



Liquor Control and Licensing Act
**LIQUOR CONTROL AND
LICENSING REGULATION**
B.C. Reg. 241/2016

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Consolidated Regulations of British Columbia

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Liquor Control and Licensing Act

LIQUOR CONTROL AND LICENSING REGULATION

B.C. Reg. 241/2016

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Point in time from November 29, 2021 to April 6, 2022

Liquor Control and Licensing Act

LIQUOR CONTROL AND LICENSING REGULATION

B.C. Reg. 241/2016

PART 1 – INTERPRETATION AND APPLICATION

Definitions for regulation

1 In this regulation:

“**Act**” means the *Liquor Control and Licensing Act*;

“**adult**” means a person 19 years of age or older;

“**adult entertainment**” means entertainment intended for adults that is not appropriate for minors;

“**agent**” means an agent of a manufacturer who manufactures liquor outside British Columbia;

“**BC wine**” means the following types of wine:

- (a) wine, other than cider or sake, in respect of which the naturally occurring sugar used in the fermentation process comes from only
 - (i) products from plants grown in British Columbia,
 - (ii) honey produced from beehives located in British Columbia, or
 - (iii) milk from animals located in British Columbia;
- (b) cider in respect of which the naturally occurring sugar used in the fermentation process comes from only products from plants grown in British Columbia;
- (c) sake in respect of which the rice used in its production is grown only in British Columbia;

“**catered event**” means an event, other than a residential event, catered by a caterer at which the caterer sells or serves liquor;

“**charitable purpose**” means the relief of poverty and other purposes beneficial to the community and includes the advancement of the following:

- (a) education;
- (b) religion;
- (c) recreation;
- (d) sports or athletics;
- (e) aid to persons with disabilities;
- (f) culture;
- (g) youth or senior citizens;

“**commercially manufactured**”, with respect to liquor, does not include liquor that was manufactured under a U-Brew and U-Vin licence;

“**drinks containing liquor**” includes liquor provided in a bottle, can or other container;

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Part 1 – Interpretation and Application

“**duty free store**” means a duty free store established under section 21 (1) of the *Liquor Distribution Act*;

“**food or beverage festival**” means an event the primary focus of which is on tasting or showcasing food or liquor;

“**former regulation**” means the Liquor Control and Licensing Regulation, B.C. Reg. 244/2002;

“**grocery store**” means a store that

(a) is primarily engaged in retailing the following types of food and non-alcoholic beverages:

(i) canned, dry and frozen food;

(ii) fresh fruits and vegetables;

(iii) fresh and prepared meats, fish and poultry;

(iv) dairy products;

(v) baked products;

(vi) snack foods;

(vii) juices, carbonated beverages and flavoured beverages, and

(b) has an area of at least 929 square metres;

“**hotel**” means a hotel, motel or other building in which private guest rooms are maintained for the accommodation of the public;

“**LDB general manager**” means the general manager of the Liquor Distribution Branch appointed under the *Liquor Distribution Act*;

“**licensed agent**” means an agent who holds an agent’s licence;

“**licensed manufacturer**” means a manufacturer who holds a manufacturer licence;

“**licensee retail store**” means the establishment under a licensee retail store licence;

“**manufacturer**” means a person who manufactures liquor;

“**manufacturer licence**” means

(a) a brewery licence,

(b) a distillery licence, or

(c) a winery licence;

“**market**” means a market that

(a) is composed entirely of vendors, excluding a licensed manufacturer who holds a market authorization, who sell at the market artisanal goods of their own making or agricultural goods they produce, grow or raise themselves,

(b) is managed or carried on

(i) by a society as defined in section 1 of the *Societies Act*, a company as defined in section 1 (1) of the *Business Corporations Act*, or a corporation as defined in section 2 (1) of the *Canada Business*

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Part 1 – Interpretation and Application

Corporations Act or section 2 (1) of the *Canada Not-for-profit Corporations Act*,

- (ii) by a municipality or regional district in the municipality or regional district in which the market is located, or
 - (iii) in respect of the market at Granville Island in Vancouver Harbour, by the Canada Mortgage and Housing Corporation,
- (c) includes at least 6 vendors who do not sell or serve liquor, and
- (d) operates
- (i) on a weekly basis, for up to 3 days per week, or
 - (ii) on an annual basis, for up to 35 consecutive days per year;

“non-profit corporation” means a corporation that

- (a) is a society as defined in section 1 of the *Societies Act*, a corporation as defined in section 2 (1) of the *Canada Not-for-profit Corporations Act* or a corporation to which Part II of the *Canada Corporations Act* applies, and
- (b) has no director who is remunerated, other than the reimbursement of actual expenses that are directly related to the director’s duties as a director;

“non-profit organization” means an unincorporated organization that

- (a) has a name, an organizational structure and a membership that meets regularly or occasionally,
- (b) is established in the community as an organization that provides programs of community benefit, and
- (c) has no member who is remunerated, other than the reimbursement of actual expenses that are directly related to the member’s duties as a member;

“occupant load” means the occupant load determined in accordance with section 145;

“person capacity” means the maximum number of people permitted in a service area at one time determined in accordance with section 72;

“representative of a non-profit organization” means a person who

- (a) is a member of the non-profit organization, and
- (b) is acting on behalf of the members of the non-profit organization;

“rural licensee retail store” means the establishment under a rural licensee retail store licence;

“SES program” means “Special Event Server Program”, referred to in section 184 (1) (b);

“SIR program” means “Serving it Right: The Responsible Beverage Service Program”, referred to in section 184 (1) (a);

“special wine store” means the establishment under a special wine store licence;

“vessel” means a vessel as defined in the *Canada Shipping Act, 2001*;

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Part 1 – Interpretation and Application

“**wine store**” means the establishment under a wine store licence;

“**wine store licence**” does not include a special wine store licence.

[am. B.C. Regs. 291/2016, Sch. 1, s. 1; 18/2021, s. 1; 64/2021, s. 3.]

Definitions for Act and regulation

2 In the Act and this regulation:

“**beer**” means beer that contains more than 1% alcohol by volume;

“**manufacture**”, in relation to liquor, includes

- (a) the brewing, distilling or fermenting of liquor,
- (b) the blending of liquor,
- (c) the flavouring of liquor, and
- (d) the packaging or other enclosing of liquor in containers in or from which the liquor is intended to be distributed to consumers;

“**person**” includes the following:

- (a) a chartered branch or unit of a corporation referred to in section 11 (1) (b);
- (b) an entity referred to in section 11 (1) (c);

“**residential event**” 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 of the event and the persons personally invited by the host or named in an invitation issued by the host;

“**serve**”, in respect of liquor, means to serve liquor without charge;

“**spirits**” means spirits that contain more than 1% alcohol by volume, and includes coolers made with spirits and liqueurs that contain more than 1% alcohol by volume;

“**wine**” means wine that contains more than 1% alcohol by volume, and includes fortified wine, coolers made with wine, cider and sake that contain more than 1% alcohol by volume.

[am. B.C. Reg. 291/2016, Sch. 1, s. 2.]

Definitions for Act

3 (1) In the Act:

“**compliance history**” has the same meaning as in section 149 of this regulation;

“**issued under this Act**” includes converted under Division 9 of Part 7 or Part 8 of this regulation.

(2) In section 86 of the Act, “**issued under the former Act**” and “**issued at different times under the former Act**” include converted under the former Act.

[en. B.C. Reg. 291/2016, Sch. 1, s. 3; am. B.C. Reg. 18/2021, s. 2.]

LIQUOR CONTROL AND LICENSING REGULATIONPart 2 – Licences and Endorsements

Private place

- 4** (1) In this section, “**highway**” means a highway as defined in the *Motor Vehicle Act*.
- (2) For the purposes of the Act, “**private place**” means
- (a) a building or part of it during a period when the public does not have access to the building or part, as applicable, but does not include
 - (i) a residence, or
 - (ii) a building or part of it that may be rented by the public,
 - (b) the following when used as a permanent or temporary private dwelling in an area where camping is allowed, together with any adjacent land that is used for the convenience, occupation and enjoyment of the occupants:
 - (i) a motor home or other motor vehicle that is not on a highway;
 - (ii) a camper or a trailer that is not on a highway;
 - (iii) a tent, or
 - (c) a vessel to which the public does not have access that is equipped with permanent sleeping accommodations, cooking facilities and a toilet.
- [am. B.C. Regs. 137/2017, s. 1; 172/2017, s. 1; 231/2017, s. 1.]

Aboriginal governing bodies

- 5** The following are prescribed aboriginal governing bodies for the purposes of paragraph (b) of the definition of “first nation” in section 1 of the Act:
- (a) the governing council of the Westbank First Nation;
 - (b) the Sechelt Indian Government District Council.

Prescribed class of licence – application of Act

- 6** The class of licence prescribed for the purposes of section 2 (a) (ii) of the Act is the U-Brew and U-Vin licence.

PART 2 – LICENCES AND ENDORSEMENTS**Division 1 – Classes and Subclasses of Licences and Endorsements****Licences**

- 7** The following classes and subclasses of licences are established:
- (a) liquor primary licence;
 - (b) liquor primary club licence, being a subclass of liquor primary licence;
 - (c) food primary licence;
 - (d) catering licence;
 - (e) brewery licence;
 - (f) winery licence;

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Part 2 – Licences and Endorsements

- (g) distillery licence;
- (h) agent's licence;
- (i) U-Brew and U-Vin licence;
- (j) licensee retail store licence;
- (k) wine store licence;
- (l) special wine store licence;
- (m) rural licensee retail store licence.

[am. B.C. Reg. 18/2021, s. 3.]

Endorsements

- 8** The classes of endorsements set out in column 1 of the following table are established and the classes of licences on which they may be endorsed are set out opposite in column 2:

Table

Item	Column 1 Class of Endorsement	Column 2 Class of Licence
1	temporary use area	liquor primary or food primary
2	off-premises sales	liquor primary
3	catering	liquor primary, other than liquor primary club, or food primary
4	lounge	manufacturer
5	special event area	manufacturer
6	manufacturer on-site store	manufacturer
7	picnic area	manufacturer
8	temporary off-site sale	licensee retail store, wine store or special wine store

Division 2 – Liquor Primary Licences**Authorized activities**

- 9** A liquor primary licence authorizes
- (a) a licensee to sell to patrons drinks containing liquor in the service area under the licence, and
 - (b) a patron to consume the drinks containing liquor in the service area.

Authority to sell liquor – delivery and take-out

- 9.1** (1) In addition to the activities authorized by section 9, but subject to subsection (2) of this section, a liquor primary licence authorizes
- (a) a licensee to deliver and sell liquor in unopened containers to patrons outside the establishment under the licence,

LIQUOR CONTROL AND LICENSING REGULATIONPart 2 – Licences and Endorsements

- (b) a licensee to sell liquor in unopened containers to patrons and, in the service area under the licence, to transfer possession of the liquor to those patrons for the purpose of removing the liquor from the establishment,
 - (b.1) Repealed. [B.C. Reg. 241/2016, s. 9.1 (3).]
 - (b.2) a licensee to enclose in a container a drink containing liquor and
 - (i) deliver and sell the drink in the container in accordance with paragraph (a), or
 - (ii) sell and transfer possession of the drink in the container in accordance with paragraph (b), and
 - (c) a patron who has, in accordance with paragraph (b), taken possession of the liquor in the service area to remove it from the establishment.
- (2) A sale of liquor referred to in subsection (1) must occur in conjunction with the sale of a meal for consumption outside the establishment.
- (3) Repealed. [B.C. Reg. 241/2016, s. 9.1 (3).]
[en. B.C. Reg. 76/2021, s. 1; am. B.C. Regs. 105/2021, App. 1, ss. 1 and 3; 241/2016, s. 9.1 (3); 180/2021, App. 1, s. 1; 271/2021.]

Rules and requirements

- 10** (1) The following rules and requirements apply to liquor primary licences:
- (a) the establishment under the licence must not be
 - (i) a facility directed at or frequented predominantly by minors, or
 - (ii) a motor vehicle;
 - (b) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 4 a.m. the next day;
 - (c) unless exempted by the general manager, food and non-alcoholic beverages must be available at reasonable prices or without charge to the patrons.
- (2) If a liquor primary licence is endorsed with a catering endorsement, the rules and requirements set out in subsection (1) do not apply in relation to a catered event authorized by a catering authorization held by the licensee.

Liquor primary club licences

- 11** (1) Only the following are eligible to hold a liquor primary club licence:
- (a) a corporation that
 - (i) has at least 50 members who pay an annual membership fee,
 - (ii) does not have share capital, and
 - (iii) does not operate for the financial gain of its members;
 - (b) a chartered branch or unit of a corporation that meets the requirements of paragraph (a) (ii) and (iii) if the branch or unit has at least 50 members who pay an annual membership fee;
 - (c) an entity not described in paragraph (a) or (b) that

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- (i) held, on January 22, 2017, a liquor primary club licence under the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, and
 - (ii) has at least 50 members who pay an annual membership fee.
 - (2) Subject to the approval of the general manager, in addition to the activities authorized by section 9, a liquor primary club licence authorizes
 - (a) the licensee to sell to a member liquor in unopened containers in the service area for the purpose of it being removed from the service area, and
 - (b) a member who has purchased the liquor to remove the liquor, whether it is in an opened or unopened container, from the service area and to possess the liquor while taking it to another service area in the establishment.
 - (3) The approval of the general manager referred to in subsection (2) may be subject to conditions imposed by the general manager.
 - (4) In addition to the rules and requirements set out in section 10, the following rules and requirements apply to liquor primary club licences:
 - (a) the sale of liquor under the licence is restricted to members and their registered guests;
 - (b) only members and registered guests can enter and remain in the service area when liquor is being sold or served;
 - (c) the licensee must keep a guest register that contains the following information:
 - (i) the name of each guest;
 - (ii) the name of the member accompanying each guest;
 - (iii) the date the guest is in attendance;
 - (d) if the general manager has approved members to remove liquor from one service area to another, members must take a direct route when doing so.
- [am. B.C. Reg. 291/2016, Sch. 1, s. 4.]

Catering endorsement

- 12** A liquor primary licence endorsed with a catering endorsement authorizes a licensee
- (a) to sell and serve liquor at a residential event under section 25 (2) of the Act, and
 - (b) to apply for a catering authorization.

Primary purpose of business for catering endorsement

- 13** (1) The general manager must not endorse a liquor primary licence with a catering endorsement unless the general manager is satisfied that
- (a) the primary purpose of the business of the licensee, in relation to an event catered by the licensee, will be the preparation and service of food, and
 - (b) the licensee has the equipment in its establishment and personnel necessary to prepare and serve food at an event catered by the licensee.

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- (2) In making a determination for the purposes of subsection (1), the general manager may consider the factors set out in section 27.

Temporary use area endorsement

- 14** (1) A liquor primary licence endorsed with a temporary use area endorsement authorizes the licensee to apply for a temporary use area authorization.
- (2) It is a requirement of a liquor primary licence endorsed with a temporary use area endorsement that the establishment be located on a golf course or ski hill.

Off-premises sales endorsement

- 15** (0.1) In this section, “**brew pub**” means an establishment under a liquor primary licence if
- (a) the establishment is adjacent to the manufacturing facilities of an establishment under a brewery licence, and
 - (b) the same person holds the liquor primary licence and the brewery licence.
- (1) A liquor primary licence endorsed with an off-premises sales endorsement authorizes
- (a) the licensee to sell to patrons liquor in unopened containers from the service area under the licence for the purpose of removing the liquor from the establishment, and
 - (b) a patron who has purchased the liquor to remove it from the establishment.
- (2) An off-premises sales endorsement may not be endorsed on a liquor primary licence unless the establishment under the licence is
- (a) at least 30 km from every
 - (i) liquor store,
 - (ii) licensee retail store, and
 - (iii) establishment under a licence endorsed with an off-premises sales endorsement, other than a brew pub, or
 - (b) a brew pub.
- (3) A liquor primary licence endorsed with an off-premises sales endorsement may not be amended to relocate the establishment under the licence unless
- (a) the endorsement is rescinded, or
 - (b) the proposed new location is at least 30 km from every
 - (i) liquor store,
 - (ii) licensee retail store, and
 - (iii) establishment under a licence endorsed with an off-premises sales endorsement, other than a brew pub.
- (3.1) For the purposes of subsections (2) and (3), the distance between two buildings is to be measured as follows:

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- (a) if the buildings are connected by road or ferry, as the shortest travelling distance between the buildings by one or a combination of those means;
 - (b) in any other case, as the length of a straight line between the buildings.
- (4) The following rules and requirements apply to an off-premises sales endorsement:
- (a) 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.;
 - (b) no liquor, other than beer, wine and coolers made with spirits, may be sold for off-premises consumption;
 - (c) despite paragraph (b) of this subsection, 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;
 - (d) off-premises sales must be made from the main bar in the service area.
- (5) Despite subsection (4) (d), a licensee may offer off-premises sales from an area of the establishment other than the main bar if the area was approved for off-premises sales by the general manager before June 5, 2000.

[am. B.C. Reg. 231/2017, s. 2.]

Division 3 – Food Primary Licences**Authorized activities**

16 A food primary licence authorizes

- (a) 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, and
- (b) a patron to consume drinks containing liquor in the service area.

Authority to sell liquor – delivery and take-out

16.1 (1) In addition to the activities authorized by section 16, but subject to subsections (2) and (3) of this section, a food primary licence authorizes

- (a) a licensee to deliver and sell liquor in unopened containers to patrons outside the establishment under the licence,
 - (b) a licensee to sell liquor in unopened containers to patrons and, in the service area under the licence, to transfer possession of the liquor to those patrons for the purpose of removing the liquor from the establishment,
- (b.1) Repealed. [B.C. Reg. 241/2016, s. 16.1 (4).]
- (b.2) a licensee to enclose in a container a drink containing liquor and
- (i) deliver and sell the drink in the container in accordance with paragraph (a), or
 - (ii) sell and transfer possession of the drink in the container in accordance with paragraph (b), and

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- (c) a patron who has, in accordance with paragraph (b), taken possession of the liquor in the service area to remove it from the establishment.
- (2) A sale of liquor referred to in subsection (1) must occur in conjunction with the sale of a meal for consumption outside the establishment.
- (3) The activities set out in subsection (1) (a) to (b.2) are authorized when the primary purpose of the business carried on in the service area under the licence is the service of food.
- (4) Repealed. [B.C. Reg. 241/2016, s. 16.1 (4).]
[en. B.C. Reg. 76/2021, s. 2; am. B.C. Regs. 105/2021, App. 1, ss. 2 and 3; 241/2016, s. 16.1 (4); 180/2021, App. 1, s. 2; 271/2021.]

Issue, renewal, transfer or amendment of licence

- 17** The general manager must not issue, renew, transfer or amend a food primary licence unless the general manager is satisfied that 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.

Rules and requirements

- 18** (1) The following rules and requirements apply to a food primary licence:
- (a) the primary purpose of the business carried on in the service area when liquor is being sold or served must be the service of food;
 - (b) when liquor is being sold or served, there must be a varied selection of food items, including appetizers and main courses or their equivalent, available for purchase and the food items must be prepared in a kitchen in the establishment;
 - (c) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 4 a.m. the next day.
- (2) If a food primary licence is endorsed with a catering endorsement, the rules and requirements set out in subsection (1) do not apply in relation to a catered event authorized by a catering authorization held by the licensee.

Service of food

- 19** The general manager may, for the purposes of this Division, consider any or all of the following in determining whether the primary purpose of the business is or will be the service of food:
- (a) kitchen equipment;
 - (b) furnishings and lighting;
 - (c) menu;
 - (d) type and hours of entertainment and games that are available or to be offered;
 - (e) advertising;

- (f) hours of operation;
- (g) financial records;
- (h) the ratio of receipts from food sales to receipts from liquor sales in the establishment;
- (i) any other relevant consideration that may assist in the determination.

Catering endorsement

- 20** A food primary licence endorsed with a catering endorsement authorizes a licensee
- (a) to sell and serve liquor at a residential event under section 25 (2) of the Act, and
 - (b) to apply for a catering authorization.

Primary purpose of business for catering endorsement

- 21** (1) The general manager must not endorse a food primary licence with a catering endorsement unless the general manager is satisfied that
- (a) the primary purpose of the business of the licensee, in relation to an event catered by the licensee, will be the preparation and service of food, and
 - (b) the licensee has the equipment in its establishment and personnel necessary to prepare and serve food at an event catered by the licensee.
- (2) In making a determination for the purposes of subsection (1), the general manager may consider the factors set out in section 27.

Temporary use area endorsement

- 22** (1) A food primary licence endorsed with a temporary use area endorsement authorizes the licensee to apply for a temporary use area authorization.
- (2) It is a requirement of a food primary licence endorsed with a temporary use area endorsement that the establishment be located on a golf course or ski hill.

Division 4 – Catering Licences and Rules and Requirements for Caterers

Authorized activities

- 23** A catering licence authorizes a licensee
- (a) to sell and serve liquor at a residential event under section 25 (2) of the Act, and
 - (b) to apply for a catering authorization.

Establishment

- 24** Under a catering licence, the premises where a licensee prepares food used in the catering business is the establishment.

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Primary purpose of business

- 25** The general manager must not issue, renew, transfer or amend a catering licence unless the general manager is satisfied that
- (a) the primary purpose of the business of the licensee will be the preparation and service of food, and
 - (b) the licensee has the equipment in its establishment and personnel necessary to prepare and serve food at events catered by the licensee.

Rules and requirements for caterers

- 26** The following rules and requirements apply to a catering licence, a liquor primary licence endorsed with a catering endorsement and a food primary licence endorsed with a catering endorsement:
- (a) the primary purpose of the business of the licensee, in relation to an event catered by the licensee, is the preparation and service of food;
 - (b) the licensee has the equipment at its establishment and personnel necessary to prepare and serve food at events catered by the licensee;
 - (c) the licensee must not host, promote, or invite people to an event catered by the licensee unless
 - (i) the event is to express appreciation for the licensee's employees or customers,
 - (ii) the liquor is provided without charge, and
 - (iii) the only persons who attend the event, other than the licensee and the licensee's employees, are the persons personally invited by the licensee or named in an invitation issued by the licensee;
 - (d) unless authorized by the general manager, the licensee 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;
 - (e) revenue from liquor sales at an event catered by the licensee must be retained by the licensee;
 - (f) the licensee or one or more employees of the licensee must be in attendance at each event catered by the licensee at all times that liquor is being sold or served at the event;
 - (g) the licensee must ensure that no one other than the licensee or the licensee's employees sells liquor at an event catered by the licensee;
 - (h) the licensee must not sell liquor at a residential event except to the host;
 - (i) at the end of a residential event, the licensee must ensure that all unused liquor purchased under the licence is returned to the establishment, unless the liquor is a bottle of wine that is sealed in accordance with section 141 (4) (a).

[am. B.C. Reg. 291/2016, Sch. 1, s. 5.]

Determinations relating to primary purpose of business

- 27 In determining whether the primary purpose of the business of a person is the preparation and service of food and whether a person has the equipment and personnel necessary to prepare and serve food at an event catered by the person, the general manager may consider the following:
- (a) the kitchen equipment located at the existing or proposed establishment;
 - (b) the food selection offered;
 - (c) advertising;
 - (d) financial records;
 - (e) staffing;
 - (f) the ratio of receipts from food sales to receipts from liquor sales at events catered by the person;
 - (g) any other relevant consideration that may assist in the determination.

Division 5 – Manufacturer Licences and Endorsements**Authorized activities**

- 28 (1) A brewery licence authorizes a licensee to
- (a) manufacture beer in the establishment,
 - (b) solicit, receive and take orders for the sale of the beer, and
 - (c) sell and serve to patrons in the service area samples of
 - (i) beer manufactured under the licence, and
 - (ii) beer used for sampling purposes under section 70 that the licensee has removed from a licensee retail store.
- (2) A distillery licence authorizes a licensee to
- (a) manufacture spirits in the establishment,
 - (b) solicit, receive and take orders for the sale of the spirits, and
 - (c) sell and serve to patrons in the service area samples of
 - (i) spirits manufactured under the licence, and
 - (ii) spirits used for sampling purposes under section 70 that the licensee has removed from a licensee retail store.
- (3) A winery licence authorizes a licensee to
- (a) manufacture wine in the establishment,
 - (b) solicit, receive and take orders for the sale of the wine, and
 - (c) sell and serve to patrons in the service area samples of
 - (i) wine manufactured under the licence, and

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- (ii) wine used for sampling purposes under section 70 that the licensee has removed from a licensee retail store, wine store or special wine store.
- (4) A manufacturer licence authorizes a patron who has received a sample of the liquor manufactured by the licensee in a service area under the licence to consume the sample in the service area.

Winery licence – issuance and renewal

- 29** (1) In this section, a reference to manufacturing wine in respect of an establishment means that the fermentation of the wine, and at least one of the following, takes place in the establishment:
- (a) blending of ingredients;
 - (b) crushing of ingredients;
 - (c) filtering of ingredients;
 - (d) aging the wine for at least 3 months;
 - (e) secondary fermentation or carbonation;
 - (f) packaging.
- (2) A winery licence may not be issued or renewed unless
- (a) the equipment used to manufacture wine in the establishment is
 - (i) owned by the applicant, or
 - (ii) leased to the applicant for a period of at least one year following the issuance or renewal of the licence,
 - (b) the establishment can manufacture at least 4 500 litres of wine per year, not including wine that has been manufactured elsewhere and that will be used in the applicant's manufacturing process,
 - (c) the applicant demonstrates, to the satisfaction of the general manager, an intention to manufacture in the following year at least 4 500 litres of wine in the establishment, not including wine that has been manufactured elsewhere and that will be used in the applicant's manufacturing process, and
 - (d) in the case of an application to renew the licence, the applicant has manufactured in the previous year at least 4 500 litres of wine in the establishment, not including wine that was manufactured elsewhere and that was used in the applicant's manufacturing process.
- (3) Despite subsection (2) (d), a winery licence may be renewed even though the applicant did not manufacture at least 4 500 litres of wine in the previous year in the establishment if the general manager is satisfied that the lower production was caused by
- (a) crop failure,

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- (b) standard agricultural practices that result in the temporary loss of sufficient plant products, milk or honey to meet the winery's normal production volumes, or
- (c) an event that was beyond the control of the applicant.

Rules and requirements

30 The following rules and requirements apply to a manufacturer licence:

- (a) the establishment must not be used for any activity that is not authorized under the licence or this regulation unless the activity is authorized by the general manager;
- (b) the establishment must not be used for the manufacture of any liquor other than
 - (i) liquor owned by the licensee, or
 - (ii) liquor of the class authorized to be manufactured under the licence that is owned by another person who holds a manufacturer licence for that class of liquor.

Record-keeping requirements

31 A licensed manufacturer must keep in a manner satisfactory to the general manager the following records for a period of at least 6 years from the creation of the records:

- (a) bank statements relating to the operation of the establishment;
- (b) a general financial, production and inventory ledger and manufacturing journal;
- (c) records of the amount of agricultural products that the licensee harvested that were used in the manufacturing;
- (d) invoices or receipts showing quantity and price paid for all ingredients purchased that were used in the manufacturing, such as grain, mash, must, concentrates, sugar, juice, fruit, honey and milk, but not including ingredients containing liquor;
- (e) invoices or receipts showing quantity and price paid for all ingredients purchased that were used in the manufacturing that contain liquor;
- (f) records showing quantity of bulk and packaged liquor manufactured;
- (g) records showing quantity and price charged for bulk and packaged liquor sold to other licensed manufacturers;
- (h) records showing quantity and price charged for liquor sold and delivered to purchasers outside of British Columbia;
- (i) records showing quantity of liquor lost by spillage and liquor used in sampling.

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Authorized activities

- 32** (1) A manufacturer licence endorsed with a lounge endorsement authorizes the licensee to sell, in the service area under the endorsement, drinks containing liquor.
- (2) A manufacturer licence endorsed with a special event area endorsement authorizes the licensee during a special event to sell, in the service area under the endorsement, drinks containing liquor.
- (3) A patron who has purchased a drink containing liquor in the service area under a lounge or special event area endorsement may consume the drink in the service area.

Rules and requirements – lounge and special event area endorsements

- 33** (1) The following rules and requirements apply to a manufacturer licence endorsed with a lounge or special event area endorsement:
- (a) subject to limitation by the general manager, the hours of liquor service in the service area under the lounge or special event area endorsement must start no earlier than 9 a.m. and end no later than 4 a.m. the next day;
 - (b) unless otherwise authorized by the general manager, the licensed manufacturer must make food and non-alcoholic beverages available at reasonable prices or without charge to patrons in the service area under the lounge or special event area endorsement;
 - (c) the amount of money paid by a licensed manufacturer to purchase liquor to be sold under a lounge or special event area endorsement, other than liquor that is manufactured under the licence, must not exceed 20% of the total amount of money paid by the licensed manufacturer for all liquor purchased under the endorsement in each of the periods set out in subsection (2).
- (2) The periods referred to in subsection (1) (c) are as follows:
- (a) January 1 to March 31;
 - (b) April 1 to June 30;
 - (c) July 1 to September 30;
 - (d) October 1 to December 31.

Picnic area endorsements

- 34** (1) A manufacturer licence endorsed with a picnic area endorsement authorizes a patron to consume the following liquor in the service area under the picnic area endorsement:
- (a) liquor that the licensed manufacturer sells or serves to the patron in a service area under the licence;
 - (b) liquor that a licensee who holds a liquor primary or food primary licence sells or serves to a patron in a service area under the licence if

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- (i) the service area is adjacent to the manufacturing facilities of the establishment under a manufacturer licence, and
 - (ii) the licensed manufacturer is the same person who holds the liquor primary or food primary licence.
- (2) The service area under a picnic area endorsement must
- (a) be outdoors in a location approved by the general manager,
 - (b) have boundaries that are marked so that patrons can easily identify the boundaries, and
 - (c) be of a size and configuration approved by the general manager, but the size must not exceed 1 000 square metres.
- (3) Subject to limitation by the general manager, liquor may be consumed in the service area under a picnic area endorsement during the period beginning no earlier than 9 a.m. and ending no later than 1/2 hour after sunset.

On-site store endorsements

- 35** A manufacturer licence endorsed with an on-site store endorsement authorizes the licensee to sell to patrons, from the service area under the on-site store endorsement, liquor in unopened containers that is manufactured under the licence.

Rules and requirements – manufacturer on-site store endorsement

- 36** The following rules and requirements apply to a manufacturer on-site store endorsement:
- (a) subject to limitation by the general manager, hours of liquor service must start no earlier than 7 a.m. and end no later than 11 p.m.;
 - (b) non-liquor items must not be sold except for packaged snacks, items related to the liquor manufactured under the manufacturer licence and other items authorized by the general manager;
 - (c) entertainment and games are not allowed in the service area under the manufacturer on-site store endorsement.

[am. B.C. Regs. 291/2016, Sch. 1, s. 6; 169/2021.]

- 37** Repealed. [B.C. Reg. 231/2017, s. 3.]

Removing liquor from service areas

- 38** (1) This section applies to liquor
- (a) that a licensed manufacturer sells or serves to a patron in a service area under the licence, or
 - (b) that a licensee who holds a liquor primary or food primary licence sells or serves to a patron in a service area under the licence if
 - (i) the service area is adjacent to manufacturing facilities of the establishment under a manufacturer licence, and

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- (ii) the licensee who holds the manufacturer licence is the same person who holds the liquor primary or food primary licence.
- (2) A patron may
- (a) remove liquor from a service area, and
 - (b) take it to any of the following places:
 - (i) another service area within the establishment under the manufacturer licence;
 - (ii) Repealed. [B.C. Reg. 231/2017, s. 3.]
 - (iii) the service area under the liquor primary or food primary licence that is adjacent to the manufacturing facilities of the establishment.
- (3) A patron who removes liquor from a service area under subsection (2) may possess the liquor in an open container and consume it in the establishment under the manufacturer licence.
- [am. B.C. Reg. 231/2017, s. 3.]

Division 6 – Agent’s Licence**Authorized activities**

- 39** An agent’s licence authorizes a licensee to do the things referred to in section 8 (2) (b) of the Act with respect to liquor manufactured outside British Columbia.

Rules and requirements

- 40** The following rules and requirements apply to an agent’s licence:
- (a) the agent must keep, in a form approved by the general manager, a record of the following for a period of at least 6 years from the creation of the record:
 - (i) all liquor coming into the agent’s possession;
 - (ii) the sale or other disposition of the liquor;
 - (b) the agent may deliver samples of the liquor manufactured by the manufacturer the agent represents to potential customers, but an agent must not give a person more than the maximum amount authorized by the general manager.
- [am. B.C. Reg. 291/2016, Sch. 1, s. 7.]

Division 7 – U-Brew and U-Vin Licences**Definitions**

- 41** In this Division:
- “**bottle**” includes a can, keg, cask or other container or package into which beer or wine is placed after it is removed from a carboy;
 - “**carboy**” means a container used for the aging or storage of beer or wine;

“**customer**” means a person who pays a fee to manufacture beer or wine in a facility that provides goods or services to persons manufacturing beer or wine in the facility;

“**licensee**” means a person who holds a U-Brew and U-Vin licence.

Authorized activities

- 42** (1) A U-Brew and U-Vin licence authorizes
- (a) a licensee to operate a facility in the establishment that provides goods or services to a customer who manufactures beer or wine in the facility for consumption by the customer or for consumption at no charge by other persons, and
 - (b) the licensee and employees of the licensee
 - (i) to manufacture beer or wine in the establishment for their own consumption or for consumption at no charge by other persons, and
 - (ii) to consume in the establishment samples of the beer or wine they manufacture.
- (2) A U-Brew and U-Vin licence authorizes a customer to consume in the establishment samples of beer or wine that the customer manufactures in the establishment.

Payment, acknowledgment and receipt required

- 43** (1) A licensee must ensure that a customer is not allowed to begin manufacturing beer or wine in the establishment unless the customer first
- (a) pays the licensee
 - (i) for the ingredients to make the beer or wine, or
 - (ii) if the customer brings ingredients into the establishment, for the goods or services to be provided by the licensee, and
 - (b) provides the licensee with an acknowledgment, signed by the customer, that the beer or wine is being made by the customer for the customer’s own consumption or for consumption at no charge by other persons.
- (2) When a customer pays for the ingredients, goods or services referred to in subsection (1) (a), the licensee must ensure that the customer is provided with a receipt that sets out the following information:
- (a) the name and telephone number of the customer;
 - (b) the type and quantity of beer or wine to be made;
 - (c) the date and amount of the payment received from the customer;
 - (d) the name, address and telephone number of the licensee.

[am. B.C. Reg. 64/2021, s. 3.]

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Role of the customer in the manufacturing process

- 44** (1) Subject to subsection (2), a licensee must ensure that a customer performs the following tasks in manufacturing beer or wine in the establishment:
- (a) combining or mixing ingredients with any of the following:
 - (i) beer wort;
 - (ii) fruit, fruit juice or fruit concentrate;
 - (iii) wine;
 - (iv) fermentable liquids;
 - (b) if yeast or enzymes are required to begin the fermentation process, adding the yeast or enzymes to the materials referred to in paragraph (a) or to any other raw material of beer or wine;
 - (c) removing or defacing commercial labels and sterilizing bottles in preparation for bottling;
 - (d) placing the beer or wine in bottles;
 - (e) labelling, corking, capping or shrink-wrapping the bottles of beer or wine;
 - (f) removing the bottled beer or wine from the establishment.
- (2) A customer may be assisted in performing a task described in subsection (1) by the following persons:
- (a) an adult who is not associated with the operation of the facility in the establishment;
 - (b) the licensee or the employees of the licensee if
 - (i) the task is performed primarily by the customer, or
 - (ii) the customer is physically incapable of performing the task alone.

Consumption

- 45** (1) A licensee must ensure that no person consumes beer or wine in the establishment except in accordance with subsection (2).
- (2) Consumption of samples of beer or wine referred to in section 42 (1) (b) (ii) and (2) is subject to the following rules and requirements:
- (a) the consumption must be by the person who manufactured the beer or wine in the establishment,
 - (b) the consumption is for the purpose of tasting a sample of the beer or wine and occurs before completion of bottling, and
 - (c) the maximum amount the person consumes is 2 samples of 100 millilitres each.

Storage requirements

- 46** (1) A licensee must ensure that each carboy containing a customer's ingredients has a tag setting out the customer's name and the date any yeast or enzymes were added.
- (2) A licensee must not remove a customer's beer or wine from the establishment for any purpose before bottling.

Removal and delivery of customer's beer or wine

- 47** (1) A licensee must ensure that the customer removes the customer's beer or wine from the establishment immediately after bottling.
- (2) A licensee must not deliver a customer's beer or wine.
[am. B.C. Reg. 64/2021, s. 3.]

Beer or wine manufactured by licensee or employee

- 48** If a licensee or employee manufactures beer or wine in the establishment, the licensee must ensure that the beer or wine
- (a) is labelled as belonging to the licensee or employee,
 - (b) is removed from the establishment immediately after bottling, and
 - (c) is not used for any purpose within the establishment except for sampling conducted in accordance with section 45.

Sales prohibited

- 49** A licensee must ensure that beer or wine is not kept for sale, offered for sale, produced for sale or sold in the establishment.

Age of customers

- 50** A licensee must ensure that customers who manufacture beer or wine in the establishment are adults.

Record-keeping and reporting requirements

- 51** (1) A licensee must keep the following records and copies for a period of at least 6 years from the creation of the records or copies:
- (a) purchase records for all of the ingredients used in the manufacture of beer or wine in the establishment indicating the source and volume of the ingredients;
 - (b) copies of receipts provided to customers under section 43 (2);
 - (c) records of the type and quantity of beer or wine manufactured by the licensee or employees of the licensee;
 - (d) records detailing the disposition of any beer or wine that is spoiled, spilled, unclaimed or returned to the licensee.

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- (2) A licensee must, in the form established and within the time specified by the general manager, submit to the general manager each year a report outlining the volume of beer and wine manufactured in the establishment for the periods specified by the general manager.

Restriction on providing beer or wine

- 52** A licensee must not provide beer or wine that is manufactured in the establishment to any person other than the person who manufactured the beer or wine.

Division 8 – Licensee Retail Store Licences, Wine Store Licences and Special Wine Store Licences**Definitions**

- 53** In this Division:

“proposed location of another store” means

- (a) the location for a licensee retail store that is proposed in an application to issue a licensee retail store licence,
- (b) the new location of a licensee retail store that is proposed in an application referred to in section 17 of the Act to amend a licensee retail store licence, or
- (c) the proposed location of a liquor store about which the LDB general manager notifies the general manager;

“store licence” means a licensee retail store licence, wine store licence or special wine store licence.

[am. B.C. Reg. 305/2021, App. 1, s. 1.]

Authorized activities

- 54** (1) A licensee retail store licence authorizes
- (a) a licensee
 - (i) to sell liquor in unopened containers in the service area under the licence to patrons, and
 - (ii) to sell or serve samples of liquor in the service area under the licence to patrons, and
 - (b) a patron to consume the samples in the service area.
- (2) A wine store licence authorizes
- (a) a licensee
 - (i) to sell wine in unopened containers in the service area under the licence to patrons, and
 - (ii) to sell or serve samples of wine in the service area under the licence to patrons, and
 - (b) a patron to consume the samples in the service area.

- (3) A special wine store licence authorizes
- (a) a licensee
 - (i) to sell wine in unopened containers in the service area under the licence to patrons, and
 - (ii) to sell or serve samples of wine in the service area under the licence to patrons, and
 - (b) a patron to consume the samples in the service area.

[am. B.C. Reg. 155/2019, s. 1.]

Limit on number of stores selling liquor in grocery stores

- 55**
- (1) If a licensee retail store, wine store or special wine store is located in a grocery store, no additional licensee retail store, wine store or special wine store may be located in the grocery store.
 - (2) If a liquor store is located in a grocery store, no licensee retail store, wine store or special wine store may be located in the grocery store.
 - (3) If the general manager receives more than one application to issue a store licence or to relocate a licensee retail store, wine store or special wine store in respect of the same grocery store, the order in which the applications are received determines their priority.
 - (4) If the LDB general manager notifies the general manager of a proposed location of a liquor store in a grocery store before the general manager receives an application to issue a store licence in respect of the same grocery store or to relocate a licensee retail store, wine store or special wine store to the same grocery store, the proposed liquor store has priority.

[am. B.C. Reg. 305/2021, App. 1, s. 2.]

Sales revenue of grocery store

- 56**
- (1) This section applies to the following licences:
 - (a) a licensee retail store licence for a licensee retail store that is located in a grocery store;
 - (b) a wine store licence for a wine store that is located in a grocery store;
 - (c) a special wine store licence.
 - (2) It is a requirement of a licence referred to in subsection (1) that the sales revenue derived from the sale of food and non-liquor beverages at the grocery store in which the licensee retail store, wine store or special wine store is located
 - (a) total at least 70% of the total sales revenue of non-liquor products at the grocery store, and
 - (b) total more than 50% of the total sales revenue of liquor and non-liquor products at the grocery store.

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- (3) For the purposes of subsection (2), the sales revenue of a grocery store in which a licensee retail store, wine store or special wine store is located must be calculated based on the following periods:
- (a) the 12-month period following
 - (i) the first time that the licensee retail store or wine store is relocated from an establishment that was not a grocery store to the grocery store, or
 - (ii) the issuance of the special wine store licence;
 - (b) after a 12-month period referred to in paragraph (a), every 12-month period preceding the renewal of the licence;
 - (c) if the licensee retail store, wine store or special wine store is relocated to a different grocery store, the 12-month period following the relocation of the store and, after that 12-month period, every 12-month period preceding the renewal of the licence.
- (4) The licensee of a licence referred to in subsection (1) must, within 3 months after the applicable period referred to in subsection (3), provide proof to the general manager that the sales revenue requirement referred to in subsection (2) has been met.

Moratorium on new licensee retail store licences

- 57** (1) No new licensee retail store licences may be issued.
- (2) Subsection (1) does not affect an application to convert a wine store licence to a licensee retail store licence under section 66.
- (3) This section is repealed on July 1, 2032.
[am. B.C. Reg. 256/2021.]

Location of licensee retail stores

- 58** (1) Subject to subsections (2) and (3), it is a requirement of a licensee retail store licence that the licensee retail store meet the following requirements:
- (a) the licensee retail store must be located in
 - (i) a permanent, free-standing building that does not contain another business,
 - (ii) a building in which there are other businesses, but the licensee retail store has its own entrance and exit separate from any other business and a solid floor-to-ceiling wall between the licensee retail store and any other business, or
 - (iii) a grocery store, but the licensee retail store is physically separated from the rest of the grocery store in a manner satisfactory to the general manager;
 - (b) in the opinion of the general manager, the licensee retail store does not appear, through signs, the use of trademarks or any other means, to be

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associated with another business other than another licensee retail store or a business operated under a liquor primary licence.

- (2) Subsection (1) (a) does not apply to a licensee retail store if the location of the store was approved by the general manager in accordance with the law that was in force when the approval was given.
- (3) Subsection (1) (b) does not apply to a licensee retail store if
 - (a) the store is associated with another business, and the association was permitted by the law that was in force at the time the general manager approved the location of the store,
 - (b) the store is located in a building described in subsection (1) (a) (i) or (ii), the licensee who holds the licensee retail store licence also carries on a grocery business and the licensee retail store appears to be associated with the grocery business, or
 - (c) the store is located in a grocery store and the licensee retail store appears to be associated with the grocery store.

Licensee retail stores licences – rules and requirements

59 The following rules and requirements apply to a licensee retail store licence:

- (a) subject to limitation by the general manager, the hours of liquor service must start no earlier than 7 a.m. and end no later than 11 p.m.;
- (b) non-liquor items must not be sold except for packaged snacks, liquor-related items and other items authorized by the general manager;
- (c) entertainment and games are not allowed.

[am. B.C. Reg. 169/2021.]

Relocation of licensee retail stores

- 60**
- (1) Subject to subsection (2), an application to amend a licence in respect of a licensee retail store to relocate the store must not be approved unless the new location of the licensee retail store is at least 1 km from any other licensee retail store or liquor store or any proposed location of another store.
 - (2) If an application to amend a licence in respect of a licensee retail store to relocate the store does not comply with subsection (1), the general manager may approve the application if any of the following circumstances apply:
 - (a) the proposed new location has the same permanent parcel identifier assigned under the *Land Title Act* as the current location;
 - (b) the proposed new location is not closer to the licensee retail store or liquor store or proposed location of another store than the current location;
 - (c) the shortest travelling distance by road between the proposed new location and the licensee retail store or liquor store or proposed location of another store is 1 km or more because of a watercourse or body of water;

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- (d) the relocation of the licensee retail store is necessary because the licensee retail store was substantially damaged by fire, flood or other event beyond the licensee's control.

[am. B.C. Reg. 305/2021, App. 1, s. 2.]

Moratorium on new wine store licences

- 61** No new wine store licences may be issued.

Requirements for wine stores

- 62** (1) Subject to subsections (2) and (3), it is a requirement of a wine store licence that the wine store meet the following requirements:

- (a) the wine store must be located in
- (i) a permanent, free-standing building that does not contain another business,
 - (ii) a building in which there are other businesses, but the wine store has its own entrance and exit separate from any other business and a solid floor-to-ceiling wall between the wine store and any other business, or
 - (iii) a grocery store;
- (b) in the opinion of the general manager, the wine store does not appear, through signs, the use of trademarks or any other means, to be associated with another business other than another wine store.

- (2) Subsection (1) (a) does not apply to a wine store if the location of the wine store was approved by the LDB general manager in accordance with the law that was in force when the approval was given.

- (3) Subsection (1) (b) does not apply to a wine store if

- (a) the store is associated with another business and the association was permitted by the law that was in force at the time the LDB general manager approved the store,
- (b) the store is located in a building described in subsection (1) (a) (i) or (ii), the licensee who holds the wine store licence also carries on a grocery business and the wine store appears to be associated with the grocery business, or
- (c) the store is located in a grocery store and the wine store appears to be associated with the grocery store.

Converted wine store licences

- 63** (1) In this section, “**converted wine store licence**” means a wine store licence referred to in section 75 (1) of the former regulation.
- (2) A wine store under a converted wine store licence is exempt from section 62 (1) as follows:

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- (a) the exemption is only with respect to any non-compliance with the requirements set out in section 14.1 (2) of the former regulation that existed when that section came into force;
 - (b) other than a wine store that sells only wine for sacramental purposes, the exemption applies from the time that the licence was converted until the licence is amended to relocate the wine store.
- (3) For the purposes of section 19 (2) (b) and (c) of the Act, a converted wine store licence that at the time the licence was converted authorized the sale of only BC VQA wine, as defined in section 1 of the Wines of Marked Quality Regulation, is a prescribed class of licence and remains a prescribed class of licence even if the type of wine authorized to be sold under the converted wine store licence changes.

[am. B.C. Regs. 168/2018, s. (c); 155/2019, s. 2.]

Wine store licences – rules and requirements

- 64** (1) The following rules and requirements apply to a wine store licence:
- (a) subject to limitation by the general manager, hours of liquor service must start no earlier than 7 a.m. and end no later than 11 p.m.;
 - (b) non-liquor items must not be sold except for packaged snacks, wine-related items and other items authorized by the general manager;
 - (c) entertainment and games are not allowed in the wine store.
- (2) If the wine store is located in a grocery store, subsection (1) (c) applies only to a wine store that is physically separated from the rest of the grocery store.

[am. B.C. Regs. 291/2016, Sch. 1, s. 8; 169/2021.]

Relocation of wine stores to grocery stores

- 65** (1) A wine store licence that permits the licensee to sell only BC wine, other than a wine store licence that is held by a person who holds a winery licence, may be amended to relocate the wine store from the location named on the wine store licence to a new location that is in a grocery store.
- (2) The proposed wine store under subsection (1) must be physically separated from the rest of the grocery store in a manner satisfactory to the general manager unless the licensee applying to amend the wine store licence
- (a) owns the grocery store in which the wine store is to be relocated, or
 - (b) is a licensee who holds a converted wine store licence described in section 63 (3).
- (3) Subject to subsection (4), a wine store licence that permits the licensee to sell all types of wine, other than wine for sacramental purposes, may be amended to relocate the wine store from the location named on the licence to a new location that is in a grocery store if the proposed wine store will be physically separated from the rest of the grocery store in a manner satisfactory to the general manager.

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- (4) Subsection (3) does not apply to a wine store licence if, at any time on or after February 1, 2013, the licensee under the wine store licence was permitted to sell only BC wine.

[am. B.C. Reg. 155/2019, s. 3.]

Sale of wine on grocery store shelves

- 65.1** (1) In this section:

“**BC wine restriction**” means a restriction under a wine store licence that permits the licensee to sell only BC wine;

“**wine store on grocery shelves licence**” means a wine store licence for a wine store that is located in a grocery store and that is not physically separated from the rest of the grocery store.

- (2) On the coming into force of this section, a BC wine restriction under a wine store on grocery shelves licence ceases to have effect.
- (3) If, after the coming into force of this section, a wine store licence is amended so that it becomes a wine store on grocery shelves licence, a BC wine restriction under the licence ceases to have effect.
- (4) No BC wine restriction may be imposed on a wine store on grocery shelves licence.

[en. B.C. Reg. 155/2019, s. 4.]

Conversion of wine store licence to licensee retail store licence

- 66** (1) Subject to subsection (1.1), a licensee who holds a wine store licence that permits the licensee to sell all types of wine, other than wine for sacramental purposes, may, until 4:30 p.m. on March 31, 2025, apply to the general manager for conversion of the wine store licence to a licensee retail store licence.

- (1.1) Subsection (1) does not apply to a wine store licence if, at any time on or after February 1, 2013, the licensee under the wine store licence was permitted to sell only BC wine.

- (2) Subject to subsection (3), an application referred to in subsection (1) must not be approved unless the location of the proposed licensee retail store is at least 1 km from any other licensee retail store or liquor store or any proposed location of another store.

- (3) If an application referred to in subsection (1) does not comply with subsection (2), the general manager may approve the application if any of the following circumstances apply:

- (a) the shortest travelling distance by road between the proposed licensee retail store and any other licensee retail store or liquor store or any proposed location of another store is 1 km or more because of a watercourse or body of water;

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- (b) the location of the proposed licensee retail store is the location, on the date this paragraph comes into force, of the wine store under the applicant's wine store licence.

[am. B.C. Regs. 155/2019, s. 5; 166/2020; 283/2020; 305/2021, App. 1, s. 2.]

Special wine store licence – application requirements

- 67** (1) A special wine store licence may be issued only to a successful bidder under the *Special Wine Store Licence Auction Act*.
- (2) In addition to the requirements under the *Liquor Control and Licensing Act*, an application to issue a special wine store licence is also subject to the requirements of the *Special Wine Store Licence Auction Act*.

Special wine store licence – rules and requirements

- 68** The following rules and requirements apply to a special wine store licence:
- (a) Repealed. [B.C. Reg. 155/2019, s. 6.]
 - (b) the special wine store must be located in a grocery store;
 - (c) subject to limitation by the general manager, the hours of liquor service must start no earlier than 7 a.m. and end no later than 11 p.m.
- [am. B.C. Regs. 155/2019, s. 6; 169/2021.]

Temporary off-site sale endorsement

- 69** A licensee who holds a licence for a licensee retail store, wine store or special wine store may apply for a temporary off-site sale endorsement.

Sampling

- 70** (1) A licensed manufacturer or licensed agent may, with the permission of the licensee under a licensee retail store licence, wine store licence or special wine store licence, serve samples of liquor described in subsection (2) to patrons in the store.
- (2) Subsection (1) applies to liquor
- (a) in respect of the manufacturer, that the manufacturer has manufactured,
 - (b) in respect of the agent, that is manufactured by a manufacturer that the agent is authorized to represent,
 - (c) that is either
 - (i) purchased from an authorized vendor as defined in section 1 (1) of the *Liquor Distribution Act* and brought into the store, or
 - (ii) purchased at the store, and
 - (d) that is authorized to be sold in the store under the licensee retail store licence, wine store licence or special wine store licence.
- (3) A patron may consume in a licensee retail store, wine store or special wine store samples of liquor that are served under subsection (1).

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Division 8.1 – Rural Licensee Retail Store Licences

70.1 Repealed. [B.C. Reg. 305/2021, App. 1, s. 3.]

Authorized activities

- 70.2** (1) A rural licensee retail store licence authorizes
- (a) a licensee
 - (i) to sell liquor in unopened containers in the service area under the licence to patrons, and
 - (ii) to sell or serve samples of liquor in the service area under the licence to patrons, and
 - (b) a patron to consume the samples in the service area.
- (2) Subject to the approval of the general manager, a rural licensee retail store licence also authorizes a licensee to sell liquor in unopened containers to other licensees.
- (3) The approval of the general manager referred to in subsection (2) may be subject to conditions imposed by the general manager.
- (4) A licensee is authorized to purchase liquor in unopened containers that is sold under subsection (2) to the licensee.

[en. B.C. Reg. 18/2021, s. 4; am. B.C. Reg. 305/2021, App. 1, s. 4.]

Application requirement

- 70.3** A person must not apply for a rural licensee retail store licence unless the general store, in which the proposed rural licensee retail store will be located, began operating at least 12 months before the application is made.

[en. B.C. Reg. 18/2021, s. 4.]

Initial requirements

- 70.4** (1) The general manager must not issue a rural licensee retail store licence unless the general manager is satisfied that
- (a) the proposed rural licensee retail store will be located in a rural community or tourist destination resort, and
 - (a.1) there is no other rural licensee retail store in the rural community or tourist destination resort.
 - (b) and (c) Repealed. [B.C. Reg. 305/2021, App. 1, s. 5 (b).]
- (2) Repealed. [B.C. Reg. 305/2021, App. 1, s. 5 (b).]

[en. B.C. Reg. 18/2021, s. 4; am. B.C. Reg. 305/2021, App. 1, s. 5.]

Location

- 70.5** It is a requirement of a rural licensee retail store licence that the rural licensee retail store be located
- (a) in a store

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- (i) that is, in the opinion of the general manager, a general store, and
 - (ii) in which less than half of the shelf space, including shelf space in refrigerators, is stocked with liquor products, and
- (b) unless otherwise authorized by the general manager, at least 10 km, when travelling by all-weather road, from
- (i) another rural licensee retail store, or
 - (ii) a licensee retail store or liquor store that was established before the rural licensee retail store.

[en. B.C. Reg. 18/2021, s. 4; am. B.C. Reg. 305/2021, App. 1, ss. 2 and 6.]

Relocation

70.51 An application to amend a licence in respect of a rural licensee retail store to relocate the store must not be approved unless the general manager is satisfied that

- (a) the new location of the rural licensee retail store
 - (i) will meet the requirements of section 70.5, and
 - (ii) will be in the same rural community or tourist destination resort as the current location of the store, and
- (b) the rural community or tourist destination resort has no other rural licensee retail store.

[en. B.C. Reg. 305/2021, App. 1, s. 7.]

Ownership

70.6 It is a requirement of a rural licensee retail store licence that the general store in which the rural licensee retail store is located is, in the opinion of the general manager, independently owned.

[en. B.C. Reg. 18/2021, s. 4.]

Hours of liquor service

70.7 It is a requirement of a rural licensee retail store licence that, subject to limitation by the general manager, the hours of liquor service start no earlier than 7 a.m. and end no later than 11 p.m.

[en. B.C. Reg. 18/2021, s. 4; am. B.C. Reg. 169/2021.]

Sampling

70.8 Section 70 applies to a rural licensee retail store licence and

- (a) a reference in that section to a licensee retail store licence must be read as a reference to a rural licensee retail store licence, and
- (b) a reference in that section to a licensee retail store must be read as a reference to a rural licensee retail store.

[en. B.C. Reg. 18/2021, s. 4.]

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Division 9 – Local Government and First Nations**Recommendations of local government or first nation
on issue and amendment of licence**

- 71** (1) For the purposes of section 38 (1) of the Act, the following classes of licences are prescribed:
- (a) liquor primary licence;
 - (b) food primary licence;
 - (c) manufacturer licence;
 - (d) rural licensee retail store licence.
- (2) For the purposes of section 38 (1) of the Act, the prescribed circumstances with respect to a liquor primary licence are as follows:
- (a) an applicant applies for the issuance of the licence;
 - (b) an applicant applies for any of the following amendments to the licence:
 - (i) converting a liquor primary club licence (a subclass of a liquor primary licence) into a liquor primary licence;
 - (ii) adding or amending a temporary use area endorsement;
 - (iii) a permanent extension of hours of liquor service;
 - (iv) a permanent increase in the person capacity of a service area;
 - (v) the permanent addition of a patio;
 - (vi) the permanent relocation of the establishment to a new location, unless the general manager is satisfied that the residents who will be affected by the new location are substantially the same residents who are affected by the establishment.
- (3) For the purposes of section 38 (1) of the Act, the prescribed circumstances with respect to a food primary licence are as follows:
- (a) an applicant, when applying for the issuance of the licence, also applies for any of the following:
 - (i) a temporary use area endorsement;
 - (ii) hours of liquor service that extend past midnight;
 - (iii) dancing, karaoke or other types of entertainment that involve patron participation in the service area;
 - (b) an applicant applies for any of the following amendments to the licence:
 - (i) adding or amending a temporary use area endorsement;
 - (ii) a permanent extension of hours of liquor service if the new hours extend past midnight;
 - (iii) permanently allowing, in a service area, dancing, karaoke or other types of entertainment that involve patron participation.

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- (4) Subject to subsection (5), for the purposes of section 38 (1) of the Act, the prescribed circumstances with respect to a manufacturer licence are as follows:
- (a) an applicant, when applying for the issuance of the licence, also applies for one or both of the following:
 - (i) a lounge endorsement;
 - (ii) a special event area endorsement;
 - (b) an applicant who holds a manufacturer licence applies to add one or both of the following:
 - (i) a lounge endorsement;
 - (ii) a special event area endorsement;
 - (c) an applicant who holds a manufacturer licence endorsed with a lounge endorsement or a special event area endorsement applies for any of the following amendments to the licence:
 - (i) a permanent extension of hours of liquor service for the service area under the endorsement;
 - (ii) a permanent increase in the person capacity of the service area under the endorsement;
 - (iii) the permanent addition of a patio.
- (5) The prescribed circumstances set out in subsection (4) do not include an application by a licensee who holds a manufacturer licence
- (a) for a lounge endorsement if the licensee holds another manufacturer licence that is endorsed with a lounge endorsement in which the service area and hours of liquor service are the same as those proposed for the applicant's lounge endorsement, and
 - (b) for a special event area endorsement if the licensee holds another manufacturer licence that is endorsed with a special event area endorsement in which the service area and hours of liquor service are the same as those proposed for the applicant's special event area endorsement.
- (5.1) For the purposes of section 38 (1) of the Act, the prescribed circumstances with respect to a rural licensee retail store licence are as follows:
- (a) an applicant applies for the issuance of the licence;
 - (b) an applicant applies for an amendment to the licence in order to obtain the permanent relocation of the establishment to a new location, unless the general manager is satisfied that the residents who will be affected by the new location are substantially the same residents who are affected by the establishment.
- (6) An applicant must, in the notice to the local government or first nation under section 38 (1) of the Act, provide a copy of the application, together with all information and records referred to in section 12 (b) and (c) of the Act, excluding

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- any information or records that the applicant was required to submit to enable the general manager to determine if
- (a) the applicant or the applicant's affiliates are fit and proper, or
 - (b) section 19 (5) of the Act applies to the application.
- (7) The following criteria are prescribed for the purposes of section 38 (3) (a) of the Act:
- (a) the location of the establishment unless paragraph (b) or (c) apply;
 - (b) in the case of an application that involves a temporary use area endorsement, the proposed locations of event sites under corresponding temporary use area authorizations;
 - (c) in the case of an application that involves a lounge or special event area endorsement, the location of the service area under the endorsement;
 - (d) the person capacity and hours of liquor service of the service area.
- (8) The prescribed circumstances for the purposes of sections 38 (3) (c) and 39 (1) (e) of the Act are that the issuance or amendment of the licence may affect nearby residents.
- (9) A local government or first nation that wishes to provide comments and recommendations under section 38 (3) of the Act must do so in accordance with the following requirements:
- (a) the comments and recommendations must be in writing;
 - (b) the comments must include the views of the local government or first nation on
 - (i) the impact of noise on the community in the immediate vicinity of the establishment unless
 - (A) subparagraph (ii) or (iii) apply, or
 - (B) the application is for the issuance or amendment of a rural licensee retail store licence,
 - (ii) in the case of an application that involves a temporary use area endorsement, the impact of noise on the community in the immediate vicinity of the proposed locations of event sites under corresponding temporary use area authorizations,
 - (iii) in the case of an application that involves a lounge or special event area endorsement, the impact of noise on the community in the immediate vicinity of the location of the service area under the endorsement,
 - (iv) the general impact on the community, and
 - (v) if the application is to amend a food primary licence in relation to a matter referred to in subsection (3) (a) (ii) or (iii) or (b) (ii) or (iii), whether the amendment may result in the service area being operated in a manner that is contrary to section 18 (1) (a);

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- (c) if the local government or first nation has gathered the views of residents under section 38 (3) (c) of the Act, the comments must include
 - (i) the views of the residents, and
 - (ii) a description of the method used to gather those views;
 - (d) the recommendations must include whether the application should be approved or rejected;
 - (e) the recommendations must include the reasons on which they are based.
- (10) The prescribed time period for the purposes of section 38 (3) (b) (ii) of the Act is 90 days after the local government or first nation receives notice under section 38 (1) of the Act.
- [am. B.C. Reg. 18/2021, s. 5.]

Division 10 – General Application Matters**Establishing person capacity**

- 72** (1) This section applies to the service area under the following:
- (a) a liquor primary licence;
 - (b) a food primary licence;
 - (c) a temporary use area endorsement endorsed on a liquor primary or food primary licence;
 - (d) a lounge, special event area or picnic area endorsement endorsed on a manufacturer licence.
- (2) The general manager must, before issuing a licence or endorsing a licence with an endorsement referred to in subsection (1), establish a person capacity for the service area under the licence or endorsement.
- (3) The general manager may establish a new person capacity for a service area to which this section applies in the following situations:
- (a) on application to amend the licence or endorsement to increase the person capacity;
 - (b) on any other application to amend the licence or endorsement that requires, in the opinion of the general manager, a change to the person capacity.
- (4) In establishing the person capacity for a service area, the general manager must consider the public interest and the comments and recommendations of a local government or first nation if provided under section 38 of the Act.
- (5) The person capacity for a service area must not exceed,
- (a) if there is an occupant load for the service area, the occupant load, and
 - (b) if the service area is in a vessel, the total capacity for crew and passengers as set out on the vessel's inspection certificate issued by Transport Canada.

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Patron capacity

- 73** (1) Subject to subsection (2), a patron capacity, as defined in the former regulation, that was set under that regulation for a service area continues to apply to the service area.
- (2) A patron capacity ceases to apply to a service area when the general manager sets a person capacity for the service area as a result of the licensee applying to amend the licence
- (a) to change the patron capacity, or
 - (b) because of a proposed structural alteration referred to in section 79 (1) (a) or (b).

Establishments – vessels

- 74** (1) Repealed. [B.C. Reg. 137/2017, s. 2.]
- (2) No licence may be issued, renewed, transferred or amended if the establishment is a vessel, except for the following classes of licences:
- (a) liquor primary licence;
 - (b) food primary licence;
 - (c) catering licence.
- (3) The establishment under a liquor primary licence, food primary licence or catering licence may be a vessel if the following criteria are met:
- (a) the applicant for the licence
 - (i) has entered into a contract to moor the vessel at a dock located in British Columbia for a period satisfactory to the general manager, or
 - (ii) owns a dock located in British Columbia at which the vessel will be moored;
 - (b) unless the vessel is exempt from the requirements of the *Canada Shipping Act, 2001*, the crew and captain of the vessel hold the appropriate certification under that Act and the vessel is registered under and complies with the requirements of that Act.
- [am. B.C. Reg. 137/2017, s. 2.]

Right to refuse reapplications

- 75** (1) For the purposes of sections 14 (2) and 16 (2) of the Act, the general manager may refuse to accept an application for a licence or an endorsement or an application to amend a licence or the terms and conditions of a licence if
- (a) the applicant submitted a previous application for the same licence, endorsement or amendment in respect of the same establishment,
 - (b) the general manager refused to issue the licence, add the endorsement or amend the licence or terms and conditions,

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- (c) in respect of a refusal based on a recommendation of a local government or first nation under section 38 of the Act or on the basis of a decision by the general manager under section 39 of the Act, less than 2 years has passed since the refusal, and
 - (d) in respect of a refusal based on other reasons, the general manager is satisfied that the reasons on which the general manager based the refusal are not addressed by
 - (i) changes to the Act, this regulation or terms and conditions, or
 - (ii) changes in the new application.
- (2) For the purposes of section 16 (2) of the Act, the general manager may refuse to accept an application to amend a licence in respect of a licensee retail store to relocate the store if
- (a) the applicant submitted a previous application for the same amendment in respect of the same establishment and proposed new location,
 - (b) the applicant withdrew the previous application, and
 - (c) less than 3 months has passed since the previous application was withdrawn.

[am. B.C. Reg. 231/2017, s. 4.]

Refusal for unauthorized structural alterations

- 76** For the purposes of section 20 (2) (b) of the Act, the general manager may refuse to renew, transfer or amend a licence if the licensee has contravened section 79 of this regulation.

Dual licensing

- 77** A liquor primary and food primary licence may not have the same establishment unless the same person holds both licences.

Division 11 – General Rules and Requirements**Capacity requirements**

- 78** (1) If the general manager has established a person capacity for the service area under a licence or endorsement, it is a requirement of the licence that the number of people in the service area at one time must not exceed the following:
- (a) the person capacity;
 - (b) if there is an occupant load for the service area, the occupant load.
- (2) If, under section 73 (1), a patron capacity applies to a service area, it is a requirement of the licence that the number of patrons in the service area at one time must not exceed the following:
- (a) the patron capacity;
 - (b) if there is an occupant load for the service area, the occupant load.

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Structural alterations and other changes to establishment

- 79** (1) It is a rule of a licence that the following alterations or changes must not take place unless the licence is amended to allow for them:
- (a) a structural alteration to a service area;
 - (b) a structural alteration to a part of the establishment that is not a service area that, in the opinion of the general manager, will affect the operation of a service area;
 - (c) a change to the location or size of the area of the manufacturing facility or the storage area in an establishment under a manufacturer licence.
- (2) It is a rule of a licence that the size or location of a service area must not be changed unless the licence is amended to allow for the change.
- (3) This section does not apply to a catering licence.

Record-keeping requirements

- 80** (1) This section applies to all licensees except for a licensee who holds a U-Brew and U-Vin licence.
- (2) A licensee must keep the following records, as applicable, for a period of at least 6 years from the creation of the records:
- (a) liquor purchase records;
 - (b) liquor sales records, including quantity of liquor sold and prices charged;
 - (c) liquor disposal records;
 - (d) food sales records;
 - (e) sales records respecting other goods sold or services provided by the licensee in the establishment;
 - (f) contracts with other licensees;
 - (g) invoices and purchase receipts for all equipment and other inventory that is used in the operation of the establishment;
 - (h) management contracts and leases that are related to the establishment;
 - (i) records of incidents described in subsection (3) that occurred in or adjacent to the establishment and, in the case of a licensee who holds an authorization, that occurred in or adjacent to an event site under the authorization;
 - (j) records of court orders and judgments against a licensee respecting the sale, service or manufacture of liquor;
 - (k) employee records including names, addresses, salaries, primary job responsibilities, shift schedules and dates of employment;
 - (l) the following records respecting employees who sell or serve liquor:
 - (i) the employee's name;
 - (ii) the number of the employee's certificate of completion for the SIR program and, if the certificate shows an expiry date, that date;

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- (iii) if the employee meets the training requirements under section 60 (2) of the Act by successfully completing a liquor service training program offered by another province, the name of the program and province and, if the certificate of completion for the program shows an expiry date, that date.
- (3) The incidents to be recorded for the purposes of subsection (2) (i) are incidents, such as fights or other disturbances and accidents, that adversely affect
 - (a) patrons or staff,
 - (b) people who live or work in buildings adjacent to the establishment or event site, or
 - (c) the operation of the establishment or event site.
- (4) A licensee must prepare and maintain a register of liquor purchased and received and must keep the register for a period of at least 6 years from the making of each entry.
- (5) In addition to the records and register referred to in subsections (2) and (4), a caterer must keep the following records, as applicable, for a period of at least 6 years from the creation of the records:
 - (a) catering authorizations issued to the caterer;
 - (b) records that accompanied any application by the caterer for a catering authorization;
 - (c) catering contracts entered into by the caterer.

[am. B.C. Reg. 291/2016, Sch. 1, s. 9.]

Separation from adjoining areas

- 81**
- (1) It is a requirement of every licence that the service area must be separated, in a manner satisfactory to the general manager, from any adjacent area that is not subject to a licence.
 - (2) If an establishment under a licence adjoins an establishment under another licence, it is a requirement of both licences that their service areas be separated in a manner satisfactory to the general manager.
 - (3) If an event site adjoins an establishment, it is a requirement of the authorization or permit for the event site and the licence for the establishment that their service areas be separated in a manner satisfactory to the general manager.

Sales practices

- 82**
- (1) A licensee must not
 - (a) provide unlimited or unspecified quantities of liquor for a single price, or
 - (b) use a sales strategy that is likely to promote or encourage intoxication.
 - (2) A caterer does not contravene subsection (1) (b) because the caterer is providing drinks containing liquor to patrons at no charge at an event catered by the caterer.

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Information for patrons

- 83** A licensee whose licence authorizes the sale of drinks containing liquor must provide to patrons on request a list that shows the quantities of liquor in the drinks and the prices for the drinks.

Minimum liquor prices

- 84** (1) This section applies to drinks containing liquor sold under the authority of the following:
- (a) a liquor primary licence, except for liquor sold under an off-premises sales endorsement;
 - (b) a food primary licence;
 - (c) a temporary use area authorization;
 - (d) a lounge endorsement;
 - (e) a special event area endorsement.
- (2) It is a requirement of the licences, authorization and endorsements subject to this section that the price of drinks containing liquor for a type of liquor must be at least the price set out opposite that type of liquor in the following table:

Table

Item	Liquor Type	Price per oz. or 28.4 ml (not including sales tax)
1	Beer or cider not sold in bottles or cans, if the serving size is less than 50 oz. or 1.42 litres	\$0.25
2	Beer or cider not sold in bottles or cans, if the serving size is 50 oz. or 1.42 litres or greater	\$0.20
3	Beer, cider or coolers made with wine or spirits sold in bottles or cans	\$0.25
4	Wine, other than cider or coolers made with wine	\$0.60
5	Spirits	\$3.00

Taking drinks to hotel rooms

- 85** (1) Subject to limitation by the general manager and subsection (3), a licensee may allow a patron who is sold or served a drink containing liquor in the service area under a liquor primary or food primary licence that is located in a hotel to remove the drink from the service area and take the drink to a private guest room in the hotel if
- (a) the licensee is the owner of the hotel,
 - (b) the licensee is satisfied that the patron is a registered guest of the hotel assigned to the private guest room or that the patron will accompany a registered guest to the private guest room, and

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- (c) the patron takes a direct route to the room.
- (2) A patron who is taking a drink containing liquor to a private guest room in accordance with subsection (1) may possess the drink in an open container and consume the drink while taking it to the private guest room.
- (3) A licensee must not allow a patron to remove a drink containing liquor from the service area if
 - (a) the licensee believes the patron is intoxicated, or
 - (b) the patron has acted in a violent, quarrelsome, riotous or disorderly manner in the service area.

Drinks at check-in

- 86**
- (1) Subject to limitation by the general manager, a licensee who holds a liquor primary licence with a service area located in a hotel may, if the licensee is the owner of the hotel, remove liquor from the service area and take it to the lobby or reception area of the hotel for the purpose of serving drinks containing liquor to guests of the hotel when the guests check in.
 - (2) Employees of a hotel may serve drinks containing liquor provided by the licensee under subsection (1) to guests of the hotel when the guests check in if
 - (a) the drinks are served in the lobby or reception area of the hotel, and
 - (b) each guest is served no more than one drink that contains a maximum of 375 millilitres of beer, 150 millilitres of wine or 45 millilitres of spirits.
 - (3) A guest checking into a hotel who is served a drink containing liquor in accordance with subsection (2) may possess the drink in an open container and consume the drink
 - (a) in the lobby or reception area of the hotel, or
 - (b) on the way to a private guest room if the guest takes a direct route to the room.

Room service

- 87**
- (1) This section applies to an establishment that
 - (a) is the subject of a liquor primary licence, a food primary licence or a manufacturer's licence endorsed with a lounge endorsement, and
 - (b) is located in a hotel.
 - (2) Subject to limitation by the general manager, the licensee may
 - (a) despite sections 10 (1) (b), 18 (1) (c) and 33 (1) (a), sell and serve liquor to registered guests in their rooms during any period that room service meals are available to those guests, and
 - (b) supply or operate a minibar service that offers liquor for purchase at any time in guest rooms.

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Drinks on golf courses

- 88** (1) A patron who purchases a drink containing liquor from a service area on a golf course may remove the drink from the service area if the patron takes the drink, using a direct route, to another service area on the golf course.
- (2) A patron who is taking a drink containing liquor to another service area on the golf course in accordance with subsection (1) may possess the drink in an open container and consume the drink while taking it to the other service area.

Clearing patrons after hours of liquor service

- 89** Unless otherwise authorized by the general manager, a licensee in respect of the following licences must ensure that patrons are cleared from the service area within 1/2 hour after the end of the hours of liquor service:
- (a) liquor primary licence in respect of a service area in the establishment under the licence;
 - (b) manufacturer licence in respect of the service area under a lounge, special event area or picnic area endorsement.

Taking liquor from patrons after hours of liquor service

- 90** (1) Unless otherwise authorized by the general manager, the following licensees in respect of the following patrons must ensure that liquor is taken from the patrons within 1/2 hour after the end of the hours of liquor service:
- (a) a licensee who holds a food primary licence in respect of patrons in the service area in the establishment under the licence;
 - (b) a licensee who holds a catering authorization in respect of patrons in the service area under the authorization;
 - (c) a licensee who holds a temporary use area authorization in respect of patrons in the service area under the authorization.
- (2) Subsection (1) does not apply to an unfinished bottle of wine that is sealed in accordance with section 141 (4) (a).

Consumption of liquor after hours of liquor service

- 91** (1) Unless otherwise authorized by the general manager, a licensee must not allow a patron to consume liquor in the service area after 1/2 hour after the end of the hours of liquor service.
- (2) A patron must not consume liquor in a service area after 1/2 hour after the end of the hours of liquor service, but, if the general manager has authorized the licensee to allow patrons to consume liquor in the service area for a longer period, a patron must not consume liquor in the service area after the end of the longer period.

Dormant licences – prescribed period

- 92** The prescribed period for the purposes of section 49 (5) of the Act is 2 years.
[en. B.C. Reg. 271/2018.]

Dormant licences – prescribed circumstances

- 92.1** (1) In this section, “**dormancy period**” means the period that begins on the date that a licensee ceases operations in an establishment and ends 2 years after that date.
- (2) This section sets out the prescribed circumstances for the purposes of section 49 (5) of the Act.
- (3) A prescribed circumstance is that the licensee satisfies the general manager that
- (a) the licensee started, at the beginning of or during the dormancy period, construction to renovate the establishment that prevented the establishment from operating,
 - (b) the construction would normally be completed by the end of the dormancy period, and
 - (c) 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 the operations in the establishment restart as soon as practicable after the construction is completed.
- (4) A prescribed circumstance is that the licensee satisfies the general manager that
- (a) 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,
 - (b) the construction to renovate or rebuild the establishment would not normally be completed by the end of the dormancy period,
 - (c) the construction started during the dormancy period and is continuous to the end of the dormancy period, and
 - (d) the construction is continuous after the dormancy period and the operations in the establishment restart as soon as practicable after the construction is completed.
- (5) A prescribed circumstance is that the licensee satisfies the general manager that
- (a) 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,
 - (b) the construction would not normally be completed by the end of the dormancy period,
 - (c) the construction started during the dormancy period and is continuous to the end of the dormancy period, and
 - (d) the construction is continuous after the dormancy period and the operations in the establishment restart as soon as practicable after the construction is completed.
- (6) A prescribed circumstance is that the licensee satisfies the general manager that

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- (a) 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,
 - (b) the construction extends past the end of the dormancy period, and
 - (c) the operations in the establishment restart as soon as practicable after the construction is completed.
- (7) For the purposes of subsections (3) (c), (4) (c) and (d) and (5) (c) and (d), construction is considered to be started or to be continuous if the general manager is satisfied that
- (a) 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
 - (b) the construction starts or continues as soon as practicable after the licensee is no longer prevented from doing so by the event.
- (8) A prescribed circumstance is that the licensee satisfies the general manager that
- (a) the licensee was prevented from operating the establishment at the beginning of or during the dormancy period for reasons beyond the licensee's control,
 - (b) the reasons are not described in subsection (3), (4), (5) or (6), and
 - (c) the operations in the establishment restart as soon as practicable after the licensee is no longer prevented from operating the establishment because of those reasons.

[en. B.C. Reg. 271/2018; am. B.C. Reg. 165/2020.]

PART 3 – AUTHORIZATIONS**Division 1 – Classes of Authorizations****Classes**

93 The following classes of authorizations are established:

- (a) catering authorization;
- (b) temporary use area authorization;
- (c) market authorization;
- (d) temporary off-site sale authorization;
- (e) temporary expanded service area authorization.

[am. B.C. Reg. 110/2020, s. 1.]

Division 2 – Catering Authorizations

Eligibility to hold catering authorization

- 94** A catering authorization may be issued to a caterer who holds any of the following:
- (a) a catering licence;
 - (b) a liquor primary licence endorsed with a catering endorsement;
 - (c) a food primary licence endorsed with a catering endorsement.

Authorized activities

- 95** A catering authorization authorizes
- (a) the licensee to sell and serve to the host and patrons at a catered event drinks containing liquor in the service area under the authorization, and
 - (b) the host and patrons at a catered event to consume the drinks containing liquor in the service area under the authorization.

Application

- 96** An application for a catering authorization must include the following:
- (a) the name of the host of the catered event;
 - (b) the nature of the catered event;
 - (c) the date, time and location of the catered event;
 - (d) an estimate of the maximum number of people who will be at the event site at one time.

Rules and requirements

- 97** The following rules and requirements apply to a catering authorization:
- (a) all means of access to the service area must be supervised to the satisfaction of the general manager;
 - (b) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 4 a.m. the next day;
 - (c) unless exempted by the general manager, food and non-alcoholic beverages must be available to the patrons at reasonable prices or without charge;
 - (d) the event site, and the catered event, must comply with local bylaws and health and fire regulations;
 - (e) the number of people at the event site at one time must not exceed the maximum attendance specified on the authorization;
 - (f) if there is an occupant load for the event site, the number of people at the event site at one time must not exceed the occupant load.

Division 3 – Temporary Use Area Authorizations

Eligibility to hold temporary use area authorization

- 98** A temporary use area authorization may be issued to a licensee who holds a liquor primary or food primary licence endorsed with a temporary use area endorsement.

Authorized activities

- 99** A temporary use area authorization authorizes
- (a) the licensee to sell drinks containing liquor to patrons in the service area under the authorization, and
 - (b) a patron to consume the drinks containing liquor in the service area under the authorization.

Application

- 100** An application for a temporary use area authorization must include the following information:
- (a) the date, time and location of the event that is proposed to be the subject of the temporary use area authorization;
 - (b) a description of the event;
 - (c) an estimate of the maximum number of people who will be at the event site at one time.

Rules and requirements

- 101** The following rules and requirements apply to a temporary use area authorization:
- (a) all means of access to the service area must be supervised to the satisfaction of the general manager;
 - (b) the number of people at the event site at one time must not exceed the maximum attendance specified on the authorization;
 - (c) if there is an occupant load for the event site, the number of people at the event site at one time must not exceed the occupant load.

Division 4 – Market Authorizations

Eligibility to hold market authorization

- 102** A market authorization may be issued to a licensee who holds a manufacturer licence endorsed with an on-site store endorsement.

Authorized activities

- 103** A market authorization authorizes
- (a) the licensee
 - (i) to sell liquor in unopened containers to patrons in a market in a service area under the authorization, and

- (ii) to serve samples of liquor to patrons in a market in the service area under the authorization, and
- (b) a patron to consume the samples of liquor in the service area under the authorization.

Information to be included in application

- 104** An application for a market authorization must include the following information:
- (a) the name of the person who manages or carries on the market that is proposed to be the subject of the authorization;
 - (b) in the case of an application in respect of a market managed or carried on by a corporation under the *Business Corporations Act*, *Societies Act*, *Canada Business Corporations Act* or *Canada Not-for-profit Corporations Act*, the registration number shown on the certificate of incorporation, continuation or amalgamation of the corporation;
 - (c) the date, time and location of the market that is proposed to be the subject of the authorization.

Rules and requirements

- 105** The following rules and requirements apply to a market authorization:
- (a) the activities authorized by the authorization may take place only during the hours that the market is open and only during the hours stated in the licensee's on-site store endorsement;
 - (b) the licensee must not sell or serve samples of liquor other than liquor that is permitted to be sold under the licensee's on-site store endorsement.

Division 5 – Temporary Off-Site Sale Authorizations**Eligibility to hold temporary off-site sale authorization**

- 106** A temporary off-site sale authorization may be issued to a licensee who holds one of the following licences endorsed with a temporary off-site sale endorsement:
- (a) a licensee retail store licence;
 - (b) a wine store licence;
 - (c) a special wine store licence.

Authorized activities

- 107** A temporary off-site sale authorization authorizes the licensee to sell liquor in unopened containers to patrons in the service area under the authorization at a food or beverage festival for which a special event permit has been issued.

Information to be included in application

- 108** An application for a temporary off-site sale authorization must include the following information:

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- (a) the name of the permittee who holds the special event permit for the food or beverage festival;
- (b) the name of the food or beverage festival in respect of which the special event permit has been issued;
- (c) the date, time and location of the food or beverage festival in respect of which the special event permit has been issued;
- (d) the hours during which the applicant proposes to sell liquor at the food or beverage festival.

Rules and requirements

109 The following rules and requirements apply to a temporary off-site sale authorization:

- (a) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 11 p.m.;
- (b) sales of liquor must be recorded as sales from the licensee retail store, wine store or special wine store, as the case may be;
- (c) in the case of an authorization granted in respect of a wine store or special wine store licence, the licensee who holds the licence may sell only the wine that is permitted to be sold under the licence.

Division 6 – Temporary Expanded Service Area Authorizations**Eligibility to hold temporary expanded service area authorization**

109.1 On application made on or before October 31, 2021, a temporary expanded service area authorization may be issued to a licensee who holds any of the following:

- (a) a liquor primary licence;
- (b) a food primary licence;
- (c) a manufacturer licence.

[en. B.C. Reg. 110/2020, s. 2; am. B.C. Reg. 154/2021, s. (a).]

Authorized activities

109.2 A temporary expanded service area authorization authorizes the licensee and patrons to do in the service area under the authorization what Part 2 authorizes them to do in the service area under the licence.

[en. B.C. Reg. 110/2020, s. 2.]

Rules and requirements

109.3 The following rules and requirements apply to a temporary expanded service area authorization:

- (a) all means of access to the service area must be supervised to the satisfaction of the general manager;
- (b) the service area must comply with local bylaws and health and fire regulations;

- (c) the number of people in the service area at one time must not exceed the maximum attendance specified on the authorization;
- (d) if there is an occupant load for the service area, the number of people in the service area at one time must not exceed the occupant load.

[en. B.C. Reg. 110/2020, s. 2.]

Extension of expiry

109.4 The general manager may amend the period, specified on a temporary expanded service area authorization, during which that authorization is valid.

[en. B.C. Reg. 234/2020, s. 1.]

Repeal

109.5 Section 93 (e) and this Division are repealed on June 1, 2022.

[en. B.C. Reg. 110/2020, s. 2; am. B.C. Regs. 234/2020, s. 2; 154/2021, s. (b).]

PART 4 – PERMITS

Division 1 – Classes of Permits

Classes

110 The following classes of permits are established:

- (a) special event permit;
- (b) charitable auction permit;
- (c) ethyl alcohol purchase permit.

Division 2 – Special Event Permits

Definitions

111 In this Division:

“private special event” means any of the following events:

- (a) an event for the tasting of products of a manufacturer;
- (b) an event of a social, cultural, recreational, religious, sporting or community nature;
- (c) a celebration of a family or religious event including, without limitation, a wedding, wedding anniversary or birthday;
- (d) a competitive event for the evaluation or judging of wine or beer;

“public special event” means the following events that are open to the public:

- (a) an event for a community or public celebration;
- (b) an event for the tasting of liquor to acquaint the public with products of a manufacturer;

“special event” means a private special event or a public special event.

Authorized activities

- 112** A special event permit authorizes
- (a) the permittee to sell or serve drinks containing liquor to patrons in the service area under the permit at a special event, and
 - (b) a patron to consume drinks containing liquor in the service area under the permit.

Application requirements

- 113** (1) A special event permit must not be issued for a private special event described in paragraph (a) [*tastings*] or paragraph (b) [*social*] of the definition of “private special event” in section 111 unless the following conditions are met:
- (a) the applicant is a corporation, partnership or sole proprietorship or a representative of an unincorporated organization;
 - (b) attendance at the event will be limited to the applicant and the applicant’s staff or members of the unincorporated organization, invited guests or persons who have purchased or been given tickets before the event.
- (2) A special event permit must not be issued for a private special event described in paragraph (c) of the definition of “private special event” [*family celebration*] in section 111 unless the following conditions are met:
- (a) the applicant is a member or a close friend of the family;
 - (b) attendance at the event will be by prior invitation only and invitations will be extended only to family members, friends of the family and those officiating at the event.
- (3) A special event permit must not be issued for a private special event described in paragraph (d) of the definition of “private special event” [*wine or beer competition*] in section 111 unless the following conditions are met:
- (a) the applicant is a non-profit corporation or a representative of a non-profit organization;
 - (b) attendance at the event will be limited to the applicant and the applicant’s staff or members of the non-profit organization, to invited guests or to persons who have been given tickets before the event;
 - (c) awards or another form of recognition will be granted to the makers of the wine or beer based on evaluation or judging.
- (4) A special event permit must not be issued for a public special event unless the applicant is a corporation, partnership or sole proprietorship or a representative of an unincorporated organization.

[am. B.C. Regs. 291/2016, Sch. 1, s. 10; 231/2017, s. 5.]

Purpose of event

- 114** (1) The general manager may establish a cost recovery price list that sets out the prices for drinks containing liquor that the general manager considers sufficient

to allow a permittee who holds a special event permit to operate a special event on a cost recovery basis.

- (2) If the price that an applicant for a special event permit intends to charge for a drink containing liquor to be sold under the permit exceeds the price for that drink set out on the general manager's cost recovery price list, the general manager must not issue the permit unless
- (a) the general manager is satisfied that the purpose of the event is to raise funds for a charitable purpose and the applicant will comply with the applicable rule set out in section 117.1 (2) or (3), or
 - (b) the applicant has applied for exemption from section 117.1 (2) or (3), as applicable, and the general manager will grant the exemption under section 117.1 (4).

[am. B.C. Reg. 137/2017, s. 3.]

Other permissions required

- 115** A special event permit must not be issued for a special event that is to be held on lands or premises owned or operated by a local government or first nation or by the provincial or federal government unless the applicable government or first nation gives its written permission for the event.

Application – information to be included

- 116** The following information must be included in an application for a special event permit:
- (a) the name and contact information of the applicant;
 - (b) if the applicant is not an individual, the name of an individual who is designated to represent the applicant and the individual's contact information;
 - (c) a description and the name of the special event;
 - (d) the date, time and location of the special event;
 - (e) an estimate of the number of people who will attend the special event per day and an estimate of the maximum number of people who will be in the service area at one time;
 - (f) if the special event is being held by a business corporation, partnership or sole proprietorship, the business number as defined in the *Income Tax Act* (Canada) of the corporation, partnership or sole proprietorship;
 - (g) the prices that will be charged for drinks containing liquor.
 - (h) Repealed. [B.C. Reg. 137/2017, s. 4.]
[am. B.C. Reg. 137/2017, s. 4.]

Rules and requirements

- 117** A special event permit is subject to the following rules and requirements:

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- (a) in the case of a permittee who is an individual, the permittee or the permittee’s delegate must be present at the event site during the hours of liquor service;
- (b) in the case of a permittee that is not an individual, the permittee’s designated representative or the representative’s delegate must be present at the event site during the hours of liquor service;
- (c) in the case of a private special event described in paragraph (a) [*tastings*] or paragraph (b) [*social*] of the definition of “private special event” in section 111, attendance at the event must be limited to the permittee and the permittee’s staff or members of the unincorporated organization, to invited guests or to persons who purchased or were given tickets before the event;
- (d) in the case of a private special event described in paragraph (c) of the definition of “private special event” [*family celebration*] in section 111, attendance at the event must be limited to the following who received invitations before the event:
 - (i) family members and friends of the family;
 - (ii) those officiating at the event;
- (e) in the case of a private special event described in paragraph (d) of the definition of “private special event” [*wine or beer competition*] in section 111,
 - (i) attendance at the event must be limited to the permittee and the permittee’s staff or members of the non-profit organization, to invited guests or to persons who have been given tickets before the event, and
 - (ii) awards or another form of recognition must be granted to the makers of the wine or beer based on evaluation or judging;
- (f) subject to limitation by the general manager, hours of liquor service must start no earlier than 9 a.m. and end no later than 4 a.m. the next day;
- (g) the price of drinks containing liquor sold under the permit must not exceed the price specified on the permit;
- (h) the quantity of liquor sold at the event must not exceed the maximum quantity specified on the permit;
- (i) the number of people in attendance at the event site in a day must not exceed the maximum daily attendance specified on the permit;
- (j) the number of people in the service area at one time must not exceed the maximum attendance specified on the permit;
- (k) if there is an occupant load for the service area, the number of people in the service area at one time must not exceed the occupant load;
- (l) the service area must be enclosed and all means of access to the service area must be supervised to the satisfaction of the general manager.

Charitable purposes

- 117.1** (1) This section applies when a permittee who holds a special event permit sells a drink containing liquor for a price that exceeds the price for that drink set out on the general manager’s cost recovery price list.
- (2) If a permittee is a non-profit corporation or a representative of a non-profit organization, it is a rule of the permit that the profit made at the special event must be used for a charitable purpose by the non-profit corporation or non-profit organization or by another non-profit corporation or non-profit organization.
- (3) If a permittee is not a non-profit corporation or representative of a non-profit organization, it is a rule of the permit that the profit made at the special event must be donated to a non-profit corporation or non-profit organization whose primary function is to carry out charitable purposes.
- (4) The general manager may exempt a permittee who holds a special event permit from subsection (2) or (3).

[en. B.C. Reg. 137/2017, s. 5.]

Sales practices

- 118** A permittee who holds a special event permit must not
- (a) provide unlimited or unspecified quantities of liquor for a single price unless authorized by the general manager, or
 - (b) use a sales strategy that is likely to promote or encourage intoxication.

Information for patrons

- 119** A permittee who holds a special event permit must provide to patrons on request a list that shows the quantities of liquor in the drinks containing liquor sold under the permit and the prices for the drinks.

Sources of liquor

- 120** (1) For the purposes of section 8 (3) (b) of the Act, a permittee under a special event permit who is a non-profit corporation or non-profit organization may sell or serve liquor that has been purchased from the Liquor Distribution Branch and donated to the permittee by a licensed manufacturer or licensed agent if the purpose of the special event is to raise funds for a charitable purpose.
- (2) For the purposes of section 8 (3) (b) of the Act, a permittee who holds a special event permit issued for a private special event described in paragraph (c) or (d) of the definition of “private special event” in section 111 may serve wine and beer that is not commercially manufactured.

Records

- 121** (1) A permittee who holds a special event permit must keep the following records at the event site when liquor is sold or served under the permit:

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- (a) the special event permit and any records submitted with the application for the permit;
 - (b) if section 115 applies, the written permission of the applicable government or first nation;
 - (c) records showing the amount of and price paid for liquor purchased for the special event and records showing the amount of liquor sold or served under the permit, the prices charged and the revenue from those sales;
 - (d) the following records respecting the staff who sell or serve liquor:
 - (i) the staff members' names;
 - (ii) the numbers of their certificates of completion for the SIR program or SES program and, if the certificates show an expiry date, that date;
 - (iii) if a staff member meets the training requirements under section 60 (2) of the Act by successfully completing a liquor service training program offered by another province, the name of the program and province and, if the certificate of completion for the program shows an expiry date, that date.
- (2) A person who is issued a special event permit must keep the records referred to in subsection (1) for at least 2 years after the permit expires.

Donation after special event

- 122** (1) This section applies
- (a) when a permittee who holds a special event permit sells a drink containing liquor for a price that exceeds the price for that drink set out on the general manager's cost recovery price list, and
 - (b) the general manager has not exempted the permittee from section 117.1 (2) or (3), as applicable.
- (2) If a non-profit corporation or a representative of a non-profit organization held the permit, the former permittee must, within 60 days after the permit expires, provide a report to the general manager that
- (a) contains financial statements showing the revenue and expenses for the special event and the amount of profit made at the special event, and
 - (b) sets out the name of the non-profit corporation or non-profit organization who will receive the profit made at the special event and a description of the charitable purpose for which the profit will be used.
- (3) If the permit was not held by a non-profit corporation or representative of a non-profit organization, the former permittee must, within 60 days after the permit expires,
- (a) donate the profit from the special event to a non-profit corporation or non-profit organization whose primary function is to carry out charitable purposes, and

- (b) provide a report to the general manager that contains
 - (i) financial statements showing the revenue and expenses for the special event and the amount of profit made at the special event, and
 - (ii) proof that the profits have been donated in accordance with paragraph (a).

[am. B.C. Reg. 137/2017, s. 6.]

Prescribed class of permits – section 33 of Act

- 123** The prescribed class of permits for the purposes of section 33 of the Act is the special event permit.

Division 3 – Charitable Auction Permits

Definition

- 124** In this Division, “**charitable auction**” means an auction held under a charitable auction permit.

Eligibility to hold permit

- 125** A charitable auction permit may be issued to a non-profit corporation or a representative of a non-profit organization.

Authorized activities

- 126** A charitable auction permit authorizes a permittee to sell liquor in unopened containers from the service area under the permit by auction for the purpose of raising funds for a charitable purpose.

- 127** Repealed. [B.C. Reg. 172/2017, s. 2.]

Maximum duration

- 128** A charitable auction must not extend over more than 30 days.

Liquor purchased or acquired

- 129** For the purposes of section 8 (3) (b) of the Act, a permittee who holds a charitable auction permit may sell by charitable auction liquor that was
- (a) lawfully purchased, or
 - (b) acquired by donation, if the liquor was commercially manufactured.

Consumption and removal of auction liquor

- 130** (1) In this section, “**auction liquor**” means liquor that is brought to the event site under a charitable auction permit to be sold by auction, whether or not the liquor is offered for sale or sold.
- (2) A person must not consume auction liquor at the event site under a charitable auction permit.

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- (3) A permittee who holds a charitable auction permit must not allow consumption of auction liquor at the event site.
- (4) A permittee who holds a charitable auction permit must ensure that all auction liquor is removed from the event site by the end of the charitable auction.

Notification of charitable purpose

- 131** A permittee who holds a charitable auction permit must, before bidding commences, notify the auction participants of the charitable purpose of the charitable auction.

Receipts

- 132** A permittee who holds a charitable auction permit must
- (a) issue to each winning bidder a receipt that indicates
 - (i) the item of liquor purchased,
 - (ii) the name of the winning bidder, and
 - (iii) the amount of the winning bid, and
 - (b) collect receipts that evidence
 - (i) the price, if any, paid by the permittee for each item of liquor offered for sale at the auction, and
 - (ii) other expenses, if any, incurred by the permittee to conduct the auction.

Use of funds for charitable purpose

- 133** A person who held a charitable auction permit must, within one year after the permit expires or such longer period as the general manager may approve, use the funds raised by the auction for the charitable purpose for which the permit was issued or, with the approval of the general manager, another charitable purpose the general manager considers appropriate in the circumstances.

Records

- 134** (1) A person who held a charitable auction permit must prepare and maintain records respecting the following:
- (a) the items of liquor offered for sale by auction, indicating for each item
 - (i) the source of that item,
 - (ii) the date the permittee acquired that item,
 - (iii) the price, if any, paid by the permittee for that item, and
 - (iv) whether or not that item was sold by auction and, if sold, the information referred to in section 132 (a) (ii) and (iii) and the amount of sales tax collected on the sale;
 - (b) the expenses, other than expenses referred to in paragraph (a) (iii), incurred by the permittee to conduct the auction;

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- (c) the charitable purposes for which the funds raised by the auction were used and the amount used for each charitable purpose.
- (2) A person who held a charitable auction permit must prepare and maintain
 - (a) an account of the funds raised by the auction, indicating
 - (i) each expense referred to in subsection (1) (a) (iii) and (b) and the total of those expenses, and
 - (ii) the amount received or receivable by the person for each item of liquor sold by auction and the total of those amounts, and
 - (b) copies of the receipts referred to in section 132.
- (3) A person who held a charitable auction permit must retain the records required by this section for a period of 2 years after the permit expires.

Division 4 – Ethyl Alcohol Purchase Permits**Authorized activity**

- 135** An ethyl alcohol purchase permit authorizes the permittee to purchase ethyl alcohol for non-beverage purposes in a quantity specified in the permit.

Information to be included in application

- 136** An application for an ethyl alcohol purchase permit must include the following information:
- (a) the name of the person who intends to purchase the ethyl alcohol;
 - (b) the amount of ethyl alcohol to be purchased;
 - (c) the purpose for which the ethyl alcohol is to be used;
 - (d) if the ethyl alcohol will be used by a business, evidence that the business is licensed and is registered for the purposes of paying provincial and federal taxes;
 - (e) the location of the facility where the ethyl alcohol will be stored and a description of the facility's security measures.

**PART 5 – MATTERS APPLICABLE TO LICENCES,
AUTHORIZATIONS AND PERMITS****Authorized activities**

- 137** (1) A licence, authorization or permit that authorizes the licensee or permittee to sell liquor also authorizes the licensee or permittee to
- (a) keep the liquor for sale, and
 - (b) purchase liquor in accordance with section 8 (3) (a), (b) or (c) of the Act.

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- (2) A licence, authorization or permit that authorizes the licensee or permittee to sell liquor to a patron also authorizes the patron to purchase liquor from the licensee or permittee.

Extending hours of liquor service

- 138** For the purposes of imposing terms and conditions on a licence, endorsement, authorization or permit, the general manager may, despite any provision of this regulation, extend the hours of liquor service set out in this regulation that apply to the licence, endorsement, authorization or permit if the general manager is satisfied that
- (a) there are exceptional circumstances, and
 - (b) it is not contrary to the public interest to extend those hours.

Posting licence, authorization and certain permits

- 139** (1) A licensee must post the licence in a conspicuous place in the establishment.
- (2) A licensee who holds an authorization must post, during the event for which the authorization is issued, a copy of the licence and authorization in a conspicuous place at the event site.
- (3) A permittee who holds a special event permit or charitable auction permit must post, during the special event or charitable auction for which the permit is issued, a copy of the permit in a conspicuous place at the event site.

Sale of liquor purchased under licence or permit

- 140** Unless otherwise authorized by the general manager, a licensee or permittee must not, under the authority of a licence or permit, sell or serve liquor purchased under the authority of another licence or permit.

Consuming and removing liquor from service areas

- 141** (1) This section applies to all service areas under a licence, authorization or permit other than the service area under
- (a) a licensee retail store, wine store or special wine store licence,
 - (a.1) a rural licensee retail store licence,
 - (b) an on-site store endorsement,
 - (c) a temporary off-site sale authorization,
 - (d) a market authorization, or
 - (e) a charitable auction permit.
- (2) A licensee or permittee must ensure that the liquor consumed by patrons in a service area is liquor that has been sold or served in the service area by the licensee or permittee, subject to the following exceptions:
- (a) if the service area under a liquor primary licence is the same as the service area under a food primary licence and both licences are held by the same licensee, the liquor has been sold or served from the service area;

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- (b) if the service areas under a liquor primary licence, food primary licence, lounge endorsement or special event area endorsement adjoin and the licences are held by the same licensee, the liquor has been sold or served by the licensee from any of the service areas under the licence or endorsement;
 - (c) the liquor is an unopened bottle of commercially manufactured wine that a patron brings into the service area under a food primary licence and that is served by the licensee in accordance with the Act, this regulation and the terms and conditions;
 - (d) the liquor has been taken in the circumstances described in section 38 into the service area
 - (i) under a manufacturer licence, or
 - (ii) under a liquor primary or food primary licence if the service area is adjacent to the manufacturing facilities of the establishment under a manufacturer licence and the licensee who holds the manufacturer licence is the same person who holds the liquor primary or food primary licence;
 - (e) the liquor has been taken into the service area that is located on a golf course by a patron in the circumstances described in section 88 (1).
- (3) A patron must not consume liquor in a service area unless the liquor has been sold or served in the service area by the licensee or permittee, subject to the exceptions set out in subsection (2) (a) to (e).
- (4) A licensee or permittee must not allow liquor to be taken from the service area except in the following situations:
- (a) a bottle of wine that is unfinished by a patron and sealed by the licensee is taken by the patron from the service area;
 - (b) liquor is sold for consumption off premises under an off-premises sales endorsement;
 - (c) liquor is taken from a service area as described in subsection (2) (b);
 - (d) liquor is removed from a service area in a liquor primary club licence under section 11 (2) (b);
 - (e) liquor is removed under section 38 from a service area under a manufacturer, liquor primary or food primary licence;
 - (f) a drink containing liquor is taken from the service area under a liquor primary or food primary licence in a hotel by a patron in accordance with section 85;
 - (g) liquor is taken from the service area under a liquor primary licence in a hotel by the licensee in accordance with section 86 (1);
 - (h) liquor is taken from a service area located on a golf course in the circumstances described in section 88 (1).

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- (5) A patron must not take liquor from a service area except as described in subsection (4) (a) to (h).

[am. B.C. Reg. 18/2021, s. 6.]

Consumption by employees

- 142** (1) A licensee must ensure that its employees do not consume liquor while the employees are working in the establishment or at an event site or residential event.
- (2) An employee of a licensee must not consume liquor while working at the establishment or at an event site or residential event.
- (3) A permittee must ensure that its staff do not consume liquor while the staff are working at the event site.
- (4) A member of the staff of a permittee must not consume liquor while working at the event site.

Persons selling or serving liquor without training

- 143** (1) A licensee must not allow a person to sell or serve liquor in a service area or at a residential event or supervise the sale or service of liquor in a service area or at a residential event unless the person has successfully completed the prescribed training program or recertification as required by Division 4 of Part 7 of this regulation.
- (2) A permittee must not allow a person to sell or serve liquor in a service area or supervise the sale or service of liquor in a service area unless the person has successfully completed the prescribed training program or recertification as required by Division 4 of Part 7 of this regulation.

Diluting or adulterating liquor and refilling bottles

- 144** (1) A licensee or permittee must not
- (a) dilute or adulterate liquor, or
 - (b) keep for sale, sell or serve liquor that has been diluted or adulterated.
- (2) Subsection (1) does not apply if the dilution or adulteration
- (a) is made to a drink containing liquor at the request of the patron who ordered the drink, or
 - (b) is permitted by the terms and conditions of the licence, authorization or permit.
- (3) A licensee or permittee who purchases a bottle or container of liquor must not
- (a) refill the bottle or container, or
 - (b) add to the contents of the bottle or container.

Occupant load

- 145** (1) The occupant load for a service area or event site is the lesser of the following:
- (a) the maximum number of persons allowed in the service area or at the event site under building regulations as defined in section 1 of the *Building Act*;
 - (b) the maximum number of persons allowed in the service area or at the event site under the British Columbia Fire Code adopted under the British Columbia Fire Code Regulation;
 - (c) the maximum number of persons allowed in the service area or at the event site under other safety requirements enacted, made or established by the local government, first nation or treaty first nation for the area in which the establishment or event site is located.
- (2) If the service area is an outdoor area that is not a patio adjacent to a building, there is no occupant load for the service area.

PART 6 – COMPLIANCE AND ENFORCEMENT**Definitions**

- 146** In this Part:
- “**deemed licensee**” has the same meaning as in section 52 (1) of the Act;
 - “**former Act**” means the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, and its predecessors;
 - “**former regulation**” means the Liquor Control and Licensing Regulation, B.C. Reg. 244/2002, and its predecessors;
 - “**regulated person**” means a licensee, former licensee, deemed licensee, permittee or former permittee.
[am. B.C. Regs. 172/2017, s. 3; 76/2021, s. 3.]

Compliance with rules and requirements

- 147** A regulated person contravenes this regulation if
- (a) a provision of this regulation establishes a rule or requirement with respect to a licence, authorization or permit issued to the person, and
 - (b) the rule is broken or the requirement is not met.

Offences

- 148** A person who contravenes any of the following provisions commits an offence:
- (a) section 91 (2) [*consuming liquor after hours of liquor service have ended*];
 - (b) section 130 (2) [*consuming liquor at charitable auction*];
 - (c) section 141 (3) [*consuming liquor in service area that was not served in service area*];
 - (d) section 141 (5) [*taking liquor from service area*];

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- (e) section 142 (2) [*employee of licensee consuming liquor while working*];
- (f) section 142 (4) [*staff of permittee consuming liquor while working*];
- (g) section 144 (1) [*diluting or adulterating liquor*];
- (h) section 144 (3) [*refilling or adding to containers of liquor*].

Compliance history

- 149** For the purposes of the Act, “**compliance history**” means, in respect of a regulated person, a record of
- (a) actions taken by the general manager under the Act or former Act as a result of the regulated person
 - (i) contravening the Act or former Act,
 - (ii) contravening this regulation or the former regulation, or
 - (iii) failing to comply with a term or condition imposed by the general manager,
 - (b) actions taken by the general manager under section 48, 49 or 50 of the Act in respect of the regulated person,
 - (c) actions taken by the general manager or peace officer under section 7 (4.1) of the former Act or by the general manager under section 20, 22, 23 or 92 of the former Act in respect of the regulated person, and
 - (d) convictions for committing an offence under section 57 or 58 of the Act, an offence referred to in section 148 of this regulation or an offence under the former Act.

Monetary penalties

- 150** The prescribed schedule of monetary penalties for the purposes of section 51 (2) (b) of the Act is set out in Schedule 2.

Suspensions

- 151** (1) The prescribed schedule of licence suspensions for the purposes of section 51 (2) (c) of the Act is set out in Schedule 2.
- (2) If a licence is subject to more than one suspension, the suspensions apply consecutively.

Prescribed grounds relating to reconsideration orders

- 152** (1) In this section, “**section 51 order**” has the same meaning as in section 53.1 (1) of the Act.
- (2) For the purposes of section 53.1 (3) of the Act, an application for a reconsideration of a section 51 order may be based on the following:
- (a) a failure to observe the rules of procedural fairness;
 - (b) an error of law;

- (c) subject to section 53.1 (4) of the Act, new evidence.

Publishing information relating to enforcement actions and convictions

- 153** (1) If the general manager takes action against a regulated person under section 51 or 53.1 of the Act, the general manager may publish the following information in respect of the action:
- (a) the name of the regulated person;
 - (b) the contravention of the Act or regulations by the regulated person or the term or condition that the regulated person failed to comply with;
 - (c) the action taken by the general manager under section 51 or 53.1 of the Act and the reasons for taking the action.
- (2) If a regulated person has been convicted of an offence under the Act, the general manager may publish the following information in respect of the conviction:
- (a) the name of the regulated person;
 - (b) a description of the offence;
 - (c) the penalty imposed.

Posting of signs relating to suspensions or monetary penalties

- 154** (1) If the licence of a licensee has been suspended or a monetary penalty imposed on a licensee, the general manager may post one or more signs, in prominent locations in the interior or on the exterior of the establishment, that contain the following information:
- (a) in the case of a suspension, that the licence has been suspended under the Act and the period of the suspension;
 - (b) in the case of a monetary penalty, that the licensee is subject to a monetary penalty and the period of time, established by the general manager, that the sign must remain posted.
- (2) If the general manager has posted one or more signs under subsection (1), the licensee of the establishment must ensure that
- (a) the signs are not taken down
 - (i) in the case of a suspension, until after the suspension has ended, or
 - (ii) in the case of a monetary penalty, until after the period for posting specified on the sign has ended, and
 - (b) during the period that the signs must remain posted, the signs are not defaced, obstructed or moved.

Form of information and search warrant

- 155** (1) The form for the information for the purposes of section 44 (2) of the Act is set out in Schedule 3.

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- (2) The form for a search warrant for the purposes of section 44 (3) of the Act is set out in Schedule 4.

Prescribed matters – forfeiture of liquor

- 156** (1) The prescribed circumstance for the purposes of section 47 (4) (c) of the Act is that the liquor was not commercially manufactured.
- (2) The amount of compensation for the purposes of section 47 (4) (c) of the Act is the lower of the following:
- (a) the retail price of the ingredients used to manufacture the liquor that was seized and destroyed;
 - (b) if known, the actual price paid for the ingredients used to manufacture the liquor that was seized and destroyed.

PART 7 – MISCELLANEOUS**Division 1 – Minors****Supplying liquor to minors**

- 157** Section 77 (1) of the Act does not apply if the liquor is
- (a) given to a minor by the minor's parent, spouse or guardian in a residence for consumption in the residence,
 - (b) administered to a minor by or under the authority of a medical practitioner or dentist for medicinal purposes, or
 - (c) wine given to a minor as part of a religious ceremony under section 195 (2).
- [am. B.C. Reg. 64/2021, s. 3.]

Identification

- 158** The prescribed identification in respect of a person for the purposes of section 77 (3) (a) of the Act are
- (a) one of the following:
 - (i) the person's passport;
 - (ii) the person's driver's licence that displays the person's photograph and date of birth;
 - (iii) the person's identification card, issued by a government agency, that displays the person's photograph and date of birth, and
 - (b) one other piece of identification that displays
 - (i) the person's name, and
 - (ii) one or both of the person's signature and photograph.

Consumption and possession of liquor by minors

- 159** (1) For the purposes of section 78 (1) (b) and (c) of the Act, a minor may possess and consume liquor in the situations described in section 157 of this regulation.
- (2) For the purposes of section 78 (1) (c) of the Act, a minor may possess liquor for the purposes of the minor's employment under sections 163 to 165 of this regulation.
- (3) For the purposes of section 77 (1) (c) of the Act, a licensee or permittee may allow a minor to possess liquor for the purposes of the minor's employment under sections 163 to 165 of this regulation.

Minors in liquor stores

- 160** (1) Repealed. [B.C. Reg. 305/2021, App. 1, s. 8 (a).]
- (2) This section is made for the purposes of sections 78 (2) and 79 (1) of the Act.
- (3) A minor may enter and be in a duty free store.
- (4) A minor may enter and be in a liquor store that is not a duty free store if the minor is accompanied by a parent or guardian.
- (5) A person who sells liquor in a liquor store that is not a duty free store is prohibited from allowing a minor to enter or to be in the liquor store unless the minor is accompanied by a parent or guardian.
- [am. B.C. Reg. 305/2021, App. 1, s. 8.]

Employment of minors

- 161** For the purposes of section 79 (2) of the Act, a licensee or permittee must not employ a minor in an establishment or at an event site except in accordance with sections 162 to 166 of this regulation.

Supervision of minors

- 162** (1) The employment of minors in an establishment or at an event site under this Division is subject to the condition that the minor while working in the establishment or at an event site must be under the direct and continual supervision of the licensee or permittee or an adult employee of the licensee or permittee.
- (2) Subsection (1) does not apply to the establishment under a catering licence.

Employment of minors – liquor primary licences

- 163** (1) A minor may be employed in an establishment under a liquor primary licence that is not a stadium for any employment purpose other than the selling or serving of liquor,
- (a) if the minor was hired on or after January 23, 2017, during the period that minors are allowed to enter and be in the service area, and
- (b) if the minor was hired before January 23, 2017, during any period.

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- (2) A minor may be employed in an establishment under a liquor primary licence that is a stadium during the period that minors are allowed to enter and be in the service area
- (a) if the minor is at least 16 years of age, for the purpose of selling and serving liquor other than
 - (i) mixing or preparing drinks containing liquor,
 - (ii) opening bottles, cans or other containers of liquor, or
 - (iii) performing the function commonly described as hawker, which involves carrying drinks containing liquor in the stands for the purpose of selling the drinks, and
 - (b) for any other employment purpose not related to the sale or service of liquor.
- [am. B.C. Reg. 291/2016, Sch. 1, s. 11.]

Employment of minors – food primary licences

- 164** A licensee who holds a food primary licence may employ a minor in the establishment
- (a) if the minor is at least 16 years of age, for the purpose of selling and serving liquor other than
 - (i) mixing or preparing drinks containing liquor, or
 - (ii) opening bottles, cans or other containers of liquor, and
 - (b) for any other employment purpose not related to the sale or service of liquor.

Employment of minors – other licences and permits

- 165** The following licensees and permittees may employ a minor in the establishment or at the event site for any employment purpose other than selling or serving liquor:
- (a) a licensed manufacturer;
 - (b) a licensee who holds a wine store or special wine store licence, if the establishment is a grocery store;
 - (b.1) a licensee who holds a rural licensee retail store licence;
 - (c) a licensee who holds a U-Brew and U-Vin licence;
 - (d) a licensee who holds a catering licence;
 - (e) a caterer who holds a catering authorization in respect of the event site under the authorization;
 - (f) a permittee who holds a special event permit, but the minor may be employed only in the areas of the event site in which minors are allowed;
 - (g) a permittee who holds a charitable auction permit.

[am. B.C. Reg. 18/2021, s. 7.]

Employment of minors – entertainment

- 166** (1) Despite any provision of this Division, a licensee or permittee must not employ a minor for the purpose of entertaining patrons except in accordance with this section.
- (2) Minors may be employed for the purpose of entertaining patrons only in accordance with subsection (3) and only in the following areas:
- (a) the establishment under a liquor primary or food primary licence;
 - (b) the service area under a lounge, special event area or picnic area endorsement endorsed on a manufacturer licence;
 - (c) the event site under a catering or temporary use area authorization or under a special event permit.
- (3) The following conditions apply to the employment of minors for the purpose of providing entertainment to patrons:
- (a) the terms and conditions of the licence or permit allow entertainment in the establishment, service area or event site under subsection (2);
 - (b) minors must not be employed in providing adult entertainment;
 - (c) if adult entertainment is provided in an establishment, service area or event site under subsection (2), minors must leave the establishment, service area or event site when the adult entertainment takes place;
 - (d) if minors are not allowed in an establishment, service area or event site under subsection (2) as patrons, a minor who is an entertainer
 - (i) must not be in the establishment, service area or event site before and after their performance and during intermissions, and
 - (ii) must not take part in entertainment involving patron participation.

Employment of minors – residential events

- 167** A caterer must not employ a minor to sell or serve liquor at a residential event.

Division 2 – Advertisements

- 168** Repealed. [B.C. Reg. 305/2021, App. 1, s. 9.]

Requirements applicable to all advertisements

- 169** A person who advertises liquor or the availability of liquor must ensure that the advertisement complies with the Code for Broadcast Advertising of Alcoholic Beverages, as amended from time to time, published by the Canadian Radio-television and Telecommunications Commission under the *Broadcasting Act* (Canada).

Requirements for non-industry advertisers and certain permittees

- 170** (1) This section does not apply to the following:
- (a) a licensee;

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- (b) the Liquor Distribution Branch or an operator of a duty free store;
 - (c) a permittee who holds a special event permit;
 - (d) a permittee who holds a charitable auction permit or a person who is authorized to sell liquor by auction under section 193.
- (2) A person to whom this section applies who advertises liquor or the availability of liquor may advertise only the following information in respect of liquor:
- (a) where the liquor is available;
 - (b) whether the liquor is beer, wine or spirits, without referring to
 - (i) the names of manufacturers or liquor products, or
 - (ii) the price of the liquor.

[am. B.C. Reg. 305/2021, App. 1, s. 10.]

Requirements for liquor industry advertisers

- 171** (1) This section applies to the following:
- (a) a licensee, other than a licensee who holds a U-Brew and U-Vin licence;
 - (b) the Liquor Distribution Branch and an operator of a duty free store.
- (2) Subject to subsection (3), a person to whom this section applies who advertises liquor or the availability of liquor may include only the following information in respect of liquor:
- (a) liquor that may be sold under the person's licence, other than an agent's licence, or, if the advertisement is in respect of a liquor store, liquor that may be sold in the liquor store;
 - (b) information about the manufacturers of liquor and liquor products;
 - (c) information about establishments or liquor stores;
 - (d) prices.
- (3) A person to whom this section applies who advertises liquor or the availability of liquor must not in the advertisement
- (a) refer to liquor unless the liquor is registered by the LDB general manager under section 15.1 of the *Liquor Distribution Act* or is otherwise approved for sale by the Liquor Distribution Branch, or
 - (b) depict packaging or labelling on liquor containers unless that packaging or labelling has been approved under the *Liquor Distribution Act*.
- (4) Despite subsection (2), a caterer must not advertise the availability, sale or service of liquor in relation to an ongoing or upcoming event catered by the caterer.

[am. B.C. Regs. 231/2017, s. 6; 305/2021, App. 1, s. 10.]

U-Brew and U-Vin licensees

- 172** A licensee who holds a U-Brew and U-Vin licence must ensure that advertisements for the operation of the licensee's facility in the establishment comply with the following requirements:
- (a) an advertisement may contain only the following information in relation to the establishment:
 - (i) that the establishment is licensed to provide goods and services for the manufacturing of beer and wine by customers;
 - (ii) the name, address and phone number of the establishment;
 - (iii) a list of the goods and services available in the establishment and the prices for those goods and services;
 - (iv) the availability of specific types of ingredients for the manufacturing of beer and wine in the establishment and the prices for those ingredients;
 - (b) an advertisement setting out prices for beer and wine must state that the prices represent the cost of manufacturing the beer or wine in the establishment.

Public special events

- 173**
- (1) A person who holds a special event permit may advertise liquor or the availability of liquor only in relation to a public special event.
 - (2) The advertisement may contain only the following information in respect of liquor:
 - (a) that liquor will be available for sale at the public special event;
 - (b) the manufacturers, liquor products and prices of liquor that will be available for sale at the public special event.

Charitable auctions

- 174**
- (1) This section applies to
 - (a) a permittee who holds a charitable auction permit, and
 - (b) a person who, under section 193, may sell liquor by auction without a licence or permit.
 - (2) A person to whom this section applies who advertises liquor or the availability of liquor may advertise only the following information in respect of liquor:
 - (a) that liquor will be available for sale by auction, including details about the auction;
 - (b) the manufacturers, brand names, types and amounts of liquor that will be offered for sale by auction;
 - (c) the name of the event at which the auction will be held if a reference to a type or brand of liquor is part of the name of the event.

Division 3 – Exemptions for Tied Houses and Inducements

Definition

- 175** In this Division, “**arrangement**” means an arrangement, or an agreement to arrange, with another person to sell the liquor of a manufacturer to the exclusion of the liquor of another manufacturer.

Prescribed classes of licences – section 19 (5) of Act

- 176** The following classes of licences are prescribed for the purposes of section 19 (5) of the Act:
- (a) brewery licence;
 - (b) winery licence;
 - (c) distillery licence;
 - (d) agent’s licence.

Stadiums and concert halls

- 177** (1) In this section:
- “**licensee**” means a person referred to in subsection (3);
 - “**related liquor**” means, in respect of a licensee,
 - (a) if the licensee has entered into an arrangement referred to in subsection (3) (a), the liquor that is to be sold to the exclusion of other liquor, and
 - (b) if the licensee has not entered into an arrangement, the liquor that the licensee is likely to promote.
- (2) This section applies to a stadium or concert hall that
- (a) has the size and facilities necessary to host provincial, national or international events involving adult or professional performers,
 - (b) is used primarily for the events referred to in paragraph (a),
 - (c) in the case of a stadium, has at least 5 000 tiered seats, and
 - (d) in the case of a concert hall, has at least 1 500 permanent seats.
- (3) Subject to subsection (6), a person who applies for or to renew, transfer or amend a liquor primary licence or a food primary licence in which the proposed establishment or establishment is a stadium or concert hall that meets the requirements of subsection (2) is exempt from
- (a) section 19 (5) (a) of the Act in respect of an arrangement to sell liquor at the stadium or concert hall, and
 - (b) section 19 (5) (b) of the Act.
- (4) A licensee and a person who enters into an arrangement referred to in subsection (3) (a) with a licensee are exempt from section 62 (1) of the Act.

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- (5) The exemption under subsection (4) ends if the licensee's exemption under subsection (3) ends.
- (6) The exemption under subsection (3) is subject to the following conditions:
- (a) in addition to related liquor that the licensee is selling under the licence, the licensee must make available to patrons at the stadium or concert hall at least one other product that
 - (i) is in the same designated category as set out in subsection (7) as the related liquor,
 - (ii) is reasonably priced,
 - (iii) is not manufactured by the manufacturer of the related liquor,
 - (iv) is made known to patrons at locations within the stadium or concert hall, and
 - (v) is available from a reasonable number of sales locations throughout the stadium or concert hall;
 - (b) the licensee must ensure that at least 10% of the total sales in any 12-month period of liquor that is in the designated category of the related liquor is from the sale of the other product referred to in paragraph (a).
- (7) The designated categories of liquor for the purposes of subsection (6) (a) (i) are as follows:
- (a) draught beer;
 - (b) draught cider;
 - (c) beer served in bottles or cans;
 - (d) cider or coolers made with wine or spirits, served in bottles or cans;
 - (e) wine, other than cider and coolers made with wine;
 - (f) spirits, other than coolers made with spirits.

Converted wine stores

- 178** (1) In this section:
- “consortium of manufacturers”** means a group of manufacturers who hold winery licences and who own a corporation that holds a converted wine store licence;
- “converted wine store licence”** means a wine store licence that was converted on February 1, 2013 under section 75 of the former regulation;
- “licensee”** means a licensee who
- (a) is a corporation that is owned by a consortium of manufacturers, and
 - (b) holds a converted wine store licence.
- (2) A licensee who applies to renew or amend a converted wine store licence is exempt from
- (a) sections 19 (5) (a) and 62 (1) of the Act in respect of an arrangement between the licensee and one or more of the manufacturers who make up

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the consortium of manufacturers to sell wine manufactured by one or more of the manufacturers at the wine store, and

(b) section 19 (5) (b) of the Act.

- (3) A licensee and a manufacturer who is part of a consortium of manufacturers who enter into an arrangement referred to in subsection (2) (a) are exempt from section 62 (1) of the Act.

Manufacturer holding other licences

179 The following are exempt from section 19 (5) (b) of the Act:

- (a) a licensee who applies to renew, transfer or amend a wine store licence if
- (i) the licensee also holds a winery licence, and
 - (ii) the sale of wine at the wine store is restricted to wine manufactured under the winery licence;
- (b) a licensee who applies to renew, transfer or amend a licensee retail store or rural licensee retail store licence if
- (i) the licensee also holds a manufacturer licence, and
 - (ii) the store is adjacent to the manufacturing facilities of the establishment under the manufacturer licence;
- (c) an applicant who applies for or to renew, transfer or amend a liquor primary, food primary or catering licence if
- (i) the applicant also holds a manufacturer licence, and
 - (ii) the proposed or existing establishment under the liquor primary, food primary or catering licence is adjacent to the manufacturing facilities of the establishment under the manufacturer licence.

[am. B.C. Reg. 18/2021, s. 8.]

Small manufacturer off-site exemption

180 (1) In this section:

“off-site applicant” means a person who

- (a) either
- (i) is applying for or holds a liquor primary, food primary, catering or special wine store licence in which the proposed or existing establishment is an off-site establishment, or
 - (ii) holds a licensee retail store, wine store or rural licensee retail store licence in which the establishment is an off-site establishment, and
- (b) applies to the general manager for an exemption from section 19 (5) (b) of the Act in respect of the licence referred to in paragraph (a);

“off-site establishment” means an establishment that is not adjacent to the manufacturing facilities of the establishment of a small manufacturer;

- “**small manufacturer**” means, subject to subsection (2), a licensed manufacturer whose annual production volume for the 12 months before the off-site applicant submits the application for the exemption does not exceed
- (a) 100 000 litres of spirits,
 - (b) 750 000 litres of wine, or
 - (c) 300 000 hectolitres of beer.
- (2) If a manufacturer has not been in operation for the 12 months before an off-site applicant submits the application for the exemption, the general manager may accept the manufacturer’s estimate of production volumes for the number of months after the application is submitted to make up a 12-month period so that the manufacturer can qualify as a small manufacturer.
- (3) The general manager may exempt an off-site applicant from section 19 (5) (b) of the Act if
- (a) the off-site applicant is a person referred to in section 19 (5) (b) of the Act who is likely to promote the sale of liquor manufactured by a small manufacturer,
 - (b) the small manufacturer supports the exemption being granted, and
 - (c) granting the exemption will result in licensees being granted an exemption for no more than 3 off-site establishments in respect of the same small manufacturer.
- (4) An exemption under section 50 (2) (e) of the former regulation in respect of a related off-site establishment is continued as an exemption under subsection (3) of this section and must be included when calculating the limit of 3 off-site establishments under subsection (3) (c) of this section.
- (5) An exemption in respect of an off-site establishment under subsection (3) continues to apply to any future application to renew, transfer or amend the licence in respect of the off-site establishment unless, as a result of the renewal, transfer or amendment, the licensee is no longer likely to promote the sale of liquor manufactured by the small manufacturer.
- (6) The general manager may cancel an exemption if
- (a) there is a contravention of a condition imposed on the exemption by the general manager, or
 - (b) the licensee that is subject to the exemption or the small manufacturer who supported the exemption requests the cancellation.

[am. B.C. Regs. 291/2016, Sch. 1, s. 12; 18/2021, s. 9.]

Special event permits

- 181** The general manager may exempt a manufacturer and a person who holds or is applying for a special event permit who enter into an arrangement with respect to the sale of liquor manufactured by the manufacturer at the special event from section 62 (1) of the Act in respect of that arrangement.

Inducements – exemption by regulation

- 182** (1) This section applies to the following persons:
- (a) persons exempted from sections 19 (5) and 62 (1) of the Act by section 177 of this regulation and the manufacturer of the related liquor as defined in that section;
 - (b) persons exempted from sections 19 (5) and 62 (1) of the Act by section 178 of this regulation;
 - (c) persons exempted from section 19 (5) (b) of the Act by section 179 of this regulation;
 - (d) persons exempted from section 19 (5) (b) of the Act by section 180 of this regulation and the small manufacturer as defined in that section;
 - (e) persons exempted from section 62 (1) of the Act by section 181 of this regulation;
 - (f) an employee of any person or manufacturer referred to in paragraphs (a) to (e).
- (2) Subject to the conditions referred to in subsection (3), the persons and manufacturers referred to in subsection (1) are exempt from section 62 (2) of the Act in respect of liquor to which the exemptions referred to in subsection (1) (a) to (e) of this section apply.
- (3) The general manager may impose conditions on an exemption referred to in subsection (1).

[am. B.C. Reg. 291/2016, Sch. 1, s. 13.]

Inducements – exemption by general manager

- 183** Section 182 does not restrict the general manager’s power under section 62 (3) (a) of the Act to exempt a person from section 62 (2) of the Act.

Division 4 – Training and Recertification

Training programs

- 184** (1) The general manager may establish the following training programs for the purposes of section 60 of the Act:
- (a) Serving it Right: The Responsible Beverage Service Program;
 - (b) Special Event Server Program.
- (2) The SIR program and SES program may be provided by the general manager or a person or organization approved by the general manager.
- (3) A person or organization that provides the SIR program or SES program must give each candidate who successfully completes the program a certificate of completion.

- (4) The certificate of completion given to a person under subsection (3) expires 5 years after the person successfully completes the program, and the certificate must show the expiry date.
- (5) A certificate of completion that is valid on the date this section comes into force that does not show an expiry date expires on September 15, 2020.
[am. B.C. Reg. 291/2016, Sch. 1, s. 14.]

Prescribed programs – section 60 (1) of Act

- 185** (1) For the purposes of section 60 (1) of the Act, the SIR program is the prescribed training program for a licensee who holds any of the following licences and a person who, in accordance with section 18 of the Act, uses any of the following licences:
- (a) liquor primary licence;
 - (b) food primary licence;
 - (c) catering licence;
 - (d) manufacturer licence;
 - (e) licensee retail store licence;
 - (f) wine store licence, except a wine store licence that authorizes only the sale of wine for sacramental purposes;
 - (g) special wine store licence;
 - (h) rural licensee retail store licence.
- (2) For the purposes of section 60 (1) of the Act, the SIR program is the prescribed training program for a permittee who holds a special event permit if the number of people attending the event is expected to be 500 or more per day.
- (3) For the purposes of section 60 (1) of the Act, the SES program is the prescribed training program for a permittee who holds a special event permit if the number of people attending the event is expected to be less than 500 per day.
[am. B.C. Reg. 18/2021, s. 10.]

Prescribed programs – section 60 (2) of Act

- 186** (1) The prescribed training programs for the purposes of section 60 (2) (a) of the Act are as follows:
- (a) if the liquor is sold or served in the service area under a special event permit, the SIR program or SES program;
 - (b) in all other cases, the SIR program.
- (2) The prescribed training programs for the purposes of section 60 (2) (b) of the Act are as follows:
- (a) if the liquor is sold or served in the service area under a special event permit and the number of people attending the event is expected to be less than 500 per day, the SIR program or SES program;

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(b) in all other cases, the SIR program.

- (3) A person who sells or serves liquor, or supervises the sale or service of liquor, in a duty free store that is a ship chandler is exempt from the requirement to complete a training program or recertification under section 60 (2) of the Act.

Exemption in respect of foreign manufacturers

- 187** (1) In this section, “**foreign manufacturer**” means a manufacturer that does not manufacture liquor in Canada.
- (2) This section applies to a person who
- (a) represents a foreign manufacturer, other than a licensed agent, and
 - (b) is not a resident of Canada.
- (3) A person described in subsection (2) is exempt from the requirement to successfully complete a prescribed training program or recertification under section 60 (2) (a) of the Act when the person serves liquor of the foreign manufacturer at an event described in subsection (4) of this section if the person is supervised at the event by a person who has successfully completed
- (a) the SIR program or SES program, and
 - (b) if applicable, any recertification required by section 190 of this regulation.
- (4) Subsection (3) applies to an event that involves the conduct of tastings of the liquor of the foreign manufacturer and that is held at a liquor store or in a service area.

Prescribed persons and programs – section 60 (3) of Act

- 188** (1) The following are the prescribed persons for the purposes of section 60 (3) of the Act:
- (a) an employee who serves drinks containing liquor under section 86 (2) of this regulation and the person who supervises the service of those drinks;
 - (b) a licensed agent and the staff of the licensee who serve samples of liquor;
 - (c) a person who sells or serves liquor at an assisted living residence, community care facility or hospital, as those terms are defined in section 9 (1) of the Act, and the person who supervises the sale and service of the liquor.
- (2) The prescribed training program for the purposes of section 60 (3) of the Act is the SIR program.

Training from other provinces

- 189** (1) This section applies to the following persons:
- (a) a person who sells or serves liquor;
 - (b) a permittee who holds a special event permit if the number of people attending the event is expected to be less than 500 per day;

- (c) a person who supervises the sale or service of liquor in the service area under a special event permit if the number of people attending the event is expected to be less than 500 per day.
- (2) A person referred to in subsection (1) is exempt from the requirement to successfully complete the prescribed training program or recertification under section 60 (1) and (2) of the Act for the period specified in subsection (3) of this section if the person provides evidence satisfactory to the general manager that the person has successfully completed a liquor service training program offered by another province.
- (3) A person referred to in subsection (1) is exempt
 - (a) in the case of a person whose training completion document from the other province shows an expiry date, until that expiry date;
 - (b) in the case of a person whose training completion document from the other province does not show an expiry date, September 15, 2020 or 5 years from the date the document was issued, whichever is later.

Recertification

- 190** If a person has successfully completed a prescribed training program for the purposes of section 60 of the Act and the person's certificate of completion in respect of the training program has expired, recertification involves the person successfully completing the same prescribed training program.

Division 5 – Activities Allowed Without a Licence or Permit

Manufacturing for special purposes

- 191** (1) A person may manufacture liquor without a licence or permit for the following purposes if the conditions set out in subsection (2) are met:
- (a) the liquor is manufactured for an educational or scientific purpose;
 - (b) the liquor is manufactured to test equipment used in the manufacture of liquor and the person also manufactures the equipment;
 - (c) the person manufactures beer or wine-making kits and the liquor is manufactured when testing the kits.
- (2) The conditions referred to in subsection (1) are as follows:
- (a) the person is authorized to manufacture the liquor under the *Excise Act, 2001* (Canada) or the *Excise Act* (Canada);
 - (b) the liquor that is manufactured is
 - (i) consumed or used for the purpose for which it was manufactured, or
 - (ii) disposed of as waste;
 - (c) if the liquor is consumed, the persons consuming the liquor are
 - (i) employees of the manufacturer, or

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- (ii) students who are enrolled in a course to learn how to manufacture liquor;
 - (d) if the liquor is consumed, the person who manufactures the liquor does not charge for the liquor that is consumed.
- (3) A person who consumes liquor in accordance with subsection (2) (b) and (c) may possess the liquor in an open container in the facilities used to manufacture the liquor.

Ethyl alcohol**192**

- (1) In this section:
- “**dentist**” means a dentist registered with the College of Dental Surgeons of British Columbia continued under the *Health Professions Act*;
 - “**hospital**” has the same meaning as in section 9 (1) of the Act;
 - “**pharmacist**” has the same meaning as in section 25.8 of the *Health Professions Act*;
 - “**veterinarian**” means an individual who is registered under the *Veterinarians Act*.
- (2) A person may manufacture ethyl alcohol without a licence or permit if
- (a) the ethyl alcohol is manufactured as part of the person’s business, and
 - (b) the person is authorized to manufacture the ethyl alcohol under the *Excise Act, 2001* (Canada).
- (3) A person who is authorized to manufacture ethyl alcohol under subsection (2) may sell the ethyl alcohol without a licence or permit to a person
- (a) who holds an ethyl alcohol purchase permit,
 - (b) who is authorized under subsection (6) to purchase the ethyl alcohol, or
 - (c) who is authorized under the *Excise Act, 2001* (Canada) to purchase the ethyl alcohol.
- (4) A person who sells ethyl alcohol to a person who holds an ethyl alcohol purchase permit must not sell to the permittee a quantity of ethyl alcohol that exceeds the quantity authorized by the permit.
- (5) A pharmacist may sell ethyl alcohol without a licence or permit to medical practitioners and hospitals as a sterilizing product.
- (6) The following persons, in the following circumstances, may purchase ethyl alcohol without a licence or permit:
- (a) a pharmacist, if the ethyl alcohol is for use only in connection with the person’s pharmacy business
 - (i) in compounding medicines,
 - (ii) as a solvent or preservative, or
 - (iii) for sale to medical practitioners and hospitals as a sterilizing product;

- (b) a dentist, medical practitioner, nurse practitioner, registrant of the College of Naturopathic Physicians of British Columbia or veterinarian, if the ethyl alcohol is for use only in connection with the person's practice;
- (c) a hospital, if the ethyl alcohol is for use only in the hospital;
- (d) a university, if the ethyl alcohol is for use for scientific purposes;
- (e) the government or Canada;
- (f) a person who holds a prescription, as defined in section 1 of the *Pharmacy Operations and Drug Scheduling Act*, for ethyl alcohol.

[am. B.C. Regs. 231/2017, s. 7; 64/2021, s. 3.]

Auctions for charitable purposes – small quantities of liquor

- 193** (1) Subject to subsection (2), a person may sell liquor by auction without a licence or permit if
- (a) the person is a non-profit corporation or a representative of a non-profit organization,
 - (b) the purpose of the auction is to raise funds for a charitable purpose, and
 - (c) the person offers no more than the following quantities of liquor for sale at the auction:
 - (i) 6 litres of spirits;
 - (ii) 18 litres of wine, other than cider;
 - (iii) 51.2 litres of one or more of beer, cider or coolers made from wine or spirits.
- (2) A non-profit corporation or a representative of a non-profit organization must not sell liquor under subsection (1) within the 30 days following a previous sale of liquor by auction under subsection (1) by the non-profit corporation or any representative of the non-profit organization.
- (3) Sections 128 to 131 apply to an auction held under subsection (1) and a reference in those sections to a charitable auction must be read as a reference to an auction held under subsection (1).

[am. B.C. Reg. 76/2021, s. 4.]

Delivery service

- 194** (1) In this section, “**delivery service**” means a business primarily engaged in the transportation of people or goods.
- (2) An owner of or person who works for a delivery service may, subject to the conditions set out in subsection (3),
- (a) purchase liquor on behalf of a customer from a liquor store or any licensee who is authorized to sell liquor in unopened containers, and
 - (b) deliver and sell the liquor to the customer.
- (3) The conditions for the purposes of subsection (2) are the following:

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- (a) the owner or worker purchases the liquor to be delivered after the customer has placed the order for the liquor;
 - (b) the charge to the customer is no more than the price the owner or worker paid for the liquor plus a delivery service charge;
 - (c) the owner or worker is an adult;
 - (d) the owner or worker provides the customer with a delivery receipt that includes the
 - (i) name and address of the customer,
 - (ii) date of the purchase,
 - (iii) price of the liquor,
 - (iv) time of delivery, and
 - (v) delivery service charge;
 - (e) the owner keeps a copy of the delivery receipt for one year after the date of purchase and provides it to the general manager or peace officer for inspection on request;
 - (f) the owner or worker does not contravene section 75 or 77 (1) (a) of the Act;
 - (g) the delivery is made to a place where liquor may be legally possessed or consumed;
 - (h) the delivery does not take place between 11:30 p.m. and 9 a.m., unless authorized by the general manager.
- (4) A customer of a delivery service may purchase liquor from the owner of or a person who works for the delivery service.
- [am. B.C. Reg. 291/2016, Sch. 1, s. 15.]

Sacramental wine

- 195**
- (1) The leader of members of a religion may, without a licence or permit, possess wine in an open container and consume the wine in a regular place of worship if the possession and consumption is for the purposes of a religious ceremony.
 - (2) A person who attends a regular place of worship may, without a licence or permit, consume wine in the place of worship for the purposes of a religious ceremony if the wine is provided by a leader of members of the religion.

Sale and distribution of cooking alcohol

- 196**
- (1) In this section, “**cooking alcohol**” means a substance referred to in section 10 (1) of the Act that
 - (a) is a distilled spirit made from fermented rice, and
 - (b) contains at least 10% alcohol by volume.
 - (2) For the purposes of section 10 (4) of the Act, the general manager must direct that cooking alcohol be sold and distributed
 - (a) through liquor stores, or

- (b) by a person authorized by the general manager subject to the following:
 - (i) the sale and distribution of the cooking alcohol is for manufacturing or commercial purposes and not for further sale or distribution;
 - (ii) the cooking alcohol is sold or distributed in containers of not less than 10 litres.

Division 6 – Bylaws Dealing with the Consumption of Liquor in a Public Place

Content of bylaws

- 197** A bylaw under section 73 (2) of the Act designating a public place as a place where liquor may be consumed must
- (a) require the person responsible for the public place to post signs setting out
 - (i) the boundaries of the public place, and
 - (ii) the hours that liquor may be consumed, and
 - (b) describe the number and size of the signs and how they are to be posted.
- [am. B.C. Reg. 173/2021, s. (b).]

Division 7 – Service and Receipt of Documents

Ways to give or serve documents – general

- 198**
- (1) For the purposes of section 68 (1) of the Act, a document that is required or allowed under the Act to be given or served on a person, other than the general manager, must be given or served in accordance with this section.
 - (2) If a person is an individual, the ways to give or serve a document are
 - (a) by leaving the document with the individual,
 - (b) by leaving the document at the individual's residence with an adult who apparently resides with the individual,
 - (c) by sending the document by ordinary mail, registered mail or courier to the address at which the individual resides or to a forwarding address provided by the individual,
 - (d) by leaving the document in a mailbox or mail slot for the address at which the individual resides,
 - (e) by attaching the document to a door or other conspicuous place at the address at which the individual resides,
 - (f) by sending the document by electronic mail to the electronic mail address provided by the individual, or
 - (g) by transmitting the document to a fax number provided by the individual.
 - (3) If a person is a corporation, the ways to give or serve a document are
 - (a) by leaving the document with an officer or director of the corporation,

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- (b) by sending the document by ordinary mail, registered mail or courier to the registered office of the corporation,
 - (c) by sending a copy of the document by electronic mail to the electronic mail address provided by the corporation, or
 - (d) by transmitting a copy of the document to a fax number provided by the corporation.
- (4) If a person is a partnership, the ways to give or serve a document are
- (a) by leaving the document with a partner,
 - (b) by sending the document by ordinary mail, registered mail or courier to the business office of the partnership,
 - (c) by sending a copy of the document by electronic mail to the electronic mail address provided by the partnership, or
 - (d) by transmitting a copy of the document to a fax number provided by the partnership.
- (5) If a person is a licensee, additional ways to give or serve a document are
- (a) by leaving the document with an individual who works in the establishment,
 - (b) by sending the document by ordinary mail or registered mail to the mailing address of the licensee as set out in the licence, or
 - (c) by leaving the document in a mailbox or mail slot at a business address provided by the licensee.

Deemed receipt

- 199** For the purposes of section 68 (2) of the Act, a document given or served in accordance with section 198 of this regulation is conclusively deemed to be received,
- (a) if the document is left with an individual, on the day it is left,
 - (b) if the document is sent by ordinary mail, registered mail or courier, on the 5th day after it is mailed or received by the courier,
 - (c) if the document is left in a mailbox or mail slot, on the 3rd day after it is left,
 - (d) if the document is attached to a door or other conspicuous place, on the 3rd day after it is attached,
 - (e) if the document is sent by electronic mail, on the 3rd day after it is sent, and
 - (f) if the document is transmitted to a fax number, on the 3rd day after it is transmitted.

Ways to give or serve documents on general manager

- 200** For the purposes of section 68 (1) of the Act, a document that is required or allowed under the Act to be given or served on the general manager must be given or served in one of the following ways:
- (a) by leaving the document with the general manager;

- (b) by sending the document by ordinary mail, registered mail or courier to the address of the general manager;
- (c) by sending the document by electronic mail to the electronic mail address of the general manager;
- (d) by transmitting the document to a fax number of the general manager.

Division 8 – Fees

Fees

201 The fees payable under the Act and this regulation are set out in Schedule 1.

Time for payment of fees

- 202**
- (1) Subject to subsection (2), all fees must be paid at the time that an application or request for anything referred to in Schedule 1 is submitted.
 - (2) The fees for the first year of a licence, other than the first year of a food primary licence, and the fees for a special event permit may be paid after the application is submitted, but must be paid before the licence or permit is issued.

Pro-rating fees for new licences

203 If the term of a new licence is greater or less than one year, the fee payable for the first year of the licence must be pro-rated on a monthly basis as though the term of the new licence began on the first day of the month in which the licence is issued and ended on the last day of the month in which the licence expires.

Calculation of renewal fee based on liquor purchases and sales

- 204**
- (1) This section applies to the calculation of the renewal fee for liquor primary, food primary, catering, licensee retail store, wine store, special wine store and rural licensee retail store licences set out in item 19 of Schedule 1.
 - (2) Subject to subsection (3), the renewal fee is based on the amount spent on liquor purchases by the licensee in the 12-month period that ends 6 months before the expiry of the licence.
 - (3) If a licensee who holds a wine store licence is required by the terms and conditions to report to the general manager the amount the licensee receives from the sales of liquor, the renewal fee for the wine store licence is based on the amount of the liquor sales in the 12-month period that ends 6 months before the expiry of the licence.
 - (4) If the operations of a licensee started less than 18 months before the expiration of the licence being renewed, the amount to be used as the amount spent on liquor purchases or the amount received from liquor sales for the 12-month period that ends 6 months before the expiration of the licence is calculated in accordance with the following:

$$\begin{aligned} & \text{Amount of liquor purchases or sales for the 12-month period} \\ & = A \div B \times 365 \end{aligned}$$

where

A is the total amount spent on liquor purchases or received from liquor sales by the licensee during the 12-month period;

B is the number of days calculated by determining the months that the licensee was in operation during the 12-month period and then totaling the number of days in those months.

[am. B.C. Reg. 18/2021, s. 11.]

When fees for change of name not payable

- 205** No fees are payable in respect of a change to a name of the licensee or the establishment if the application is made at the same time as an application for a transfer or conversion of a licence.

Refund – application for reconsideration

- 206** Fees paid by an applicant for a reconsideration of a section 51 order under section 53.1 (1) of the Act must be refunded if the reconsideration order made under section 53.1 (9) of the Act rescinds the section 51 order.

Division 9 – Conversion to Rural Licensee Retail Store Licence

Conversion of rural agency store appointment

- 206.1** (1) In this section:
- “**appointment**” means an appointment under section 18 (5) of the *Liquor Distribution Act* to operate a rural agency store;
 - “**licence**” means a rural licensee retail store licence.
- (2) On February 26, 2021, an appointment is converted to a licence if the following requirements are met:
- (a) the appointee has made a request for the conversion;
 - (b) the appointee is not a minor or, if the appointee is a corporation, minors own less than 10 percent of the corporation’s shares;
 - (c) the general manager is satisfied that the appointee has disclosed to the general manager any association with, connection with or financial interest in a liquor manufacturer or the liquor manufacturer’s agent that is likely to lead the appointee to promote the sale of liquor of the manufacturer;
 - (d) the appointee owns the business in respect of which the appointment is converted to a licence;
 - (e) the appointee

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- (i) is the owner of the place or premises in respect of which the appointment is converted to a licence, or
 - (ii) has an arrangement that the general manager determines gives the appointee a degree of control over the place or premises in respect of which the appointment is converted to a licence that will allow the appointee to comply with the requirements relating to establishments set out in the Act, this regulation and the terms and conditions of the licence.
- (3) For certainty, section 70.4 (1) [*initial requirements*] does not apply to the conversion of an appointment to a licence under this section.
- (4) Section 70.5 (a) [*location in general store*] does not apply to a licence that is converted under this section from an appointment.
- (5) Section 70.5 (b) [*location at least 10 km from another store*] does not apply to a licence that is converted under this section from an appointment if the rural licensee retail store under the licence is in the same location as the rural agency store under the appointment.
- (6) Section 70.6 [*ownership*] does not apply to a licence that is converted under this section from an appointment if the following conditions are met:
- (a) on the date of the appointment’s conversion, the rural agency store under the appointment is not, in the opinion of the general manager, independently owned;
 - (b) the store in which the rural licensee retail store under the licence is located has the same owner as the rural agency store under the appointment.
- (7) Despite section 202 (2) [*time for payment of fees*], an appointee whose appointment is converted to a licence under this section is not required to pay the fee for the first year of the licence.
- (8) Subsection (4) and this subsection are repealed on April 30, 2022.

[en. B.C. Reg. 18/2021, s. 12; am. B.C. Reg. 305/2021, App. 1, s. 11.]

PART 8 – TRANSITIONAL PROVISIONS

Definitions

207 (1) In this Part:

“**converted**”, in respect of a licence, endorsement, authorization or permit, means a licence, endorsement, authorization or permit that was converted by this Part from a former licence, endorsement, authorization or permit;

“**former**”, in respect of a licence, endorsement, authorization or permit, means a licence, endorsement, authorization or permit issued under the former Act;

“**former Act**” means the *Liquor Control and Licensing Act*, R.S.B.C. 1996, c. 267, as it read on January 22, 2017;

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“**issued under the former Act**”, in respect of a licence, endorsement, authorization or permit, includes a licence, endorsement, authorization or permit converted under the former Act.

- (2) The definition of “converted” in subsection (1) does not apply to the definition of “issued under the former Act” in that subsection.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

Converted licences

- 208** A class of licence set out in column 1 of the following table issued under the former Act is converted to the class of licence set out opposite in column 2:

Table

Item	Column 1 Former Class of Licence	Column 2 Converted Class of Licence
1	liquor primary licence	liquor primary licence
2	liquor primary club licence	liquor primary club licence, being a subclass of a liquor primary licence
3	food primary licence	food primary licence
4	catering licence	catering licence
5	brewer’s or brewery licence	brewery licence
6	winery licence	winery licence
7	distiller’s or distillery licence	distillery licence
8	agent’s licence issued to a person who represents a manufacturer who manufactures liquor outside British Columbia	agent’s licence
9	U-Brew licence	U-Brew and U-Vin licence
10	U-Vin licence	U-Brew and U-Vin licence
11	licensee retail store licence	licensee retail store licence
12	wine store licence	wine store licence
13	special wine store licence	special wine store licence

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

Converted endorsements

- 209** A class of endorsement set out in column 1 of the following table issued under the former Act is converted to the class of endorsement set out opposite in column 2:

Table

Item	Column 1 Former Class of Endorsement	Column 2 Converted Class of Endorsement
1	temporary use area endorsement	temporary use area endorsement
2	off premises sales endorsement	off-premises sales endorsement
3	catering endorsement	catering endorsement
4	brewery lounge, winery lounge or distillery lounge endorsement	lounge endorsement
5	special event endorsement	special event area endorsement
6	manufacturer on-site store endorsement	manufacturer on-site store endorsement
7	picnicking endorsement	picnic area endorsement
8	temporary off-site sale endorsement	temporary off-site sale endorsement

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

Terms and conditions – converted licences and endorsements

210 Without limiting a power of the general manager under the Act to impose terms and conditions on a licence or to suspend, rescind or amend terms and conditions on a licence, a converted licence and a converted endorsement are subject to the following terms and conditions:

- (a) terms and conditions imposed by the general manager under the Act on January 23, 2017 in respect of the class of converted licence or endorsement;
- (b) terms and conditions imposed by the general manager under the former Act that apply to the related former licence or endorsement on January 22, 2017 and that were not imposed on the class of former licence or endorsement.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

Converted applications for former licences and endorsements

211 An application for a former licence referred to in section 208 or a former endorsement referred to in section 209 that was received by the general manager before January 23, 2017 and that is outstanding on that date is converted to an application for the related converted licence or converted endorsement, as the case may be.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

212 Repealed. [B.C. Reg. 241/2016, s. 212 (2).]

Person capacity

213 (1) The person capacity, as defined in the former regulation, set by the general manager for an establishment under a former liquor primary, liquor primary club or food primary licence continues to apply as the person capacity for the service

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area of the related converted licence until a new person capacity is established under section 72.

- (2) The person capacity, as defined in the former regulation, set by the general manager in respect of a former brewery lounge, winery lounge or distillery lounge endorsement, former special event endorsement or former picnicking endorsement continues to apply to the service area of the related converted endorsement until a new person capacity is established under section 72.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

214 Repealed. [B.C. Reg. 241/2016, s. 214 (2).]

215 Repealed. [B.C. Reg. 241/2016, s. 215 (2).]

Converted authorizations

216 A class of authorization set out in column 1 of the following table issued under the former Act is converted to the class of authorization set out opposite in column 2:

Table

Item	Column 1 Former Class of Authorization	Column 2 Converted Class of Authorization
1	catering authorization	catering authorization
2	temporary use area authorization	temporary use area authorization
3	market authorization	market authorization
4	temporary off-site sale authorization	temporary off-site sale authorization

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

Terms and conditions – converted authorizations

217 Without limiting a power of the general manager under the Act to impose terms and conditions on an authorization or to suspend, rescind or amend terms and conditions on an authorization, a converted authorization is subject to the following terms and conditions:

- (a) terms and conditions imposed by the general manager under the Act on January 23, 2017 in respect of the class of converted authorization;
- (b) terms and conditions imposed by the general manager under the former Act that apply to the related former authorization on January 22, 2017 and that were not imposed on the class of former authorization.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

Converted applications for former authorizations

218 An application for a former authorization that was received by the general manager before January 23, 2017 and that is outstanding on that date is converted to an application for the related converted authorization.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

219 Repealed. [B.C. Reg. 241/2016, s. 219 (2).]

Converted permits

220 A class of licence or permit set out in column 1 of the following table issued under the former Act is converted to the class of permit set out opposite in column 2:

Table

Item	Column 1 Former Class of Licence or Permit	Column 2 Converted Class of Permit
1	special occasion licence	special event (former Act) permit, being a subclass of a special event permit
2	permit issued under section 7.2 of the former Act	charitable auction permit
3	permit issued under section 9 of the former Act	ethyl alcohol purchase permit

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

221 Repealed. [B.C. Reg. 241/2016, s. 221 (3).]

Terms and conditions – special event (former Act) permits

222 A converted special event (former Act) permit is subject to the terms and conditions in effect on January 22, 2017 that were imposed on the related former special occasion licence under the former Act or by the general manager under the former Act.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

Terms and conditions – other converted permits

223 Without limiting a power of the general manager under the Act to impose terms and conditions on a permit or to suspend, rescind or amend terms and conditions on a permit, a converted charitable auction permit and a converted ethyl alcohol purchase permit are subject to the following terms and conditions:

- (a) terms and conditions imposed by the general manager under the Act on January 23, 2017 in respect of the class of converted permit;
- (b) terms and conditions imposed by the general manager under the former Act that apply to the related former permit on January 22, 2017 and that were not imposed on the class of former permit.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

Converted applications for special occasion licences and former permits

224 (1) An application for a special occasion licence that was received by the general manager before January 23, 2017 and that is outstanding on that date is converted to an application for a special event permit.

- (2) An application for a permit to be issued under section 7.2 of the former Act that was received by the general manager before January 23, 2017 and that is outstanding on that date is converted to an application for a charitable auction permit.
- (3) An application for a permit to be issued under section 9 of the former Act that was received by the general manager before January 23, 2017 and that is outstanding on that date is converted to an application for an ethyl alcohol purchase permit.

[en. B.C. Reg. 291/2016, Sch. 1, s. 16.]

225 Repealed. [B.C. Reg. 155/2018, s. (b).]

SCHEDULE 1

[am. B.C. Regs. 231/2017, s. 8; 18/2021, s. 13.]

FEES

Item	Description	Fee (\$)
LICENCE APPLICATION		
1	Liquor primary	2 200
2	Food primary	475
3	Catering	475
4	Distillery, brewery or winery with no endorsement	550
5	Distillery, brewery or winery with manufacturer on-site store endorsement, special event area endorsement or lounge endorsement	fee in item 4 plus: for manufacturer on-site store endorsement or special event area endorsement: 110 for lounge endorsement: 330
6	U-Brew and U-Vin	550
7	Agent's	220
8	Special wine store	2 200
8.1	Rural licensee retail store	900
FIRST YEAR OF LICENCE		
9	Liquor primary	2 200
10	Food primary	475
11	Catering	475
12	Distillery or brewery with no endorsement	1 100
13	Winery with no endorsement	550

Item	Description	Fee (\$)
14	Manufacturer with manufacturer on-site store endorsement, special event area endorsement or lounge endorsement	for brewery or distillery, fee in item 12, or, for winery, fee in item 13, plus: for manufacturer on-site store endorsement or special event area endorsement: 110 for lounge endorsement: 330
15	U-Brew and U-Vin	750
16	Licensee retail store	1 200
17	Wine store	250
18	Special wine store	2 200
18.1	Rural licensee retail store	900
LICENCE RENEWAL		
19	Liquor primary, food primary, catering, licensee retail store, wine store, special wine store or rural licensee retail store: if the amount of liquor purchases or sales calculated under section 204 of this regulation is	
	(a) \$12 500 or less	250
	(b) over \$12 500 and up to \$20 000	500
	(c) over \$20 000 and up to \$45 000	825
	(d) over \$45 000 and up to \$100 000	1 100
	(e) over \$100 000 and up to \$500 000	1 400
	(f) over \$500 000 and up to \$1 000 000	1 700
	(g) over \$1 000 000 and up to \$2 000 000	2 000
	(h) over \$2 000 000	2 200
20	Off-premises sales endorsement	100
21	Catering endorsement	100
22	Distillery with no endorsement	1 100
23	Distillery with manufacturer on-site store endorsement, special event area endorsement or lounge endorsement	fee in item 22 plus: for manufacturer on-site store endorsement or special event area endorsement: 110 for lounge endorsement: 330

Item	Description	Fee (\$)
24	Brewery with no endorsement	0.12 per hectolitre multiplied by the total number of hectolitres of beer shipped by a brewer in British Columbia, from any brewery owned, occupied or used by that brewer in the previous calendar year, with a minimum fee of 1 100
25	Brewery with manufacturer on-site store endorsement, special event area endorsement or lounge endorsement	fee in item 24 plus: for manufacturer on-site store endorsement or special event area endorsement: 110 for lounge endorsement: 330
26	Winery, if producing more than 135 000 litres of wine a year, with no endorsement	1 100
27	Winery, if producing more than 135 000 litres of wine a year, with manufacturer on-site store endorsement, special event area endorsement or lounge endorsement	fee in item 26 plus: for manufacturer on-site store endorsement or special event area endorsement: 110 for lounge endorsement: 330
28	Winery, if producing 135 000 litres of wine or less a year, with no endorsement	550
29	Winery, if producing 135 000 litres of wine or less a year, with manufacturer on-site store endorsement, special event area endorsement or lounge endorsement	fee in item 28 plus: for manufacturer on-site store endorsement or special event area endorsement: 110 for lounge endorsement: 330
30	U-Brew and U-Vin	750
31	Agent's	200
LATE RENEWAL OF LICENCE		
32	Except for agent's, if application for renewal is made after, but within 30 days of, expiry of licence	200
33	Except for agent's, if application for renewal is made more than 30 days, but not more than one year, after expiry of licence	550
34	For agent's, if application for renewal is made after, but not more than one year after, expiry of licence	50
AMENDMENT TO LICENCE		
35	For liquor primary or manufacturer with lounge or special event area endorsement, temporary change to hours of liquor service	330

Item	Description	Fee (\$)
36	For food primary, temporary change to hours of liquor service to extend past midnight	330
37	For food primary, temporary patron participation entertainment term and condition	330
38	For liquor primary or manufacturer with lounge or special event area endorsement, temporary expansion of service area	330
39	For liquor primary, temporary change of location	330
40	Any other temporary amendment	110
41	Add catering endorsement	330
42	Add endorsements to manufacturer	
	(a) special event area if licence has lounge endorsement	110
	(b) special event area if licence does not have lounge endorsement	330
	(c) lounge	330
	(d) both special event area and lounge at same time	440
	(e) manufacturer on-site store endorsement	110
43	Change of location of establishment	
	(a) liquor primary	2 000
	(b) U-Brew and U-Vin	220
	(c) catering	220
	(d) food primary, licensee retail store, wine store, special wine store or manufacturer	330
	(e) rural licensee retail store	600
44	Structural alterations	440
45	Addition or change of, or change of name of, director, officer, senior manager, receiver or executor	220
46	Change of name of establishment or licensee	220
47	Internal transfer of shares	110
48	External transfer of shares	330
49	Allow other person to use licence	330
50	For liquor primary if establishment is located on a golf course, change of service area to include golf kiosk, takeout window or golf cart	440
51	Any other permanent amendment if that amendment does not require local government or first nation involvement	220

Item	Description	Fee (\$)
52	Any other permanent amendment if that amendment requires local government or first nation involvement	330
TRANSFER OF LICENCE		
53	Transfer of licence	330
PERMITS		
54	Ethyl alcohol purchase	30
55	Charitable auction	50
56	Private special event	25 per day
57	Public special event	100 per day
58	Special event permit additional fee where general manager determines before permit issuance liquor inspector attendance at event required	330 per inspector per day plus reasonable travel expenses
59	Amendment to special event permit	100
MISCELLANEOUS		
60	Training program	
	(a) SIR program (online)	35 per person per program
	(b) SIR program (print)	40 per person per program
	(c) SES program	20 per person per program
61	Duplicate copy of floor plan or other record from licence file	30
62	Creation of record on request	30 per hour
63	Application under section 53.1 (2) of the Act (reconsiderations)	500

SCHEDULE 2

[en. B.C. Reg. 106/2019, s. 1.]

MONETARY PENALTIES AND LICENCE SUSPENSIONS

Definitions

1 In this Schedule:

“**licensee**” includes a former licensee and a deemed licensee referred to in section 52 of the Act;

“**permittee**” includes a former permittee referred to in section 53 of the Act.

Contravention

2 (1) A contravention in respect of a licensee refers to a licensee’s contravention of a provision of the Act or this regulation, or a licensee’s failure to comply with a

term or condition of the licence, that is set out under the heading “Contravention” in the table to this Schedule.

- (2) A contravention in respect of a permittee refers to a permittee’s contravention of a provision of the Act or this regulation, or a permittee’s failure to comply with a term or condition of the permit, that is set out under the heading “Contravention” in the table to this Schedule.

Type of contravention

- 3 A contravention is of the same type as another contravention if each contravention falls within the same item in the table to this Schedule.

First, second and subsequent contraventions – licensee

- 4 (1) A contravention is a first contravention in respect of a licensee if
- (a) the contravention was committed at or in respect of an establishment under the licensee’s licence or an event site under an authorization held by the licensee, and
 - (b) the licensee has not committed a contravention of the same type at or in respect of that establishment or any event site under an authorization held by the licensee within the 24-month period preceding the commission of the contravention.
- (2) A contravention is a second contravention in respect of a licensee if
- (a) the contravention was committed at or in respect of an establishment under the licensee’s licence or an event site under an authorization held by the licensee, and
 - (b) the licensee has committed one contravention of the same type at or in respect of that establishment or any event site under an authorization held by the licensee within the 24-month period preceding the commission of the contravention.
- (3) A contravention is a subsequent contravention in respect of a licensee if
- (a) the contravention was committed at or in respect of an establishment under the licensee’s licence or an event site under an authorization held by the licensee, and
 - (b) the licensee has committed a second contravention of the same type at or in respect of that establishment or any event site under an authorization held by the licensee within the 24-month period preceding the commission of the contravention.
- (4) If the general manager is satisfied that imposing the monetary penalty or period of suspension for a second or subsequent contravention set out in the table to this Schedule would create undue hardship on a licensee, the general manager may impose a monetary penalty or period of suspension set out in the table to this Schedule for a first contravention.

Monetary penalty – permittee

- 5 The columns for second and subsequent contraventions under the heading “Monetary Penalty” in the table to this Schedule do not apply to a permittee and the monetary penalty to be imposed on a permittee is the one set out in the column for a first contravention under the heading “Monetary Penalty” even if the permittee has committed more than one contravention of the same type.

Table

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
UNLAWFUL SALE AND PURCHASE OF LIQUOR							
1	Contravention of section 8 (2) (a) of the Act [<i>unlawful sale of liquor</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
2	Contravention of section 8 (2) (e) of the Act [<i>unlawful purchase of liquor</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
3	Contravention of section 8 (3) of the Act [<i>selling or serving unauthorized liquor</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
4	Contravention of section 140 of this regulation [<i>selling or serving liquor purchased under another licence or permit</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
OPERATING OUTSIDE OF LICENCE PURPOSE							
5	Contravention of section 18 (1) (a) of this regulation [<i>service of food in service area under food primary licence not primary purpose of business</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
6	Contravention of section 26 (a) or (b) of this regulation <i>[preparation and service of food not primary purpose of caterer's business or caterer not having equipment or personnel necessary to prepare and serve food]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
MINORS							
7	Contravention of section 77 of the Act <i>[supplying liquor to minors]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
8	Contravention of section 79 of the Act <i>[minors in establishment or liquor store]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
ALLOWING DISORDERLY OR UNLAWFUL CONDUCT							
9	Contravention of section 61 (2) (b) (iii) of the Act <i>[allowing violent, quarrelsome, riotous or disorderly conduct]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
10	Contravention of section 61 (2) (b) (iv) of the Act <i>[allowing unlawful activities or conduct]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
INTOXICATED PATRONS							
11	Contravention of section 61 (2) (a) of the Act [<i>selling or serving liquor to intoxicated person</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
12	Contravention of section 61 (2) (b) (i) of the Act [<i>allowing person to become intoxicated</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
13	Contravention of section 61 (2) (b) (ii) of the Act [<i>allowing intoxicated person to enter or remain in service area</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
WEAPONS							
14	Contravention of section 61 (2) (b) (v) of the Act [<i>allowing person who has knife or weapon to enter establishment or event site</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
DISTURBANCE OF PERSONS							
15	Failure to comply with term or condition that requires licensee or permittee to take reasonable measures to ensure that operation of establishment or event site does not disturb persons in vicinity	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
OVERCROWDING							
16	Contravention of section 78 (1) (a) or (2) (a) of this regulation [<i>person or patron capacity in service area exceeded, but occupant load not exceeded</i>]	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
17	Contravention of section 78 (1) or (2) of this regulation [<i>person or patron capacity and occupant load in service area exceeded</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
18	Contravention of section 97 (e) or (f) of this regulation [<i>exceeding maximum attendance or occupant load at catered event</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
19	Contravention of section 101 (b) or (c) of this regulation [<i>exceeding maximum attendance or occupant load at event site under temporary use area authorization</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
20	Contravention of section 117 (j) or (k) of this regulation <i>[exceeding maximum attendance or occupant load in service area at special event]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
LIQUOR SERVICE							
21	Contravention of section 60 (1) of the Act <i>[failure to complete training or recertification]</i>	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
22	Contravention of section 89 (a) of this regulation <i>[failure to clear patrons within 1/2 hour after liquor service ends]</i>	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
23	Contravention of (a) section 26 (i) of this regulation <i>[unused liquor at residential event not returned to caterer's establishment], or</i> (b) section 90 (1) of this regulation <i>[failing to take liquor from patrons within 1/2 hour after liquor service ends]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
24	Contravention of section 91 (1) of this regulation <i>[allowing person to consume liquor beyond 1/2 hour after liquor service ends]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
25	Contravention of section 142 (1) or (3) of this regulation <i>[employees or staff consuming liquor while working]</i>	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
26	Contravention of section 141 (2) of this regulation <i>[permitting liquor not sold or served by licensee or permittee to be consumed]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
27	Contravention of section 141 (4) of this regulation <i>[allowing liquor to be taken from the service area]</i>	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
28	Contravention of (a) section 82 (1) of this regulation <i>[licensee providing unlimited or unspecified quantities of liquor for single price or using a sales strategy likely to promote or encourage intoxication], or</i> (b) section 118 of this regulation <i>[permittee providing unlimited or unspecified quantities of liquor for single price or using a sales strategy likely to promote or encourage intoxication]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
PRODUCTION OF RECORDS							
29	Contravention of section 43 (a) (iii) of the Act <i>[failure to produce records, liquor or other things]</i>	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
ADVERTISING							
30	Contravention of section 64 of the Act <i>[advertising liquor]</i>	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
ENTERTAINMENT							
31	Failure to comply with term or condition dealing with adult entertainment	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
32	Failure to comply with term or condition dealing with entertainment other than adult entertainment	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
U-BREW/U-VIN							
33	Contravention of section 44 of this regulation [<i>failing to ensure that customer performs listed tasks</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15

LIQUOR CONTROL AND LICENSING REGULATION

Schedule 2

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contravention	Second Contravention	Subsequent Contraventions	First Contravention	Second Contravention	Subsequent Contraventions
34	Contravention of any of the following sections of this regulation: (a) 43 [<i>payment, acknowledgment and invoice requirements</i>]; (b) 45 [<i>unauthorized consumption</i>]; (c) 46 (1) [<i>storage requirements</i>]; (d) 46 (2) [<i>licensee removing customer's product</i>]; (e) 47 [<i>removal of finished product required</i>]; (f) 48 [<i>labelling, removal and use</i>]; (g) 50 [<i>underage customers</i>]; (h) 51 [<i>record-keeping and reporting requirements</i>]; (i) 172 [<i>advertisements</i>]	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
35	Contravention of section 49 of this regulation [<i>failing to ensure that beer or wine is not sold at U-Brew or U-Vin</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
TIED HOUSES AND INDUCEMENTS							
36	Contravention of section 62 (1) or (2) of the Act [<i>tied houses and inducements</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
37	Failure to comply with term or condition to report to general manager information respecting tied house arrangements	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
DEFAULT IN MONETARY PENALTIES							
38	Contravention of section 51 (10) or 53.1 (12) of the Act [<i>failure to pay monetary penalty within required time</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
SUSPENSION, CANCELLATION AND OBSTRUCTION							
39	Contravention of section 8 (2) (a) of the Act [<i>selling or serving liquor while licence suspended</i>] or failure to comply with a term or condition prohibiting consumption while licence suspended	\$15 000 – \$25 000	\$15 000 – \$25 000	\$15 000 – \$25 000	15 – 90	15 – 90	15 – 90

LIQUOR CONTROL AND LICENSING REGULATION

Schedule 2

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
40	Contravention of section 8 (2) (a) of the Act [<i>selling liquor at event catered by licensee while licence under suspension, catering endorsement under suspension or catering authorization under suspension or cancelled</i>]	\$15 000– \$25 000	\$15 000– \$25 000	\$15 000– \$25 000	15 – 90	15 – 90	15 – 90
41	Contravention of section 8 (2) (a) of the Act [<i>licensed manufacturer selling or serving liquor at event while licence under suspension, manufacturer on-site store endorsement under suspension or market authorization under suspension or cancelled</i>]	\$15 000– \$25 000	\$15 000– \$25 000	\$15 000– \$25 000	15 – 90	15 – 90	15 – 90

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
42	Contravention of section 8 (2) (a) of the Act [<i>selling liquor at food or beverage festival while licensee retail store, wine store or special wine store licence under suspension, temporary off-site sale endorsement under suspension or temporary off-site sale authorization under suspension or cancelled</i>]	\$15 000– \$25 000	\$15 000– \$25 000	\$15 000– \$25 000	15 – 90	15 – 90	15 – 90
43	Contravention of section 44 (6) of the Act [<i>obstructing peace officer or refusing to allow peace officer entry</i>]	\$15 000– \$25 000	\$15 000– \$25 000	\$15 000– \$25 000	15 – 90	15 – 90	15 – 90
44	Contravention of (a) section 43 (a) (i) and (ii) of the Act [<i>not allowing general manager entry or not facilitating inspection</i>], or (b) section 43 (b) of the Act [<i>obstructing general manager</i>]	\$15 000– \$25 000	\$15 000– \$25 000	\$15 000– \$25 000	15 – 90	15 – 90	15 – 90

LIQUOR CONTROL AND LICENSING REGULATION

Schedule 2

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
MISCELLANEOUS CONTRAVENTIONS							
45	Contravention of section 57 (1) (c) of the Act [<i>providing false or misleading information</i>]	\$7 000 – \$11 000	\$11 000 – \$15 000	\$15 000 – \$25 000	7 – 11	11 – 21	21 – 41
46	Contravention of section 8 (2) (a) of the Act [<i>selling or serving liquor at catered event without catering authorization</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
47	Contravention of section 8 (2) (a) of the Act [<i>manufacturer selling or serving liquor at market without market authorization</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
48	Contravention of section 8 (2) (a) of the Act [<i>selling liquor at food or beverage festival without temporary off-site sale authorization</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
49	Contravention of section 8 (2) (a) of the Act [<i>selling or serving liquor without temporary use area authorization</i>]	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15

Item	Contravention	Monetary Penalty			Period of Suspension (Days)		
		First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions	First Contra- vention	Second Contra- vention	Subse- quent Contra- ventions
50	Contravention of section 79 (1) (a) or (2) of this regulation <i>[making structural alteration or changing size or location of service area without amending licence]</i>	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
51	Failure to comply with term or condition requiring compliance with agreement under section 5 of the <i>Liquor Distribution Act</i>	\$15 000 – \$25 000	\$15 000 – \$25 000	\$15 000 – \$25 000			
52	Contravention of section 80 (4) of this regulation <i>[failing to keep register of liquor purchases]</i>	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11
53	Contravention of section 144 (1) or (3) of this regulation <i>[unlawful dilution or adulteration of liquor or refilling bottles]</i>	\$3 000 – \$7 000	\$7 000 – \$11 000	\$11 000 – \$15 000	3 – 7	7 – 11	11 – 15
GENERAL							
54	Contravention of any provision of the Act or this regulation or failure to comply with a term or condition not specifically referred to in this Schedule	\$1 000 – \$3 000	\$3 000 – \$7 000	\$7 000 – \$11 000	1 – 3	3 – 7	7 – 11

SCHEDULE 3

INFORMATION TO OBTAIN SEARCH WARRANT

Province of British Columbia

This is the information of [name], of [address]
....., in the Province of British Columbia,[occupation].

I have reasonable grounds to believe that there are in [identify the vehicle, place
or premises] the following things: [describe the thing or things to be searched for]
..... on or in respect of which the following offence(s) under
the *Liquor Control and Licensing Act* has been or is (are) suspected to have been committed or
that there are reasonable grounds to believe may provide evidence of the commission of the
offence(s): [describe the offence(s)]

.....

My grounds of belief are:

I request that a warrant be granted to enter the vehicle, place or premises to search for those
things and to seize and remove them.

.....
[signature of informant]

Sworn before me on [date],
at [place]

.....
[signature of justice]

.....
[name of justice]

SCHEDULE 4

SEARCH WARRANT

Province of British Columbia

To the peace officers of British Columbia [*or to a named public officer*]:

It appears from the information on oath of [*name*] of
[*address*], in the Province of British Columbia, [*occupation*] that there are
reasonable grounds to believe that there are in [*identify the vehicle, place
or premises*], the following things [*describe the thing or things to be
searched for*] on or in respect of which the following offence(s) under the *Liquor Control and
Licensing Act* has been or is (are) suspected to have been committed or may provide evidence of
the commission of the offence(s) [*describe the offence(s)*].

This is to authorize you to enter and search the vehicle, place or premises for those things and to
seize and remove them.

Issued on [*date*], at [*place*]

.....
[*signature of justice*]

.....
[*name of justice*]