



**Executive
Council**

Nova Scotia

*A certified copy of an Order in Council dated
May 26, 2026*

N.S. Reg. 128/2026

FILED

Date: May 26, 2026

**Rachel L. Jones
Registrar of Regulations
Province of Nova Scotia**

2026-173

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and the Minister of Finance and Treasury Board dated May 12, 2026, and pursuant to Section 50 of Chapter 260 of the Revised Statutes of Nova Scotia, 1989, the *Liquor Control Act*, is pleased, effective on and after June 1, 2026, to:

(a) amend the *Liquor Licensing Regulations*, N.S. Reg. 365/2007, made by the Governor in Council by Order in Council 2007-445 dated August 17, 2007, to introduce bar safety measures, reduce administrative burden for liquor licensees and introduce a system of administrative penalties, in the manner set forth in Schedule “A” attached to and forming part of the Report and Recommendation; and

(b) amend the *Ferment-on-Premises Regulations*, N.S. Reg. 164/2014, made by the Governor in Council by Order in Council 2014-441 dated October 28, 2014, to introduce a system of administrative penalties and to make administrative amendments, in the manner set forth in Schedule “B” attached to and forming part of the Report and Recommendation.

Certified to be a true copy

A handwritten signature in blue ink, appearing to read 'Taweel'.

Tracey Taweel
Clerk of the Executive Council



Tracey Taweel
Clerk of the Executive Council

Schedule “A”

**Amendment to the *Liquor Licensing Regulations*
made by the Governor in Council under Section 50
of Chapter 260 of the Revised Statutes of Nova Scotia, 1989,
the *Liquor Control Act***

1 Section 2 of the *Liquor Licensing Regulations*, N.S. Reg. 365/2007, made by the Governor in Council by Order in Council 2007-445 dated August 17, 2007, is amended by

- (a) striking out the clause letter before each definition; and
- (b) adding the following definition immediately after the definition of “cider”:

“clean criminal record”, in relation to an individual, means

- (i) the individual has not been charged or convicted of any of the following:
 - (A) an offence under the *Criminal Code* (Canada),
 - (B) an offence under the *Controlled Drugs and Substance Act* (Canada),
- (ii) the individual has been convicted of an offence or offences referred to in subclause (i) and a pardon or record suspension under the *Criminal Records Act* (Canada) or other applicable Act has been issued or granted for each offence;

- (c) adding the following definition immediately after the definition of “fire official”:

“infused”, in relation to liquor, means that ingredients have been added to the liquor, such as spices, herbs, fruit, vegetables, candy, flavouring agents or other substances for human consumption;

2 Section 8A of the regulations is repealed and the following Section substituted:

Permanent licensee’s proof of employee completion of programs

8A (1) For greater certainty, the records that the Executive Director may request under subsection 48(3B) of the Act includes records from a permanent licensee confirming that all of the following have completed a responsible alcohol service program approved by the Executive Director:

(a) persons who have served or will serve liquor at the licensed premises;

(b) security employees at the licensed premises.

(2) For greater certainty, the records that the Executive Director may request under subsection 48(3B) of the Act includes records from a permanent licensee confirming that all security employees at the licensed premises have

(a) completed a security training program approved by Executive Director; and

(b) provided a report on the results of a criminal background check showing a clean criminal record.

3 Section 14 of the regulations is repealed the following Section substituted:

14 A special premises license may be granted, renewed or transferred by the Executive Director only to an applicant that, in the opinion of the Executive Director, proposes to carry on business in a manner that requires a special premises license.

4 Section 35A of the regulations is repealed the following Section substituted:

35A If a permit is granted under the *Nova Scotia Liquor Corporation Regulations* made under the Act for all or part of a premises that is the subject of a permanent license, the licensee must post the permit in the premises while the permit is in effect.

5 Section 37C of the regulations is repealed the following Section substituted:

Special occasion licensee’s proof of employee completion of programs

37C (1) For greater certainty, the records that the Executive Director may request under subsection 48(3B) of the Act includes records from a special occasion licensee confirming that all of the following have completed a responsible alcohol service program that is approved by the Executive Director:

- (a) person who has served or will serve liquor at the licensed premises;
- (b) security employees at the licensed premises.

(2) For greater certainty, the records that the Executive Director may request under subsection 48(3B) of the Act includes records from a special occasion licensee confirming that all security employees at the licensed premises have

- (a) completed a security training program approved by the Executive Director; and
- (b) provided a report on the results of a criminal background check showing a clean criminal record.

6 (1) The heading immediately before Section 43J is amended by striking out “81A to 83” in and substituting “88 to 95”;

(2) Section 43J of the regulations is amended by

- (a) striking out “81A to 83” in subsection (1) and substituting “88 to 95”;
- (b) striking out “81B(1)” in clause (c) and substituting “89(1)”;
- (c) striking out “82A(6)(a)” in clause (d) and substituting “93(6)(a)”;
- (d) striking out “83(2)” in subsection (2) and substituting “95(2)”.

7 Section 46 of the regulations is repealed and the following Section substituted:

Persons under 19 providing entertainment

46 (1) Except as prohibited in Section 47, a person who is under 19 years old may enter and be in premises for which a beverage room license, lounge license or class A cabaret license is in effect if all of the following conditions are met:

- (a) the person is employed or otherwise authorized by the licensee of the premises to provide entertainment on the premises;
- (b) the person’s presence on the licensed premises does not violate any order of a competent authority or any terms and conditions of the licensee’s licence;

- (c) the person is accompanied, at all times, by 1 of the following persons who will be responsible for them:
 - (i) their parent,
 - (ii) their legal guardian,
 - (iii) a person over 19 years of age who is designated in writing by their parent or legal guardian.

(2) A licensee must keep records about each person under 19 years old who provides entertainment in the licensed premises, including all of the following:

- (a) the person's name;
- (b) all dates that they provide entertainment in their premises;
- (c) the names of all persons accompanying them under clause (1)(c).

(3) A licensee must provide any records kept under subsection (2) to the Executive Director or an inspector upon request.

8 Section 48 of the regulations is repealed the following Section substituted:

- 48** (1) A licensee must ensure that liquor is not dispensed by an employee who is under 19 years old.
- (2) An eating establishment licensee or a lounge licensee may permit an employee who is under 19 years old to serve liquor at a customer's table.

9 (1) Subsection 52(2) of the regulations is repealed and the following subsection substituted:

(2) A licensee must ensure that liquor sold in their licensed premises is not diluted, other than the following:

- (a) liquor in drinks that are mixed or diluted at the request of the customer;
- (b) liquor that has been infused in accordance with subsection (2).

(2) Section 52 of the regulations is further amended by adding the following subsection immediately after subsection 52(2):

- (3) A licensee must ensure that any liquor that has been infused and is for sale in their licensed establishment meets all of the following requirements:
- (a) the infusion does not cause additional fermentation resulting in an increase in the amount of alcohol in the drink;
 - (b) the drink's ingredients, including the infusion, are identified on the drink menu or price list;
 - (c) cannabis is not used in the infusion;
 - (d) infusions involving perishable ingredients such as fruit, juices or other consumable food items are stored in a manner consistent with provincial and municipal health and safety standards;
 - (e) each bottle, package or container used for infusing liquor is clearly labelled with all of the following information:
 - (i) the date the infusion was prepared or the date the infusion agent was placed in the container,
 - (ii) the type, brand and quantity of liquor used,
 - (iii) the non-liquor ingredients used,
 - (iv) the name of the person who prepared the liquor for infusing;
 - (f) the infusion occurs at the licensed premises.

- 10 Section 58B of the regulations is amended by striking out a “With the approval of the Executive Director, a” and substituting “A”.
- 11 Subsection 58C(2) of the regulations is amended by striking out a “With the approval of the Executive Director, a” and substituting “A”.
- 12 Subsection 58D(1) of the regulations is amended by striking out a “With the approval of the Executive Director, a” and substituting “A”.
- 13 (1) Subsection 64(5) of the regulations is amended by adding “game or” immediately before “contest”.
- (2) Section 64 of the regulations is further amended by adding the following subsections immediately after subsection (6):

- (7) A licensee must not permit any activity in the licensed premises that may be injurious to the health or safety of people in the premises.
- (8) A licensee must not permit any activity that contravenes a federal or provincial enactment or a municipal by-law to take place in the licensed premises.
- (9) A licensee must not permit disorderly persons to be in the licensed premises or in the immediate vicinity outside of the licensed premises.

14 The regulations are amended by adding the following Section immediately after Section 64:

Removal of patrons from licensed premises

64A (1) A licensee may request that a person leave the licensed premises or request that a person stop trying to enter the licensed premises if the person meets any of the following criteria:

- (a) they are intoxicated;
- (b) they are prohibited from entering the licensed premises;
- (c) they have engaged in any unlawful activity or disorderly conduct in the licensed premises or in the immediate vicinity of the licensed premises.

(2) A licensee must ensure or arrange for intoxicated patrons to be safely removed from the licensed premises.

15 Section 66A of the regulations is amended by striking out “has completed” and substituting “and all security employees have completed”.

16 Section 66B of the regulations, and its heading, are repealed and replaced with the following heading and Section:

Requirements for special occasion licensees—service and security employees

66B (1) In any of the circumstances listed in subsection (2), the Executive Director may require a special occasion licensee to ensure that employees at their licensed premises meet the following requirements:

- (a) for persons who serve liquor and security employees, they have completed a responsible alcohol service program approved by the Executive Director;

- (b) for security employees, they meet all of the following:
 - (i) they have completed a security training program approved by the Executive Director,
 - (ii) they have provided a report on the results of a criminal record check showing a clean criminal record, unless the requirement is waived in accordance with subsection (3),
 - (iii) they are able to perform the duties of a security employee in a manner that will not compromise public safety.

- (2) The following are the circumstances under which the Executive Director may require compliance with subsection (1):
 - (a) 500 or more attendees are expected at the event that the license has been issued for;
 - (b) the event that the license has been issued for is expected to end after 12:00 a.m.;
 - (c) the special occasion licensee is a commercial enterprise and live entertainment is advertised as the primary attraction at the event that the license has been issued for;
 - (d) in the opinion of the Executive Director, it is necessary to ensure public safety;
 - (e) in the opinion of the Executive Director, it is necessary for the special occasion licensee to ensure care and control of the licensed premises.

- (3) The Executive Director may waive the requirement for a clean criminal record check in subclause (1)(b)(ii) if, in the opinion of the Executive Director, the offences listed on the criminal record check will not affect the security employee's performance of their duties or compromise public safety.

- (4) A special occasion licensee must ensure that all security employees wear clothing that clearly identifies them as a security employee of the licensee while performing their duties.

17 The regulations are amended by adding the following Section immediately after Section 66B:

Requirements for permanent licensees—security employees

- 66C (1)** A permanent licensee must ensure that all security employees at their licensed premises meet all the following requirements:
- (a) they have completed a security training program approved by the Executive Director;
 - (b) they have provided a report on the results of a criminal record check showing a clean criminal record, unless the requirement is waived in accordance with subsection (2);
 - (c) they are able to perform the duties of a security employee in a manner that will not compromise public safety;
 - (d) they wear clothing that clearly identifies them as a security employee of the licensee while performing their duties.
- (2)** The Executive Director may waive the requirement for a clean criminal record check in clause (1)(b) if, in the opinion of the Executive Director, the offences listed on the criminal record check will not affect the security employee’s performance of their duties or compromise public safety.
- (3)** For greater certainty, the records that the Executive Director may request under subsection 48(3B) of the Act includes to an updated report from a permanent licensee on the results of a criminal record check of any security employee showing a clean criminal record.
- (4)** The Executive Director may prohibit a permanent licensee from employing a person as a security employee if, in the opinion of the Executive Director, the person has engaged in conduct or behaviour that will likely affect the person’s ability to perform the duties of a security employee or compromise public safety, as required by clause (1)(c).

18 Clause 68(4)(e) of the regulations is amended by striking out “81C” and substituting “90”.

19 The regulations are amended by repealing Section 73 and substituting the following Section:

Duty to notify Executive Director

- 73 (1)** A licensee must notify the Executive Director of any first responder presence at their licensed premises in relation to an incident involving a patron in or about their licensed premises no later than 10 days after the incident, and must provide details of the incident.

- (2) A licensee must notify the Executive Director of any allegation of the use of excessive force by a security employee involving a patron in or about their licensed premises no later than 10 days after the allegation and must provide details of the incident giving rise to the allegation.
- (3) A licensee must notify the Executive Director of any police charge laid in relation to an incident in or about their licensed premises or in relation to an activity occurring in or about their licensed premises no later than 10 days after the date the charge is laid, and must provide details of the incident or activity that is the subject of the charge.
- (4) A licensee must notify the Executive Director if the licensee has information indicating that a security employee of the licensee has been convicted of an offence under the *Criminal Code* (Canada), or the *Controlled Drugs and Substance Act* (Canada), after the date of the criminal record check for the security employee, provided to the licensee under clause 66C(1)(b).
- (5) A licensee must notify the Executive Director if the licensee has information indicating that a security employee of the licensee has been charged with a criminal offence or engaged in conduct or behaviour that may affect the security employee's performance of their duties no later than 10 days after the licensee discovers such information.

- 20 (1) Clause 75(1)(d) of the regulations is amended by
- (a) striking out the semicolon at the end of subclause (vii) and substituting a comma; and
 - (b) adding the following subclauses immediately after clause (vii):
 - (viii) confirmation that a security employee has completed a security training program that is approved by the Executive Director,
 - (ix) all records relating to the results of criminal record checks for security employees;
- (2) Subsection 75(1) of the regulations is further amended by
- (a) striking out the period at the end of clause (f) and substituting a semicolon; and
 - (b) adding the following clauses immediately after clause (f):

- (g) all records relating to infusing liquor under subsection 52(3)
- (h) all records relating to any person under 19 years old that is providing or has provided entertainment on the licenses premises under Section 46;
- (i) all records relating to the presence of any first responder on the licenses premises under subsection 73(1);
- (j) all records relating to an allegation of use of excessive force by a security employee under subsection 73(2).

- 21 Clause 78(2)(b) of the regulations is amended by adding “video surveillance footage,” immediately before “books of account”.
- 22 The regulations are further amended by repealing Sections 81A to 87 and adding the following Sections immediately after Section 81:

Administrative Penalties

Executive Director may impose administrative penalty

- 82 (1)** The Executive Director may impose an administrative penalty on a permanent licensee who does any of the following by serving a notice of administrative penalty on the permanent licensee:
- (a) contravenes a provision of the Act or these regulations;
 - (b) fails to comply with a term or condition of a license.
- (2)** Each contravention or failure to comply under clause (1)(a) or (b) may be the subject of a separate administrative penalty.
- (3)** A notice of administrative penalty served on a permanent licensee under this Section must be in writing and contain all of the following information:
- (a) the name of the permanent licensee on whom the administrative penalty is imposed;
 - (b) the provision of the Act or these regulations, or license condition that was contravened and resulted in the administrative penalty;
 - (c) the details of the contravention of the Act or these regulations or license condition that resulted in the administrative penalty;

- (d) the amount of the administrative penalty;
 - (e) when and how the administrative penalty must be paid;
 - (f) the process for filing an appeal of the administrative penalty.
- (4) The Executive Director may require a licensee to post a notice at the licensed premises stating that an administrative penalty has been imposed for the premises and giving the reason for the administrative penalty.

Serving notice of administrative penalty

83 (1) A notice of administrative penalty is deemed to have been served on a permanent licensee if any of the following have been performed:

- (a) it has been delivered personally to the permanent licensee;
 - (b) it has been sent by courier or registered mail to any of the following:
 - (i) the permanent licensee's licensed premises;
 - (ii) the permanent licensee's last known business address,
 - (iii) the permanent licensee's usual place of residence;
 - (c) it has been sent by electronic means to the permanent licensee's last known business e-mail address.
- (2) A notice of administrative penalty is deemed to have been served on the following dates:
- (a) for a notice sent by electronic means, the date it is transmitted;
 - (b) for a notice sent by courier, the date it is delivered to the courier;
 - (c) for a notice sent by registered mail, the date it is mailed.
- (3) A notice of administrative penalty must be served no later than 2 years from the date of contravention or failure to comply under clauses (1)(a) or (b) for which the administrative penalty is imposed.

Amount of administrative penalty

84 (1) The amount of an administrative penalty imposed is at the discretion of the Executive Director, but must be within the following ranges and subject to

the considerations in subsection (2):

- (a) for a first offence, between \$500 and \$3000;
- (b) for a second offence, between \$1000 and \$7000;
- (c) for a third or subsequent offence, between \$2000 and \$10 000.

(2) All of the following are the considerations for setting an administrative penalty:

- (a) the severity of the contravention or failure to comply;
- (b) the degree of wilfulness or negligence exhibited by the licensee in relation to the contravention;
- (c) any mitigating actions taken by the licensee relating to the contravention;
- (d) whether steps were taken to prevent reoccurrence after the contravention;
- (e) the licensee's history of contravening the Act or regulations;
- (f) the licensee's history of failing to comply with terms or conditions on a license;
- (g) whether the licensee received a financial benefit because of the contravention or failure to comply;
- (h) any additional factors the Executive Director considers relevant in determining the administrative penalty amount.

(3) If a notice of administrative penalty for a contravention or failure to comply is served 3 or more years after the date that any previous notice of administrative penalty was served on a licensee, the contravention or failure to comply is considered to be a first offence under subsection (1).

Agreement instead of administrative penalty

- 85 (1) The Executive Director may revoke or reduce an administrative penalty imposed on a permanent licensee and enter into an agreement with the permanent licensee instead.
- (2) An agreement made under subsection (1) is subject to any terms and

conditions the Executive Director considers necessary and must specify when the terms and conditions must be met.

- (3) A permanent licensee who fails to meet any terms and conditions that are part of an agreement under this Section by the specified date must pay the original administrative penalty that was imposed.

Payment of administrative penalty

86 A permanent licensee who is served a notice of administrative penalty must pay the administrative penalty

- (a) no later than 60 days after the date the notice of administrative penalty is served; or
- (b) for a permanent licensee who fails to meet any terms and conditions that are part of an agreement under Section 85 by the specified date, immediately on that date.

Failure to pay administrative penalty

87 An administrative penalty that is not paid by the deadline in Section 86 is a debt due to the Crown in right of the Province.

Disciplinary Action and Referrals to Regulatory and Appeals Board

Disciplinary action against permanent licensee

- 88** (1) If the Executive Director proposes to take action under clause 47B(1)(a) of the Act the Executive Director must serve a notice of proposed action on the permanent licensee.
- (2) A notice of proposed action may be in any form, but it must be in writing and include all of the following:
- (a) a description of the proposed action, as set out in clause 47(1)(b), (c) or (d) of the Act, as applicable;
 - (b) written reasons supporting the proposed action, including how the permanent licensee has failed to comply with the conditions of a permanent license, has contravened the Act or these regulations or has been convicted of an offence under the *Criminal Code* (Canada) or a quasi-criminal statute, as applicable, as set out in subsection 47B(1) of the Act;
 - (c) a statement that the permanent licensee may object in writing to the proposed action in accordance with subsections (3) and (4);

- (d) a description of the actions available to the Executive Director under subsection (5).
- (3) To object to a proposed action, the permanent licensee on whom the notice of proposed action was served must file a written notice of objection with the Executive Director no later than 14 days after the date the notice of proposed action was served on the permanent licensee.
- (4) A notice of objection may be in any form, but it must be in writing and include all of the following:
 - (a) the name, address and phone number of the permanent licensee;
 - (b) a copy of the notice of proposed action;
 - (c) the reason the permanent licensee objects to the proposed action.
- (5) After considering any objection to a notice of proposed action, the Executive Director must do 1 of the following:
 - (a) take the proposed action;
 - (b) rescind the notice of proposed action;
 - (c) vary the proposed action, but only if the action taken is permitted by clause 47(1)(b), (c) or (d) of the Act;
 - (d) refer the matter to the Regulatory and Appeals Board in accordance with subsection 47B(1)(b) of the Act.
- (6) The Executive Director must serve notice of the decision made under subsection (5) on the permanent licensee who is the subject of the decision.

Immediate action against permanent licensee

- 89** (1) The Executive Director may take immediate action against a permanent licensee under clause 47B(1)(a) of the Act if, in the opinion of the Executive Director, the permanent licensee is providing liquor to patrons in an irresponsible manner, is unable to ensure the care and control of the licensed premises or is otherwise acting in a manner that may threaten public safety.
- (2) For immediate action taken under subsection (1), the notice and objection

provisions in Section 88 do not apply.

- (3) The Executive Director must serve notice of the immediate action taken, including reasons supporting the action, on the permanent licensee against whom the action is taken, and the action is effective immediately on the notice being served.
- (4) A permanent licensee may appeal an immediate action to the Regulatory and Appeals Board in accordance with Section 90 if the action
 - (a) imposes or amends conditions on their permanent license on an ongoing basis;
 - (b) suspends their permanent license on an ongoing basis; or
 - (c) cancels all or any part of their permanent license.
- (5) In addressing an appeal of an immediate action, the Regulatory and Appeals Board must only confirm, vary or revoke the immediate action from the date of the Board's decision forward, and must not determine the correctness of the action taken by the Executive Director.

Appeal of licensing decision, disciplinary decision or administrative penalty

- 90**
- (1) To appeal a decision of the Executive Director on licensing under Section 47A of the Act, a disciplinary action taken by the Executive Director under subsection 47B(2) of the Act or an administrative penalty imposed or the amount of an administrative penalty imposed by the Executive Director under these regulations, the permanent licensee or applicant for a permanent license must file a notice of appeal with the Regulatory and Appeals Board no later than 14 days after the date of the Executive Director's decision or action.
 - (2) A notice of appeal may be in any form, but it must be in writing and include all of the following:
 - (a) the name, address and phone number of the permanent licensee or applicant for a permanent license;
 - (b) a copy of the Executive Director's decision that is being appealed;
 - (c) the remedy the permanent licensee or applicant for a permanent license is seeking on appeal.
 - (3) On receipt of a notice of appeal, the Regulatory and Appeals Board must

provide a copy of it to the Executive Director.

- (4) A hearing by the Regulatory and Appeals Board to determine a matter in an appeal may be held as an oral hearing or through written submissions, as the Board considers appropriate.
- (5) The Regulatory and Appeals Board may determine its own rules respecting practice and procedure for an appeal.
- (6) A permanent licensee or applicant for a permanent license may be represented by counsel in an appeal.
- (7) The following are parties to an appeal:
 - (a) the permanent licensee or applicant for a permanent license;
 - (b) the Executive Director;
 - (c) any person that the Regulatory and Appeals Board specifies.
- (8) The Executive Director may choose a designate to participate in an appeal on behalf of the Executive Director.
- (9) Unless it is rescinded under Section 47C of the Act, a decision of the Executive Director that is not appealed is final and binding.

Rescinding decision

- 91**
- (1) Subject to subsection (2), the Executive Director may rescind a decision in accordance with Section 47C of the Act no later than 28 days after the date of the decision.
 - (2) A decision that is appealed to the Regulatory and Appeals Board is not rescindable once the Board has rendered a decision in the appeal.
 - (3) On rescinding a decision, the Executive Director must serve notice of the rescission
 - (a) on the permanent licensee or applicant for a permanent license who is the subject of the decision; and
 - (b) if the decision has been appealed to the Regulatory and Appeals Board, on the Board.
 - (4) On receipt of a notice that the Executive Director has rescinded a decision

that has been appealed to the Regulatory and Appeals Board, the Board must serve notice of the rescission on any person that the Board has specified as a party to the appeal.

Notice of referral to Regulatory and Appeals Board

- 92** (1) If the Executive Director refers a licensing matter to the Regulatory and Appeals Board under subsection 47(3) of the Act or refers a disciplinary action to the Regulatory and Appeals Board under clause 47B(1)(b) of the Act, a notice of the referral must be
- (a) filed with the Regulatory and Appeals Board; and
 - (b) served on the permanent licensee or applicant for a permanent license who is the subject of the referral.
- (2) A notice of referral may be in any form, but it must be in writing and include all of the following:
- (a) whether the referral is made under subsection 47(3) or clause 47B(1)(b) of the Act;
 - (b) the matter to be determined by the Regulatory and Appeals Board;
 - (c) a statement that the permanent licensee or applicant for a permanent license has a right to participate in the referral process.

Referral of licensing matter

- 93** (1) The Regulatory and Appeals Board may determine its own rules respecting practice and procedure for a licensing matter that has been referred to it by the Executive Director under subsection 47(3) of the Act.
- (2) A permanent licensee or applicant for a permanent license may be represented by counsel in a licensing matter.
- (3) Once a permanent licensee or applicant for a permanent license is notified that a licensing matter has been referred to the Regulatory and Appeals Board and given an opportunity to participate, the Board may proceed without the participation of the licensee or applicant without further notice to the licensee or applicant.
- (4) A hearing by the Regulatory and Appeals Board to determine a licensing matter may be held as an oral hearing or through written submissions, as the Board considers appropriate.

- (5) The Executive Director must give the Regulatory and Appeals Board a copy of any documentation submitted under these regulations by a permanent licensee or applicant for a permanent license with respect to whom a licensing matter has been referred to the Board.
- (6) As set out in subsections 47(1) and (3) of the Act, in determining a licensing matter, the Regulatory and Appeals Board may, subject to the Act, but otherwise in the Board's discretion, do any of the following:
 - (a) grant, renew and transfer licenses to sell liquor in accordance with the conditions of the licenses and of the Act and these regulations;
 - (b) impose conditions on any license or rescind or amend existing conditions on a license in accordance with the Act and these regulations;
 - (c) suspend all or any part of a license for such time that the Board considers appropriate;
 - (d) cancel all or any part of a licence;
 - (e) impose an administrative penalty in accordance with the ranges for penalties in subsection 84(1) and the considerations set out in clauses 84(2)(a) to (g).

Referral of disciplinary matter

- 94**
- (1) The Regulatory and Appeals Board may determine its own rules respecting practice and procedure for a disciplinary matter that has been referred to it by the Executive Director under 47B(1)(b) of the Act.
 - (2) A permanent licensee may be represented by counsel in a disciplinary matter.
 - (3) Once a permanent licensee is notified that a disciplinary matter has been referred to the Regulatory and Appeals Board and given an opportunity to participate, the Board may proceed without the permanent licensee's participation without further notice to the licensee.
 - (4) A hearing by the Regulatory and Appeals Board to determine a disciplinary matter may be held as an oral hearing or through written submissions, as the Board considers appropriate.
 - (5) As set out in clauses 47E(2)(a) to (e) and subsection 47E(3) of the Act, in determining a disciplinary matter, the Regulatory and Appeals Board may,

subject to the Act, but otherwise in the Board's discretion, do any of the following:

- (a) impose conditions on a license;
- (b) rescind or amend existing conditions on a license;
- (c) suspend all or any part of a license for any period of time that the Board considers appropriate;
- (d) cancel all or any part of a licence;
- (e) impose an administrative penalty in accordance with the ranges for penalties in subsection 84(1) and the considerations set out in clauses 84(2)(a) to (g);
- (f) order, in accordance with the Act and these regulations, another remedy that the Board considers appropriate.

Suspended licenses

- 95** (1) On suspending a license, the Executive Director must set the date that the suspension begins.
- (2) The Executive Director may require that a notice be posted at a licensed premises for which the license is suspended that states that the license has been suspended by the Executive Director and giving the reason for the suspension.

Suspension of license on bankruptcy or receivership of permanent licensee

- 96** (1) The permanent license of a permanent licensee who goes into bankruptcy or receivership is suspended as of the date of the receiving order, the receivership appointment or receivership order, as the case may be.
- (2) A permanent license that is suspended because the licensee goes into bankruptcy or receivership expires 12 months from the date the license is suspended unless 1 of the following occurs before the end of the 12 months:
- (a) the license expires because the expiry date set out on the license passes;
 - (b) a transfer of the license is approved;
 - (c) the receiver, trustee or liquidator has applied to the Executive

Director to approve the operation of the licensed premises under a permanent license held in trust by the receiver, trustee or liquidator and the Executive Director has approved the operation for a period of no longer than 6 months.

Suspension of license on foreclosure of licensed premises

- 97 (1) The license of a permanent licensee whose licensed premises is subject to foreclosure is suspended as of the date of the order for foreclosure and sale.
- (2) A permanent license suspended because a licensed premises is subject to foreclosure remains suspended for no longer than 6 months, as determined by the Executive Director, after which the permanent license expires.

Public Consultations

Form and manner of public consultation

- 98 (1) The Executive Director must provide public notice of a public consultation using at least 1 of the following methods:
- (a) newspaper;
 - (b) mail distribution;
 - (c) a method that provides reasonable notice to the public, as determined by the Executive Director.
- (2) Public notice of a public consultation must be
- (a) publicly available for at least 5 business days; and
 - (b) provided in
 - (i) the licensing area where the licensed premises is located, if a permanent license has already been granted, or
 - (ii) the licensing area where the proposed licensed premises is to be located, if a permanent license is being sought.
- (3) Public notice of a public consultation must be in writing and include all of the following:
- (a) the reason for the public consultation;

- (b) the name of the permanent licensee or applicant for a permanent license whose licensed or proposed licensed premises is the subject of the public consultation;
- (c) the location of the licensed or proposed licensed premises that is the subject of the public consultation;
- (d) for a public consultation on an application for a permanent license, as required under subsections 49(8) and 49(12) of the Act, the approximate maximum number of persons that the proposed licensed premises may hold, in accordance with subsection 22(1);
- (e) a statement that any person may, by filing a notice with the Executive Director by the deadline set in the public notice,
 - (i) object to the application, if an application for a permanent license is the subject of the public consultation, or
 - (ii) comment on a matter that is the subject of the public consultation.

Notice of comment or objection

- 99 (1)** A notice of comment or objection filed as part of a public consultation must be in writing and include all of the following:
- (a) the name, address and phone number of the person providing the comment or objection;
 - (b) the name of the permanent licensee or applicant for a permanent license or the location of the licensed premises or proposed licensed premises that is the subject of the comment or objection;
 - (c) the comment or objection.
- (2)** On receiving a comment or objection about a matter that is the subject of a public consultation, the Executive Director
- (a) must consider the comment or objection; and
 - (b) may make inquiries, request documentation or hold a meeting for the purpose of determining the matter.

Information from previous public consultation held in municipality

100 If a licensing matter on which the Executive Director is holding a public consultation has already undergone a public consultation or hearing in the municipality where the licensed premises or proposed licensed premises is located, the Executive Director may consider any information from that previous consultation or hearing in determining the matter under Section 102.

Referring matter to Regulatory and Appeals Board before or after public consultation

- 101** (1) The Executive Director may refer a matter to the Regulatory and Appeals Board for determination either before or after any public consultation has taken place.
- (2) If the matter is referred to the Regulatory and Appeals Board before any public consultation has taken place, in addition to determining the matter, the Board is responsible for any public consultation held respecting the matter.
- (3) The Executive Director may assist in a public consultation held by the Regulatory and Appeals Board, as directed by the Board.

Determination after public consultation

- 102** (1) After holding a public consultation for the purpose of determining whether to grant a license, in accordance with subsection 49(8) or 49(12) of the Act, the Executive Director must do 1 of the following:
- (a) grant the application for a permanent license, and impose any conditions on the license that the Executive Director determines, in accordance with the Act and these regulations;
 - (b) refuse to grant the application for a permanent license;
 - (c) refer the matter to the Regulatory and Appeals Board in accordance with subsection 47(3) of the Act.
- (2) After holding a public consultation for the purpose of determining whether to impose, rescind or amend conditions on a permanent license in accordance with subsection 27(2) of these regulations, the Executive Director may
- (a) impose conditions on the license;
 - (b) rescind or amend existing conditions on the license; or

- (c) refer the matter to the Regulatory and Appeals Board in accordance with subsection 47(3) of the Act.

Documents

Service of documents and deemed receipt

- 103 (1)** A document that is served under these regulations must be served
- (a) in the case of an individual,
 - (i) personally,
 - (ii) by registered mail to the individual's most recent address known to the person sending the document, or
 - (iii) by facsimile or other electronic transmission that allows proof of successful transmission; or
 - (b) in the case of a corporation,
 - (i) personally on the recognized agent or a director, manager or officer of the corporation,
 - (ii) by registered mail to the registered office of the corporation or, for an extra-provincial corporation, to the office of its legal counsel in the Province, or
 - (iii) by facsimile or other electronic transmission that allows proof of successful transmission.
- (2)** Service under these regulations to a licensee who cannot be found in the Province may be effected by posting a copy of the document being served in a conspicuous place on the premises for which the license is held.
- (3)** Any document that is served by registered mail is deemed to have been received by the addressee 3 days after the date of the first attempt by the postal service to deliver the document, unless the addressee establishes that they did not, acting in good faith, through absence, incident, illness or other cause beyond their control, receive a copy of the document until a later date than the deemed date of receipt.
- (4)** Service by facsimile or other electronic transmission is deemed to have been received the day after it was sent or, if that deemed date of receipt is a Saturday or a holiday, on the next day that is not a Saturday or a holiday,

unless the person being served establishes that they did not, acting in good faith, through absence, incident, illness or other cause beyond their control, receive a copy until a later date than the deemed date of receipt.

Certified copy admissible in evidence

104 A copy of a document that purports to be certified by the Executive Director or an inspector as being a true copy of the original is admissible in evidence in any proceeding under the Act or these regulations.

23 The regulations are further amended by striking out “Review Board” wherever it appears and substituting “Regulatory and Appeals Board”.