



November 26, 2008

To: All LCLB Staff

Re: Dormant Liquor-Primary Establishments with a Licensee Retail Store Licence and Liquor-Primary Application Approval Periods

This bulletin should be read in conjunction with Policy Directive 08-03

Purpose

This bulletin provides an overview of the workflow process relating to Policy Directive 08-03.

Background

Senior Licensing Analysts (SLAs) in the Licensing Analysis Section are responsible to manage applications for relocations of Liquor Primary (LP) licences.

The Licensing Administration Section is responsible for licence dormancy and for issuing LRS suspension notices when the associated LP is not open and operating.

1. Dormant Liquor-Primary Establishments with a Licensee Retail Store licence where the Liquor-Primary is relocating from their existing site

Upon receipt of an LP relocation application:

SLA role:

The SLA will gather available information on the status of the LP and LRS licences by checking Posse and the file, and liaising with Licensing Administration (e.g.: whether the existing LP is dormant or operating, if the LRS is dormant or suspended, if valid interest may be lost, etc.). The SLA will follow up accordingly, working with Licensing Administration and/or the inspector where appropriate.

In their initial correspondence with the licensee, the SLA will encourage the licensee to review policy regarding LP dormancy and valid interest (Policy 4.6.5), and overall application timelines (policy 3.3.19).

Licensing Administration role:

- Ensure relevant information (e.g.: dormancy, suspension, licence cancellation, loss of valid interest) is placed in Posse notes tab on the parent job, is shared with the SLA, and is placed in a prominent location in the file.
- work with the SLA regarding appropriate follow up.

When relocation criteria has been met:

SLA role:

In notifying the licensee that the new site meets the regulatory criteria for a LP relocation, the SLA will inform the licensee of the following. The SLA will ask Licensing Administration to review the letter to verify information regarding dormancy and suspension, and provide them with a final copy of the letter.

- (if the LP is not currently dormant:) As per Policy 4.6.5, the licensee may request that their LP licence be placed into dormancy, with the LRS continuing to operate. Licensees may request dormancy by writing to Licensing Administration.
- (if the LP is currently dormant and the dormancy is expected to expire prior to the approval of the LP relocation:) Licensing Administration will amend the timelines for the dormancy to reflect the proposed timelines for the LP relocation, and will notify the licensee.
- (if the LRS has been suspended due to the LP not operating): Inform the licensee that Licensing Administration will be lifting the LRS suspension, as per policy 4.6.5.
- the licensee is required to retain valid interest at both the current and proposed site until the SCA stage, as per policy directive 08-03 and Policy 4.6.5.

Licensing Administration role:

(If placing the LP in dormancy or changing the duration of the LP dormancy:)

Dormancy to accommodate a LP relocation application should be for two years to reflect the amount of time needed to complete the LP relocation. The licensee may request an extension; extensions must be approved by the Deputy General Manager of Licensing. Licensing Administration will place a note in Posse notes tab regarding dormancy and its expiry so that this information is available to the SLA, the inspector and others, and also put a copy of the dormancy letter on the file.

(If LRS has been suspended due to LP not operating): Once Licensing Administration receives a copy of the letter that the new site meets the relocation criteria, they will lift the LRS suspension, providing a copy of the letter to the SLA (for the file) and to the inspector.

At the Site and Community Approval (SCA) or equivalent and AIP stages:

SLA role:

In notifying the licensee that SCA or equivalent is granted, the SLA will provide information on the timelines that apply, the criteria for granting an extension request, and the consequences of not meeting the timelines. The letter will also explain that under policy 4.6.5, the licensee is no longer required to retain valid interest in the existing LP location, but clearly explain the serious risks associated with a loss of valid interest.

Unless approved by the Manager or DGM, relocation applications will proceed under timelines outlined in policy 3.3.19 (for SCA) and 3.4.9 (for AIP). The SLA will notify the Manager and/or DGM if the relocation does not appear to be progressing at a reasonable pace, or if timelines have not been met, and the application should therefore be considered for termination. This is particularly critical if the licensee has lost valid interest.

If the SLA is aware that the licensee no longer holds valid interest, the SLA will:

- put a note in Posse in the notes tab, and on the file.
- inform Licensing Administration.

- Maintain frequent contact with the licensee to ensure that efforts are being made to move forward with the relocation, and report any concerns to the Manager. This could include, for example, reminding the licensee about timelines, and deadlines for extension requests at the SCA and AIP stage.
- notify the Manager of any requests for extension.

(Requests for extension to SCA or AIP where the LP is dormant:) These requests for extension will be brought to the DGM for decision. This will be coordinated with Licensing Administration so that dormancy timelines are considered at the same time.

Licensing Administration role:

(If the LP is dormant:) Any requests for extension to dormancy will be coordinated with the Licensing Analysis Section, as described above. Licensing Administration will notify the licensee of any changes to dormancy timelines, and update timelines in the Posse notes tab.

If the LP relocation application is terminated, denied, or withdrawn:

SLA role:

- ensure Licensing Administration is notified, and provide a copy of any relevant letters.
- inform Licensing Administration if a new LP relocation application is received.

Licensing Administration role:

- if the LRS is operating and the LP is not operating at its current site, suspend the LRS until the licensee can reopen their existing LP, or receives SCA or equivalent at another site.
- Cc the inspector on the LRS suspension letter, and put a copy on the file.
- Place a note in the Posse notes tab on the LRS regarding the suspension and the reason for it.

2. Liquor Primary Application Approval Periods

Policy Directive 08-03 sets timelines for the SCA and Approval-in-Principle (AIP) approval periods for applications for a LP, LP Club, winery lounge endorsement and special event area endorsement, and states that these timelines also apply to LP relocations. These applications will all proceed under these timelines unless alternate timelines are approved by the Manager or DGM.

Initial correspondence to the applicant will set out the timelines for each major phase of the licensing process, and clearly state that the Branch may terminate applications that do not meet timelines.

Correspondence to applicants granting SCA and AIP approval will clearly set out:

- The duration of SCA or AIP approval.
- What should occur during the approval period.
- Consequences if those expectations are not met, including possible termination of the application.
- The process and criteria under which a request for extension may be granted.

The SLA will bring the application forward to the Manager and/or DGM for decision in cases where:

- The request for an extension does not meet the criteria, or is questionable as to whether it meets the criteria.
- The timelines have not been met, and the application should therefore be considered for termination.

If you have any questions, please contact Theresa Killoran by e-mail.

A handwritten signature in cursive script that reads "Cheryl Y. Caldwell".

Cheryl Y Caldwell
Deputy General Manager
Licensing and Local Government Liaison