

Date: February 2, 2009

To: All LCLB staff  
All Industry Associations  
All Local Government, First Nations, and Police Agencies

**Re: Regulations implementing the temporary Olympic/Paralympic licence**

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In April, 2008, amendments to the Liquor Control and Licensing Act were passed by the Legislature to allow for a new category of liquor licence called an Olympic/Paralympic licence.

This new, temporary licence is intended to meet the needs of Olympic/Paralympic Games related facilities and services. Organizations which organize and manage the Games, national Olympic and Paralympic committees, governments of participating countries, Olympic/Paralympic sponsors, and organizations supplying food and beverages and facilities for the Games are expected to make requests to the Liquor Control and Licensing Branch to operate licensed facilities which will not fit within the structure of the current liquor licensing regime. Except as provided for in the Olympic/Paralympic licence regulation, all the rules and procedures related to the current types of licence remain unchanged.

The vast majority of visitors during the Games will be served by existing licensed establishments.

This new, temporary licence category will be strictly time limited to the period surrounding the Games and will only be available in areas with Games related venues and facilities. The Olympic/Paralympic licence category will be abolished after the Games are over.

The following is an outline of the regulations and policies which implement this temporary licence category.

**1. Eligibility:**

Only individuals and organizations directly linked to the Games will be eligible to apply for an Olympic/Paralympic licence. These include:

- (1) the International Olympic Committee;
- (2) the International Paralympic Committee;
- (3) Vancouver Organizing Committee for the Olympic/Paralympic Games (VANOC);
- (4) a person who has a contract with VANOC to supply food or beverage services or a facility for the Games during the time when the services are to be provided;
- (5) an official Games sponsor;
- (6) a local government or first nation that is located within the areas where the Olympic/Paralympic licence is available (see below), for an establishment located within its own boundaries;

- (7) a national, state or provincial government of an official participant country;
- (8) the national Olympic committee or the national Paralympic committee of an official participant country;
- (9) an international sports federation that is a member of the Association of International Olympic Winter Sports Federations.

Olympic/Paralympic licences will only be available from December 1, 2009 to March 31, 2010. In most cases, it is expected that licences will only be in effect during the Games and for a few days before and after.

Because the Olympic/Paralympic licence is designed to respond to the needs of organizations directly linked to the Games, the Olympic/Paralympic licence will only be issued for an establishment located in one of the following areas:

- Burnaby;
- Richmond;
- Surrey;
- Vancouver;
- District of Squamish;
- District of West Vancouver;
- Regional district of Squamish-Lillooet;
- Resort municipality of Whistler;
- UBC's Point Grey Campus.

An Olympic/Paralympic licence cannot be issued to an establishment which already has a liquor primary or a food primary licence. A permanent licensee may, however, apply to have their licence suspended so that their premises can be leased to an Olympic/Paralympic eligible organization which could apply for an Olympic/Paralympic licence.

## **2. Licensing Process**

Since most of the Olympic/Paralympic licence applicants will be from outside of BC, the usual residency requirements will not apply to licensees or the people who manage Olympic/Paralympic licensed establishments.

An Olympic/Paralympic licence may be issued to a person who is the owner of the establishment to which the licence relates, has a lease for the establishment that does not expire for at least the duration of the licence, or has a contract with VANOC to supply food and beverage to, or facilities for, the Games.

Applicants for an Olympic/Paralympic licence must complete the Olympic/Paralympic licence application which requires them to confirm their eligibility for the licence, provide an address for service to which all legal notices may be sent, and provide specific information related to their suitability to be a licensee.

The application fee of \$1,500 and the licence fee of \$1,500 for an Olympic/Paralympic licence must be submitted with the application.

Local or first nation governments will be given an opportunity to provide comments about a proposed Olympic/Paralympic licence in their jurisdiction. These comments, which must be

submitted within 60 days of receiving the application from the Branch, must be in writing and take into account of the hours of liquor service, the potential for noise, and the impact on the community if the licence is approved. The general manager must take these comments into account when considering the application.

Please check the Branch website after April 1, 2009 to obtain an application form and more information about the terms and conditions of the Olympic/Paralympic licence.

### **3. Operating Terms and Conditions:**

Olympic/Paralympic licensed establishments will likely encompass features which resemble both liquor primary and food primary establishments.

Subject to any additional requirement imposed by the general manager, only managers responsible for liquor service in Olympic/Paralympic licensed establishments and at least one on-duty server will be required to complete the Serving It Right training course.

Minors will be allowed in Olympic/Paralympic licensed establishments unless the general manager prohibits them because their presence would be contrary to the public interest.

Olympic/Paralympic licences will be subject to the same hours of liquor service regulations as apply currently to all other licences.

The general manager will set the person capacity for the establishment when the licence is issued.

Every Olympic/Paralympic licensed establishment must have hot or cold snacks and non-alcoholic beverages available at reasonable prices.

Patrons must be cleared from Olympic/Paralympic licensed establishments within 1/2 hour after the time stated on the licence for the hours of liquor service, unless otherwise authorized by the general manager.

An Olympic/Paralympic licensee may apply to the general manager for approval to enter an agreement with a manufacturer to promote or favour the manufacturer's brands in the establishment. The general manager may approve the request, subject to specific terms and conditions or restrictions on the agreement. There may be separate agreements covering different product categories such as beers, wines or spirits. In any case, the licensee must also make available products from different manufacturers with whom the licensee has no agreement to promote their products and let patrons know those products are available. As part of any such agreement, and subject to any terms and conditions imposed by the general manager, a person may offer and give, and a person with an Olympic/Paralympic licence may ask for and take, remuneration and/or consideration, directly or indirectly, for promoting or furthering the sale of particular brands of liquor. Under no circumstances, however, can anyone give free liquor to a licensee. More details on these agreements will be provided in the near future.

#### **4. Compliance and Enforcement**

Before an Olympic/Paralympic licence is issued, the applicant must provide security in the form of an irrevocable letter of credit in the amount of \$50,000 which contains a promise to pay any unpaid monetary penalties that may be imposed. The Liquor Control and Licensing Act has been amended so that the Branch retains jurisdiction over an Olympic/Paralympic licensee even after the licence has expired in order to pursue any outstanding enforcement actions after the licence has expired.

The short durations of these licences means that the suspension penalty will often not be applicable since the licence will have expired before a penalty can be assessed. For this reason, monetary penalties may be imposed on Olympic/Paralympic licensees for first, second and subsequent contraventions.

If an Olympic/Paralympic licensee does not pay a monetary penalty within 30 days of signing a waiver or the decision of an adjudicator, the general manager may take the penalty from the security provided when applying for the licence. The security, or remaining security, will be returned to the licensee as soon as is reasonable after the licence expires. If no enforcement action has been started within 6 months after the expiry of the Olympic/Paralympic licence, the security will be returned to the licensee.

#### **5. Arrangements between permanent licensees and O/P licence eligible organizations**

A food or liquor primary licensee, in an area where an Olympic/Paralympic licence may be issued, may enter a contract with an Olympic/Paralympic eligible organization during the time period when the Olympic/Paralympic licence is available for the use of its establishment. That licensee may apply to the general manager for an exemption under s. 18(4), the “tied house” provision, to allow it to enter an agreement with a manufacturer to promote or favour the manufacturer’s brands in the establishment. The general manager may approve the request, subject to specific terms and conditions or restrictions on the agreement. There may be separate agreements covering different product categories such as beers, wines or spirits. In any case, the licensee must also make available products from different manufacturers with whom the licensee has no agreement to promote their products and let patrons know those products are available.

As part of any such agreement, and subject to any terms and conditions imposed by the general manager, the parties to that agreement may apply for an exemption under s. 45(4), the “inducement” provision, to allow one party to offer and give, and the other party to ask for and take, remuneration and/or consideration, directly or indirectly, for promoting or furthering the sale of particular brands of liquor. Under no circumstances, however, can anyone give free liquor to a licensee.

More details on these agreements will be provided in the near future.

Once the contract with the Olympic/Paralympic eligible organization is finished or the time period in which the Olympic/Paralympic licence may be in effect has ended, these exemptions will automatically end.

## Further Information

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at [www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb). If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250-387-1254 if calling from the Victoria area. A copy of the Olympic/Paralympic licence regulation can be found on the Branch website.



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