormant licensee retail store (LRS) and rural licensee retail store (RLRS) licences affect the relocation of other LRS and RLRS licences because an LRS cannot move within 1 km of another LRS and an RLRS cannot move within 10 km of another RLRS or LRS (unless authorized by the general manager). This can prevent an LRS or RLRS moving into a community, even though no LRS or RLRS is currently operating there, at the expense of community accessibility. This also results in the obstruction of other licensees' who may wish to do business in the community.

A liquor primary establishment has the potential to upset the balance within a community. People take into consideration the location of bars and nightclubs when choosing where to live, given the potential for noise, late hours, etc. Communities and their standards may change over time, and a dormant bar re-emerging many years later can impact residents who did not know or had forgotten that the establishment was located in their neighbourhood.

The existence of any type of dormant licences also impacts other licensees that wish to operate within a community, including in a location where a dormant licence is located. As dormant licences can re-open at any time, they factor into local government/First Nation (LG/FN) decisions about the number and density of similar establishments in a given area, which may contribute to the restriction of other licensed establishments. Restrictions imposed by LG/FNs may be expressed through zoning bylaws, which deal with the community standards aspect of the public interest.

To limit lengthy closures and the resulting negative impacts to the public interest, section 49 (5) of the *Liquor Control and Licensing Act* (Act) provides a two-year limitation to dormancy periods, prescribed under section 92 of the Liquor Control and Licensing Regulation.

These provisions will be discussed in greater detail in the following policies.

### Policy

## 25.1 Definition of Dormant Licence

A licence is dormant when a licensee is not operating their licensed establishment.

If an establishment has multiple service areas the licence is only considered dormant if all areas are not operating. Exceptions to this are endorsements and manufacturer sampling areas. These are only permitted to operate in conjunction with the active licence they are issued under. See sections [4.9](#) and [4.11](#) for more information.

Establishments that are licensed for seasonal use (e.g. ski hills and motor vessels) are not considered dormant when they are closed for off-season periods.

Routine establishment closures (i.e., always closed Mondays etc.) are not considered periods of dormancy.

[*Liquor Control and Licensing Act*, section 49(5); Liquor and Cannabis Regulation Branch Policy]

### 25.1.1 Distinguishing dormant from operational establishments

An operational establishment is one that is open for business and routinely engaged in the activities for which it is licensed. The Liquor and Cannabis Regulation Branch (the Branch) recognizes many establishments have unique characteristics in how they operate. For this reason, instead of prescribing minimum operating requirements, the Branch will apply a reasonableness test to differentiate between dormant and operating establishments. A reasonableness test allows flexibility to accommodate a range of different operational businesses and circumstances.

If the Branch suspects a licence is not operating, the licensee may be asked to verify they are operating in good faith. Relevant information that will be considered can include, but is not limited to sales records, stock levels, employee payroll, advertising, and liquor purchases. Licensees should generally be able to show how a reasonable person in the community is able to identify the establishment is open for business. The licensee is responsible for satisfying the general manager that the establishment is operating in good faith.

This is also applicable to seasonal establishments. A seasonal establishment is one that routinely operates a part of a year, usually due to factors such as weather, tourism, location and community. When asked, a seasonal establishment must be able to provide evidence to show the typical operational period and offseason.

It is not sufficient for a licensee to assert their establishment is operational, without evidence to support that assertion.

When preparing to re-open a dormant establishment, licensees should do so with the dormancy period time-limit in mind. Licensees that are working toward re-opening an establishment (i.e., renovating, staffing, etc.), are not considered to have an operational establishment.

[*Liquor Control and Licensing Act*, section 49(5); Liquor and Cannabis Regulation Branch Policy]

## 25.2 Notification of Dormancy – Closing and Reopening

It is a term and condition of a licence that licensees must notify the Branch of establishment closures of 90 days or longer, within 10 days of the establishment closure, or as soon as the licensee becomes aware that the closure will last longer than 90 days.

The dormancy period starts the day the establishment stopped operating, not the day the Branch was notified.

When an establishment is ready to re-open, licensees must notify the Branch in advance so that the licence may be removed from dormant status prior to re-opening.

Licensees operating seasonal establishments are not required to report seasonal closures. Establishments that

operate seasonally are not considered dormant during normal seasonal closures.

[Liquor and Cannabis Regulation Branch Policy]

### 25.2.1 Dormancy period - length of closure

A licence may remain dormant for up to two years, providing it remains compliant with the Act, the regulation, and the terms and conditions of the licence, unless an extension to the dormancy period has been approved. See section [25.5](#) for information related to extensions to dormancy periods.

[*Liquor Control and Licensing Act*, section 15(2)(p), 19 and 49, *Liquor Control and Licensing Regulation*, section 92]

## 25.3 Licence Terms and Conditions During Dormancy Period

If a licensed establishment ceases operation but continues to hold a liquor licence, it must continue to comply with the Act and regulations, and the terms and conditions of that licence. This includes maintaining valid interest in the property and payment of the annual licence renewal fee.

It is also a term and condition that a licensee report and/or apply for changes that affect the licence. See the applicable terms and conditions handbook for a list of what types of changes need to be reported, when, and how.

When making changes to an establishment and/or licence during the dormancy period, licensees making business decisions should do so with the dormancy period time-limit in mind. Particularly, if buying, selling, relocating and/or renovating a business with a dormant licence, it is important to consider the dormancy time-limit and how it may impact these changes before plans are finalized. Timelines related to change applications, in particular, relocation applications, do not have the effect of extending the dormancy period, and are not generally relevant in considering a request to extend the dormancy period. See section [25.5](#) for circumstances in which an extension to the dormancy period can be considered.

Liquor inspectors may conduct inquiries or inspections to verify the establishment is closed and determine if it complies with the Act, regulations, and terms and conditions of the licence. Failure to abide by the terms and conditions of the licence may result in the cancellation of a liquor licence before the end of the dormancy period.

[*Liquor Control and Licensing Act*, sections 15(2)(p), 19 and 49, *Liquor and Cannabis Regulation Branch Policy*]

### 25.3.1 Alternate use during dormancy period

A dormant licensed establishment cannot operate as another business during dormancy, unless specifically permitted by the licence terms and conditions. For example, if a liquor primary licence is approved as ancillary to a primary business (such as a bookstore or spa), the primary business is still permitted to operate if the liquor licence is dormant. Similarly, if a food primary licence is dormant, the licensee may still operate the restaurant unlicensed.

When an establishment ceases to offer liquor service, as in the case of the examples above, the liquor licence is considered dormant and notification of the dormancy is required under the terms and conditions of the licence.

Liquor-free events may be held at a dormant establishment, provided it continues to comply with the licence terms and conditions. However, a dormant licence cannot be temporarily de-licensed for the purpose of holding a public or private special event or a catered event. A Special Event Permit or catering authorization cannot be issued at a location that is the subject of a dormant licence.

[Liquor and Cannabis Regulation Branch Policy]

## 25.4 Expiry of Dormancy Period

If the establishment does not resume operation within the two-year period and the licensee has not requested and qualified for an extension to the dormancy period, then the general manager must cancel the licence. See next section for circumstances in which an extension to the dormancy period can be considered.

[*Liquor Control and Licensing Act*, section 49(5), *Liquor Control and Licensing Regulation*, section 92]

## 25.5 Extension to the Dormancy Period

The Branch recognizes that unexpected delays can result during renovations and that construction timelines can be significant when rebuilding an establishment. Therefore, there are construction related circumstances under which the general manager may consider granting an extension to the two-year maximum dormancy period upon application to the Branch.

The Branch also recognizes that there are other circumstances, beyond a licensee's control, that may prevent the re-opening an establishment. Therefore, the general manager may also consider other circumstances under which an extension may be granted to the dormancy period.

If a licensee can demonstrate to the general manager that they are making every effort to resume operations within the two-year maximum dormancy period or as soon afterward as possible, the general manager may grant an extension to the dormancy period in the following circumstances:

Renovating:

- the licensee started, at the beginning of or during the dormancy period, construction to renovate the establishment that prevented the establishment from operating;
- the construction would normally be completed by the end of the dormancy period; and
- the construction is not completed by the end of the dormancy period due to reasons beyond the control of the licensee, the construction is continuous after the dormancy period, and operation of the establishment restarts as soon as practicable after the construction is completed.\*

Damage - fire, flood, or other event beyond a licensee's control:

- the establishment was substantially damaged or destroyed by fire, flood or other event beyond the licensee's control at the beginning of or during the dormancy period;
- the construction to renovate or rebuild the establishment could not normally be completed by the end of the dormancy period; and
- the construction started during the dormancy period and is continuous to the end of the dormancy period, the construction is continuous after the dormancy period, and operation of the establishment restarts as soon as practicable after the construction is completed. \*

Demolishing and rebuilding:

- the licensee started construction to demolish and replace the building that is the establishment or in which the establishment is located at the beginning of or during the dormancy period,
- the construction could not normally be completed by the end of the dormancy period,
- the construction started during the dormancy period and is continuous to the end of the dormancy period, the construction is continuous after the dormancy period, and operation of the establishment restarts as soon as practicable after the construction is completed. \*

Landlord initiated construction/renovations:

- the owner of the building in which the establishment is located, who is not the licensee, initiated construction on the building at the beginning of or during the dormancy period and the construction prevented the establishment from operating;
- the construction extends past the end of the dormancy period; and operation of the establishment restarts as soon as practicable after the construction is completed.

Other circumstances:

- the licensee started, at the beginning of or during the dormancy period, taking reasonable steps to re-open within the 2-year period;
- the licensee has been prevented from operating the establishment due to circumstances which are reasonably beyond their control;
- the circumstance reasonably beyond the licensees' control; and
- operation of the establishment will restart as soon as practicable after the licensee is no longer prevented from doing so by the circumstances.

Examples of circumstances not considered beyond the licensees' control:

- Negligence related to timelines/applying for permits late in process etc.
- Negligence related to the establishment itself, i.e. long-term mold or rot problem that was ignored, until late in dormancy period
- Business decisions, such as selling business, re-designing renovation or redeveloping site knowing it will delay re-opening past deadline
- Financial burdens, inadequate funding, company not in good standing

\*Construction is considered to be started or to be continuous if the general manager is satisfied the licensee made genuine attempts to have the construction start or be continuous but an event beyond the licensee's control prevented the construction from starting or being continuous, and the construction starts or continues as soon as practicable after the licensee is no longer prevented from doing so by the event.

Requests to extend a dormancy period must be submitted in writing, prior to the expiry of the dormancy period, and must provide evidence of the following:

- the licensee took reasonable steps to re-open by the end of the dormancy period
- the delay was beyond the licensees' control
- the timeline of the progress being made to re-open, with re-opening being as soon as practicable

If an extension to the dormancy period granted, the licence will not be cancelled as long as the establishment reopens by the extended dormancy period deadline.

[*Liquor Control and Licensing Act*, section 49(5), *Liquor Control and Licensing Regulation*, s. 92 and 92.1 (1) to (7)]

## 25.6 Required Period of Operation Between Periods of Dormancy

A minimum of a six-month operating period between periods of dormancy is required to reset the two-year dormancy period. This time period reinforces the Branch's expectation that licensees are operating their establishments.

If a licensee ceases operating again, prior to the required six-month operating period, the dormancy period timeline will continue cumulatively from when it was last non-operational.

For seasonal establishments, the Branch may consider less than a six-month operating period if a licensee can demonstrate that their typical operating seasons are less than six months in duration.

[Liquor and Cannabis Regulation Branch Policy]

## 25.7 Cumulative Closures

The Branch may assess cumulative closures over a period of time to establish a pattern of dormancy. A licensee operating in good faith is not generally expected to go through frequent periods of closure, or to repeatedly be closed for the maximum allowable time. Frequent or long closures over a longer time frame may be relevant to determining the operational status and timelines of a licence.

Cumulative periods of dormancy over a six-year period may be reviewed. The Branch will review the length and frequency of closures over a six-year period to ensure licensees continue to operate in good faith.

[*Liquor Control and Licensing Act*, section 15(2)(p), 19 and 49, *Liquor Control and Licensing Regulation*, section 92; Liquor and Cannabis Regulation Branch Policy]

## 25.8 Dormant Liquor Primary, Food Primary, and Retail Store Licences with Endorsements

Licence endorsements are permitted to operate in conjunction with the active licence it was issued under. When the primary licence ceases to operate, the licence is considered dormant. Therefore, the endorsements are not permitted to operate.

This includes the following endorsements:

Licence Class	Endorsement
Liquor Primary or Food Primary	Temporary use area
Liquor Primary	Off-premise sales
Liquor Primary (other than liquor primary club) or Food Primary	Catering
Licensee Retail Store, Wine Store or Special Wine Store	Temporary off-site sale

[*Liquor Control and Licensing Act*, section 8; Liquor and Cannabis Regulation Branch Policy]

## 25.9 Dormant manufacturer licences

Manufacturer endorsements and sampling terms and conditions are privileges of the manufacturer licence. On approval of these privileges, they are permitted to operate in conjunction with an active manufacturer licence.

While a manufacturer's production schedule may vary, a licence is considered dormant when the manufacturing of liquor ceases, and the licensee is unable to demonstrate that production will resume in the near future. If a licensee is not currently manufacturing but has plans to begin producing soon, the Branch may ask for evidence to identify when production last took place (e.g., production logs) and evidence to show when production will

continue (e.g., readiness of inputs/equipment) to determine whether the licence is dormant. This includes:

- On-site store (on-site sales, online sales and sales at markets)
- Lounge
- Special event area
- Picnic area

[Liquor Control and Licensing Regulation, section 28]

## 25.10 Expired Dormant Licences

Where a dormant licence expires, the dormancy period timeline will continue to be calculated.

Should a dormant licence reach the maximum two-year dormancy period while it is expired, the licence cannot be renewed or reinstated.

[Liquor and Cannabis Regulation Branch Policy]

# SECTION 26: Applications, Reapplications, Renewals and Refunds

## 26.0 Introduction

During the licensing process, information is gathered about applicants and their establishments to determine whether they meet liquor licensing criteria. This process allows applicants to understand and commit to operating their establishments in compliance with licence terms and conditions.

The circumstances during which a liquor licence is originally issued may change over the lifespan of a licensed establishment. These changes must be reported to the Branch to ensure the licensee and the establishment continue to meet the requirements of the licence. The policies regarding licence amendments establish the broad authority by which change approval authority is applied, as well as the circumstances under which an application should be made to the general manager for discretion to be exercised.

This chapter also covers licence renewals, licence reinstatements, and refunds.

## 26.1 Reporting Requirements

Revised  
April 2025

The Branch requires a licensee to report specific information related to the licensee or the licence, including, if the licence is held by a corporation, the names and contact information for directors, officers, and shareholders of the corporation. In some cases, the licensee must also include complete personal history summaries and criminal record and judicial matters checks for directors and shareholders of the corporation. Licensees with third-party operators must report the same information for the third-party operator using the licence.

Revised  
April 2025

When applying for a liquor licence, public corporations and societies (such as fraternal organizations and veterans' clubs) are required to submit a completed criminal record and judicial matters check and personal history summary for all directors of the organization.

The terms and conditions handbook for each type of licence provide detailed information about the types of changes that must be reported, and the form required for reporting. The handbook also specifies which changes require application and prior approval and the time frames for reporting.

[*Liquor Control and Licensing Act*, section 59(1)(2); Liquor and Cannabis Regulation Branch Policy]

## 26.2 Applications

### 26.2.1 Signing authority for forms

The Branch now requires that an authorized signatory of the licensee/applicant complete and sign all forms. The licensee/applicant is responsible for ensuring that the individual who signs the form is authorized to do so.

Typically, an authorized signatory will be as follows:

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

If an authorized signatory has specifically permitted a licensee representative to sign a form on the licensee/applicant's behalf, the Branch will accept the licensee representative's signature.

[Liquor and Cannabis Regulation Branch Policy]

### 26.2.2 Only complete applications will be processed

To apply for a new licence or licence amendment, applicants must submit a complete application, including all the required documentation noted on the application form and guide (if applicable), and the application fee. The Branch will not consider an application until all the required documents and fees have been submitted.

If a submitted application is incomplete or contains insufficient information, the applicant will be notified of the information or documents required to complete the application. Submitting an incomplete application will result in processing delays.

Additionally, incomplete or insufficient applications for licensee retail store relocations, BC Liquor Store locations, liquor primary off-sales endorsements, and new or relocating liquor primary licence applications will not be reviewed for compliance with relevant distance criteria. The proposed site in an incomplete application will not restrict competing applications in the surrounding areas until all required information has been submitted. (For more information, see section [24](#) on relocations and section [4](#) on off-sales endorsements.)

[Liquor Control and Licensing Act, sections 12 and 83(a)(i) and 83(c); Liquor Control and Licensing Regulation, Schedule 1]

### 26.2.3 Retention period for incomplete applications

For new licence applications, an incomplete application package will be held for a maximum of 45 calendar days to give the applicant time to submit any outstanding information. For change applications, the retention period is a maximum of 30 calendar days.

After the retention period, an incomplete application may be terminated. The application fee is non-refundable.

[Liquor and Cannabis Regulation Branch Policy]

### 26.2.4 Extension of retention period for incomplete applications

In extenuating circumstances, these allowable time periods may be extended at the discretion of licensing staff. The onus for obtaining an extension is on the applicant. If an extension request is not received prior to the expiry of the retention period, the application may be terminated. To grant the request for an extension, the Branch must be satisfied that:

- the request is reasonable;
- the applicant is making reasonable progress towards addressing outstanding issues related to the application in the circumstances;
- the delays giving rise to the request are beyond the applicant's control.

In circumstances where a third party is responsible for the delay, a letter from the third party outlining the current status and schedule for completion must accompany the request for extension.

[Liquor and Cannabis Regulation Branch Policy]

### 26.2.5 Where issue, renewal, transfer or amendment of licence is prohibited

The applicant must meet eligibility criteria in order to obtain a licence and must maintain eligibility at all times while holding the licence. The Branch is prohibited from issuing, renewing, transferring or amending a licence in the following circumstances:

- where it is contrary to the public interest,
- where the applicant or an affiliate of the applicant is not eligible (see section [10.0](#), Applicant Eligibility);
- where the applicant does not hold valid interest in the business and premises associated with the licence (unless the business is a VQA wine store) (see section [10.3](#), Valid Interest);

- where the applicant or an affiliate of the applicant is not fit and proper to hold a licence (see section [9.2](#), Applicant Suitability); or
- where the place, premises, equipment or facilities related to the licence do not comply with the Act, regulations, or terms and conditions of the licence.

Amendments to a licence are not permitted when the licence status is expired, or the licence has been cancelled.

[Liquor Control and Licensing Act, sections 13, 19 (1)(2)(3)(4); Liquor and Cannabis Regulation Branch Policy]

### 26.2.6 Grounds for refusal to issue, renew, transfer or amend a licence

The Branch may refuse to issue, renew, transfer, or amend a licence in a variety of circumstances. If an applicant:

- has failed to disclose a material fact required by the application or provided a false or misleading statement,
- owes a fine imposed under the *Offence Act* or a monetary penalty to the Branch,
- has applied to amend a licence that is under suspension, or
- has completed unauthorized structural alterations.

The Branch will consider the facts and decide if the application will be refused or terminated. The Branch may also refuse to issue or renew a manufacturing licence if the applicant/licensee fails to demonstrate their intent and ability to produce on-site on a regular basis.

Applications which are intended to circumvent application requirements (e.g. applying for a food primary to bypass the local government input process but planning to operate as a liquor primary) or subvert the intention of the licensing process or licensing model will not be processed.

[*Liquor Control and Licensing Act*, section 20; Liquor Control and Licensing Regulations, sections 76 and 79]

### 26.2.7 Terms and conditions on amended licences

An amended licence continues to be subject to the terms and conditions in existence on the licence at the time of the amendment, unless otherwise indicated in the approval letter or on the face of the licence.

[Liquor and Cannabis Regulation Branch Policy]

### 26.2.8 Change applications where enforcement action is in progress

The Branch may consider a change application while enforcement action is in progress. The relevance of the compliance issue in relation to the change application and the potential for risk to public safety or public interest may result in the denial of the application. If the application is approved, the Branch may set additional terms and conditions on the licence. The application will be assessed according to the criteria in section [26.2.9](#) which includes any pending enforcement action.

[*Liquor Control and Licensing Act*, section 20(2)(a); Liquor and Cannabis Regulation Branch Policy]

### 26.2.9 Factors in determining the relevance of a licensee's compliance issues in a change application

The following factors will be considered in determining whether the compliance issues of the licensee or establishment is relevant:

- Whether there are any recent recorded incidents of non-compliance
- Whether non-compliance is alleged or proven in any of the incidents
- Any enforcement action taken in incidents of non-compliance
- Any action the licensee has taken to resolve incidents of non-compliance

- Any change in ownership or management control of the establishment since the last incidents of non-compliance on record
- The number of inspections that have occurred in which no incidents of non-compliance were recorded
- Whether police or local government filed any complaints regarding the operation of the establishment
- The impacts of any incidents of non-compliance on the surrounding community
- The likelihood that the requested change will either lead to further non-compliance or assist in resolving issues related to the non-compliance
- Any other factors that may be relevant to public safety and the public interest to ensure the proper conduct and operation of the licensed establishment

[Liquor and Cannabis Regulation Branch Policy]

### 26.2.10 Time span of compliance record relating to a change request

The time span of a compliance record that will be considered in relation to a licence change is:

- the previous three years for applicants who currently hold a licence;
- the previous 10 years for applicants who previously held a licence but were not prohibited from holding a liquor licence; and
- the full span of the records retained by the Branch for applicants who were, at any time, prohibited from holding a liquor licence due to non-compliance.

[Liquor and Cannabis Regulation Branch Policy]

## 26.3 Limitation on Temporary Changes to a Licence

A licensee may apply for up to to six temporary changes to their licence per year in total. The general manager may make an exception to the limitation on the number of temporary change applications, depending on the type of business, nature of the proposed event, impact on the community and/or other extenuating circumstances.

[Liquor and Cannabis Regulation Branch Policy]

## 26.4 Applications for an Exercise of Discretion

The *Liquor Control and Licensing Act* and Regulations provide the General Manager (GM) with discretionary decision-making power.

If an applicant or licensee makes an application for discretion regarding a matter that is not generally permitted by policy but is not prohibited by the *Act* or Regulations (i.e. statute barred), the general manager *may* exercise discretion to approve the application.

For existing licences, applications for an exercise of discretion may be limited by recommendations made previously by a local government or First Nation during the licensing process. The GM can only consider applications for discretion and grant discretion to matters under the GM's authority.

An application for discretion must be submitted via the liquor and cannabis licensing portal (<https://justice.gov.bc.ca/lcrb>). A non-refundable fee must be paid prior to application review.

A complete application should include:

- Reasoning for the discretion request beyond disliking the policy, or a desire to do business in a particular way;
- Information on how circumstances have changed to justify reconsideration, if requesting a change to existing terms and conditions;
- A clear explanation of how the applicant's situation is different from other similar licensees and why this makes the exemption necessary; and,

- All documentation that supports the request for discretion.

When reviewing an application for discretion, the GM may consider the following, but is not limited to:

- Public safety;
- Whether granting the application would be contrary to public interest;
- Financial impacts to an applicant's business;
- Financial impacts to other licensee's businesses;
- Financial impacts to government;
- The spirit of the *Act*, regulations, policy or broad government direction;
- Potential impacts to the statutory framework or other regulatory consequences; and,
- The provincial government's responsibilities under the *Declaration on the Rights of Indigenous Peoples Act*.

[Liquor and Cannabis Regulation Branch Policy]

## 26.5 Re-applications

### Policy Rationale

The Branch's refusal to accept re-submissions of previously refused applications is based on the principle that re-applications will not be successful unless there has been a demonstrable change in circumstances. The two-year time period for refusal is based on the idea that, for at least this length of time, factors such as community impact or support for the application are unlikely to have changed substantially.

### Policies

Any application that does not receive approval may be deemed to have been refused by the Branch for the purposes of determining whether to accept a reapplication. If an application is deemed to have been refused, the applicant will be notified in writing.

[Liquor and Cannabis Regulation Branch Policy]

#### 26.5.1 Refusal to accept a reapplication

The Branch will not accept a re-application from the same applicant for a licence at the same location, an endorsement, or an amendment to a licence that has been refused within the previous two years unless the application is warranted due to changes to the Act, the regulation or in the new application.

Applications for licence amendments may be refused if a previous application for the same amendment for the same establishment was refused and less than two years have passed since:

- the local government or First Nation in which the establishment is located has recommended that the licence not be amended, or
- the general manager has determined that the majority of residents are not in favour of the application.
- it has been more than two years since the previous application was refused; or
- there have been significant changes to the Act, the regulation or in the new application that warrant a reapplication.

Additionally, the Branch will not accept a reapplication to relocate a licensee retail store if the applicant has withdrawn an application to relocate to the same location within the previous three months.

If a re-application is refused, the Branch must provide written reasons for the decision.

[Liquor Control and Licensing Act, sections 14(2) and (3), 16(2); Liquor Control and Licensing Regulation, section 75]

### 26.5.2 Permitted reapplications

The Branch may accept an application previously refused if:

- It has been more than two years since the previous application was refused; or
- There have been significant changes to the Act, the regulation or in the new application.

[Liquor Control and Licensing Act, sections 14(2) and (3), 16(2); Liquor Control and Licensing Regulation, section 75]

### 26.5.3 Effect of accepting a reapplication

A decision to make an exception does not ensure that a new application will be approved. While the reasons the initial application was previously refused are relevant considerations and should be addressed in the reapplication, the reapplication will be considered on its own merits and will be subject to current legislation and policies.

[Liquor and Cannabis Regulation Branch Policy]

## 26.6 Licence Renewals and Reinstatements

### Policy Rationale

Although the factors considered at the time the licence was originally granted are not reconsidered at the time of renewal, other factors, including applicant eligibility conditions (see section [10.0](#)), must continue to be met to qualify for licence renewal.

If a licence is not renewed by the expiry date, a late renewal fee will be applied.

### Policies

#### 26.6.1 Term of licence and licence expiry

For all licence types, expiry dates appear on the face of the licence. Licences are generally valid for one year from the date of issue, except for manufacturer licences and U-Brew/U-Vin licences, which must be renewed on March 31 annually. Manufacturer licence and U-Brew/U-Vin licence fees are prorated for the first year of licensing to bring them into alignment with the March 31 renewal date.

Agent licences must be renewed on March 31 annually. New agent licences are not prorated for the first year of licensing.

The licensee is responsible for being aware of the licence expiry date and ensuring licence renewal is completed. As a courtesy, the Branch will send a renewal notice sixty days prior to licence expiry. The renewal notice is a reminder to licensees. However, failure to receive the renewal notice does not absolve the licensee from renewing the licence by before the expiry date.

A licensee who fails to renew their liquor licence by the expiry date listed on the face of their licence may no longer carry out the activities authorized by their licence as part of their business.

[Liquor Control and Licensing Act, sections 23(1) and (2)]

#### 26.6.2 Factors affecting licence renewal and reinstatement

A licence may not be renewed where, in the Branch's opinion, changes have occurred that would prohibit the licensee from holding a liquor licence or there are other grounds for refusal (see section [26.2.6](#)). Wine stores, special wine stores and licensee retail stores located in grocery stores must meet the sales revenue requirements

to be eligible for renewal or reinstatement (see sections [5](#) and [6](#), Special Wine Store, Wine Store and Licensee Retail Store for more information).

[*Liquor Control and Licensing Act*, section 13, 19 and 20; Liquor Control and Licensing Regulation, section 56(2)(3)]

### 26.6.3 Applications for renewal received on or before the expiry date

A liquor licence expires on the expiry date listed on the face of the licence. An application for licence renewal received on or before the expiry date must be signed by an authorized signatory and must be accompanied by the annual licence renewal fee.

Renewals are subject to the eligibility requirements (see section [26.2.5](#)) and may also be refused subject to the requirements of LCLA sections 19 and 20 (see section [26.2.6](#)),

[*Liquor Control and Licensing Act*, sections 23(1) and (2)]

### 26.6.4 Late renewal

If annual licence renewal fees are not received by the Branch by the licence expiry date, licensees must apply for late renewal of the licence. An application for late renewal may be processed if it is received within 30 calendar days of the expiry date. Late renewal is subject to a late renewal fee in addition to the annual licence renewal fee. Late renewal of a licence does not change the annual renewal date.

For agents, late renewal applications received during the 30 day period may be approved if there are no changes to the ownership, there is no enforcement action pending and there are no changes to the layout of the establishment. For all other licence types, except agents, late renewal applications received during this period may be approved if there are no changes to the ownership or layout of the establishment, and there is no enforcement action pending.

Late renewal applications must be signed by an authorized signatory (see section [26.2.1](#)) and must include payment of the late application fee in addition to the annual licence renewal fee.

Late renewals are subject to the eligibility requirements (see *Liquor Control and Licensing Act*, section 13), and may also be refused subject to the requirements (see section [26.2.6](#)).

[*Liquor Control and Licensing Act*, section 23(1)]

### 26.6.5 Applications for licence reinstatement

If annual licence renewal fees are not received by the Branch within 30 days of the expiry of the licence, the licensee must apply for reinstatement of the licence. The Branch may process an application for the reinstatement of an expired licence if it is submitted within 12 months of the expiry date. Reinstatement is subject to a fee in addition to the annual licence renewal fee. Reinstatement of a licence does not change the annual expiry date of a licence.

An agent licence may be reinstated if the ownership of the business has not changed and it is within 12 months of the expiry date of the licence. For all other types of licences, reinstatement applications received during this period may be approved if there are no changes to the ownership or layout of the establishment and there is no enforcement action pending.

Reinstatement applications must be signed by the authorized signatory for the legal entity type and must include payment of the late application fee in addition to the annual licence renewal fee.

Late renewals are subject to the eligibility requirements (see section [26.2.5](#)).

The Branch may request the applicant provide written reasons why the licence should be reinstated. If, in the opinion of the Branch, there have been significant changes to the business, the Branch may require a new licence application.

If a licence has been expired for more than 12 months, the licence will be cancelled.

[*Liquor Control and Licensing Act*, section 23]

### 26.6.6 Written notice of cancellation of a licence

If the Branch refuses to renew or reinstate a licence, written reasons for the decision must be provided to the applicant.

[*Liquor Control and Licensing Act*, section 23(3)]

### 26.6.7 Refunds

Refunds for licence fees are available:

- where the Branch has made an error;
- where the applicant has made an overpayment; and
- where first year licence fees for a food primary have been received but the application was refused.

Refunds for application fees may be available where the applicant applies in error. Annual licence renewal fees are not refundable.

[Liquor and Cannabis Regulation Branch Policy]