



APPLICATION FOR RECONSIDERATION FORM

Liquor Control and Licensing Form LCLB126

INSTRUCTIONS:

Complete all applicable fields then submit with payment as outlined in Part 7 of this application form. You may complete this form online, then print. If you have any questions about this application, call the Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 209-2111.

Part 1: Applicant Information

Applicant for reconsideration: [Text Box]

Applicant can be a licensee, deemed licensee, former licensee, permittee, deemed permittee, or former permittee

Full legal name of individual, corporation or other entity against whom the order was made

Licence Number: [Text Box]

Address for Service: [Text Box] [Text Box] [Text Box] [Text Box]
Street City Province Postal Code

E-mail: [Text Box] Tel: [Text Box]

Order (Under Section 51(9) of the Act) for which reconsideration is sought:

Case No. (see order): [Text Box]

The applicant must submit their reconsideration application 30 days after the applicant received the order for which reconsideration is sought (see section 199 of the Liquor Control and Licensing Regulation (LCLR) for rules regarding how to determine when an order was received).

Part 2: Request for Extension of Time

To be completed only if more than 30 days have passed since the applicant received the order for which reconsideration is sought. Identify below the special circumstance that prevented the applicant from meeting the deadline.

[Large empty text box for special circumstance]

Note: The general manager has the authority to deny the extension of time request.

Part 3: Prescribed Grounds for Reconsideration

As specified in section 152 of the LCLR, there are three prescribed grounds for reconsideration of an order made under section 51(9) of the Act:

- a failure to observe the rules of procedural fairness
an error of law
subject to section 53.1(4) of the Act, new evidence

Note: Reconsideration is not an opportunity to re-argue the case. These are the only reasons that a decision may be reconsidered.

Part 4: Applicant's Submission

Please provide a detailed written submission which clearly indicates the way in which one or more of the prescribed grounds is/are applicable. If there is not enough room in the space provided below you may attach the written submission to your application.

Note: Be thorough in your argument as reconsideration of the order is generally based on your written submission and supporting evidence only. The general manager (or his or her delegate) may, at his or her discretion, hold an oral hearing; however, you should not anticipate that an oral hearing will be held.

Part 5: Fee Payment

The reconsideration application fee is \$500.00 and is refundable only if the enforcement order is rescinded.

In accordance with Payment Card Industry Standards, the branch is no longer able to accept credit card information via email.

Payment is by (check one):

- Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds (NSF), a \$30 fee will be charged. If your cheque is NSF and the application fee is not paid in full before the 30 day deadline, your application may be terminated)
- Money order, payable to Minister of Finance
- Credit card: VISA MasterCard AMEX
- I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-952-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.
- I am submitting my application by fax or mail and have given my credit information in the space provided at the bottom of the page.

Part 6: Signature

Section 57(1)(c) of the *Liquor Control and Licensing Act* states: "A person commits an offence if the person (c) provides false or misleading information in the following circumstances: (i) when making an application referred to in section 12; (ii) when making a report or when required and as specified by the general manager under section 59". As the licensee or authorized signatory of the licensee, I understand and affirm that all of the information provided is true and complete.

Signature: _____

Authorized signatory of the licensee

Name: Position: Date:
(last / first / middle) (if not an individual) (Day/Month/Year)

Note: An agent, lawyer or third party operator may not sign the declaration on behalf of the licensee.

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

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

If an authorized signatory has completed the *Add, Change or Remove Licensee Representative* form (LCLB101) and they have specifically permitted a licensee representative to sign this form on the licensee's behalf, the branch will accept the licensee representative's signature.

Part 7: What Happens Next

1. Application reviewed for completeness/timeliness (applicant form, fee, date received).
2. The general manager (or his or her delegate) may issue stay of penalty, if required to provide time to adequately make a decision on rejection or acceptance of an application.
3. The general manager (or his or her delegate) will determine whether the application satisfied the requirements of section 53.1 (5) of the LCLA. If it does not, the application cannot be accepted.
4. The applicant will receive written notice of whether the application was accepted or rejected.

If the application is accepted, then the following will happen:

5. If the general manager (or his or her delegate) determines that an oral hearing is required, the applicant will be notified of the hearing date, time and location.
6. The general manager (or his or her delegate) will, in accordance with section 53.1(9) of the LCLA, confirm, vary or rescind the order, and will prepare a reconsideration order that meets the requirements of section 53.1(11) of the LCLA.
7. The applicant will receive a copy of the reconsideration order.

Note: The applicant's complete application package must contain this application form with responses in all the applicable fields, all the required documentation and the full fee.

The information requested on this form is collected by the Liquor Control and Licensing Branch under Section 26 (a), (b), and (c) of the *Freedom of Information and Protection of Privacy Act* and will be used for the purpose of liquor licensing and compliance and enforcement matters in accordance with the *Liquor Control and Licensing Act*. Should you have any questions about the collection, use, or disclosure of personal information, please contact the Freedom of Information Officer at PO Box 9292 STN PROV GVT, Victoria, BC, V8W 9J8 or by phone toll free at 1-866-209-2111.

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Application for Reconsideration

Credit Card Information (To be submitted by fax or mail only)

Name of cardholder (as it appears on card):

Credit card number: Expiry date: /
(Month) (Year)

Signature: _____