

## Short Title

1 These Regulations may be cited as Liquor Regulations.

## Interpretation

2 In these regulations,

- (a) “banquet”, includes dinner or luncheon;
- (b) “club”, means any benevolent or fraternal order or society, or branch thereof, and any association of individuals for purposes of mutual entertainment and convenience incorporated by or under the laws of Canada or any Provincial or Territorial laws, and includes a branch of the Royal Canadian Legion of the British Empire Service league, and the premises used or occupied by any such club;
- (c) “**off-sales licence**” means an **off premises liquor licence**.

## Applications

- 3 (1) Every application for the renewal of a licence shall be forwarded to the **president** at least thirty days before the expiration of that licence.
- (2) Every application for the approval for a transfer of a licence shall be forwarded to the **president** at least thirty days before the date proposed for the transfer.
- (3) The **president** shall annually by public advertisement notify the public that all liquor licences are due for renewal and inform the public how objections to such renewals may be made.

## Licensed Premises

- 4 (1) No licence shall be granted to any person unless the premises in respect of which the licence is applied for are so constructed and equipped as not to facilitate any violation of the Act or regulations.
- (1.1) **A liquor primary licence shall not be issued unless the licensed premises contain a room set aside and equipped with facilities approved by the president for the sale of liquor, fruit juices, and soft drinks, separately or in combination.**
- (2) Prior to commencing structural alterations in any licensed premises the licensee shall submit plans drawn to scale, accompanied by written approval from any inspector required pursuant to any Act or by-law, to the **president**, and shall commence such alterations only after having received written approval from the **president**.
- (3) Every **liquor primary premises** shall be adequately soundproofed to prevent noise from penetrating to other portions of the licensed premises.
- (4) Every licensee shall install and maintain in his licensed premises where liquor is sold, such suitable fixtures and furniture for the convenience of the public or the members of a club, as the case may be, as may be directed by the **president** from time to time.
- 5 The maximum capacity of licensed premises, including areas in which events are licensed under special occasion or reception permits, shall equal the maximum occupant capacity of the premises as determined under the *National Fire Code of Canada 2005*, as amended from time to time.

- 6 (1) All licensed premises shall be equipped with
    - a) a service bar with three compartment stainless steel sink and a drainboard served by a hot and cold water pressure system, or
    - b) a mechanical dishwasher or device approved by the Department of Health situated in the licensed room concerned, as well as a service bar with a single compartment stainless steel sink served by a hot and cold water pressure system.
  - (2) Notwithstanding subsection (1), in **food primary premises** and banquet rooms:
    - a) a mechanical dishwasher or device approved by the Department of Health may be located in an adjoining unlicensed room;
    - b) a service bar is required unless liquor is to be served from another licensed area within the premises.
  - (3) Notwithstanding subsection (1) and subsection (2), licensed trains, ships and aircraft shall have a service area and facilities as required by the **president** and the Department of Health.
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- 7 (1) All licensed premises shall be equipped with toilet facilities for patrons with separate accommodation for each sex, containing water closets and wash basins serviced by a hot and cold water pressure system, such water closets and wash basins being in quantities outlined in Commissioner's Order 1961/1 sections 35 to 45 and Schedule A as amended and approved by the Department of Health.
  - (2) All washrooms or toilet facilities shall be equipped at all times with toilet tissue, paper towels and soap.

#### **Service of liquor in food primary premises**

- 8 (1) **In a food primary premises, unless authorized by the terms and conditions of the licence, liquor must not be made available to customers cafeteria style or by any other self-service procedure.**
- (2) **A person who is under the age of 19 years may deliver liquor to a customer in a food primary premises where**
  - a) **the underage person is at least 16 years of age and has written permission to do so from**
    - (i) **a parent of the underage person, or**
    - (ii) **the president; and**
  - b) **the licensee provides reasonable adult supervision of the activities of the underage person to ensure the safety and well-being of the underage person.**
- (3) **Subsection (2) does not authorize an underage person to open, mix or pour liquor.**
- (4) **Parental permission under clause (2)(a)(i) shall be provided on a form provided or published by the president.**
- (5) **The president shall not give permission under clause (2)(a)(ii) where, in the opinion of the president, the permission of a parent is being withheld.**
- (6) **The president shall not give permission under clause (2)(a)(ii) unless, in the opinion of the president,**
  - (a) **the underage person is married; or**
  - (b) **the underage person has been living apart from his or her parents and has been self-supporting for a significant period of time.**

- (7) A licensee permitting an underage person to deliver liquor under this section shall keep a copy of the permission under paragraph (2)(a) on the licensed premises and shall provide it to a liquor inspector on request.**
- (8) Subject to the other provisions of this section, the president may authorize a person under the age of 16 years to deliver liquor in a food primary premises, subject to such terms and conditions as the president considers appropriate.**

### **Conduct of licensees and servers**

- 9** (1) Unless the Board otherwise directs a licensee shall not personally, or through any employee, servant or agent, in or about his licensed premises:
  - (a) permit any employee to urge any customer, member or guest to continue drinking or to purchase further liquor after the first drink has been served, but nothing herein shall prohibit the employee from requesting the customer, member or guest to leave the licensed premises or asking whether he wishes to purchase a further drink;
  - (b) permit liquor to be served in any licensed premises to any person who is, or appears to be disorderly or under the influence of liquor;
  - (c) permit any liquor which is purchased for consumption on the premises to be taken off the premises;
  - (d) permit more persons to be admitted and remain on the licensed premises than are authorized by the Board or fire authority, as marked on the licence;
  - (e) advertise except in the manner approved by the Board;
  - (f) permit any employee to consume liquor on the licensed premises while on duty;
  - (g) commit or attempt to commit a breach of any provision of the Act or regulations.
  - (h) operate such premises in violation of any condition set out on the face of the licence issued pertaining to the sale of liquor in that premises;
  - (i) keep for sale or consumption in licensed premises liquor other than liquor purchased from the Yukon Liquor Corporation.
- (2) Subject to Section 4 of the *Fair Practices Act*, no person shall:
  - (a) remain in a licensed premises or liquor store after having been requested to leave the premises by the Manager or the person in charge of the licensed premises or liquor store because of being in an intoxicated condition, being riotous, noisy, quarrelsome, violent, disorderly, profane, or acting in a manner contravening a Federal Statute, Yukon Territorial Act, City or Municipal By-law, or
  - (b) enter a licensed premises or liquor store after having been forbidden to enter the premises by the licensee or the person in charge of the licensed premises or liquor store, for the reasons specified in (a). (Subsection (2) added by C.O. 1978/75)
- (3) (a) A Licensee or person in charge of a licensed premises or liquor store may prohibit any person who has been requested to leave a premises under the provisions of subsection (2) from entering the premises for such a period of time as the licensee or person in charge may choose; and
  - (b) Any person who has been forbidden entry pursuant to paragraph (a), may appeal to the Board who shall deal with the matter at the next Board meeting; and the decision of the Board shall be binding to both parties;

- (c) A person who has been forbidden entry to more than one licensed premises or liquor store pursuant to paragraph (a) may be prohibited from entering any other licensed premises or liquor store by the licensee or person thereof for such period of time as such licensee or person in charge may choose and any person so prohibited may appeal any such prohibition pursuant to paragraph (b).

#### Miscellaneous duties of licensees

- 10 (1) Unless the Board otherwise directs, a licensee shall:
- (a) maintain the licensed premises and the fixtures and equipment therein as required by the Board;
  - (b) keep the licensed premises, including the grounds thereof, clean, tidy and in good repair at all times;
  - (c) have one or more supervisors on duty in the licensed premises when they are required, as the Board directs;
  - (d) maintain in the licensed premises an intensity of light that is satisfactory to the Board;
  - (e) when a licence has been suspended or cancelled, return the licence on demand to the Board;
  - (f) when a licensed premises closes prior to the expiration date of the licence, return the licence to the Board.

#### Entertainment

- 11 (1) The Board may limit the type of equipment used in any licensed premises for the purposes of entertainment and may direct a licensee to remove any such equipment.
- (2) **A person who is under the age of 19 years may enter a liquor primary premises for the purpose of providing entertainment to customers of the premises where**
- (a) **the underage person is at least 16 years of age and has written permission to do so from**
    - (i) **a parent of the underage person, or**
    - (ii) **the president; and**
  - (b) **the licensee provides reasonable adult supervision of the activities of the underage person to ensure the safety and well-being of the underage person.**
- (3) **Subsection (2) only authorizes a person under the age of 19 years to be in a liquor primary establishment during the part of the performance in which they are participating.**
- (4) **Parental permission under clause (2)(a)(i) shall be provided on a form provided or published by the president.**
- (5) **The president shall not give permission under clause (2)(a)(ii) where, in the opinion of the president, the permission of a parent is being withheld.**
- (6) **The president shall not give permission under clause (2)(a)(ii) unless, in the opinion of the president,**
- (a) **the underage person is married; or**
  - (b) **the underage person has been living apart from his or her parents and has been self-supporting for a significant period of time.**

- (7) A licensee permitting an underage person to be in the licenced premises under this section shall keep a copy of the permission under paragraph (2)(a) on the licensed premises and shall provide it to a liquor inspector on request.
- (8) Subject to the other provisions of this section, the president may authorize a person under the age of 16 years to enter and be in a liquor primary premises for the purpose of providing entertainment to customers of the premises, subject to such terms and conditions as the president considers appropriate.

### **Underage employees**

- 12 (1) A person who is under the age of 19 years may enter a liquor primary premises for purposes related to the person's employment where
  - (a) the underage person is at least 16 years of age and has written permission to do so from
    - (i) a parent of the underage person, or
    - (ii) the president; and
  - (b) the licensee provides reasonable adult supervision of the activities of the underage person to ensure the safety and well-being of the underage person.
- (2) Subsection (1) does not authorize a person under the age of 19 years to deliver, serve, open, pour or mix liquor.
- (3) Parental permission under clause (1)(a)(i) shall be provided on a form provided or published by the president.
- (4) The president shall not give permission under clause (1)(a)(ii) where, in the opinion of the president, the permission of a parent is being withheld.
- (5) The president shall not give permission under clause (1)(a)(ii) unless, in the opinion of the president,
  - (a) the underage person is married; or
  - (b) the underage person has been living apart from his or her parents and has been self-supporting for a significant period of time.
- (6) A licensee permitting an underage person to be in the licensed premises under this section shall keep a copy of the permission under paragraph (1)(a) on the licensed premises and shall provide it to a liquor inspector on request.
- (7) Subject to the other provisions of this section, the president may authorize a person under the age of 16 years to enter and be in a liquor primary premises for purposes related to their employment subject to such terms and conditions as the president considers appropriate.

### **Capital investment guidelines**

- 12.1(1) In considering whether to grant a new liquor-primary or food-primary licence, the board shall consider
  - (a) the matters it is required to consider under section 37 of the Act; and
  - (b) the capital investment guidelines under this section.
- (2) For the purposes of paragraph (1)(b), the capital investment guidelines are as follows
  - (a) in the City of Whitehorse, the premises for which the licence is sought should be within a building that has an assessed value of not less than \$250,000;

- (b) **outside the City of Whitehorse, the premises for which the licence is sought should be within a building that has an assessed value of not less than \$100,000.**
- (3) **The assessed value of a building for the purposes of this section shall be determined in accordance with the Assessment and Taxation Act.**
- (4) **This section does not apply to any premises for which a liquor-primary or food-primary licence is**
  - (a) **in effect on the coming-into-force of this regulation; or**
  - (b) **considered to be in effect on the coming-into-force of An Act to Amend the Liquor Act, S.Y. 2008, c. 6.**

#### **Liquor primary licence**

- 12.2 **The board may consider, in determining whether the primary purpose of the business carried on in the premises is or will be the service of liquor, any or all of the following:**
- (a) **the kitchen equipment provided on the premises;**
  - (b) **the furnishing and lighting of the premises;**
  - (c) **the menu;**
  - (d) **the type and hours of entertainment and games offered on the premises;**
  - (e) **the advertising that has been done or is proposed in respect of the premises;**
  - (f) **the hours of operation of the premises;**
  - (g) **the financial records of the premises;**
  - (h) **the ratio of receipts from food sales to receipts from liquor sales in the premises;**
  - (i) **any other relevant consideration that may assist in the determination.**

#### **Liquor primary premises hours of operation**

- 13 (1) **A liquor primary premises may be open for the sale of liquor during any continuous period not exceeding 14 hours commencing on any day not earlier than nine o'clock in the forenoon and ending not later than two o'clock in the forenoon of the following day.**
- (2) **The holder of every liquor primary licence shall notify the president at the start of the licence of their intended hours of operation, which hours shall be endorsed on the licence and shall be the permitted hours during which the premises may remain open during the currency of the licence, but the hours may be changed with the written approval of the president.**
  - (3) **Unless otherwise authorized by the Board, licensed hours in premises in respect of which a special licence has been issued pursuant to section 45 of the *Liquor Act* shall be those **designated** by the licensee, but only between the hours of ten o'clock in the forenoon and two o'clock in the forenoon of the following day.**

### **Use of liquor primary premises after closing time**

- 14 (1) Except during the periods endorsed on the licence therefor and for a period of 30 minutes thereafter, the licensee and any employee of the licensee of a liquor primary premises shall ensure that the premises are closed to and cleared of all persons, except the licensee, the licensee's spouse or any employee of the licensee, but nothing herein prevents a peace officer or any inspector from entering any liquor primary premises in the performance of their duties.**
- (2) A liquor primary premises shall remain lighted until all persons other than those authorized by subsection (1) to remain have left the premises.**
- (3) Despite anything else in this section, 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.**
- (4) The licensee shall not sell liquor in or for consumption outside the licensed premises during the time the licensee uses the premises for a purpose authorized pursuant to subsection (3).**

### **Food primary licence**

- 14.1 The board may consider, in determining whether the primary purpose of the business carried on in the premises is or will be the service of food, any or all of the following:**
- (a) the kitchen equipment provided on the premises;**
  - (b) the furnishing and lighting of the premises;**
  - (c) the menu;**
  - (d) the type and hours of entertainment and games offered on the premises;**
  - (e) the advertising that has been done or is proposed in respect of the premises;**
  - (f) the hours of operation of the premises;**
  - (g) the financial records of the premises;**
  - (h) the ratio of receipts from food sales to receipts from liquor sales in the premises;**
  - (i) any other relevant consideration that may assist in the determination.**

### **Food primary premises hours of operation**

- 14.2 (1) Liquor must not be served in a food primary premises unless the premises are open for service of a varied selection of food items, including both appetizers and main courses or the equivalent.**
- (2) Except as otherwise further limited in the terms or conditions that may be attached to a food primary licence by the board or the president, the hours of liquor service in the premises shall start no earlier than 10 o'clock in the forenoon of any day and shall continue no longer than until 2 o'clock in the forenoon of the following day.**

## Dual licensing

- 15 (1) A liquor primary licence and a food primary licence may be issued in respect of the same premises where**
- a) the premises are to be operated as one type of premises for any time up to the maximum permitted on any day or days of the week, and the premises are to be operated as the other type of premises**
    - (i) for any other part of that day or those days, or**
    - (ii) on any other day of the week; or**
  - b) part of any room in the premises is to be operated as one type of premises and another part is to be operated simultaneously as the other type of premises.**
- (2) For greater certainty,**
- a) a single application may be made for the issuance of both a liquor primary licence and a food primary licence under this section;**
  - b) both the fee for the liquor primary licence and the fee for the food primary licence are payable;**
  - c) the application fee under section 58 is calculated on the combined total fees under paragraph (b); and**
  - d) it is not necessary for terms and conditions authorizing room service to be attached to both licences.**
- (3) An application for dual licensing under this section shall specify the applicant's proposals for operating the premises under each licence, including**
- a) the days and hours of operation proposed for each;**
  - b) where applicable, the allocation of space within the premises to operate under one licence or the other;**
  - c) the arrangements or procedures for excluding persons under the age of 19 years from the premises being operated under the liquor primary licence; and**
  - d) such further information as the president may require.**
- (4) The terms and conditions of each licence issued under this section shall specify**
- a) the board's requirements with respect to the matters referred to in paragraphs (3)(a) to (c); and**
  - b) such further or other terms or conditions as the board considers appropriate.**
- 16 (1) Every licensee of a food primary premises shall keep records satisfactory to the requirements of the Board.**
- (2) Every licensee of a food primary premises shall make all records of food and liquor sales available to a liquor inspector on request.**
  - (3) Where food and liquor are served in a food primary premises, the customer shall be presented with a dated statement of account that will show separately the food purchased and the liquor purchased with sub-totals for each and a total for the account.**
  - (4) A food primary licence shall not be issued or held unless food is prepared and served on the premises.**

### **Unauthorized liquor consumption**

- 17 (1) No person shall possess or consume liquor in any licensed premises that is not obtained from the licensee.

### **Offence for exceeding maximum price**

- 18 (1) Any person who sells liquor pursuant to an off premises licence **or an RV park licence** at a price exceeding the prices fixed by section 52 commits an offence.

### **Draught beer requirements**

- 19 (1) All draught beer served to the public shall be maintained at a temperature of not less than 38 degrees Fahrenheit or 3.3 degrees Celsius or more than 42 degrees Fahrenheit or 5.5 degrees Celsius.
- (2) All refrigeration equipment used to store draught beer kegs or from which draught beer is drawn shall be equipped with a thermometer marked with the Fahrenheit or Celsius scale which is readily visible and which indicates the temperature inside the facilities in which the draught beer is stored or from which it is drawn.

### **Sale of Liquor in Licensed Premises**

- 20 (1) All liquor served in licensed premises shall be dispensed from the original package in which the liquor was purchased by the licensee, or from a dispenser of a type approved by the **president**.
- (2) The licensee of a **liquor primary premises or a licensee of a food primary premises authorized to serve liquor other than beer or wine** shall display at the service bar, in their original packages, the brands and types of liquor kept for sale in the **premises**.

### **Liquor lists and menus**

- 21 (1) In **every licensed premises**, there shall be printed or typed lists available to customers indicating:
- a) the varieties of liquor kept for sale;
  - b) the quantity of spirits in each drink;
  - c) the amount and type of liquor in each kind of drink containing liquor; and
  - d) the price at which drinks may be purchased,
- but such lists shall be displayed only in that part of the premises in which liquor is sold.
- (2) This list shall be in the form of a printed or typed menu readily available to **patrons** or a prominent sign posted in a conspicuous place within each licensed room.
- (3) A copy of the list referred to in subsection (1) shall be filed with the **president** at the time of application for a new licence or renewal of a licence, and at any time through the year prior to the time when the licensee wishes to alter the price list previously submitted.
- (4) In the case of a **food primary premises**, a food menu shall also be available to customers.

### **Contents of drinks**

- 22 (1) Each drink containing spirits served in licensed premises shall contain not less than one fluid ounce of spirits by imperial measure or 28.41 millilitres by metric measure, of spirits.

### **Measurement of mixed drinks**

- 23 (1) Every licensee shall measure all spirits served in a drink by means of
- a) a clearly marked glass or container of a type approved by the Board; or
  - b) a mechanical measure of a type approved by the Board.

### **Glasses, bottles and other containers**

- 24 (1) Except as otherwise provided in these regulations all liquor sold and served in licensed premises shall be served in a glass.
- (2) Beer and ale sold by the bottle or can shall be served with a glass.
  - (3) All glasses in or with which liquor is served shall be of clear transparent glass, except in banquet rooms, at a special occasion or reception, or on a train, ship or aircraft where a single service container approved by the Department of Health may be used.
  - (4) Wine may be sold by the bottle, glass or carafe.
  - (5) Containers used for the sale of draught beer shall be of clear glass or polycarbonate plastic and of a type approved by the Department of Health and the **president**.
  - (6) The price and size of a serving of draught beer must be conspicuously posted in a premises selling draught beer.
  - (7) Where draught beer is sold to members of the general public or for serving at a reception or special occasion, a deposit of the appropriate amount relative to the current cost for each keg and tap shall be charged, such deposit to be set according to costs by the Yukon Liquor Corporation and to be refundable upon return of each keg and tap if the return is within seven days and the keg and tap are undamaged with no parts missing.
  - (8) The replacement cost of any missing or damaged part of a keg or tap will be charged according to charges from the supplier for replacement parts.

### **Left over liquor**

- 25 (1) All liquor left in any glass or bottle on licensed premises by a person shall not be resold.

### **Records of liquor purchased**

- 26 (1) Every licensee shall keep and maintain a record of all liquor purchased and reserved by him in the form of the T-15 Liquor Order Forms provided by the **president**, and such additional records as an inspector may from time to time require.
- (2) Separate records of sale of liquor and of food shall be kept by every licensee.

## Off sales

- 27 (1) **In this section, “main licence” means the liquor licence in respect of which an off-sales licence is issued.**
- (1.1) The holder of an **off-sales** licence must provide separate storage for liquor other than normally used for the licensed premises and the storage area shall be clearly shown on the building plans and authorized by the **president**.
- (1.2) **It is a condition of every off-sales licence that liquor, in the opinion of the board, be made reasonably available to the public for consumption on the premises under the main licence.**
- (1.3) **Without limiting subsection (1.2), the board may, in determining whether an off-sales licence is being operated in compliance with subsection (1.2), consider**
- a) **(a) the amounts, types and prices of liquor made available under the main licence and the off-sales licence;**
  - b) **(b) the times during which liquor is made available under the main licence and the off-sales licence;**
  - c) **(c) the manner in which liquor is made available or served under the main licence; and**
  - d) **(d) the amounts and types of liquor sold under the main licence and the off-sales licence.**
- (1.4) **Subsections (1.2) and (1.3) apply to all off-sales licences and their respective main licences whether issued before or after subsections (1.2) and (1.3) come into force.**
- (2) The hours for an **off-sales** licence shall be identical to the hours of the licence with which it is issued in conjunction.
- (3) Notwithstanding anything else in these regulations the Board may regulate the hours of sale for an **off-sales** licence.
- (4) All liquor sold for consumption off premises must be paid for by the purchaser at the time of purchase and no licensee may sell liquor for consumption off the licensed premises on credit.
- (5) Subsection (4) shall not apply if the liquor is charged to the purchaser under established credit arrangements approved by the Board.

## Room service

- 28 (1) **A licensee authorized to provide room service must provide separate storage for liquor other than that normally used for the licensed premises and the storage area shall be clearly shown on the building plans and authorized by the president.**
- (1.1) **A liquor primary or food primary licence does not authorize the licensee to provide room service unless the terms and conditions of the licence specifically authorize the provision of room service.**
- (2) Room service is for the convenience of bona fide guests of the hotel or motel and may be provided by the holder of a **liquor primary or food primary licence only with respect to rooms that are, in the opinion of the board, presented to the public together with the licensed premises as a single commercial operation.**

- (3) Any applicant for **authorization** to provide room service must do so
  - a) at the time of application for the **liquor primary or food primary** licence for the year; and
  - b) on an application form provided or published by the president.
- (4) Liquor served or sold pursuant to a room service permit may be sold only
  - a) in bottles of 50 millilitres, or
  - b) in accordance with the provisions of sections 22 and 23 and subsections 24(1) to (5).

- 28.1** (1) Where a hotel or motel has a licensed premises and is authorized to provide room service to hotel or motel guests under section 28,
- a) liquor may be sold to a guest registered in the hotel or motel from the licensed premises and delivered to the guest in the guest's room by an employee authorized by the licence holder, or
  - b) liquor may be sold to a guest registered in the hotel or motel by means of a dispenser located in the room occupied by the guest, provided that the liquor dispenser can only be operated by a key or other security device assigned by the hotel to the guest upon the request of the guest.
- (2) Prior to the installation of a system of dispensing units in a hotel or motel, the licensee shall notify the **president** in writing of the type of dispensers intended to be installed and shall provide any information requested by the **president** respecting installation of these dispensers.
- (3) No licensee shall install any dispensers until the installation of the dispensers has been approved by the **president**.
- (4) Where dispensing units for the sale of liquor are installed in a hotel or motel, the key or other security device used for operating the dispenser shall only be assigned to a registered guest who is 19 years of age or over and the key or device shall be separate from any key or device issued to the guest that provides access to the room in the hotel assigned to the guest.

### **Train, ship or aircraft licence**

- 29** Liquor served to train, ship or aircraft purchases may only be sold
- a) in bottles of 50 millilitres, or
  - b) in accordance with the provisions of sections 22 and 23 and subsections 24(1) to (5).

### **Transfer fee**

- 30** (1) The fee for the transfer of a licence shall be equal to ten percent of the annual fee, for each and every licence to be transferred.

### **Form of licence and conditions**

- 31** The Board may direct the **president** to endorse such conditions on a licence as it may see fit.

### **Inspections and seizures**

- 32 (1) The licensee of a licensed premises and his employees shall permit and facilitate an inspector in the exercise of his duties and functions under the Act and regulations;
- (2) Where a liquor inspector finds liquor in a licensed premises that is had or kept contrary to the Act or these regulations, he may forthwith seize the liquor;
- (3) Where liquor is seized by a liquor inspector he shall forthwith make an inventory thereof and a report in writing of the seizure to the **president**.

### **Maintenance of order on premises**

- 33 (1) Notwithstanding that entertainment is permitted in licensed premises, the holder of a licence shall be responsible for ensuring that no riotous, disorderly or offensive conduct is permitted on the licensed premises at any time and that no disturbance is occasioned to the occupants of any neighbouring premises under colour of the provision of entertainment either by the licensee, his employees, any entertainer or patrons of his establishment.

### **Clubs**

- 34 (1) No licence shall be granted to a club unless its constitution, by-laws, or house rules provide among other things:
- a) that persons shall be admitted to membership only on written applications received by the club not less than one week previous to the granting of club privileges;
  - b) that every admission of a member be recorded in the minutes of a regular meeting;
  - c) that regular meetings be held with suitable minutes recorded;
  - d) that a general meeting be held annually with suitable minutes recorded and forwarded to the president;
  - e) that standards of eligibility for membership are clearly stated;
  - f) that limitation of the number of members consistent with the nature of the club are clearly stated;
  - g) that specified membership fees are clearly stated
  - h) that reasonable regulations for the suspension or expulsion of members for non-payment of dues or misconduct are clearly stated;
  - i) that membership shall be restricted to three classes, namely,
    - (i) resident members,
    - (ii) non-resident members, and
    - (iii) honorary members;
  - j) that for the purposes of paragraph (i),
  - k) a resident member means a duly paid up member of the club who is ordinarily resident in the Yukon Territory, and
  - l) a non-resident member means all other duly paid up members of the club who are not honorary members;
  - m) honorary members shall be persons appointed as such at regular meetings of the club but in no case shall the honorary membership exceed one-twentieth of the aggregate of the resident membership;

- n) that the total of the non-resident membership shall in no case exceed one-half of the resident membership;
- o) that membership cards clearly indicating membership in the club and the period of same will be issued to and retained by all members; and
- p) that no licensee or person employed in a club shall accept money or other consideration for food, meals, liquor or other commodity sold or served on the club premises from any person other than a member of the club or his guest.

### **Service of liquor in clubs**

- 35** (1) No liquor shall be served on licensed club premises except to a member or his registered guest.

### **Guest registers in clubs**

- 36** (1) Guest registers shall be kept by all clubs and shall be open to inspection by an inspector or a peace officer.

### **Recreation Facilities**

- 36.1** (1) A recreation facility licence may be granted in respect of premises containing recreation facilities.
- (2) A recreation facility licence shall not be granted unless the Board is satisfied that the liquor facilities are intended only to complement the recreation facilities, and they will not detract significantly from the recreational nature of the premises.
  - (3) An applicant for a recreation facility licence shall submit to the Board, with his application, a proposal for a system of memberships, including his proposal for
    - a) the maintenance of a register of members,
    - b) the times and places where memberships will be sold,
    - c) the cost of memberships,
    - d) the eligibility requirements,
    - e) the issuance of membership cards,
    - f) the maintenance of a register of guests,
    - g) the benefits provided to members,
    - h) the term for which memberships are effective, and
    - i) any other matter the applicant considers relevant or the Board may require.
  - (4) Where a recreation facility licence is granted, the membership proposal referred to in subsection (3), as approved by the Board with or without modifications, shall be deemed to be part of the terms and conditions of the licence with which the licensee is required to comply.
  - (5) *repealed*
  - (6) Minors are permitted to be present where liquor is being served in a recreation facility, but minors shall not possess, consume or be served with liquor.
  - (7) The other provisions of the Regulations apply to recreation facilities except to the extent that they are inconsistent with subsections (1) to (6).

## **Sports Stadiums**

- 36.2** (1) Minors are permitted to be present where beer or cider are being served at a sports stadium, but minors shall not possess, consume or be served with beer or cider.
- (2) Notwithstanding section 24 of these regulations, beer and cider shall be served only in plastic, paper or styrofoam cups.
- (3) Not more than two cups of beer or cider may be sold to a person at once.
- (4) The other provision of the Regulations apply to sports stadiums except to the extent that they deal with seating capacity or they are inconsistent with subsections (1) to (3).

## **Liquor manufacturers**

- 36.3** (1) A person who is licensed by the Government of Canada may make an application for a liquor manufacturer's licence on a form provided or published by the president.
- (2) Upon receipt of an application under subsection (1) and the prescribed fee, the corporation may issue a liquor manufacturer's licence to the applicant.
- (3) A liquor manufacturer's licence authorizes the holder to manufacture the liquor specified in the licence subject to the terms and conditions stated in the licence.
- (4) No person shall consume liquor provided free of charge by the holder of a liquor manufacturer's licence on the premises of the holder of the liquor manufacturer's licence at any time unless the person is authorized by the board to consume the liquor.
- (5) Where a holder of a liquor manufacturer's licence also holds a licence issued under paragraphs **23(a) and (b)** of the *Act*, the corporation may purchase liquor from and resell liquor to the licence holder without taking delivery of the liquor at any time during the transaction.
- (6) The holder of a liquor manufacturer's licence may export liquor manufactured pursuant to the licence from the Yukon without selling it to the corporation.
- (7) The holder of a liquor manufacturer's licence may possess any quantity of the liquor manufactured pursuant to the licence.
- (8) The holder of a liquor manufacturer's licence shall submit the following to the corporation, on demand:
- a) all records showing particulars of raw materials purchased and used in the production of liquor;
- b) all financial production records;
- c) any other information or reports requested by the corporation;
- (9) The holder of a liquor manufacturer's licence shall deliver to the corporation copies of all customs and excise reports with respect to the production of liquor forthwith after submitting them to Revenue Canada.
- (10) The holder of a liquor manufacturer's licence shall pay to the corporation on demand all mark-up and liquor tax revenue with respect to liquor that the corporation has purchased from and sold to the holder of the liquor manufacturer's licence pursuant to subsection (5).
- (11) For the purposes of subsection (10) "liquor tax revenue" has the same meaning as in the *Liquor Tax Act*, and "mark-up" means the dollar levy on liquor as established by the corporation.

## **RV parks**

- 36.4 (1) An RV park licence shall not be issued unless the board is satisfied that the premises**
- a) are adequately constructed and equipped for operation as an RV park;**
  - b) are fully authorized under all applicable laws to be operated as an RV park;**  
**and**
  - c) contain an area set aside and equipped with adequate facilities for the sale of wine and beer.**
- (2) An applicant for an RV park licence shall submit to the board, with the application, a proposal for registering guests and recording their names.**
- (3) The board shall specify in the terms and conditions of an RV park licence the procedures to be followed by the licensee for recording, and the records to be kept by the licensee showing, the names of the registered guests of the RV park from time to time.**
- (4) A person must not be registered as a guest under subsection (3) unless**
- a) the person is traveling with a recreational vehicle or tent, and pays the RV park’s usual rate for overnight accommodation for the person, for the vehicle or tent, and for all other persons staying in the vehicle or tent; and**
  - b) there are no reasonable grounds for suspecting that the person does not intend to stay overnight in the RV park.**
- (5) For the purposes of this section and section 47.1 of the Act,**
- “recreational vehicle” means a travel trailer, pick-up camper, converted bus, tent-trailer, motor home, camping trailer, or similar vehicular dwelling used for travel, vacation or recreational purposes;**
  - “registered overnight guest” means, with respect to an RV park, a tourist or other traveller who is travelling with a recreational vehicle or tent and who is a registered overnight guest of the RV park in accordance with this section;**
  - “RV park” means a business, the primary purpose of which is to provide**
    - a) overnight parking and utility services to recreational vehicles being used by tourists and other travellers; and**
    - b) washrooms and other services, other than sleeping accommodation, to persons traveling with those recreational vehicles**
- (6) For greater certainty, an RV park licence does not entitle the licensee to sell beer or wine or offer beer or wine for sale on any day during which the RV park is not**
- a) providing short-term accommodation to one or more persons travelling with recreational vehicles or tents; or**
  - b) open, ready and able to provide short-term accommodation to persons travelling with recreational vehicles or tents.**

## **Special Occasion Permits**

- 37 (1) An application for a special occasion permit shall be made at least forty-eight hours prior to the commencement of the special occasion for which the application is made.**

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- (2) No special occasion permit may be issued to any person under the age of nineteen years.
- (3) No special occasion permit may be issued unless the application for such permit states the location and area of the room or place in which the special occasion is to be held and the number of persons to be present.
- (4) *repealed*
- (5) No special occasion permit may be issued unless the room or place in which such special occasion is to be held is within a building or area from which there is access to toilet and washroom facilities.
- (6) An applicant or the holder of a special occasion permit may seek advice from any vendor, R.C.M. Police officer, liquor inspector, or the **president**, with regard to the Act and regulations.
- (7) A special occasion permit may not be issued
  - a) in respect of more than five days in succession;
  - b) to any organization for more than twenty-six days in any one calendar year; or
  - c) for use during polling hours on any day in which polling is taking place in the area where the premises are located.
- (8) Except with the written permission of the **president** more than one special occasion permit may not be granted to a corporation or recognized society, association, club or other duly constituted organization in any twenty-four hour period.
- (9) A vendor shall immediately inform the R.C.M. Police officer in the area concerned of each special occasion permit issued.
- (10) The **president** may instruct the cancellation of a special occasion permit.
- (11) No special occasion permit may be issued for a period exceeding nine hours between the hours of ten in the morning and three o'clock in the forenoon of the following day.
- (12) No liquor may be sold or served at a special occasion except during the hours stated in the permit.
- (13) At special occasions no person may give, sell or otherwise supply liquor to a person under the age of nineteen years and no person under the age of nineteen years may have, consume, purchase or attempt to purchase liquor.
- (14) It is the responsibility of the officer of a corporation or recognized society, association, club or other duly constituted organization to whom a special occasion permit has been issued to ensure that
  - a) no person under the age of nineteen years shall have, consume or purchase liquor, at the special occasion and,
  - b) no person in a drunken or intoxicated condition enters or remains in the room or place in which the special occasion is being held.
- (15) **Food shall be made available to** each person attending a special occasion.
- (16) All liquor sold or served at a special occasion shall be consumed or removed from the room or the place mentioned in the permit before the permit expires.
- (17) It is the responsibility of the officer of a corporation or recognized society, association, club or other duly constituted organization to whom a special occasion permit has been issued to remove the liquor, or any part thereof from the room or place mentioned in the permit to his residence or to the Corporation Liquor Store, warehouse, or the licensed premises from which the liquor was originally purchased.
- (18) A person or a responsible officer of an organization or club may delegate authority to purchase a special occasion or reception permit to another person by means of a Bearer Order Form provided or published by the president.

## Reception Permits

- 38 (1) An application for a reception permit shall be made at least forty-eight hours prior to the commencement of the reception for which the application is made.
- (2) No reception permit may be issued to a person under the age of nineteen years.
- (3) No reception permit may be issued unless the application for such permit states the location and area of the room or place in which a reception is to be held and the number of persons to be present.
- (4) *repealed*
- (5) No reception permit may be issued unless the room or place in which such reception is to be held is within a building or area from which there is access to toilet and washroom facilities.
- (6) An applicant or the holder of a reception permit may seek advice from any vendor, peace officer, liquor inspector, or the **president**, with regard to the Act and regulations.
- (Subsections 7 & 8 repealed)*
- (9) A vendor shall immediately inform the R.C.M. Police officer in the area concerned of each reception permit issued.
- (10) No reception permit may be issued for a period exceeding nine hours between the hours of ten in the morning and three o'clock in the forenoon of the following day.
- (11) No liquor may be served at a reception except during the hours stated in the permit.
- (12) Food shall be **made available** for each person attending a reception.
- (13) All liquor served at a reception shall be consumed or removed from the room or the place mentioned in the permit before the permit expires.
- (14) It is the responsibility of the person in charge of a reception or the officer of a corporation or recognized society, association, club or other duly constituted organization to whom a reception permit has been issued to remove the liquor or any part thereof from the room or place mentioned in the permit.
- (15) The president may attach terms and conditions to a reception permit authorizing the service of home made wine or home made beer at a reception where, in the opinion of the president,**
- a) **the reception is being held in connection with a family event, such as a wedding or a wedding anniversary;**
- b) **the person applying for the permit is a member of the family; and**
- c) **the home made wine or home made beer was made by a relative of the family.**
- (16) Except as provided by subsection (15), home made wine and home made beer shall not be served at a reception.**
- (17) For the purposes of subsection (14), after the reception**
- a) **home made wine or beer shall be removed to the residence of the permit holder; and**
- b) **other liquor shall be removed to the residence of the permit holder or returned to the corporation at the place where it was originally purchased.**

*(Section 39 repealed)*

### **Advertising**

- 40** (1) All advertisements pertaining to any liquor, licensed premises, special occasions or receptions shall be submitted by the licensee or by the liquor manufacturer or agent thereof to the **president** for approval prior to publication or broadcasting.

### **Manufacturers' Agents**

- 41** (1) Every manufacturer of liquor or agent of such manufacturer and any firm from whom liquor is purchased for sale in the Territory shall provide the **president** with the names and addresses of their authorized agents whether engaged on a salary, fee, or commission basis, or a combination of these and the listing of such agents shall be kept up to date with any additions or deletions promptly notified to the **president**.
- (2) On approval of an application on a form published or provided by the president, the agent will be registered, provided with an identification card and the manufacturer advised that the proposed representative has been duly accredited.
- (3) Manufacturers' agents as outlined in subsection (1) shall have no dealings of a promotional nature with liquor store personnel.

*(Section 42 repealed)*

### **Terms and conditions**

- 43** (1) All licences, permits, and orders shall be signed by the person duly authorized under the Act or regulations and shall be subject to the terms and conditions appearing on the face of such licence, permit or order.

### **Prepaid Shipments**

- 44** (1) This regulation shall apply only in respect of premises situated more than twenty-five miles from a liquor store or warehouse, and in such regulations "licence" and "premises" mean a licence or premises more than twenty-five miles from a Corporation Liquor Store.
- (2) Where beer, spirits, wines or liqueurs are at the request of a licensee delivered to his premises, the cost of freight shall be paid by the Corporation.
- (3) Subsection (1) shall not apply unless the quantity ordered for delivery is in shipments of not less than one hundred pounds.
- (4) Where an order for an amount less than one hundred pounds is forwarded by the **president** at the request of the licensee, the licensee shall pay the cost of the freight in addition to the cost of the goods.
- (5) Orders for shipment will only be shipped by approved carriers at prevailing freight rates applicable to the area concerned.
- (6) Notwithstanding subsection (4) where no approved carrier is servicing the area concerned, the Corporation may pay an amount to the licensee in respect of the costs of the shipment of the goods not exceeding the amount which would have been payable in respect of such goods if an approved carrier were providing service to his premises.

- (7) Where an order is received by the **president** in respect of any goods and some or all of such goods are not at that time in stock and the balance not in stock would reduce the weight of the order below one hundred pounds, the order will be deferred until the stock is obtained unless the licensee requests a substitution of his order or increases the order to an amount in excess of one hundred pounds.

### Identification Cards

**45 A valid photo identification, issued by a government under an enactment, that shows the date of birth of the person to whom it was issued may be used to establish proof of age for the purposes of the Act and these Regulations.**

(1) - (9) (*repealed*)

**Transitional provision: A person to whom an identification card was issued by the president under section 45 of the Regulations as it existed prior to November 1/10, may use that card to establish proof of their age for the purposes of the Act and Regulations for a period of up to one year from November 1/10.**

### Application or Transfer of Licences

- 46** (1) Every applicant for a liquor licence or a transfer of a liquor licence, and every lessee or manager of a licensed premises shall complete the Personal History Report on the form provided or published by president prior to their name or their company's name being placed on any liquor licence.
- (2) Any change of licensee or manager on any liquor licence may be referred by the **president** to the Board.

### **Applicant's duties**

- 47** (1) Every applicant for a licence or for a transfer thereof shall:
- a) make application for a licence to the Board on the form provided or published by the president and pay ten percent of the fees prescribed for the licence sought, such amount to be credited to the total fee should the licence be approved but shall not be refundable should the licence be refused.
  - b) satisfy the Board:
    - (i) that the applicant or applicants are personally of good character and reputation;
    - (ii) that the applicant is the owner or lessee of the proposed premises to be licensed or holds an option to purchase or lease and the furniture and equipment therein, are or will be suitable in the opinion of the Board for use as licensed premises;
    - (iii) that the applicant has or can acquire the necessary building, occupancy, fire prevention, health, zoning and other permits or authorizations required to permit the construction or alteration and operation of the premises to be licensed.

*(Section 48 repealed)*

### **Liquor Board Hearings**

- 49** (1) Board hearings pertaining to applications for new licences, renewal of licences, suspension or cancellation of licences shall be open to members of the general public.

### **Licence expiration date**

- 50** (1) Every licence shall expire on the 31st day of March following the date of the issuance of that licence, unless otherwise specified on the licence.

### **ID for inspectors**

- 51** (1) Every inspector shall be issued with an official badge or other means of identification provided and authorized by the **president** which he shall carry with him at all times when on duty.

### **Maximum prices - Off Premises Sales**

- 52** No licensee may sell **liquor pursuant to an off premises liquor licence or an RV park licence** at a price in excess of 30 percent more than the retail price of liquor sold in retail liquor stores operated by the Corporation, rounded to the nearest five cents.

*(Section 53 repealed)*

## Annual Fees for Licences and Permits

### Fees for restricted licences

**54 (1) The following fees apply where a licence is restricted by the Act, the regulations or the terms and conditions attached to the licence to the sale of beer, the sale of wine, or the sale of wine and beer:**

**(a) Food Primary Licence**

Seating Capacity:

from 1 to 25 persons:	\$ 72.00
26 to 50 persons:	108.00
51 to 75 persons:	144.00
76 to 100 persons:	180.00
101 to 125 persons:	216.00
126 to 150 persons:	252.00
151 to 175 persons:	288.00
176 to 200 persons:	324.00

(b) Off Premises Liquor Licence: \$ 144.00

**(c) Club Liquor Licence**

Seating Capacity:

from 1 to 25 persons:	\$ 288.00
26 to 50 persons:	324.00
51 to 75 persons:	360.00
76 to 100 persons:	396.00
101 to 125 persons:	432.00
126 to 150 persons:	468.00
151 to 175 persons:	504.00
176 to 200 persons:	540.00

(d) Sports Stadium Licence (any seating capacity): \$ 432.00

(e) **RV park Licence: \$ 144.00.**

**(2) Notwithstanding subsection (1), the licence fee is \$ 36.00 where a liquor primary licence with respect to a canteen restricted to the sale of beer is issued to**

- a) an officer commanding a unit of the Canadian Armed Forces (active or reserve) in Yukon;**
- b) a mining, construction, or other corporation; or**
- c) a department of the Government of Canada or the Government of Yukon.**

### Fees for unrestricted licences

**55 (1) The following fees apply where a licence authorizes the sale of all kinds of liquor:**

**(a) Liquor primary licence**

Seating Capacity:

from 1 to 25 persons:	\$ 360.00
26 to 50 persons:	396.00
51 to 75 persons:	432.00
76 to 100 persons:	468.00
101 to 125 persons:	504.00
126 to 150 persons:	540.00

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- 151 to 175 persons: 576.00  
176 to 200 persons: 612.00
- (b) Off Premises Liquor Licence: \$ 28.80.
- (c) **Food Primary Licence**  
Seating Capacity:  
from 1 to 25 persons: \$ 396.00  
26 to 50 persons: 432.00  
51 to 75 persons: 468.00  
76 to 100 persons: 504.00  
101 to 125 persons: 540.00  
126 to 150 persons: 576.00  
151 to 175 persons: 612.00  
176 to 200 persons: 648.00
- (d) Club Liquor Licence  
Seating Capacity:  
from 1 to 25 persons: \$ 288.00  
26 to 50 persons: 324.00  
51 to 75 persons: 360.00  
76 to 100 persons: 396.00  
101 to 125 persons: 432.00  
126 to 150 persons: 468.00  
151 to 175 persons: 504.00  
176 to 200 persons: 540.00
- (e) Licence to a Train, Ship or Aircraft (unrestricted): \$ 144.00
- (f) Special Licence  
Seating Capacity:  
from 1 to 25 persons: \$ 288.00  
26 to 50 persons: 324.00  
51 to 75 persons: 360.00  
76 to 100 persons: 396.00  
101 to 125 persons: 432.00  
126 to 150 persons: 468.00  
151 to 175 persons: 504.00  
176 to 200 persons: 540.00
- (g) Recreation Facility Licence  
Seating Capacity:  
from 1 to 25 persons: \$ 288.00  
26 to 50 persons: 324.00  
51 to 75 persons: 360.00  
76 to 100 persons: 396.00  
101 to 125 persons: 432.00  
126 to 150 persons: 468.00  
151 to 175 persons: 504.00  
176 to 200 persons: 540.00
- (2) **Notwithstanding subsection (1), where a liquor primary licence issued to an officer commanding a unit of the Canadian Armed Forces (active or reserve) in Yukon with respect to a mess in which all kinds of liquor may be served or sold, the fee is \$ 36.00.**

- (3) **Authorization** to provide room service to hotel or motel bona fide guests from a designated area 24 hours a day, other than the area normally used for licensed premises: \$ 14.40

### **Manufacturers' licences**

- 56** (1) The fee for a liquor manufacturer's licence for a brewery, winery or distillery is \$ 200.00.
- (2) The fee for a liquor manufacturer's retail licence is
- a) \$ 144.00, in the case of a brewery or winery; and
  - b) \$ 28.80, in the case of a distillery.

### **Permit fees**

- 57** The fees for permits are as follows:
- a) Reception Permit \$ 30.00;
  - b) Special Occasion Permit
- Based on seating capacity of the premises determined under section 5, regardless of whether seating is supplied
- |                    |          |
|--------------------|----------|
| Up to 150 persons  | \$ 50.00 |
| 151 to 400 persons | 100.00   |
| Over 400 persons   | 150.00   |

### **Licence application fee**

- 58** Licence Application Fee: ten percent of fees on licences applied for, to be deposited at time of application. To be applied on licence fees if licence approved. Not refundable if licences are refused.

### **Licence year and fee reduction**

- 59** The licence year is from April 1st to March 31st. Any licences issued on or after October 1st will be half price.

### **Forms**

- 60** The prescribed forms for the purposes of the Act are set out in the Schedule.

## **SCHEDULE**

### **LIST OF FORMS**

1. Application for Liquor Licence
2. Affidavit re Application for Liquor Licence
3. Public Notice of Application for Liquor Licence
4. Application for Special Occasion Permit
5. Application for Reception Permit