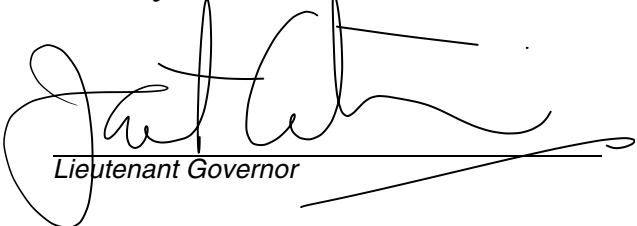


PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 045

, Approved and Ordered

January 28, 2021



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective February 26, 2021, the Liquor Control and Licensing Regulation, B.C. Reg. 241/2016, is amended as set out in the attached Appendix.



Minister of Public Safety and Solicitor General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Liquor Control and Licensing Act*, S.B.C. 2015, c. 19, ss. 80, 81, 82 and 83;
Miscellaneous Statutes Amendment Act (No. 3), 2010, S.B.C. 2010, c. 21, s. 172

Other: OIC 724/2016

R10465743

APPENDIX

1 *Section 1 of the Liquor Control and Licensing Regulation, B.C. Reg. 241/2016, is amended by adding the following definition:*

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

2 *Section 3 (1) is amended in the definition of “issued under this Act” by striking out “Part 8” and substituting “Division 9 of Part 7 or Part 8”.*

3 *Section 7 is amended by adding the following paragraph:*

(m) rural licensee retail store licence.

4 *The following Division is added to Part 2:*

Division 8.1 – Rural Licensee Retail Store Licences

Definition

70.1 In this Division:

“**government liquor store**” means a liquor store as defined in section 1 of the Act, other than an agency store as defined in section 1 (1) of the *Liquor Distribution Act*.

Authorized activities

70.2 (1) A rural licensee retail store licence authorizes

(a) a licensee

(i) to sell liquor in unopened containers in the service area under the licence to patrons, and

(ii) to sell or serve samples of liquor in the service area under the licence to patrons, and

(b) a patron to consume the samples in the service area.

(2) Subject to the approval of the general manager, a rural licensee retail store licence also authorizes a licensee to sell liquor in unopened containers to other licensees and to special event permittees.

(3) The approval of the general manager referred to in subsection (2) may be subject to conditions imposed by the general manager.

(4) A licensee and a special event permittee are authorized to purchase liquor in unopened containers that is sold under subsection (2) to the licensee or the permittee.

Application requirement

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

Initial requirements

- 70.4** (1) The general manager must not issue a rural licensee retail store licence unless the general manager is satisfied that
- (a) the proposed rural licensee retail store will be located in a rural community or tourist destination resort with no other rural licensee retail store,
 - (b) if the proposed rural licensee retail store will be located in a rural community, the area that the store will serve has enough residents for the store to be a viable business without non-resident customers, and
 - (c) the general store in which the proposed rural licensee retail store will be located would be a viable business without the licence.
- (2) An application to amend a licence in respect of a rural licensee retail store to relocate the store must not be approved unless the general manager is satisfied that the new location of the rural licensee retail store meets the requirements set out in subsection (1) (a) to (c).

Location

- 70.5** It is a requirement of a rural licensee retail store licence that the rural licensee retail store be located
- (a) in a store that is, in the opinion of the general manager, a general store, and
 - (b) unless otherwise authorized by the general manager, at least 10 km, when travelling by all-weather road, from
 - (i) another rural licensee retail store, or
 - (ii) a licensee retail store or government liquor store that was established before the rural licensee retail store.

Ownership

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

Hours of liquor service

- 70.7** It is a requirement of a rural licensee retail store licence that, subject to limitation by the general manager, the hours of liquor service start no earlier than 9 a.m. and end no later than 11 p.m.

Sampling

- 70.8** Section 70 applies to a rural licensee retail store licence and
- (a) a reference in that section to a licensee retail store licence must be read as a reference to a rural licensee retail store licence, and
 - (b) a reference in that section to a licensee retail store must be read as a reference to a rural licensee retail store.

5 Section 71 is amended

- (a) in subsection (1) by adding the following paragraph:**

(d) rural licensee retail store licence. ,

(b) by adding the following subsection:

(5.1) For the purposes of section 38 (1) of the Act, the prescribed circumstances with respect to a rural licensee retail store licence are as follows:

- (a) an applicant applies for the issuance of the licence;
- (b) an applicant applies for an amendment to the licence in order to obtain the permanent relocation of the establishment to a new location, unless the general manager is satisfied that the residents who will be affected by the new location are substantially the same residents who are affected by the establishment. , **and**

(c) in subsection (9) (b) (i) by striking out “subparagraph (ii) or (iii) apply,” and by adding the following clauses:

- (A) subparagraph (ii) or (iii) apply, or
- (B) the application is for the issuance or amendment of a rural licensee retail store licence. ,

6 Section 141 (1) is amended by adding the following paragraph:

(a.1) a rural licensee retail store licence. ,

7 Section 165 is amended by adding the following paragraph:

(b.1) a licensee who holds a rural licensee retail store licence; .

8 Section 179 is amended

(a) in paragraph (b) by striking out “a licensee retail store” and substituting “a licensee retail store or rural licensee retail store”, and

(b) in paragraph (b) (ii) by striking out “licensee retail”.

9 Section 180 (1) is amended in paragraph (a) (ii) of the definition of “off-site applicant” by striking out “or wine store” and substituting “, wine store or rural licensee retail store”.

10 Section 185 (1) is amended by adding the following paragraph:

(h) rural licensee retail store licence.

11 Section 204 (1) is amended by striking out “and special wine store” and substituting “, special wine store and rural licensee retail store”.

12 The following Division is added to Part 7:

Division 9 – Conversion to Rural Licensee Retail Store Licence

Conversion of rural agency store appointment

206.1 (1) In this section:

“appointment” means an appointment under section 18 (5) of the *Liquor Distribution Act* to operate a rural agency store;

“licence” means a rural licensee retail store licence.

- (2) On February 26, 2021, an appointment is converted to a licence if the following requirements are met:
 - (a) the appointee has made a request for the conversion;
 - (b) the appointee is not a minor or, if the appointee is a corporation, minors own less than 10 percent of the corporation’s shares;
 - (c) the general manager is satisfied that the appointee has disclosed to the general manager any association with, connection with or financial interest in a liquor manufacturer or the liquor manufacturer’s agent that is likely to lead the appointee to promote the sale of liquor of the manufacturer;
 - (d) the appointee owns the business in respect of which the appointment is converted to a licence;
 - (e) the appointee
 - (i) is the owner of the place or premises in respect of which the appointment is converted to a licence, or
 - (ii) has an arrangement that the general manager determines gives the appointee a degree of control over the place or premises in respect of which the appointment is converted to a licence that will allow the appointee to comply with the requirements relating to establishments set out in the Act, this regulation and the terms and conditions of the licence.
- (3) For certainty, section 70.4 (1) [*initial requirements*] does not apply to the conversion of an appointment to a licence under this section.
- (4) Section 70.5 (a) [*location in general store*] does not apply to a licence that is converted under this section from an appointment.
- (5) Section 70.5 (b) [*location at least 10 km from another store*] does not apply to a licence that is converted under this section from an appointment if the rural licensee retail store under the licence is in the same location as the rural agency store under the appointment.
- (6) Section 70.6 [*ownership*] does not apply to a licence that is converted under this section from an appointment if the following conditions are met:
 - (a) on the date of the appointment’s conversion, the rural agency store under the appointment is not, in the opinion of the general manager, independently owned;
 - (b) the store in which the rural licensee retail store under the licence is located has the same owner as the rural agency store under the appointment.
- (7) Despite section 202 (2) [*time for payment of fees*], an appointee whose appointment is converted to a licence under this section is not required to pay the fee for the first year of the licence.

(a) by adding the following item after item 8:

Item	Description	Fee (\$)
8.1	Rural licensee retail store	900

(b) by adding the following item after item 18:

Item	Description	Fee (\$)
18.1	Rural licensee retail store	900

(c) in item 19 in the description by striking out “or special wine store” and substituting “, special wine store or rural licensee retail store”, and

(d) in item 43 by adding the following paragraph:

Item	Description	Fee (\$)
	(e) rural licensee retail store	600