

## NLCB Interpretive Directives

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The Nunavut Liquor and Cannabis Board (NLCB) – previously known as the Liquor Licensing Board - is responsible for interpreting the *Liquor Act* and the Regulations. When a matter arises that is not explicitly addressed in the legislation, the Board makes a decision consistent with the legislation.

The Board communicates its decision to licence holders and holders of Special Occasion Permits (SOPs) in the form of an Interpretive Directive. Licence and permit holders are expected to be aware of and keep up to date with Interpretive Directives issued by the Board.

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**Nunavut Liquor Licensing Board**  
**Time Change**  
Interpretive Directive #1  
September 28, 2006

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**Time Change**

Because time changes in spring and fall relating to observing daylight saving time officially become effective at 2:00 a.m. on the Sunday when the change occurs, the time change has no effect on licensed hours.

For example, in April when the clock is moved forward one hour, it is moved at 2:00 a.m. according to the old time. Licence holders are not authorized to open later than this time and must close according to their approved hours on the old hours. It is the hour between 2:00 and 3:00 a.m. Sunday that disappears in the time change.

In October when the clocks are turned back, licence holders must also operate according to the old time. When the time change takes effect at 2:00 a.m. the clocks are turned back to 1:00 a.m. and that hour is repeated. However, this does **not** allow licence holders who close at 2:00 a.m. to remain open for an additional hour.

**Nunavut Liquor Licensing Board**  
**Dining Room Licences – Serving drinks with meals**  
Interpretive Directive #2  
January 2007

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**Dining Room Licences – Serving drinks with meals**

Subsection 43(2) of the *Liquor Regulations* provides that the holder of a dining room licence may only sell liquor to a person who is “seated at a table and having a meal”.

Section 45 of the *Liquor Regulations* refers to liquor having been served “before” or “after” a meal, as well as during the meal.

The purpose of a dining room licence is to allow persons to consume liquor while enjoying a meal. The expression “having a meal” in subsection 43(2) of the Regulations is not intended to require that a person be actually in the process of eating the food that comprises the meal, but refers to the commonly understood process of dining. Thus, liquor may be served, as is implied by section 45, both before and after the actual meal has been consumed, within reason.

However, this is not to be understood as permitting a person to have a meal and remain drinking for an indefinite period after the meal is finished. In addition, no liquor may be served or consumed after the expiration of the licensed hours of the premises to which the dining room licence relates, regardless of how much time has elapsed since the meal was consumed, or even if the meal is not finished.

**Nunavut Liquor Licensing Board**  
**Room Service in Hotels**  
Interpretive Directive #3  
January 2008

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**Room Service in Hotels**

Subsection 13(1) of the *Liquor Act* authorizes the Board to issue certain classes of licence for certain purposes. In particular, the Board may issue a dining room licence “for the sale and consumption of liquor in a public dining room”, or a cocktail lounge licence, or a guest room licence “for the sale of liquor by the licence holder for consumption by a *bona fide* registered guest of a tourist establishment”.

Subsection 50(1) of the *Liquor Regulations* provides that the holder of a “guest room or a liquor licence issued in respect of premises in a hotel” may sell liquor to a registered guest for consumption in the guest’s room and charge the amount to their room account. Subsection 50(2) of the *Liquor Regulations* restricts the hours during which liquor may be sold to a guest in his or her room to the hours when the licence holder is authorized to sell liquor under a dining room or cocktail lounge licence.

The regulations must wherever possible be interpreted in a manner that is consistent with the Act. If regulations conflict with the Act they are invalid.

Since dining room and cocktail lounge licences relate to specific licensed premises within a hotel and since the Act specifically provides for the guest room licence as a specific class of licence, section 50 of the Regulations must be understood as relating not to the issue of in effect automatically granting a guest room licence with every dining room or cocktail lounge licence, but to the issue of how a guest can be charged for liquor delivered to the room when authorized under a guest room licence and the hours during which liquor may be served to a guest in a room in a hotel.

Therefore, a specific guest room licence is required if room service is offered in a hotel.

## **Nunavut Liquor Licensing Board**

### **Special Occasion Permits**

#### **Interpretive Directive #4**

*June 2008*

*Revised June 2018*

*Revised October 2018*

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#### **Authority to Issue**

Subsection 15(4) of the *Liquor Act* authorizes the Board and any person who has been designated by the Minister to issue a Special Occasion Permit (SOP) to any person or organization to allow the sale and consumption of liquor at a social function.

Section 79 of the *Liquor Regulations* provides for the issuance of an “ordinary” permit and a “resale” permit. An ordinary permit does not allow liquor to be sold at the social function, while a resale permit does.

#### **Role of the Board**

The Board is required to authorize the issuance of special occasion permits in two situations:

- where a social function takes place over a period of time not exceeding three consecutive days; and
- to authorize the issuance of more than one resale permit during a week.

Permit issuers may refer an application to the Board where circumstances warrant.

#### **How and When to Apply**

The application for a special occasion permit requiring the Board’s authorization should be made to a permit issuer, as in the case of any other application for a special occasion permit. The permit issuer will obtain the Board’s authorization for the permit to issue.

It should be kept in mind that the Board only meets regularly four times per year. Requests made at other times must be handled through a special process. For that reason, where a Board authorization is required, the request for it should be made at least 14 days before the date of the social function to which the special occasion permit is intended to apply in order to ensure that the application can be processed in time.

#### **Social Function**

The Board’s policy defines a “social function” as an event hosted by a single person or organization that takes place over a period of time not exceeding three consecutive days.

#### **Server Training**

All persons who have signed the SOP application, whether for ordinary or resale, as a “supervisor” and all persons who will be actually serving liquor must provide proof of server training with the application.

## **Resale Permit**

Only a non-commercial organization and a holder of a private recreational facility licence may apply for a resale permit. There is only one holder of a private recreational facility licence in Nunavut, and that is the Frobisher Racquet Club Ltd. Therefore, any other applicant must be a non-commercial organization.

An applicant must provide proof that it is an “organization” as defined by section 79 of the *Liquor Regulations*:

- a group: demonstrated with a copy of the certificate of incorporation or constitution and bylaws or, if the group is not incorporated, a sworn statement from a member of its executive testifying to the existence of the group;
- in existence for six months or more: according to the date of the incorporating documents or constitution and bylaws or, if the group is not incorporated, a sworn statement from a member of the executive;
- with an executive: demonstrated with a copy of the bylaws that show the governing structure of the organization plus the minutes of the meeting at which the executive members were elected or appointed to show who they are;
- if a group hasn't been in existence for six months and/or doesn't have an executive, it can only obtain a resale permit if the group is sponsored by a municipal or civic authority in the form of a letter on the letterhead of the authority.

## **Terms and Conditions on Permits**

Sections 78 to 102 of the *Liquor Regulations* set out the details of the permit application procedure and regulate what the permit holder must do and not do. Conditions are also attached to permits when they are issued and are printed on the permit. Permit holders should ensure that they are familiar with all of these requirements as, pursuant to section 101(1), a breach of any of them authorizes a peace officer or liquor inspector to cancel the permit immediately.

## **Persons under 19**

Sections 95(1) and (3) of the *Liquor Regulations* provide that a person under 19 cannot attend a social function for which a resale permit has been issued, other than a wedding reception, an anniversary or a family reunion, unless the underage person is providing the entertainment – but of course, they cannot consume liquor in any case.

## **Display of Permit**

Section 100 of the *Liquor Regulations* requires that all permits must be prominently displayed on the premises to which they relate during the social function for which they were obtained.

## **Statement of Account**

Section 97 of the *Liquor Regulations* requires that a statement of account in Form 17 (attached) is

filed with the Board's Executive Secretary within a reasonable time after the event for which the resale permit was issued has occurred. If the Executive Secretary does not receive the completed statement of account within 30 days of the event, he or she will notify the permit issuers that the permit holder is not eligible to obtain a subsequent permit until the statement of account is received. The completed statement of account should be submitted to the Executive Secretary in person at [address], by mail [mailing address] or by email to [nllb@gov.nu.ca](mailto:nllb@gov.nu.ca).

**Applicant is Responsible**

Note that the person who applies for a permit on behalf of an organization is required to be present at the social function and is responsible for ensuring that the terms and conditions attached to the permit as well as the requirements of the *Liquor Act* and the *Liquor Regulations* are complied with.

**Nunavut Liquor Licensing Board**  
**“Banquet Rooms”**

Interpretive Directive #5

June 2008

Revised January 2009

Revised January 2021

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**Licensing “Banquet Rooms”**

Subsection 13(1) of the *Liquor Act* sets out a list of types of licences that may be obtained under the Act and regulations. The list does not include any reference to licences for banquet rooms.

Since all premises where liquor is served must be licensed, and in order to accommodate the common and acceptable practice of holding receptions and other events in rooms commonly referred to as “banquet rooms”, the Board licences these rooms under the dining room licence associated with the facility, as is implied by the regulations, and during those events food and liquor can be served to people who are not seated at tables.

**Applications**

Any applicant for a dining room licence or renewal of a dining room licence that wishes to have that licence apply to other rooms on its premises to be used as needed as banquet rooms must ensure that the banquet rooms are included in their dining room licence. When the Board approves the issuance of a dining room licence to cover a banquet room, a separate licence document is provided to the licence holders to be posted in the banquet room.

**Fire and Health Requirements**

Compliance with the *Fire Prevention Act* and its regulations and the *Public Health Act* and its regulations must also be demonstrated by providing a certification/letter from the Fire Marshal and a Health Officer to that effect and relating specifically to the banquet rooms to be licensed.

**Licensed Hours**

An event can be held in a banquet room at any time during the licensed hours approved for the dining room licence applicable to the banquet room. In addition, an event can be held at any time outside the licensed dining room hours and between 10:00 and 24:00 Monday to Sunday, provided that the Chief Liquor Inspector is given 48 hours’ notice that the event is taking place. Extensions beyond midnight require the approval of the Board/Executive Secretary under subsection 26(2) of the *Liquor Regulations*. Applications for approval must be made on the form provided by the Board and obtainable from the Executive Secretary.

**Value of receipts**

Section 44 of the *Liquor Regulations* requires that the value of receipts from liquor sold in a dining room must not exceed the value of receipts from food sold in any calendar month. For the purposes of this section, the value of receipts from the dining room and all associated banquet rooms are added together.



**Nunavut Liquor Licensing Board**  
**Serving Food outside Licensed Hours**  
Interpretive Directive #6  
September 2008  
Revised March 2009

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**Introduction**

The Board has received applications for permission to serve food outside licensed hours on premises to which a dining room licence applies. In the Board's view, it has no jurisdiction or authority to grant or refuse this permission, as it does not involve the sale, use, possession or consumption of alcohol.

**Serving Food on Licensed Premises**

However, the Board does have jurisdiction with respect to liquor and licence holders. Any licence holder who wishes to serve food on their licensed premises outside licensed hours must ensure that no liquor is visible on the premises at that time.

**Cocktail Lounge Licence Holders**

This directive **does not** exempt the holder of a cocktail lounge licence from the application of section 40 of the *Liquor Regulations*. Section 40 provides that "no person other than the licence holder or his or her employees or agents, shall be in the licensed premises of a cocktail lounge after 15 minutes from the expiration of licensed hours".

The Board interprets section 40 to mean that no one can be in the licensed premises of a cocktail lounge after closing time, whether or not they are drinking, but that persons may be present on those premises prior to the licensed hours, if there is no consumption of alcohol occurring and no alcohol visible on the premises at the time.

**Nunavut Liquor Licensing Board**  
**Using Dining Rooms as “Banquet Rooms”**

Interpretive Directive #7

November 2008

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**Using Dining Rooms as “Banquet Rooms”**

Subsection 13(1) of the *Liquor Act* sets out a list of types of licences that may be obtained under the Act and regulations. The list does not include any reference to licences for banquet rooms. Dining room licences can be extended to apply to rooms in a facility known as “banquet rooms”, but there are also situations that arise where the holder of a dining room licence wishes to use its dining room for a banquet or special event, rather than a separate banquet room.

Holders of a dining room licence may use their licensed dining room to hold a private function such as a wedding reception and/or banquet, office Christmas party, or similar event, but only if the dining room is closed to the general public while the event is held and the Chief Liquor Inspector is notified at least 48 hours in advance. During these events food and liquor can be served to people who are not seated at tables.

**Nunavut Liquor Licensing Board**  
**Server Training**  
Interpretive Directive #8  
January 2010  
Revised March 2012  
Revised June 2012  
Revised October 2016  
Revised June 2018

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**Legislative background**

Section 13 of the *Liquor Act* allows the Nunavut Liquor Licensing Board to attach terms and conditions to licences that it issues in relation to conduct of licence holders, management of licensed premises, and sale and consumption of liquor on such premises.

13(1.1) Subject to this Act and the regulations, the Board, in issuing a licence, may set out such terms and conditions in the licence respecting the matters referred to in subsection 6(2) as the Board considers appropriate.

6(2) Subject to this Act and the regulations, the Board shall control

- (a) the conduct of licence holders;
- (b) the management and equipment of licensed premises; and
- (c) the conditions under which liquor may be sold or consumed on licensed premises;

**Server training required**

On and from April 1, 2013, it shall be a condition attached to each licence issued by the Nunavut Liquor Licensing Board, other than a special licence or canteen licence, that the licence holder shall ensure that all individuals employed in the licensed premises — regardless of position — have completed server training within 30 days after the date of hiring.

Server training certificates are valid for five years from the date on which they are issued.

**Documentation**

Proof of successful completion of server training is provided to the individual in the form of a card or certificate. It is the responsibility of each licence holder to keep a Server Training Log in which each employee's name, date of hire and date of certification is recorded together with a copy of the server training card or certificate received by the employee.

The licence holder will be required to submit copies of the Server Training Log and of the card or certificate provided to each employee as proof of completion of server training annually with its licence renewal application.

Proof of server training provided with licence renewal applications must be dated within 30 days of the date on which the employee was hired. Employees must be re-certified every five years.

Note: A person working in licenced premises in a volunteer capacity is deemed to be an employee, for the purpose of this directive.



**Nunavut Liquor Licensing Board**  
**Advertising of Liquor by Licence Holders**

Interpretive Directive #9

March 2012

Revised January 2017

Revised January 2019

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**Legislative background**

The *Liquor Regulations* provide as follows:

116 This part applies to advertising originating in Nunavut.

117 There shall be no advertisement of liquor by means of a sign or in a newspaper, magazine, radio, television or other means of public communication except advertising specifically approved by the Board.

**Advertising originating in Nunavut requires Board approval**

If a licence holder or permit holder wishes to advertise, it must submit an application to the Board on the Board's standard form providing a copy of the proposed advertisement and outlining the proposed advertising schedule and details of where the advertising will be used. The application must be submitted in advance and will be considered by the Board at its next regular Board meeting. Regular Board meetings are typically held in January, March, June and September.

**Advertising on Social Media**

A licence holder may use social media to update patrons about operational changes, such as closure due to weather or internet restrictions that require "cash only" sales. These updates are not considered to be advertising of alcohol.

A licence holder who wishes to obtain Board approval to advertise on social media about entertainment or events in a licensed establishment must provide the Board with:

- 1) two or more samples of the types of pictures/photos to be posted together with their associated text; and
- 2) a plan of when and how often such posts will be used.

## **Nunavut Liquor Licensing Board**

### **Use of Logos Supporting Social Causes**

The use of a licence holder's logo alone attached to advertising for a worthy social cause, such as a "Holiday Don't Drink and Drive Campaign", is approved. No specific application to the Board is required.

### **Advertising Guidelines**

Any advertising by a licence or permit holder in Nunavut must be tasteful and appropriate and must not be geared to youth, must not promote drinking, and must not be sexist.

No licence or permit holder shall advertise, outside the licensed premises, happy hours, drink specials, or the sale or service of free or discounted liquor.

A licence or permit holder may provide the following information in an advertisement or public communication:

- the category of the licence or permit held, eg. Canteen, Club, Dining Room, SOP(resale)
- the location of the establishment and the hours of operation
- any entertainment or food that may be featured

Advertising that does any of the following is prohibited:

- attempts to influence non-drinkers of any age to drink or purchase alcoholic beverages
- is directed at persons under the legal drinking age or associates any product with youth
- portrays any type or brand of alcohol in the context of or in relation to an activity attractive primarily to people under the legal drinking age
- contains an endorsement of any type or brand of alcohol, personally or by implication, either directly or indirectly, by any person, character or group who is likely to be a role model for minors
- attempts to establish any type or brand of alcohol as a status symbol, a necessity for the enjoyment of life or an escape from life problems or attempt to establish that its consumption should take precedence over other activities
- implies directly or indirectly that social acceptance, social status, personal success or business or athletic achievement may be acquired, enhanced or reinforced through consumption of alcohol
- implies directly or indirectly that the presence or consumption of alcohol is, in any way, essential to the enjoyment of activity or an event
- uses imperative language to urge people to purchase or consume any type or brand of alcohol
- introduces alcohol in such a way or at such a time that it may be associated with the operation of any vehicle or conveyance requiring skill

- contains inducements to prefer an alcoholic beverage because of its higher alcohol content
- contains scenes in which alcohol is being consumed or that gives the impression that is or has been consumed
- advertises free liquor specials, multiple drink specials (eg. 2 for 1), pour size specials or all you can drink specials or happy hours
- contains words that imply the price of liquor, eg. “Loonie Night”
- contains coupons redeemable for a discount on liquor.

**Nunavut Liquor Licensing Board**  
**Role of the Board**  
Interpretive Directive #10  
March 2012

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**Legislative background**

The powers and duties of the Board are set out generally in section 6 of the *Liquor Act*.

Duties of Board

- 6(2) Subject to this Act and the regulations, the Board shall control
- (a) the conduct of licence holders;
  - (b) the management and equipment of licensed premises; and
  - (c) the conditions under which liquor may be sold or consumed on licensed premises;

Powers of Board

- (3) The Board may,
- (a) subject to this Act and the regulations,
    - (i) issue, renew and transfer licences, and
    - (ii) after a hearing, cancel or suspend licences; and
  - (b) subject to this Act,
    - (i) generally advise the Minister on all matters of policy, legislation and administration relating to the sale, distribution and consumption of liquor, and
    - (ii) make rules or orders governing its proceedings.

The Board is a quasi-autonomous administrative tribunal, appointed by and accountable to the Minister of Justice.

**Distinction between the Board and Liquor Enforcement**

The Liquor Inspectors are hired by and report to the Director of Liquor Enforcement in the Department of Finance. The role of the inspectors is similar to that of the police. They gather information that may then be used as evidence in a show cause hearing before the Board. The Chief Liquor Inspector relies on legal counsel to prosecute complaints when a show cause hearing is required. The Board acts as the decision-maker, on the basis of the evidence presented to it at the hearing.

**Distinction between the Board and the Liquor Commission**

The Liquor Commission is also located in the Department of Finance. The role of the Commission is to acquire liquor for purchase by licence holders for use in their licensed premises.



**Nunavut Liquor Licensing Board**  
**Private Receptions on Licensed Premises**  
Interpretive Directive #11  
September 2012

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**Legislative background**

The *Liquor Act* does not provide explicitly for a class of licences permitting receptions and other similar functions where food is served, but not necessarily to guests seated at tables.

**Application of Directive**

Interpretive Directive #5 addresses the issue of extending dining room licences to other rooms known as “banquet rooms”.

The present directive addresses the issue of using licensed dining room or licensed cocktail room premises for a reception or other similar function. This directive applies whenever licensed dining room or licensed cocktail room premises are closed to the public to be used for a private function.

**Certain Receptions Permitted on Licensed Premises**

Receptions are permitted where the licensed premises are booked by a particular group for a particular function and where those in attendance will have a ticket or invitation. Food must be served at the reception, but guests do not need to be seated at tables (although they can be).

The licence holder must provide notice to the Board and to the Chief Liquor Inspector at least two weeks in advance of the event.

All other rules applicable to the licensed premises contained in the Act, the regulations and other directives of the Board continue to apply.

**Board approval of changed hours not required**

Although the holding of a private reception has the effect of changing the hours for which the premises are open to the public, no formal approval of the specific event is required when notice is provided as required by this directive.

**Nunavut Liquor Licensing Board**  
**Annual Approval of Importation of European Products**  
Interpretive Directive #12  
January 2014

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**Legislative background**

Nunavut liquor legislation allows the Nunavut Liquor Licensing Board to approve the acquisition of liquor from an entity other than the Nunavut Liquor Commission. Since the Liquor Commission does not stock European products, applications must be made to the Board for approval to purchase them through other means.

**Application of Directive**

The purpose of this directive is to permit licence holders to obtain approval for orders to be placed throughout the calendar year from suppliers other than the Nunavut Liquor Commission for the purchase of European products.

Licence holders who wish to do so may obtain approval for such purchases by providing an estimate of the types and total amount of the European products they wish to obtain and identifying the supplier. Where the Board determines that an annual approval for an applicant is appropriate, it will then grant an approval that will expire on December 31 of the year for which the application is made.

An annual approval application for subsequent years will not be granted unless and until the licence holder has submitted a report showing a list of its purchases of European products for the preceding year.

Applications must be made to the Board on the general application form.

**Smoking near Liquor Licence Premises**  
Interpretive Directive #13  
September 2014  
Revised January 2019

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**Legislative background**

The Nunavut *Liquor Act* requires licence holders to ensure compliance with the *Tobacco Control and Smoke-Free Places Act* and municipal bylaws relating to smoking:

Smoke control condition

(1.12) It is a condition of any licence that the licence holder shall ensure compliance with

- (a) the provisions of the *Tobacco Control and Smoke-Free Places Act* that apply to the licensed premises; and
- (b) any municipal by-law affecting the licensed premises that regulates smoking, as defined in the *Tobacco Control and Smoke-Free Places Act*, or designates places in which smoking is prohibited.

The *Tobacco Control and Smoke-Free Places Act* prohibits smoking in any workplace or public place, or within three metres of any entrance or exit to a workplace or public place whether or not a sign is posted.

The Act defines “workplace” to mean any place where one or more employees work and defines “public place” as any place to which the public has access as of right or by invitation.

**Application of Directive**

The purpose of this directive is to inform licence holders of their obligation to ensure compliance with the *Tobacco Control and Smoke-Free Places Act* by requiring that their patrons not smoke within three metres of the entrance to the licensed premises.

Because the *Liquor Act* makes compliance with the *Tobacco Control and Smoke-Free Places Act* a condition of all licences, the “no smoking within three metres of the doorway” rule can and will be enforced by Liquor Enforcement.

## **Nunavut Liquor Licensing Board**

### **Intoxicated Persons on Licensed Premises**

Interpretive Directive #15

October 2016

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#### **Legislative background**

Section 98 of the *Liquor Act* provides as follows:

- 98(1)** No liquor shall be sold or supplied in any licensed premises to or for a person who is apparently in an intoxicated condition or who is apparently under the influence of drugs.
- (2) No licence holder shall allow in the premises for which the licence is issued
- (a) any gambling, drunkenness, or any riotous, quarrelsome, violent or disorderly conduct to take place; or
  - (b) any slot machine or device used for gambling.

#### **Intoxicated persons not to remain in licensed premises**

A licence holder must not allow a person who has become intoxicated to remain in the licensed premises. Because it is dangerous to send an intoxicated person out into freezing temperatures, the licence holder shall arrange to have the intoxicated person sent home by prepaid taxi.

**Nunavut Liquor Licensing Board**  
**“Licensed Hours” and “Hours of Operation”**  
Interpretive Directive #16  
October 2016

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**Legislative background**

Section 1 of the *Liquor Regulations* provides the following definition:

**“licensed hours”** means the hours during which liquor may be sold, disposed of or consumed in licensed premises;

The terms “licensed hours of operation”, “hours of operation”, “days of operation”, and “operating hours” are not defined in the Act or regulations. Section 26 of the *Liquor Regulations* provides:

- 26(1)** A licence holder shall file with the Board a schedule of hours of operation of his or her licensed premises.
- (2) No change shall be made in the hours or days of operation referred to in subsection (1) until the changes have been approved by the Board or the Executive Secretary.
- (3) An application for changes of operating hours shall be made at least two weeks ahead of the proposed effective date for the change.

**Interpretation**

The Board’s jurisdiction is limited to the hours during which liquor may be sold, disposed of or consumed. Except for the stipulation in section 40 of the *Liquor Regulations*, which requires all persons who are not the licence holder or his or her employees or agents to vacate a cocktail lounge within 15 minutes of the expiration of licensed hours, the Board’s jurisdiction does not extend to the hours during which a licensed premises is open but not serving liquor.

Therefore, the expressions “licensed hours of operation”, “hours of operation”, “days of operation”, and “operating hours” all mean “licensed hours”.

If a licence holder wishes to change his or her licensed hours, an application must be made to the Board and the licensed hours cannot be changed without the Board’s permission. If, on the other hand, a licence holder wishes to change the hours that the licensed premises is open but not serving liquor, the Board’s permission is not required for the change.

## **Purchasing Liquor from other than the Commission**

Interpretive Directive #17

October 2016

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### **Legislative background**

The *Liquor Act* provides as follows:

**36(1)** Unless authorized by the board, no licence holder shall buy liquor for sale and consumption in licensed premises except from

- (a) a liquor warehouse that is located in the same community as the licensed premises;
- (b) a liquor store that is located in the same community as the licensed premises, where there is no liquor warehouse in that community; or
- (c) the nearest liquor warehouse, where there is no liquor warehouse or liquor store in the same community as the licensed premises.

(2) In this section, “**liquor warehouse**” means a liquor warehouse established under the *Liquor Act*.

### **Purchasing Liquor from other than the Commission**

All licence holders must purchase their stock from the Liquor Commission. However, a licence holder may apply to the Board for permission to purchase stock from other than the Commission, and such permission will be granted if the products sought to be purchased are not carried by the Commission. The application must be made on the general application form.

A licence holder who holds a resale Special Occasion Permit cannot purchase liquor for the special occasion pursuant to the licence.

**Nunavut Liquor Licensing Board**  
**Beer Gardens and Similar Functions**  
Interpretive Directive #18  
March 2017

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**Legislative background**

Section 85(4) of the *Liquor Regulations* requires approval by the council of the settlement or municipality for a Special Occasion Permit (SOP) to hold a beergarden or similar type of function:

85(4) Where the application is for a beergarden or similar type of function, it shall be accompanied by a resolution by the council of the settlement or municipal corporation recognizing that this function is a community affair.

Section 6 of the *Regulations relating to the Conditions and Requirements for Operating a Beergarden* define a beergarden as:

An open air function where beer or liquor is served in a temporary structure or enclosure, in association with a sporting, musical or municipal event.

**Function Similar to a Beergarden**

A function similar to a beergarden is one that takes place in a temporary structure or enclosure inside a building and that is ancillary to some kind of community event.

An application for a resale permit for a beergarden or similar function:

- can *only* be made by a bona fide organization (one that is formally incorporated as a society and in good standing);
- must be submitted at least two weeks prior to the intended date of the event;
- must be accompanied by a resolution of the municipal or settlement council recognizing that this function is approved and include the information listed in section 2 of the *Regulations for Operating a Beergarden*; and
- must strictly comply with the requirements of section 3 to 17 of the *Regulations for Operating Beergarden*

**Nunavut Liquor and Cannabis Board**  
**Requirement of Criminal Record Check**

Interpretive Directive #19

March, 2019

**Legislative Background**

The *Liquor Act* states:

**24(1)** No licence may be issued, renewed or transferred under this Act to or in respect of any person who...

(b) has been convicted of any of the offences under such of the laws of Nunavut or of Canada as the regulations prescribe;

The *Liquor Regulations* state:

**10** No licence shall be issued, renewed or transferred to or in respect of a person who has, within the five years preceding the application for issuing, renewal or transfer of the licence, been convicted of an

(a) offence against the provisions of the Act or the Excise Act (Canada) involving the selling, keeping for sale, supplying or manufacturing of liquor;

(b) offence against the laws of Canada or Nunavut involving moral turpitude;

(c) offence against the Act involving the making of a false statement or the failure to make full disclosure to the Board.

**Criminal Record Checks**

The Board requires a criminal record check be completed with every new application for a liquor licence and with every liquor licence renewal.

Separate criminal record checks are required for each individual listed as the authorized officer or agent of the licenced establishment as well as for each individual listed as a shareholder, officer or director on the licence application.

The criminal record check must be the original document received from the Royal Canadian Mounted Police (RCMP) or other law enforcement agency and must have been completed within 90 days prior to the submission of the application.

This Interpretive Directive applies to applications received by the Board on and after April 1, 2019.

**Holding a Liquor Licence with a Criminal Record**

Having a criminal record does not necessarily mean that an individual cannot hold a liquor licence or manage an establishment. However, in the event that there is a criminal record, the Board has the responsibility to investigate the nature of the offence to which the record relates to ensure: compliance with the *Liquor Act* and *Liquor Regulation*; and public protection.