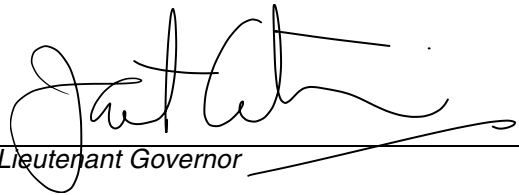


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 516

, Approved and Ordered July 15, 2024



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 August 19, 2024, the Liquor Control and Licensing Regulation, B.C. Reg. 241/2016, is amended as set out in the attached Schedule.



Minister of Public Safety and Solicitor General and
Deputy Premier



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 and 82 (a), (g) and (h)

Other: OIC 724/2016

R10792311

SCHEDULE

1 Section 53 of the Liquor Control and Licensing Regulation, B.C. Reg. 241/2016, is amended

(a) by adding the following definitions:

“licensee’s hold location”, in relation to a licensee retail store licence that has been amended for the purpose of allowing a licensee retail store to be relocated to a temporary LRS location, means the original location of the licensee retail store before the licence was amended for that purpose;

“LRS hold location” means the licensee’s hold location under any licensee retail store licence that

- (a) has been amended for the purpose of allowing the store to be relocated to a temporary LRS location, and
- (b) has not expired or been cancelled;

“LRS relocation licence” means a licence in the licensee retail store licence class that has been amended for the purpose of allowing the applicable licensee retail store to be relocated to a temporary LRS location;

“permanent LRS location” means the location of a licensee retail store that is not a temporary LRS location; ,

(b) by repealing paragraph (b) in the definition of “proposed location of another store” and substituting the following:

- (b) the new location of a licensee retail store that is proposed in an application under section 17 of the Act to amend a licensee retail store licence, other than an application in relation to the relocation of a licensee retail store from its current location to
 - (i) a temporary LRS location, or
 - (ii) an LRS hold location, or , **and**

(c) by adding the following definition:

“temporary LRS location” means, as the context requires,

- (a) the location specified in an application made by a licensee under a licensee retail store licence to amend the licence for the purpose of allowing the applicable licensee retail store to be relocated to that location on a temporary basis, or
- (b) the current location of a licensee retail store under a licensee retail store licence that was amended for the purpose of allowing the store to be relocated from its original location to its current location on a temporary basis.

2 Section 60 is amended

(a) by adding the following subsection:

- (0.1) This section applies in relation to the amendment of a licensee retail store licence for the purpose of

- (a) relocating the applicable licensee retail store to another location on a permanent basis, or
- (b) causing a temporary LRS location to become a permanent LRS location. ,

(b) by repealing subsection (1) and substituting the following:

- (1) Subject to subsection (2), an application to amend a licensee retail store licence for one of the purposes described in subsection (0.1) must not be approved unless the proposed location of the licensee retail store is at least 1 km from the following:
 - (a) any permanent LRS location;
 - (b) any liquor store;
 - (c) any proposed location of another store;
 - (d) any LRS hold location. ,

(c) in subsection (2) by striking out “to relocate the store” and substituting “for the purpose described in subsection (0.1) (a)”, and

(d) by repealing subsection (2) (b) and (c) and substituting the following:

- (b) the proposed new location is not closer to a liquor store, permanent LRS location, LRS hold location or proposed location of another store than the current location;
- (c) the shortest travelling distance by road between the proposed new location and a liquor store, permanent LRS location, LRS hold location or proposed location of another store is 1 km or more because of a watercourse or body of water; .

3 *The following section is added:*

Temporary relocation of licensee retail stores

- 60.1** (1) This section applies in relation to the relocation
- (a) of a licensee retail store to a temporary LRS location, and
 - (b) of a licensee retail store from a temporary LRS location to the applicable licensee’s hold location.
- (2) The licensee under a licensee retail store licence may apply for an amendment to the licence to reflect a relocation to a temporary LRS location if
- (a) repairs are necessary because the store was substantially damaged by fire, flood or other event beyond the licensee’s control,
 - (b) significant alterations to or renovations of the store are to be carried out by a person other than the licensee, or
 - (c) the licensee
 - (i) intends to carry out significant alterations to or renovations of the store, and
 - (ii) has reasonable grounds for believing that it would be impractical to continue to operate the store while the alterations or renovations are carried out.

- (3) An application to which this section applies must not be approved if
 - (a) the applicant has not demonstrated, to the satisfaction of the general manager, that subsection (2) (a) or (b) applies, or
 - (b) subject to subsection (4), the temporary LRS location is less than 1 km from the following:
 - (i) any permanent LRS location;
 - (ii) any liquor store;
 - (iii) any proposed location of another store;
 - (iv) any LRS hold location.
- (4) Despite subsection (3), the general manager may approve an application to amend a licensee retail store licence for the purpose described in subsection (1) (a) if any of the following circumstances apply:
 - (a) the distance between the current location of the applicable licensee retail store and the temporary LRS location is 250 m or less;
 - (b) the temporary LRS location is not closer to a liquor store, permanent LRS location, LRS hold location or proposed location of another store than the current location of the applicable licensee retail store;
 - (c) the shortest travelling distance by road between the temporary LRS location and a liquor store, permanent LRS location, LRS hold location or proposed location of another store is 1 km or more because of a watercourse or body of water.
- (5) If the general manager approves an application to amend a licensee retail store licence for the purpose described in subsection (1) (a), the general manager must specify the following:
 - (a) the date on which the amendment of the licence is to be effective;
 - (b) the expiry date of the amended licence;
 - (c) a date after which no further renewals of the LRS relocation licence will be granted by the general manager, which date must be no more than 5 years from the effective date under paragraph (a).
- (6) Subject to subsection (8), the licensee under an LRS relocation licence may, no later than 180 days before the date specified by the general manager under subsection (5) (c), apply to the general manager for a change to the specified date.
- (7) If the general manager receives an application under subsection (6), the general manager may specify a new date after which no further renewals of the LRS relocation licence will be granted by the general manager, but only if
 - (a) the general manager is satisfied that extenuating circumstances prevented the licensee from repairing the damage described in subsection (2) (a) or completing the alterations or renovations described in subsection (2) (b), as applicable, and
 - (b) the new date is no more than 2 years after the date specified by the general manager under subsection (5) (c).
- (8) The date specified by the general manager under subsection (5) (c) may only be changed once.

- (9) The licensee under an LRS relocation licence must, in relation to the licensee's hold location, maintain a right or interest in the licensee's hold location that
 - (a) allows the licensee to relocate to the licensee's hold location following the completion of the work described in subsection (2) (a) or (b), as applicable, and
 - (b) is acceptable to the general manager.
- (10) The licensee under an LRS relocation licence must, no later than 180 days before the date specified by the general manager under subsection (5) (c) or subsection (7), as applicable, do one of the following:
 - (a) apply for an amendment of the licence to reflect the licensee's hold location, in order that the licensee may return to that location;
 - (b) apply for an amendment of the licence for the purpose of allowing the temporary LRS location to become a permanent LRS location;
 - (c) apply for an amendment of the licence for the purpose of allowing the applicable licensee retail store to be relocated to a location other than the licensee's hold location on a permanent basis.
- (11) For certainty, section 60 applies in relation to an application made for a purpose described in subsection (10) (b) or (c) of this section.
- (12) If the general manager approves an application made for the purpose described in subsection (10) (a), the general manager must specify the date on which the amendment of the licence is to be effective.
- (13) If the licensee under an LRS relocation licence does not make an application in accordance with subsection (10), the general manager must, subject to section 19 (2) (c) and (d) of the Act,
 - (a) amend the LRS relocation licence to reflect the licensee's hold location, and
 - (b) specify the date on which the amendment of the licence is to be effective.
- (14) If the licensee under a licensee retail store licence that has been amended to reflect the licensee's hold location does not begin to operate the licensee retail store at that location on the effective date of the amendment, the following provisions apply:
 - (a) for the purposes of section 92.1 (1), the licensee is deemed to have ceased operations on the effective date of the amendment;
 - (b) none of the prescribed circumstances described in section 92.1 (3) to (6) and (8) apply.
- (15) For certainty, a licensee's hold location ceases to be an LRS hold location for the purposes of this Division if
 - (a) an LRS relocation licence expires or is cancelled by the general manager for any reason, or
 - (b) the licensee under an LRS relocation licence fails to comply with subsection (9).

- 4** *Section 66 (2) and (3) (a) is amended by striking out “other licensee retail store or liquor store or any” and substituting “liquor store, permanent LRS location, LRS hold location or” in both places.*