

YUKON LIQUOR BOARD POLICY MANUAL

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INTRODUCTION

YUKON LIQUOR BOARD POLICY MANUAL

The Yukon Liquor Board adopts this manual with the intent of better ensuring fairness and consistency in the exercise of its powers under the *Liquor Act*. At various places the *Liquor Act* delegates authority to the board and at other places the *Act* delegates authority to the president of the Yukon Liquor Corporation. This manual focuses on the board's policies and the board's role in the administration of the *Act*. The policies are subordinate to the *Act*, the regulations, ministerial directives and the protocol. This policy manual is not a complete restatement or consolidation of all of the conditions to be included in a liquor licence. The *Act* and the regulations contain numerous mandatory requirements for liquor licences and related matters. Those requirements will be made part of any liquor licence even though not specifically referenced in this manual.

The board expects the manual will be supplemented over time with new policies as new issues come to its attention.

The board's authority for this policy manual is found in the *Act* and the regulations including the following sections:

Liquor Act

3(1) There shall be a corporation entitled the "Yukon Liquor Corporation" consisting of those persons who from time to time comprise the board.

(10) The board may make bylaws regulating its proceedings and generally for the conduct and management of the affairs of the corporation.

8(1) Subject to this *Act* and the regulations, the corporation has the sole power and jurisdiction to:

- (a) establish and operate liquor stores and warehouses;
- (b) set the price at which liquor may be sold at liquor stores;
- (c) buy, import, possess, and sell liquor;
- (d) control the sale, advertising, storage, manufacture, distribution, transport and delivery of liquor;
- (e) issue, refuse, cancel, or suspend licences and permits;
- (f) determine the classes, varieties, and brands of liquor to be kept for sale at liquor stores;
- (g) control the conduct, operation, and equipment of any premises where liquor is sold pursuant to this *Act*;
- (h) control the alcoholic content of liquor and the amount to be purchased at one time;
- (i) control the types and markings of glasses used for serving liquor in licensed premises;
- (j) determine the liquor purchase records to be kept by licensees;
- (k) inquire into any matter relating to or arising from the operation of this *Act*;
- (l) control and regulate the business activities of agents, representatives, and employees of liquor manufacturers and distributors; and
- (m) do all things considered necessary or advisable for the purpose of carrying this *Act* into effect.

9(1) Subject to subsection (2), the Commissioner in Executive Council may issue directives to the corporation with respect to the exercise of the powers and functions of the corporation.

(2) Subject to a directive under subsection (1), the minister and the corporation shall negotiate annually a protocol about performance expectations for the corporation to meet and roles of the minister, board, and president, respectively, in the work of the corporation; the protocol becomes effective when agreed to by the minister and the corporation.

(4) The board, the president and other officers, and the staff of the corporation shall comply with and implement any directive under subsection (1) and any protocol under subsection (2).

Title: BARRING ORDERS APPEAL FROM A DECISION TO PROHIBIT ENTRY		TAB 1
Issue:	This policy is concerned with an appeal by a person who has been prohibited by a licensee from entering licensed premises.	
Authority:	<i>Liquor Act</i> (Yukon) sections 70(1)(a)(b), 95.4 Regulations 9(1)(b), 9(2), 9(3)	
Background:	<p>A licensee is prohibited from serving liquor to any person who is, or appears to be disorderly or an intoxicated condition: section 70(1)(a)(b) and regulation 9(1)(b).</p> <p>Further no person shall enter or remain in a licensed premise or liquor store after being asked to leave by the manager or the person in charge because of:</p> <ul style="list-style-type: none"> x being in an intoxicated condition, x being noisy, riotous, quarrelsome, violent, disorderly, profane, or x acting in a manner contravening a federal statute, Yukon statute or city or municipal by-law: regulations 9(2)(a) and 9(2)(b). <p>A licensee may prohibit a person who has been requested to leave a licensed premise or a liquor store from reentering the premises for a specific period of time chosen by the licensee, with a start and end date: regulation 9(3)(a). A prohibition decision by one licensee can have wide ranging effect if other licensees of other licensed premises prohibit entry of that same person for the same (or different) periods of time: regulation 9(3)(c).</p> <p>Regulation 9(3)(b) provides for an appeal to the board by a person who has been prohibited entry to a licensed premises. The board is required to hear the appeal at its next meeting and the decision of the board on the matter is final.</p> <p>The board has no role to play in the initial decision to prohibit a person from entering licensed premises and the regulations give the licensee broad discretion in deciding the length of time for which entry will be refused. There is no obligation on a licensee to inform the board of the licensee's decision to forbid entry to a particular person. A person who reenters premises following a prohibition decision has likely committed a trespass and that is something typically dealt with by the police, following a complaint.</p> <p>The only role the board has in the matter is if the person who is subject to an entry prohibition appeals the entry prohibition to the board.</p>	
Policy:	In hearing an appeal from an entry prohibition the board will take a common sense approach keeping in mind the statutory obligations of a licensee referred to above in section 70 and regulation 9(1)(b) and the financial penalties that can be imposed by the Yukon Liquor Corporation on a licensee for failing to maintain orderly	

premises (section 95.4) and the possibility of losing its licence. The board also recognizes the regulations expressly give the licensee the discretion (subject only to appeal) in deciding on the length of time for the entry prohibition.

Some of the factors that will be considered on appeal include the following:

The degree of seriousness and the frequency of the behavior that gave rise to the entry prohibition including any danger posed to staff members, customers, or the property of the licensee or others.

If in the circumstances it was possible to do so, was the person given a clear warning to cease and desist from the offending behavior.

The longer the period of the entry prohibition the more closely the board will scrutinize the reasons for the decision. Although every appeal will be decided on the facts presented, entry prohibition for a period of years would require strong evidence of harm that has happened or is likely to happen.

Where did the conduct complained of happen? Because of the application of regulation 9(3)(c) an entry prohibition can be based on conduct in an unrelated licensed premises. This could have an undesirable piling-on effect which will warrant closer scrutiny by the board. Specifically, there could be other adverse consequences if a member of the public does not have reasonable access to purchase and consume liquor in and through licensed premises. The board is mindful of the fact that the licence holders are the beneficiaries of an exclusive franchise granted by government.

Regulation 9(3)(b) does not limit the time within which an appeal can be made to the board. An appeal could happen months or even years after the incident that gave rise to the entry prohibition and in the interim there may be a complete turnover of the managers and other employees privy to the incident(s) that gave rise to the entry prohibition. The board can only make its decision based on the evidence brought before it on appeal. It follows that if a licensee wants an entry prohibition upheld it will have to collect the relevant evidence in a timely manner. The licensee will need to seek legal advice as to how and what evidence needs to be collected and preserved in the event of an appeal.

There is no prescribed form for an appeal to the board. The appeal can be made by a letter or other written document addressed the board as follows:

Chair
Yukon Liquor Corporation Board
9031 Quartz Road
Whitehorse Yukon Y1A 4P9

The appeal letter will need to set out the relevant circumstances and why the person does not feel the decision or the length of time of the prohibition is fair and reasonable. The board will deal with the appeal at its next meeting and may require both the licensee and the person making the appeal to attend that meeting.

Title: ADVERTISING BY LICENSEES		TAB 2
Issue:	Permitted advertising	
Authority:	<i>Liquor Act</i> (Yukon) sections 8(1)(d), 82 Regulations 9(1)(e), 40(1)(2)	
Background:	Licensees shall not advertise except as permitted by the regulations in this policy. A licensee shall not personally, or through any employee or agent, advertise except in the manner approved by the board.	
Policy:	<p>The board adopts as its policy the Code For Broadcast Advertising of Alcoholic Beverages Canadian Radio-television and Telecommunications Commission ("CRTC"): regulation 9(1)(e). A licensee is permitted to advertise as long as they abide by that code and this policy.</p> <p>The CRTC Code provides that commercial messages for alcoholic beverages shall not:</p> <ul style="list-style-type: none"> a) attempt to influence non-drinkers of any age to drink or to purchase alcoholic beverages; b) be directed at persons under the legal drinking age, associate any such product with youth or youth symbols, or portray persons under the legal drinking age or persons who could reasonably be mistaken for such persons in a context where any such product is being shown or promoted; c) portray the product in the context of, or in relation to, an activity attractive primarily to people under the legal drinking age; d) contain an endorsement of the product, personally or by implication, either directly or indirectly, by any person, character or group who is or is likely to be a role model for minors because of a past or present position of public trust, special achievement in any field of endeavour, association with charities and/or advocacy activities benefiting children, reputation or exposure in the mass media; e) attempt to establish the product as a status symbol, a necessity for the enjoyment of life or an escape from life's problems, or attempt to establish that consumption of the product should take precedence over other activities; f) imply directly or indirectly that social acceptance, social status, personal success, or business or athletic achievement may be acquired, enhanced or reinforced through consumption of the product; 	

	<p>g) imply directly or indirectly that the presence or consumption of alcohol is, in any way, essential to the enjoyment of an activity or an event;</p> <p>h) portray any such product, or its consumption, in an immoderate way;</p> <p>i) exaggerate the importance or effect of any aspect of the product or its packaging;</p> <p>j) show or use language that suggests, in any way, product misuse or product dependency, compulsive behaviour, urgency of need or urgency of use;</p> <p>k) use imperative language to urge people to purchase or consume the product;</p> <p>l) introduce the product in such a way or at such a time that it may be associated with the operation of any vehicle or conveyance requiring skill;</p> <p>m) introduce the product in such a way or at such a time as may associate the product with any activity requiring a significant degree of skill, care or mental alertness or involving an obvious element of danger;</p> <p>n) contain inducements to prefer an alcoholic beverage because of its higher alcohol content;</p> <p>o) refer to the feeling and effect caused by alcohol consumption or show or convey the impression, by behaviour or comportment, that the people depicted in the message are under the influence of alcohol;</p> <p>p) portray persons with any such product in situations in which the consumption of alcohol is prohibited; or</p> <p>q) contain scenes in which any such product is consumed, or that give the impression, visually or in sound, that it is being or has been consumed.</p> <ul style="list-style-type: none"> • Advertising includes (but is not limited to) the following: print ads, radio or television broadcasting, publications, social media networking websites, television, newspaper postings, electronic, rolling ads, billboards/sandwich sidewalk boards, building awnings, etc. • Licensees may within reason, advertise pricing specials, specific brands or happy hours prices for on-premises consumption only. Licensees shall not advertise discount pricing in a manner that promotes or encourages over consumption. • It is the licensee's responsibility to ensure it complies with any municipal bylaws relating to advertising (e.g. signage, murals).
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| | <ul style="list-style-type: none">• A licensee shall not contradict the character or primary nature of any approved liquor licence(s).• Licensees may advertise in accordance with the category of the license approved by the board. For example, an off-premises licence holder may advertise using the words “off-premise” or “off-sales”; or similar in according to the class of their license.• Licensees may not advertise a licensed premises in a way that misrepresents the license category. For example, a business authorized to offer off-premises sales, cannot misrepresent it’s licence by advertising that it is a stand-alone “liquor store”, “liquor depot”, “discount liquor store”, “private liquor store”, or similar where categories of licences do not exist in the <i>Yukon Liquor Act</i>. |
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More information can be located: <http://www.ylc.yk.ca/licensees.html>

Title: CHANGES TO LICENSED PREMISES THAT REQUIRE A NEW APPLICATION & PUBLIC NOTICE OF APPLICATION		TAB 3
Issue:	Establishing criteria for when a new liquor licence application shall be made because of proposed changes to an existing licensed premises.	
Authority:	<i>Liquor Act</i> sections 8(1)(g), 8(1)(m), 25, 26, 32, 33, 34 <i>Liquor Regulations</i> section 4(2)	
Background:	<p>Changes to the licensed premises may include changes to the physical nature or operation of the licensed premises or changes to a condition in an existing licence.</p> <p>Section 4(2) Yukon Liquor Regulations states: “Unless the board otherwise directs, before making a structural alteration to a licensed premises, a licensee must make an application, in the manner and form required by the board, to the board for approval of the alteration.”</p>	
Policy:	<p>MAJOR ALTERATIONS - REQUIRING NEW APPLICATION</p> <p>A new application and public notice of application is required for substantial, major or structural alterations to existing licensees. This includes alterations, or changes, with respect to:</p> <ul style="list-style-type: none"> i. Substantial changes, such as those to category or class of a licence or to the material conditions of a license. ii. Major changes, that may require an official building permit, or other permit obligations, that may allow an increase to the occupancy load of the premises. iii. Structural alternations, such as: <ul style="list-style-type: none"> a. removal or addition of supporting elements or structure of a building; b. expansions or other alternations that affect occupant capacity, including alterations to outdoor structures (i.e. decks) where occupant load changes; c. changes to fire suppression, life or safety equipment; or d. the number of washrooms on premises. <p>“Substantial changes” include changes in the class or category of licence (e.g. changing a Food Primary (“Restaurant”) licence to a Liquor Primary (“Bar”) licence) or changes to the material conditions of a licence (e.g. extension to the hours of operation for liquor service and sale, or changes to material conditions of a licence that require public notification).</p> <p>Some changes to licence conditions may not require a new licence application, see ‘MINOR ALTERATIONS’ below.</p>	

	<p>In general, “major changes” are those that require an official construction permit or any other permit that allows for an increase in the occupancy load of the premises including changes to the size, use or nature of the licensed premises; the addition of a deck; or addition or removal of entertainment, sports or other activities available to patrons that may affect occupancy load.</p> <p>“Structural alterations” are not defined in the Liquor Act or Regulations but are generally understood to mean changes to supporting elements of a building. These include: major changes as defined above; changes to load bearing walls, support beams or pillars, framing, and ramps; changes to fire suppression equipment, life or safety equipment, or washrooms on premises; and any other material changes that increase maximum occupant capacity on premises.</p> <p>Where structural alterations changes the licensed premises to something substantially different from the original application, a new application is required.</p> <p>Licensees must advise a liquor inspector in writing, with as much advance notice as possible, and provide a detailed description of the work similar to that which is required by section 25(1)(b) and section 25(1)(d) of the Liquor Act.</p>
	<p>WHEN A NEW APPLICATION IS NOT REQUIRED:</p> <p>Minor changes to licensed premises do not typically require a new licence application or public notice of application. However, it is a best practice for the licensee to discuss plans with the Yukon Liquor Corporation’s Licensing and Inspections branch (LIB) before the work begins.</p> <p>The inspector will determine whether the change requires a new application and public notification. If the inspector determines that the proposed change does not substantially alter the nature of the licence, the inspector will note the changes on the licensee’s file and will inform the Board Secretary if these changes require amendments to the existing licence.</p> <p>Where the licensee and inspector do not agree on the nature of a proposed change (ie. Major or minor), the inspector will escalate the request to the Director of Licensing & Inspections Branch for a decision.</p> <p>A new application and public notice of application is not typically required for:</p> <ol style="list-style-type: none"> i. Removal or addition of an approved conventional game (e.g. TV, etc.) that does not affect occupancy load. ii. Additions or changes to a bandstand or stage. iii. Minor cosmetic changes or improvements such as painting, replacement of carpeting/flooring, lighting or other fixtures. iv. Decrease of occupant load would only trigger a new application if a fire or other authority has concerns. v. Decrease in hours of liquor service or sales.

Title: FIT PERSON (PHR AND R.C.M.P. INFORMATION FORM)		TAB 4
Issue:	For certain purposes the board must be satisfied that a person is “personally of good character and reputation” or a “fit person”.	
Authority:	<i>Liquor Act</i> (Yukon) sections 37(i); 61(a); 62(2); 62(3) Regulation 47(1)(b)	
Background:	<p>Every person who applies for a licence of any kind must satisfy the board that they are “personally of good character and reputation”: regulation 47(1)(b)(i).</p> <p>In addition, every person who applies for a liquor primary, food primary or club licence must satisfy the board that they are both “personally of good character and reputation”: regulation 47(1)(b)(i); <u>and</u> a “fit person”: section 61(a).</p> <p>In order for a person to be endorsed on a licence as an approved manager, the president must determine that he or she is a “fit person”. However, the president may refer that decision to the board: sections 62(2) and 62(3).</p> <p>The terms “good character and reputation” and “fit person” are not defined in the <i>Liquor Act</i> (Yukon) or regulations. Although there is likely some overlap in the terms, they are not the same thing. An individual may be “personally of good character and reputation” but not the type of person needed to manage a licensed premises.</p> <p>In any event, the character and fitness of persons who are in control of licensed premises is important because:</p> <ul style="list-style-type: none"> • liquor is a controlled product; • liquor can create significant risks if abused. 	
Policy:	<p>As a preliminary matter, applicants for a liquor licence and applicants for endorsement as a manager must complete the corporation’s <i>Personal History Report</i> and the “Consent for the Release of Police Information” Form from the Royal Canadian Mounted Police. That information must be provided to Yukon Liquor Corporation, Licensing and Inspection Services.</p> <p>*Note: The RCMP Consent for the Release of Police Information form must be completed and submitted in person to the nearest RCMP detachment with two pieces of ID, one of which must be a valid Government issued photo ID.</p> <p>Should any result other than "Negative" be provided to the Yukon Liquor Corporation, a fingerprint submission to the RCMP must be done for a certified check, or a self-declaration of criminal record must be completed and provided to the RCMP to verify. Once the applicant has received the results of the fingerprint certification or has received an RCMP certified self-declaration, then the application can go forward to the Yukon Liquor Board.</p> <p>In addition to the information disclosed by the PHR and RCMP reports the board will also, pursuant to section 37(i), take into consideration how the applicant or their associates have operated any other licences.</p> <p>If there are any concerns arising out of the foregoing the board may direct the president to investigate the matter further and prepare a report for the board’s consideration.</p>	

Title: LIQUOR LICENCE RENEWAL		TAB 5
Issue:	<ol style="list-style-type: none"> 1. The board's role in renewing licences 2. Dealing with a short "licence year" 	
Authority:	<i>Liquor Act</i> (Yukon) sections 35, 36 Regulations 31(2), 50	
Background:	<ol style="list-style-type: none"> 1. It is the president who is responsible for renewing a licence: <i>Liquor Act</i> (Yukon) section 35(1) except in two instances: <ol style="list-style-type: none"> (a) The president may choose to refer the renewal application to the board: section 35(2); (b) If some person objects to the renewal of a licence the matter will be referred to the board for a decision: section 35(4). 	
Policy:	<ol style="list-style-type: none"> 1. If the application for renewal is referred to the board, section 35 (5) of the <i>Liquor Act</i> (Yukon) requires the board to apply sections 25(2), 28, 30(2), 32 and 33. Pursuant to regulation 50(4) the board adopts the following standards that a licensee must meet to be in good standing: <ol style="list-style-type: none"> (a) the licence has not been suspended in a licensing year. (b) the licensee has not been convicted of an offence under the <i>Liquor Act</i> (Yukon) or its regulations. (c) the licensee's accounts with Yukon Liquor Corporation are in good standing. (d) the licensee has complied with the directions, orders and terms of its licence issued by the Yukon Liquor Board. <ol style="list-style-type: none"> i. In pursuant to 8(g) Liquor Act, the Board shall consider the control of conduct operation, and equipment of any premises where liquor is sold to this act. 	
Background:	<ol style="list-style-type: none"> 1. A "licence year" means April 1 to March 31 of the following year. Therefore every licence expires on March 31st. Section 35 of the <i>Liquor Act</i> (Yukon) requires licensed premises to be operational for at least three months of a licence year. However if a licence is issued after January 1st but before April 1st, the licensee is not able to fulfill the three month operational requirement of section 35(9). 	
Policy:	<ol style="list-style-type: none"> 1. Regulation 50(2) authorizes the board to specify an expiry date for a licence other than March 31st. Accordingly, in order to satisfy the three month operational requirement of section 35(9) of the <i>Liquor Act</i> (Yukon) and in reliance on regulation 50(4). 	

Title: NEW YEAR'S EVE		TAB 6
Issue:	Hours of service	
Authority:	<i>Liquor Act</i> section 1 and 52, Regulations 2(c), 13 and 27	
Background:	<p>The board determines the hours of operation of a licensed premises pursuant to its authority in various places in the Act or regulations including hours of operation of offsales licences: 27(2).</p> <p><i>27 (2) The board shall specify in an off-sales licence the hours during which liquor may be sold on the licensed premises.</i></p> <p><i>(3) The hours specified under subsection (2) must be between 9:00 a.m. and 2:00 a.m. on the following day.</i></p> <p>The exception to the general rule is section 52 which speaks specifically to extended hours on December 31st and January 1st. As a general rule of interpretation the sections of the Act prevail over the sections of the regulations and the sections in the Act that deal specifically with a matter prevail over other sections in the Act or the regulations that only deal generally with the matter.</p> <p><i>52 <u>Despite any other section</u>, licensed premises may remain open for the purposes stated on the licence from nine o'clock of the afternoon of December 31 until three o'clock in the forenoon of January 1.</i></p>	
Policy:	Section 52 is clear in extending operating hours of liquor service for any licensed premise, including off-premises licences, continuously from 9:00 a.m. on December 31 st to 3:00 a.m. the following day.	

Title: OFF-PREMISES LIQUOR LICENCE		TAB 7
Issue:	Section 47 of the <i>Liquor Act</i> (Yukon) provides that the board may issue a licence that allows the retail sale of liquor in any licensed premises for off- premises consumption. This policy clarifies a number of the conditions the board considers when deciding whether or not to approve an off-premises liquor licence.	
Authority:	<i>Liquor Act</i> (Yukon) Sections 11(3)(a), 25(2), 26, 30(1), 37, 47, Liquor Regulations Sections 27(2), 27(3), 31(2), 52	
Background:	<p>Section 47 of the Liquor Act allows the board to approve a licence allowing the retail sale of liquor in a licensed premises for off-premises consumption, subject to any conditions the board may specify.</p> <p>Section 27 of the Liquor Regulations establishes rules related to off-sales liquor licences. These include defining a ‘main licence’ as the liquor licence in respect of which an off-sales licence is issued, setting hours during which liquor may be sold; and establishing that all liquor sold must be paid for in full at the time of purchase, unless the liquor is charged to the purchaser under established credit arrangements approved by the board.</p> <p>Section 37 of the Liquor Act mandates the board to consider a number of factors when considering whether or not to grant a new licence of any type. These considerations include:</p> <ul style="list-style-type: none"> a) the number of licences in the area; b) the number of different types of licences in the area; c) the population of the area including seasonal variations and also including variations in the immediate area to be served by the licence and more distant areas capable of being served by the licence; d) the economic activity carried on in the area or projected to be carried on, including seasonal variances; e) in the case of an application under section 34 (<i>premises under construction</i>), the projected capital expenditure; f) in the case of an application under section 25 (<i>applications for new licence</i>), the amount of capital expenditure already made; g) [repealed 2008] h) the need for a new licence in the area; i) how the applicant or their associates have operated any previous licence held by either of them; j) the arrangements to be made by the applicant for operating and controlling the premises; and k) the type of structure to be built, or added to. <p>When considering these factors, the board strives to ensure an appropriate balance between access to liquor and social responsibility. The policy outlined below helps to clarify how some of these factors are considered by the board in its decision making process.</p>	

<p>Policy:</p>	<p>Hours of operation:</p> <p>Sections 27(2) and 27(3) of the Liquor Regulations address the hours of operation of an off-sales liquor licence, as follows:</p> <p style="padding-left: 40px;">27(2): The board shall specify in an off-sales liquor licence the hours during which liquor may be sold on the licensed premises.</p> <p style="padding-left: 40px;">27(3): The hours specified under subsection (2) must be between 9:00 a.m. and 2:00 a.m. on the following day.</p> <p>The Yukon Supreme Court commented on the discretion afforded to the board by section 27(2) and 27(3) of the Liquor Regulations. The board must not improperly fetter its discretion to regulate off-sales hours under section 27(2) by way of an informal board policy and must not ignore its discretion to set off-sales hours different from the hours of the main licence, pursuant to section 27(3).</p> <p>Based on the above, unless otherwise requested by the applicant and approved by the board, the board will set hours of operation for an off-sales liquor licence to mirror the hours of operation for the ‘main licence’, as defined in section 27(1).</p> <p>If an applicant for an off-premises liquor licence requests a variation in liquor service hours from the hours of the main licence, the board, if it considers it to be appropriate, will consider such request and may allow the variation in hours of sale for the off-sales liquor licence pursuant to regulation 27(3).</p> <p>Considerations for new off-premises licences:</p> <p>For the purpose of board decisions, an ‘area’ is defined as a subdivision or community. Per section 37(c) of the Liquor Act, the board shall consider the population of the immediate area, and the population of all adjacent areas that are capable of being serviced by the license, including seasonal variations.</p> <p>The Yukon Bureau of Statistics (YBS) releases quarterly population reports and defines subdivision/community boundaries by road names and postal codes. These boundaries and populations continuously change as populations grow. The board will request the most current population and boundary data from YBS when it is actively considering a licence application.</p> <p>When considering an off-premises licence application, the board will consider density and proximity targets for an area:</p> <ul style="list-style-type: none"> • Density target: a maximum of one (1) Off-Premises Licence approved for every 1,000 persons within the defined area.
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- **Proximity target:** minimum of one-hundred and fifty (150) meters away from a public park, school, daycare, youth center, alcohol/treatment facility, existing offsales licensee, YLC Store, or other areas considered by the board to pose a potential conflict, including those frequented by children, youth or other vulnerable persons.

When considering the density target, the board shall consider the population of the immediate area, and the population of all adjacent areas that are capable of being serviced by the license, including seasonal variations.

When considering the proximity target, distances are defined as being from the closest property line of the applicant's premises to the next closest property line as determined by an inspector of the YLC's Licensing and Inspections Branch.

Density and proximity targets only apply to new off-premises licence applications. They do not apply to licence transfers or renewals. An off-premises licence application must conform to applicable municipal zoning by-laws.

When considering population, the board will refer to the population estimates produced quarterly by the Yukon Bureau of Statistics, which are available online at www.eco.gov.yk.ca/stats

Pricing:

Section 52 of the Liquor Regulations prohibits a licensee holding an off-sales liquor license from selling liquor at a price in excess of 30 percent more than the retail price of liquor sold in retail liquor stores operated by the Yukon Liquor Corporation, rounded to the nearest five cents.

Statutory conditions for all off-premises liquor licences:

Pursuant to section 47 of the Liquor Act, the board may impose any conditions deemed to be fit on an off-premises liquor licence.

Sections 27(4) and (5) of the Liquor Regulations require that all liquor sold for consumption off-premises must be paid for by the purchaser at the time of purchase, unless the liquor is charged to the purchaser under established credit arrangements approved by the board.

Further,

- **A person must leave a licensed premise immediately after making an off-sales purchase.**

- **A licensed establishment holding an Off Premises Licence must be open for business for a period of four (4) consecutive hours during the period of time specified on the Liquor Primary and/or Food Primary licence(s) held by the establishment.**
- **A licensee who holds an off-premise licence is prohibited from selling liquor to the holder of a special occasion liquor permit for service or re-sale of liquor.**

Section 75(1) of the Liquor Act states that ‘Except as authorized by this Act, no person shall by themselves or their partner, servant, clerk, agent, or otherwise, sell or deliver any liquor to any person who buys liquor for the purpose of reselling it’.

This section clearly prohibits any licensee (except as authorized by the Act) from knowingly selling or delivering liquor for re-sale. A licensee cannot purchase liquor from another licensee.

Transfers:

- **Licensees holding an off-premise licence may transfer liquor licences with a transfer application, which is available online at:**
<http://www.ylc.yk.ca/forms.html>
- **A minimum of 30 days is required to process transfer applications prior to the final closing date on sales purchase.**

Title: SPECIAL OCCASION AND RECEPTION PERMITS		TAB 8
Issue:	Appeals from the refusal of the president to issue a reception permit or a special occasion permit.	
Authority:	<i>Liquor Act</i> (Yukon) sections 8(1)(g), 8(1)(m), 53(8), 53(17), 53(1), 54 Regulations 31(2), 37, 38	
Background:	<p>The president is the person authorized to issue reception permits and special occasion permits in accordance with section 53(1). However, if a person is refused a permit that person can appeal the decision to the board pursuant to section 53(8).</p> <p>A reception permit can be issued to any person in charge of a reception: section 53(1) (a).</p> <p>A special occasion permit can only be issued to a person who is authorized in writing to act for a non-profit organization whether incorporated or not: section 53(1) (b). A non-profit organization, which includes non-profit corporations (also known as a “society”), is an organization that is formed for purposes other than generating a profit to be distributed to its members, directors or officers. While, a nonprofit organization can earn a profit, the profit must be used to further the goals of the organization corporation rather than to pay dividends to its membership. Non-profit corporations are formed pursuant to federal, or territorial law. A non-profit corporation can be a church or church association, school, charity, medical provider, activity clubs, volunteer services organization, professional association, research institute, museum, or in some cases a sports association. Non-profit organizations must apply for charitable status to benefit from tax-exempt status and to issue tax deductible receipts to donors, although not all non-profit organization are or need to be charitable organizations.</p> <p>Non-profit corporations are distinct from business corporations which are formed to make a profit and to distribute the profit to its shareholders.</p> <p>In addition to deciding on any appeal, the board has the authority to impose conditions for permits (section 53(17)) and to direct the president to endorse conditions on licenses (see regulation 31(2) and see generally section 8(1) (g) and section 8 (1) (m)).</p>	
Policy:	Because the role of the board is to review the decision of the president to refuse a reception permit or a special occasion permit, the board will pay particular attention to the reasons given by the president for the refusal. Where applicable, the board will apply the same criteria it applies elsewhere in deciding on the issue of a licence including the	

	<p>licensing history of the applicant and whether the applicant is a fit person.</p> <p>Proof of incorporation and current good standing under the <i>Societies Act</i> (Yukon) or the <i>Not-For-Profit Corporations Act</i> (Canada) is all that is required to establish that the applicant qualifies as a non-profit organization because by definition only non-profit entities can incorporate under that legislation.</p> <p>Proof of incorporation as a non-profit organization can be established by the applicant producing a certificate of status (sometimes called a certificate of good standing or a certificate of compliance) issued by the relevant government authority (Yukon or Canada) dated not more than thirty days prior to the date of application.</p> <p>A society or non-profit organization incorporated anywhere else in Canada or outside of Canada must be registered as an extra-territorial society with the Yukon Registrar of Societies in order to apply for a special occasion permit. A certificate of status issued by the Yukon Registrar of Societies is sufficient proof of these matters.</p> <p>In addition to a certificate of status, if there is a need to know who the officers and directors of the non-profit organization are, the applicant may have to provide a Societies Summary issued by the relevant government office (Yukon or Canada). Proof that a named individual is authorized to make an application for a special occasion permit on behalf of a non-profit organization can be provided through a certified copy of the minutes of a meeting of the organization making the appointment, or by way of a letter on the organization's letterhead and signed by an officer or director of the organization.</p> <p>There is no requirement in the Act or regulations that the non-profit organization also be registered as a charitable organization with Canada Revenue Agency.</p> <p>Section 53(1)(b) also permits a person to apply for a special occasion permit on behalf of an unincorporated non-profit organization. Unlike entities incorporated under either the <i>Societies Act</i> (Yukon) or the <i>Not-For-Profit Corporations Act</i> (Canada), unincorporated non-profit organizations are not defined by statute nor are their activities restricted by statute. Accordingly, in almost all cases the board will require much more from the applicant to establish the organization is a bona fide non-profit organization. That proof will generally consist of the following:</p> <ul style="list-style-type: none"> • constitution, bylaws, and membership list; • written description of the organization outlining its aims and objectives (typically, relating to relief of poverty, education etc.); • list of the current executive with addresses and telephone numbers;
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	<ul style="list-style-type: none">• minutes of meetings, financial statements, and financial reports related to the event. <p>Because an unincorporated non-profit organization is not a separate legal entity, there is no limited liability protection for the members, and the members who authorize the applicant in writing to act on their behalf are personally liable for any breaches of the licence.</p> <p>If the board overrules the decision of the president to refuse a reception permit or a special occasion permit, it may impose such other conditions at it sees fit depending on the evidence before it.</p>
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Title: RESTRICTED OR EXOTIC ENTERTAINMENT		TAB 9
Issue:	This policy addresses entertainment in licensed premises.	
Authority:	<i>Liquor Act</i> (Yukon) sections 8(1)(g), 70 Regulations 11, 33(1)	
Background:	None.	
Policy:	<p>Exotic Entertainment in Licensed Premises:</p> <p>Exotic entertainment, which includes but is not limited to exotic dancing and strip tease, is allowed in licensed premises provided the licensee has obtained the permission of the president and complies with all laws including the <i>Criminal Code of Canada</i> and this policy. A licensee must comply with all the following requirements when hosting exotic entertainment in the licensed premises:</p> <ol style="list-style-type: none"> 1. A licensed premises with exotic entertainment must provide: a) a stage or enclosed dance floor, separated from the patron seating area by at least one (1) metre; 2. While on the licensed premises, entertainers must: a) be fully clothed before and after performances and at all times when not on the stage; b) shall not have physical contact of any kind with licensee staff or patrons before, during or after performances. 3. The entertainment shall not involve patron participation of any kind, and the entertainer shall not touch, or be touched by a patron or staff. 4. During a performance, neither patrons may enter the one (1) metre separation barrier between the stage/dance floor and the patron seating area. 5. Entertainment must not involve: a) the use of animals, birds or reptiles; b) the use of props or devices of a sexual nature or which have a sexual connotation; c) real or simulated acts of violence; 6. There shall not be passing of any objects, or sharing of food or beverages between the entertainer and any person during the performance. 7. At no time shall a minor be in or around the licensed premises. 	

Combative and Non-Combative Contact Entertainment in Licensed Premises:

Combative and non-combative contact entertainment, including but not limited to boxing, kick-boxing, mixed martial arts, muay thai, hockey, broomball, roller derby and contests involving feats of strength such as arm wrestling, are allowed in licensed premises provided the licensee has obtained the permission of the president and complies with all laws including the *Criminal Code of Canada*, the *Liquor Act* (Yukon), the Regulations and this policy.

In addition to complying with the law that requires a licensee to obtain the permission or authorization of an athletic board, commission, or similar body established by or under the authority of the Yukon Legislative Assembly for the control of sport within Yukon, a licensee shall satisfy the following requirements when hosting combative and non-combative contact entertainment in a licensed premise:

1. the entertainment shall take place within a clearly defined boundary (i.e. a ring) with a minimum one meter barrier between the defined area and the audience;
2. the entertainer shall not perform at any location other than within the clearly defined boundary;
3. the entertainment shall take place only if safety measures have been put in place, to the satisfaction of the President, to protect all persons including participants, patrons and staff;
4. the entertainment shall not involve patron participation; and
5. the entertainment shall not include mud (or other substance) wrestling, mechanical bulls or any animal, bird, or reptile.

Title: SPECIAL LIQUOR LICENCE		TAB 10
Issue:	This policy addresses the circumstances where the board is considering approval of a request for a Special Liquor Licence.	
Authority:	<i>Liquor Act</i> sec. 23(h) and s. 48 Regulations 16.01	
Background:	<p>Section 23 lists eleven kinds of licences the board is authorized to approve. Most of those are specific to certain types of operations, the exception being “special licences” listed as s. 23(h).</p> <p>Note: special licences approved by the board and should not be confused with “special occasion permits” which are approved by the president and are dealt with at Tab 8.</p> <p>Special licences are a residual category licence intended to fill gaps not covered by the other ten categories of licence which the board is authorized to approve under sec. 23. Special licences should be the exception, not the rule. It is clear from s. 48 that applications for special licences should not be considered if any other kind of licence or permit (including permits the president is authorized to approve) is adequate for the purpose. Section 48 reads as follows:</p> <p><i>“Despite any other provision of this Act the board may, subject to the regulations, in its discretion approve a special licence for the sale of liquor <u>under circumstances not otherwise provided for in this Act.</u>”</i></p> <p><i>An off-premise licence cannot be issued in conjunction with a special licence.</i></p> <p>Although section 48 makes no specific reference to “special licences” it is linked to section 23(h) by way of the definition at regulation 16.01(1).</p> <p>The following are some examples of Circumstances for which a Special Liquor Licence may be approved:</p> <ul style="list-style-type: none"> • Banquets: A banquet is an organized event held in a designated area of a facility, which is not open to the public, and at which is located a food preparation area sufficient to provide food for the maximum seating capacity of the facility. A special licence may be issued to serve liquor to banquet guests provided the service takes place in the banquet room. • Catered Events: A catered event is an organized event, which is not held at an approved licensed premise, for which a licensee provides a food or beverage service. A special licence may be issued to serve liquor to guests of a catered event. • Performances: A performance is an event which takes place in a building, or a designated area outside of a building, where entertainment is provided to the public for a fee. A special licence may be issued to serve liquor to fee paying guests attending the performance. 	

<p>Policy:</p>	<ul style="list-style-type: none"> • Lodge Accommodations: A lodge is a facility, which is located a sufficient distance away from a community so as to be considered remote, to accommodate overnight guests for a fee. A special licence may be issued to serve liquor to registered guests, and off-duty staff, of a lodge. • Spas/Salons/Aesthetic Studios: A special liquor licence application may be considered for approval by the Board where liquor is to be provided at the time of service to registered clients. A letter of authorization from the President is required outside of these circumstances. <p>Given the wide variety of licences and permits provided for in the Act and regulations, prior to consideration for approval of a special licence the board must be satisfied there is no existing category of licence or permit that can authorize the activity in question.</p> <p>The Act and regulations have little to say specifically about special licences other than to address hours of operation as follows at regulation 16.01:</p> <p><i>“(1) In this section "special licence" means a special licence issued under section 48 of the Act.</i></p> <p><i>(2) The board shall specify in a special licence the hours during which liquor may be sold on the licensed premises.</i></p> <p><i>(3) The hours specified under subsection (2) must be between 9:00 a.m. and 2:00 a.m. on the following day.</i></p> <p>Because of the unique nature of each application for a special liquor licence, each application will be considered for approval (or not) on its own merits, but any special licence approved by the Board and issued by the Corporation will be subject to all of the mandatory obligations and conditions in the <i>Liquor Act</i> and its regulations.</p> <p>If a special licence is analogous to any other kind of licence or permit authorized by the Act and if the board imposes special terms and conditions on a special licence, it will have regard to terms and conditions common to that analogous licence or permit.</p>
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Title: SUSPENSION AND CANCELLATION OF LICENCES AND PERMITS		TAB 11-A
Issue:	This policy addresses the suspension and cancellation of licences and permits.	
Authority:	<i>Liquor Act</i> (Yukon) sections 3(7), 8(1), 8(2), 9(3), 14.01(3), 17, 18, 22(1), 22(4), 53(20), 56, 79, 87 Regulation 49	
Background:	<p>At various stages the power to suspend a licence will reside with the inspector, the president or the board. At various stages the power to cancel a licence resides with the president, the board or the Yukon Supreme Court.</p> <p>An appeal resides with the board from an order of the president suspending a licence: sections 18(3) to 18(8).</p> <p>An appeal resides with the president and then to the board from the suspension of a licence by an inspector: section 79(7).</p> <p>On the recommendation from a Territorial Court Judge the board can suspend or cancel a licence: section 87(1); but in addition the president can unilaterally cancel that same licence based on that same recommendation, even before the board has considered the matter: section 87(2).</p> <p>In the case of a suspension of a licence by the president pursuant to section 87(2) the licensee could appeal the order pursuant to the appeal mechanism at section 18. Section 18 applies only to suspensions; it does not apply to cancellation of a licence by the president. In the case of a cancellation by the president pursuant to section 87(2) a person can appeal to the board and from the board to the Yukon Supreme Court. The person could also re-apply for a new licence: section 118.</p> <p>The majority of the Board shall constitute quorum per 3(9) <i>Liquor Act</i>. For example if there are four board members, two will constitute quorum. If a licensee appeals a suspension, and all parties agree, one board member can hear the matter as quorum. There shall be not less than three board members appointed, however this does not specifically denote quorum.</p> <p>A liquor licence suspension only affects the actual licences and rights and privileges pertaining to them. A suspension does not “shut down” a licensed premises or business. A business under a liquor licence suspension can remain open for any other purpose outside of the jurisdiction of the <i>Liquor Act</i> (Yukon). If the main licence is suspended, so is any attached off-sales licence.</p>	
Policy:	If a licensed premises is substantially destroyed, in that it is not repaired within sixty days, then the board must cancel the licence: section 56(1).	

	If the person reapplies for a licence pursuant section 56(2) then pursuant to section 56(3) the board will require the applicant to submit the information as set forth in section 25(1).
Notice of Suspension:	In accordance with section 71 a licensee shall affix a notice of suspension (posters) in a location where it will be clearly visible to the public from outside the licensed premises. A licensee who fails to post notice of suspension will be subject to the suspension being extended by a minimum of four (4) days, and for each day the licensee fails to comply with note posting the notice of suspension.

Title: LIQUOR BOARD MEETINGS, HEARINGS AND DECISIONS		TAB 11-B
Issue:	This policy addresses hearings before the Yukon Liquor Board.	
Authority:	<i>Liquor Act</i> (Yukon) sections 3(7), 3(10), 31, 32, 118(6) Regulation 49(1)	
Background:	The board may make bylaws regulating its proceedings and generally for the conduct and management of the affairs of the corporation: section 3(1).	
Policy:	<p>Board Decisions may be appealed to the Yukon Supreme Court no later than six (6) months from the date of the decision in question on the following grounds:</p> <p>that the board:</p> <ul style="list-style-type: none"> (a) failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction; (b) erred in law in making its decision or order, whether or not the error appears on the face of the record; or (c) based its decision or order on an erroneous finding of fact made in a perverse or capricious manner or without regard for the material before it. <p>During its deliberations, the board will be guided by the vision, mission, strategic goals and values as set out on the corporation's website.</p> <ul style="list-style-type: none"> • Members of the board shall not be less than three in number. A majority of the board shall constitute quorum except as provided by section 3(7) which is addressed at Tab 11-A; • Section 49(1) of the <i>Act</i> requires all hearings pertaining to applications for new licences, suspension or cancellation of licences will be open to the general public; • Applicants, persons objecting to applications, licensees and the president may make submissions to, and present evidence to the board; • Decisions of the board will be made in writing; • Upon reaching a final decision, the board's secretariat shall contact the parties by telephone and advise them of that decision and shall make the written decision available for pick-up, by facsimile transmission, electronic mail or by postal delivery; 	

	<ul style="list-style-type: none"> • the board will post on the Corporation website all decisions relevant to the issuance of new licences. • board hearings shall not be recorded by any person except the board secretary, unless specifically requested by a party a minimum of two (2) weeks prior to a scheduled hearing; • upon request the board's secretariat shall arrange for the preparation of an official transcript of proceedings the cost of which shall be borne by the parties requesting the transcript; and <p>Generally, the board will adhere to the following procedures at the hearing:</p> <ol style="list-style-type: none"> 1. the Corporation will introduce the licence application through an Application Issue Summary; 2. the applicant may provide an overview of its application to the board and the board will have the opportunity to ask questions of the applicant with respect to the application; 3. objectors will then have the opportunity to make submissions to the board and the board will have the opportunity to ask questions of the objector with respect to the objector's submissions; 4. the applicant will then have the opportunity to respond to the submissions made by the objector; 5. the objector will then have the final right of reply to respond to any new information raised by the applicant; 6. the board will enquire as to the possibility of resolving the differences between the applicant and the objector; and 7. if resolution between the applicant and the objector cannot be reached during the hearing, the hearing will conclude following which the board – after consideration of all submissions by the applicant and objector, will issue written reasons for its decision.
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Title: USE OF LIQUOR-PRIMARY PREMISES OUTSIDE LICENSED HOURS		TAB 12
Issue:	Under regulation 14(3), the board may authorize the licensee to use their liquor-primary premises for purposes other than the sale of liquor during times when the premises are closed to the sale of liquor.	
Authority:	Regulation 14(3)	
Background:	There are occasions when the operator of a liquor-primary premises may wish to use their facilities for other purposes which do not involve the service of liquor. For example, a “breakfast endorsement” allows the premises to operate as a restaurant without liquor service prior to its licensed hours of operation, or the premises could provide for a multi-day community training event without liquor service.	
Policy:	<p>APPLICATION</p> <p>To request this approval, the licensee must provide the details of the request to the corporation at least five working days in advance of the activity.</p> <p>Then the board will provide a response in writing to the licensee using the authorization template (attached).</p>	



Liquor Corporation

Board of Directors'

9031 Quartz Road

Whitehorse, Yukon, Canada, Y1A 4P9

(867) 667 – 5245 Fax (867) 393 – 6306

E-mail: yukon.liquor@gov.yk.ca

**Authorization to use Liquor Primary premises outside of licensed hours during
“named event”**

The Yukon Liquor Board hereby authorizes _____ **(Premises Name)** to use their Liquor Primary premises beyond the sale/service liquor hours set out on the face of the Liquor license number: _____ .

The above authorization applies to the premises described above only for the following dates and times only:

x _____ during the hours of _____ and _____

The following conditions apply:

- x **Service or sale of liquor is not authorized beyond _time_ ____.**
All liquor that has been sold or served must be cleared by _time_ ____.
- x **No liquor may be consumed on the licensed premises during the period of the extension.**

This approval must not be construed as a precedent for any future requests. This authorization is to be posted in a prominent position in the licensed premises.

Authorization issued by:

Name

Chair, Yukon Liquor Board of Directors

Date:

cc: Royal Canadian Mounted Police, Community, Yukon

Title: RV PARK LICENSES – PROCEDURES AND RECORDS		TAB 13
Issue:	Applicants for an RV park beer/wine license must provide the board with a proposal acceptable to the board for registering guests and recording their names.	
Authority:	<i>Liquor Act</i> (Yukon) sections 23, 47.1 Regulation 36.04	
Background:	<p>Section 47.1 <i>Liquor Act</i> allows the sale of beer or wine only to someone who is a registered overnight guest of the licensed RV park.</p> <p>Regulation 36.04 provides rules for RV park business on the restricted beer/wine license.</p>	
Policy:	<p>A guest register for this purpose would normally include:</p> <ul style="list-style-type: none"> • Date of check-in • Date of check-out • Name • Residence (City/Town, Province/Territory/State, Country) • Number of guests in party • License plate # (if applicable) Site # • Type of vehicle • Paid Column <p>(Sample guest registration attached)</p> <p>All of the requirements for an RV license set out in regulation 36.04 will apply.</p>	

RV Park Registration

Name	Address	# of Guests	Check In Date	Check Out Date	Site #	Vehicle Type	License #	Pd

Title: PUBLIC NOTICE OF LICENCE APPLICATION & OBJECTIONS		TAB 14
Issue:	<p>Requirement to give public notice of an application for a licence.</p> <p>Objections to an application for a licence.</p>	
Authority:	<i>Liquor Act</i> (Yukon) sections 26, 29, 30, 31	
Background:	<p>Section 26 of the <i>Act</i> requires that public notice of all new liquor licence applications, and changes to existing licences or licensed premises, be published for three successive weeks in a newspaper circulating in the area in which the proposed or existing licensed premises are situated and that any person wishing to object to the application give written notice to the president, with the reasons for their objection.</p>	
Policy:	<p>The format for the advertisement is set by the Liquor Regulations – Form 3.</p> <p>Any person may object to the granting of a licence by filing with the president an objection in writing (with reasons) within five days after the last publication of the advertisement for a liquor licence. A copy of the objection must also be served on the applicant by registered mail. In circumstances where registered mail is not possible, the objection can be served personally on the applicant.</p> <p>If no objection is filed and the board is satisfied that the requirements of the <i>Act</i> and regulations have been satisfied and that a licence should be issued, then the licence will be issued: section 30(1).</p> <p>If the board decides a licence should be issued with conditions then it will give the applicant an opportunity to make representations concerning the conditions: section 30(2).</p> <p>If an objection is filed the board will set a day for a hearing. The hearing date will be not sooner than ten days after the date of the last day of the public notice given pursuant to sections 26 and 31.</p> <p>A person who has filed an objection will be given notice of the time and place for the hearing and invited to attend the hearing, either in person or by telephone. If the person objecting chooses to attend by telephone they will need to give the board secretary at least two business days' notice to ensure technical arrangements are in place.</p> <p>A person objecting to the licence does not have to attend the meeting in person or by telephone, they can be represented by legal counsel or an agent, but in that event the person objecting must inform the president in writing at least two</p>	

	<p>business days prior to the meeting, providing the name and contact information for the legal counsel or agent.</p> <p>The person objecting to the application should know that the board can only make a decision based on the materials before it at the hearing so if the person objecting to the application is not present in person, or by telephone, or by an agent, then their written objection is all the board will have to rely on.</p> <p>The applicant and any person who has given notice of objection to the objection will be notified of the decision of the board and its reasons.</p> <p>In order to ensure that the public is informed of the applicant's intentions:</p> <ol style="list-style-type: none"> 1. Although not imposing a legal obligation, the board encourages applicants to consult with the residents and businesses close to the proposed licensed premises, in order to identify and address any concerns at an early stage. 2. The public is encouraged to keep up to date on issues of interest by checking the newspapers and the Yukon Liquor Corporation website on a regular basis. 3. Public notice of the application by advertisement should be placed in the Friday editions of the relevant newspaper. If there is no Friday edition published because of a statutory holiday, or some other reason, then advertisement should be published in the next available edition of the newspaper. <p>When scheduling meetings the board will endeavor to accommodate the schedules of the applicants and any person objecting to the application, subject to the requirements of the legislation.</p>
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Title: OFFENCE-PENALTY GUIDELINES		TAB 15
Issue:	The need to provide guidance to inspectors in the enforcement of the <i>Act</i> and regulations.	
Authority:	See various sections cited in the attached Offence-Penalty Guidelines.	
Background	The board acknowledges the use of a published Offence-Penalty Guidelines by the corporation staff. The purpose of the penalty guidelines is to ensure consistency in the enforcement actions taken by liquor inspectors when addressing non-compliance with the <i>Act</i> and regulations.	
Policy:	<p>Options for enforcement actions listed in the offence-penalty guidelines include:</p> <ul style="list-style-type: none"> • warning letters as a formal communication tool; • liquor licence suspensions; • tickets issued under the <i>Summary Convictions Act</i> and regulations; • laying of information with Department of Justice which can lead to a prosecution; • referral to the board. <p>x An inspector can suspend the licence for up to 14 days: section 79(6) <i>Liquor Act</i>.</p> <p>x The president can suspend the licence for up to 12 months: section 17(2) <i>Liquor Act</i>.</p> <p>The board acknowledges that the use of the Offence-Penalty Guidelines provides several options to liquor inspectors, allowing for the use of discretion in its application. The purpose of this is to allow for inspectors to consider all mitigating factors prior to imposing sanctions.</p> <p>In addition to the possibility of cancelling a licence, the board is also free to consider suspending a licence with or without additional terms and conditions to deal with the alleged offences that gave rise to the referral in the first place.</p> <p>Through the publication of the document, licensees and the public are able to see the fairness in application as well as the severity with which each offence is viewed, and thereby be made aware of the potential consequences of those offences.</p> <p>(See attached Offence-Penalty Grid.)</p>	

<u>Contravention</u>	<u>Legislative Reference</u>	<u>1st Offence</u> (Dependent on circumstances of offence)	<u>2nd Offence</u> (Dependent on circumstances of offence)	<u>3rd Offence</u> (Dependent on circumstances of offence)	<u>Subsequent Offences</u> (Dependent on circumstances of offence this could be applied as early as the 1 st offence)	<u>Referral for Prosecution</u> (Dependent on circumstances of offence)
Minors						
Minor provided, obtains or attempts to obtain liquor.	YLA 17, 18, 22, 79, 80(1), 90(1)(3), 95, 95.2 Schedule IV	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to minor Suspension of liquor licences for up to 7 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to minor Suspension of liquor licences for up to 18 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to minor Suspension of liquor licences for up to 30 days. 	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Up to \$10,000 fine and or up to 12 months imprisonment. If Corporation: up to \$20,000
Unauthorized Minor in a Liquor Primary premises	YLA 17, 18, 22, 79, 80(1), 90(4), 95, 95.2, YLR 9(1)(g)(h), 11, 12 Schedule IV	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to minor Suspension of liquor licences for up to 4 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to minor Suspension of liquor licences for up to 12 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to minor Suspension of liquor licences for up to 20 days. 	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Failure to demand proof of age.	YLA 17, 18, 22, 79, 80(1), 90(5), 95 YLR 9(1)(g)(h), 11, 12 Schedule IV	<ul style="list-style-type: none"> \$500.00 to provider/server Suspension of liquor licences for up to 4 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server Suspension of liquor licences for up to 12 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server Suspension of liquor licences for up to 20 days. 	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Over Service						
Provide Liquor to an intoxicated person	YLA 17, 18, 22, 79, 80(1), 93, 95.3, YLR 9(1)(b)(g)(h) Schedule IV	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to intoxicated person Suspension of liquor licences for up to 7 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to intoxicated person Suspension of liquor licences for up to 18 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to Intoxicated Person Suspension of liquor licences for up to 30 days. 	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Up to \$10,000 fine and or up to 12 months imprisonment. If Corporation: up to \$20,000
Intoxicated person in licensed premises.	YLA 17, 18, 22, 70(1)(a), 79, 80(1), 91(1), 95, 95.4	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to intoxicated person Suspension of liquor licences for up to 4 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to intoxicated person Suspension of liquor licences for up to 12 days. 	<ul style="list-style-type: none"> \$500.00 to provider/server \$200.00 to Intox. Person Suspension of liquor licences for up to 30 days. 	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Up to \$2,000 fine and or up to 30 days imprisonment. If Corporation: up to \$5,000

*\$200.00 and \$500.00 amounts listed above refer to tickets issued under the *Summary Convictions Act* and do not include the applicable 15% Victim Surcharge (*Crime Prevention And Victim Services Trust Act* Section 11).

<u>Contravention</u>	<u>Legislative Reference</u>	<u>1st Offence</u> (Dependent on circumstances of offence)	<u>2nd Offence</u> (Dependent on circumstances of offence)	<u>3rd Offence</u> (Dependent on circumstances of offence)	<u>Subsequent Offences</u> (Dependent on circumstances of offence this could be applied as early as the 1 st offence)	<u>Referral for Prosecution</u> (Dependent on circumstances of offence)
	YLR 9(1)(g)(h) Schedule IV					
Bootlegging						
Bootlegging (licensee)	YLA 17, 18, 22, 24(4), 74, 75, 78, 79, 80(1), 95, 95.1 YLR 9(1)(g)(h)(i)	<ul style="list-style-type: none">• Suspension of liquor licences for up to 10 days.• Referral for Prosecution	<ul style="list-style-type: none">• Suspension of liquor licences for up to 30 days.• Referral for Prosecution	<ul style="list-style-type: none">• Suspension of liquor licences for up to 60 days.• Referral for prosecution• Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$25,000 fine and or up to 12 months imprisonment. If Corporation: Between \$10,000 and \$50,000 On each subsequent Offence: Up to \$50,000 fine and or up to 12 months imprisonment. If Corporation: Between \$10,000 and \$100,000.
Bootlegging (non-licensed)	YLA 17, 18, 22, 24(4), 74, 75, 78, 79, 95, 95.1	Referral for Prosecution.	Referral for Prosecution.	Referral for Prosecution.	Referral for Prosecution.	Same as Above
Maintenance of Order and Conduct						
Over maximum occupancy	YLA 17, 18, 22, 53(9)(11), 79, 80(1), 95, 96 YLR 5, 9(1)(d)(g)(h)	<ul style="list-style-type: none">• Warning letter• report to local fire authority• Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">• Warning letter• report to local fire authority• Suspension of liquor licences for up to 10 days.	<ul style="list-style-type: none">• Warning letter• report to local fire authority• Suspension of liquor licences for up to 14 days.	A report to the local fire authority and a referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Obstruction of an inspector or peace officer	YLA 17, 18, 22, 53(12), 79(8), 80(1), 95, 96 YLR 9(1)(g)(h), 32(1),	<ul style="list-style-type: none">• Suspension of liquor licences for up to 7 days.	<ul style="list-style-type: none">• Suspension of liquor licences for up to 14 days.	<ul style="list-style-type: none">• Suspension of liquor licences for up to 30 days.• Referral to Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
Permit riotous, violent or disorderly Conduct in premises	YLA 17, 18, 22, 53(19)(20), 70(1)(b), 79, 80(1), 96	<ul style="list-style-type: none">• Suspension of liquor licences for up to 5 days.	<ul style="list-style-type: none">• Suspension of liquor licences for up to 10 days.	<ul style="list-style-type: none">• Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above

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<u>Contravention</u>	<u>Legislative Reference</u>	<u>1st Offence</u> (Dependent on circumstances of offence)	<u>2nd Offence</u> (Dependent on circumstances of offence)	<u>3rd Offence</u> (Dependent on circumstances of offence)	<u>Subsequent Offences</u> (Dependent on circumstances of offence this could be applied as early as the 1 st offence)	<u>Referral for Prosecution</u> (Dependent on circumstances of offence)
	YLR 9(1)(g)(h) (2)(a), 33(1)					
Maintenance of Order and Conduct - Continued						
Staff consuming while on duty	YLA 17, 18, 22, 79, 80(1), 96 YLR 9(1)(f)(g)(h) Schedule IV	<ul style="list-style-type: none">\$500.00 to staff memberSuspension of liquor licences for up to 3 days.	<ul style="list-style-type: none">\$500.00 to staff memberSuspension of liquor licences for up to 6 days.	<ul style="list-style-type: none">\$500.00 to staff memberSuspension of liquor licences for up to 12 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Unauthorized Gambling in a licensed premises	YLA 17, 18, 22 70(1)(c)(d), 79, 80(1), 96	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 10 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 14 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
Unauthorized Liquor	YLA 17, 18, 22, 76, 77, 79, 80(1) 88, 96 YLR 9(1)(g)(h)(i), 17	<ul style="list-style-type: none">Suspension of liquor licences for up to 5 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 10 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
liquor taken or consumed off premises	YLA 17, 18, 22, 72, 79, 80(1), 96 YLR 9(1)(c)(g)(h)	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 10 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
Business Practices						

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<u>Contravention</u>	<u>Legislative Reference</u>	<u>1st Offence</u> (Dependent on circumstances of offence)	<u>2nd Offence</u> (Dependent on circumstances of offence)	<u>3rd Offence</u> (Dependent on circumstances of offence)	<u>Subsequent Offences</u> (Dependent on circumstances of offence this could be applied as early as the 1 st offence)	<u>Referral for Prosecution</u> (Dependent on circumstances of offence)
Service of spirits less than one fluid ounce.	YLA 17, 18, 22, 79, 80(1), 96 YLR 9(1)(g)(h), 20(1), 22(1), 23(1), 24(1)	<ul style="list-style-type: none">Suspension of liquor licences for up to 2 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 8 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Unauthorized dispensing practices	YLA 17, 18, 22, 79, 80(1), 96 YLR 9(1)(g)(h), 20(1), 22(1), 23(1), 24(1), 25(1)	<ul style="list-style-type: none">Suspension of liquor licences for up to 2 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 8 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Business Practices – Continued						
Posting of licences, signs and public notices.	YLA 17, 18, 22, 50(5) 71, 79, 80(1), 82, 96 YLR 9(1)(g)(h), 20(1), 21, 23.01(3)(b), 24(6)	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
Food Not Available	YLA 17, 18, 22, 38(3), 39(1), 79, 80(1), 96 YLR 9(1)(g)(h), 14.02, 14.03(1), 16(4), 37(15), 38(12),	<ul style="list-style-type: none">Suspension of liquor licences for up to 2 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 8 days	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above

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<u>Contravention</u>	<u>Legislative Reference</u>	<u>1st Offence</u> (Dependent on circumstances of offence)	<u>2nd Offence</u> (Dependent on circumstances of offence)	<u>3rd Offence</u> (Dependent on circumstances of offence)	<u>Subsequent Offences</u> (Dependent on circumstances of offence this could be applied as early as the 1 st offence)	<u>Referral for Prosecution</u> (Dependent on circumstances of offence)
Use of Liquor Primary premises after closing time	YLA 17, 18, 22, 79, 80(1), 96 YLR 9(1)(g)(h), 13, 14	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 10 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 14 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
Recreation and Club Licences						
Registry Book violations	YLA 17, 18, 22, 45(3), 50(4)(6), 51(1)(2), 79, 80(1), 96 YLR 9(1)(g)(h), 35(1), 36(1),	<ul style="list-style-type: none">Suspension of liquor licences for up to 2 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 8 days	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Providing liquor to a non-member	YLA 17, 18, 22, 45(3), 50(3), 79, 80(1), 96 YLR 9(1)(g)(h), 35(1), 36.01(3)(a)(e)(f),	<ul style="list-style-type: none">Suspension of liquor licences for up to 2 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 8 days	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Off-Premises Liquor and RV Park Licences						
RV Park providing liquor to anyone other than a bona fide guest.	YLA 17, 18, 22, 47.1, 79, 80(1), 96 YLR 9(1)(g)(h), 36.04	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 10 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000

*\$200.00 and \$500.00 amounts listed above refer to tickets issued under the *Summary Convictions Act* and do not include the applicable 15% Victim Surcharge (*Crime Prevention And Victim Services Trust Act* Section 11).

<u>Contravention</u>	<u>Legislative Reference</u>	<u>1st Offence</u> (Dependent on circumstances of offence)	<u>2nd Offence</u> (Dependent on circumstances of offence)	<u>3rd Offence</u> (Dependent on circumstances of offence)	<u>Subsequent Offences</u> (Dependent on circumstances of offence this could be applied as early as the 1 st offence)	<u>Referral for Prosecution</u> (Dependent on circumstances of offence)
Charging over 30% mark up on off-premises liquor	YLA 17, 18, 22, 79, 80(1), 96 YLR 9(1)(g)(h), 18(1), 52	<ul style="list-style-type: none">If over by less than \$1 - a warning letter.If over by more than \$1: Suspension of liquor licences for up to 2 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 10 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
Off Premises liquor sold on unapproved credit	YLA 17, 18, 22, 79, 80(1), 96 YLR 9(1)(g)(h), 27(4)	<ul style="list-style-type: none">Suspension of liquor licences for up to 2 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 10 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
Room Service Violations	YLA 17, 18, 22, 68(1), 79, 80(1), 96 YLR 9(1)(g)(h), 28, 28.1,	<ul style="list-style-type: none">Suspension of liquor licences for up to 4 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 10 days.	<ul style="list-style-type: none">Suspension of liquor licences for up to 20 days.	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	Same as Above
General						
Failure to leave a licensed premises or store upon request.	YLA 17, 18, 22, 90(6), 96 YLR 9(2)(3), Schedule IV	<ul style="list-style-type: none">\$200.00Barring order.	<ul style="list-style-type: none">\$200.00Barring order.	<ul style="list-style-type: none">\$200.00Barring order.	<ul style="list-style-type: none">\$200.00Barring order.	Police to be contacted for assistance if more than one breach.

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<u>Contravention</u>	<u>Legislative Reference</u>	<u>1st Offence</u> (Dependent on circumstances of offence)	<u>2nd Offence</u> (Dependent on circumstances of offence)	<u>3rd Offence</u> (Dependent on circumstances of offence)	<u>Subsequent Offences</u> (Dependent on circumstances of offence this could be applied as early as the 1 st offence)	<u>Referral for Prosecution</u> (Dependent on circumstances of offence)
Unauthorized Import	YLA 17, 18, 22, 73, 96 YLR 2.1, Schedule IV	• \$200.00	• \$200.00	• \$200.00	• \$200.00	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Consumption of Liquor in a Restricted Public Place.	YLA 17, 18, 22, 113(1) Schedule IV	• \$200.00	• \$200.00	• \$200.00	• \$200.00	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Consumption of Liquor in a Motor Vehicle.	YLA 17, 18, 22, 89(1) Schedule IV	• \$500.00	• \$500.00	• \$500.00	• \$500.00	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000
Contraventions Not Listed	YLA 17, 18, 22, 95, 96 YLR 9(1)(g)(h)	• Suspension of liquor licences for up to 2 days.	• Suspension of liquor licences for up to 4 days.	• Suspension of liquor licences for up to 8 days	Referral to the Yukon Liquor Board of Directors for cancelation of liquor licence(s).	On First Offence: Up to \$2,000 fine and or up to 6 months imprisonment. If Corporation: up to \$5,000 On each subsequent Offence: Up to \$3,000 fine and or up to 12 months imprisonment. If Corporation: up to \$10,000

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Title: LIQUOR TASTING/SAMPLING		TAB 16
Issue:	Consumer tastings are allowed in all licensed premises.	
Authority:	<i>Liquor Act</i> (Yukon) sections 8(1)(m) and 8(2) Regulation 36.03(4)	
Background:	None.	
Policy:	<p>These tastings may be advertised by licensees without YLC approval.</p> <p>The holder of a liquor manufacturer's licence may, as a condition on the licence, offer samples free of charge to a person at least 19 year of age located within their licensed premises for consumption within that premises.</p> <p>The maximum sample sizes for liquor manufacturer's licence (licence condition) shall be:</p> <ul style="list-style-type: none"> • Beer, cider, coolers.....2 oz. • Wine..... 2 oz. • Spirits..... ½ oz. 	