

Guide for Transfer of Licence Application

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

Instructions:

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

If you wish to fill out the application on your computer, you must save it to avoid losing inputted information.

Average processing times can be viewed on our website. These are approximate time frames only and can vary.

If you have any questions, contact the Liquor Control and Licensing Help Desk.

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

Email: LCLBHelpDesk@gov.bc.ca

Transferring a Liquor Licence

Transferring a liquor licence occurs when the entire legal entity (an individual, corporation, society, etc.) to which the licence is issued changes to a new legal entity.

Who is Responsible for the Licence during the Transfer Application Process?

The licensee listed on the face of the liquor licence is responsible for the licence until such a time that the Branch receives an administratively complete application and notifies both parties of its receipt.

Conclusively Deemed Licensee

The proposed transferee becomes the conclusively deemed licensee once an administratively complete application is received and both parties are notified by the Branch. The conclusively deemed licensee is responsible for the licence under the Act from this notification date forward.

Part 1: Current Licence Information (Seller)

Licence #:

The six digit number located at the top of the posted licence.

Date Licence Expires:

See top of posted licence

Note: The renewal fees must be paid in full before the licence expires. An expired licence cannot be transferred.

Establishment Name:

Name of physical establishment where business is taking place.

Licence Name:

Please complete if the licence is or will be different from the establishment name.

Physical Address:

Exact Address of the establishment (not mailing address).

Mailing Address:

The mailing address for the establishment. All correspondence including the liquor licence, renewal forms and other important information will be sent to this address.

Part 2: Agreement to Transfer Licence(s)

This declaration must be signed by an authorized signatory of the current licensee (seller) as listed on the face of the licence.

Acceptable Signing Authorities:

This form should be signed by an appropriate individual who has the authority to bind the current licensee (seller) and the applicant. The seller and the applicant are responsible for ensuring that the individual who signs this form is authorized to do so. Typically, an appropriate individual will be as follows:

- If the licensee/applicant is an sole proprietor, the individual himself/herself
- If the applicant is a corporation, an officer or, in some cases, a director
- If the 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 the licensee is none of the above, then please contact the Licensing Help Desk (1-866-209-2111).

Part 3: Proposed Licensee Information (Purchaser)

Name of Applicant:

Must match the name associated with the business number.

Note: This is not an individual's name unless the ownership type is that of a sole proprietor.

Business Number:

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

Applicant Email Address:

This is for ease of communication with the Branch.

Proposed Establishment Name:

If the name of the establishment is changing, you must provide a drawing or a photo of your proposed establishment sign.

- Your name and signage must be approved by the Branch to ensure it is appropriate, accurately reflecting the nature of the business.
- Do not order signs until you have received this approval.

Applicant Type - Documents:

Using the below list, submit the required documents for your applicant type as identified in part 3 of the application form. For information regarding corporate registry and documents, please see:

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

Personal History Summary:

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

A. Private Corporation

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

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

B. Sole Proprietor

(owns business in personal name).

Submit applicable personal disclosure documents.

C. Partnership

(two or more owners who carry on business together)

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

D. Public Corporation

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

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

E. Society

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

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

F. Other Applicant Types

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

Tied House Association

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

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

Valid Interest

Licensee Retail Stores and Wine Stores must include proof of Valid Interest this can be submitted in the following ways:

- If the applicant owns the property, a Certificate of Title in the applicant's name.
- If the applicant is renting or leasing, a fully executed lease or assignment/offer of lease which does not expire for at least 12 months from the date the licence is issued. An offer for rent/lease must show rent paid, have a term and an expiry date and be signed by both the applicant and the property owner.
- If the applicant is buying the land and the building(s), a copy of the offer or option to purchase the property and building(s). An offer must show price paid, have a term and expiry date, and be signed by both the applicant and the property owner.

Part 4: Contact Person

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

Licensee Representative

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

Part 5: Declaration of Signing Authority

Acceptable Signing Authorities:

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

- If the applicant is an individual, the individual himself/herself
- If the applicant is a corporation, a duly authorized signatory who will usually be an officer or, in some cases, a director
- If the applicant is a general partnership, one of the partners
- If the applicant is a limited partnership, the general partner of the partnership
- If the applicant is a society, then a director or a senior manager (as defined in the *Societies Act*)

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

Part 6: Application Fee

- The total application fee is **\$330.00**.
- The payment can be made by cheque or money order (made payable to the Minister of Finance), or by credit card (Visa, MasterCard, American Express).
- Note: The licence must be renewed every year. An expired licence cannot be transferred. To find out more about the cost of annual renewal, please refer to our website <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB010.pdf>

Part 7: Submitting Your Application

Submit your application in one of the following four ways:

1. Scan and email to liquor.licensing@gov.bc.ca. If you choose to submit by email and you wish to pay by credit card, you must make your payment over the phone at 1-866-209-2111.
2. Hard copy, by mailing it to:
Liquor Control and Licensing Branch
PO Box 9292 Stn Prov Govt
Victoria, BC V8W 9J8
3. Fax – you can fax your completed application to 250 952-7066.
4. In person, you can drop off your application at, 4th floor, 3350 Douglas Street.

Please do not send this guide or any of its appendices with your application.

Additional Notes

In order to operate your establishment, all licensees and third party operators, managers (supervises the sale and service of liquor), and servers (sell or service the liquor) must demonstrate that they have a Serving It Right certificate upon request from the Liquor Inspector. You can visit www.servingitright.com or call 604-633-9798 to apply for a certificate.

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

Checklist

The following items for each required individual listed under the applicant type (see part 3 of this guide):

- Personal disclosure forms for each required individual including third party operator if applicable.
 - A copy of your criminal record search, completed by your local RCMP/police detachment
 - A completed Personal History Summary form with supporting documents (indicated on form)
- Sample sign (if applicable)
- A cheque/money order for \$330.00 (or phone in and pay by credit card)
- Any additional documents required for your applicant type (see Part 3)
- Any additional documents required for your facility type
- Third party operator application, if applicable

Appendix 1: Samples

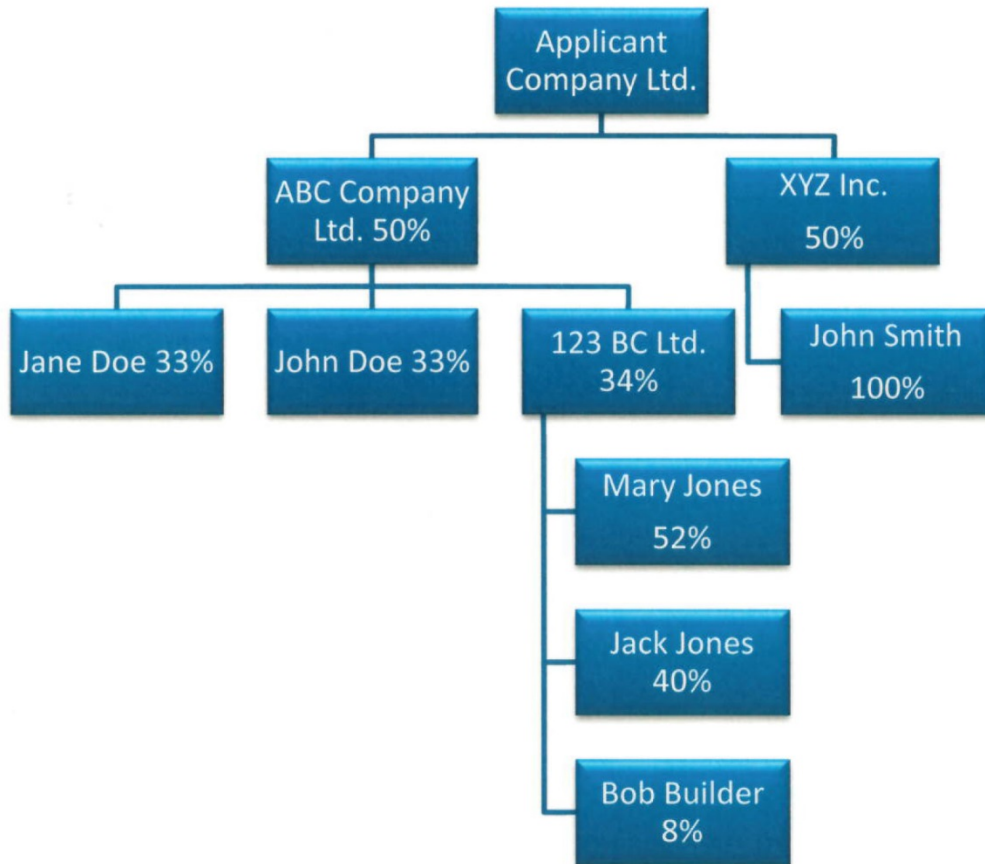
Sample Central Securities Registry

CENTRAL SECURITIES REGISTER

NAME OF COMPANY: 0123456 B.C. Ltd

FULL NAME & ADDRESS OF SHAREHOLDER	DATE BECAME A SHAREHOLDER	DATE CEASED BEING SHAREHOLDER	# OF SHARES	CLASS OF SHARES	CERTIFICATE #	ACQUIRED BY ALLOTMENT/ CONVERSION/ TRANSFERRED FROM
Smith, Joseph 111 Nowhere St Nowhere, BC VOX 0X0	January 1, 2012	January 2, 2014	100	Common Voting	1	Allotment by Treasury
Doe, Mary 111 Nowhere St Nowhere, BC VOX 0X0	January 1, 2012		100	Common Voting	2	Allotment by Treasury
White, John 222 Somewhere St Somewhere, BC VOY 1Y0	January 2, 2014		50	Common Voting	3	50 Transferred from Joseph Smith
Doe, Jane 333 Somewhere St Somewhere, BC VOY 2Y0	January 2, 2014		50	Common Voting	4	50 Transferred from Joseph Smith

Sample corporate structure chart



Sample restaurant sign



Sample Statutory Declaration

SAMPLE

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

STATUTORY DECLARATION

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

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

OR

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

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

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

(Lawyer, Notary Public, Commissioner for taking Affidavits)

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

(Address)