

**ANNUAL REPORT**

**NUNAVUT LIQUOR LICENSING BOARD**

**2013 – 14**

**July 31, 2014**

THE HONOURABLE PAUL OKALIK  
MINISTER OF JUSTICE  
GOVERNMENT OF NUNAVUT

**Annual Report of the Nunavut Liquor Licensing Board: 2013 - 14**

On behalf of the Nunavut Liquor Licensing Board, I am pleased to submit the Annual Report for the Nunavut Liquor Licensing Board and the audited financial statements for the Board's operations for the fiscal year ended March 31, 2014. This report is submitted pursuant to section 9(1) of the *Nunavut Liquor Act*.

A handwritten signature in blue ink, appearing to read 'D. Wilman', is written over a horizontal blue line.

David Wilman  
Chair  
Nunavut Liquor Licensing Board

**This report is dedicated to the memory of Jimmy Kilabuk who, since 2006, was a dedicated member of the Nunavut Liquor Licensing Board. Mr. Kilabuk died on April 20, 2013. He was a former Mayor of Iqaluit and a respected elder who brought an insightful perspective to the Board's work and deliberations. Until January 2014 when he was severely ill in hospital, Jimmy had not missed a meeting in his six years as a Board member. He is sorely missed.**

***The Mission of the Nunavut Liquor Licensing Board is to foster an environment that guides and regulates the legal and responsible use of alcohol in Nunavut.***

**Duties and Powers of the Nunavut Liquor Licensing Board**

1. All Board decisions must be made and business conducted in a manner consistent with the *Nunavut Liquor Act* and Regulations, other applicable legislation, and the policies of the Board.
2. The Minister is authorized to set out guidelines not inconsistent with the Act, and the Board must act in accordance with those guidelines.
3. The Board must control:
  - a. the conduct of licence holders;
  - b. the management and equipment of licensed premises;
  - c. the conditions under which liquor may be sold or consumed on licensed premises.
4. The Board may:
  - a. issue, renew and transfer licences;
  - b. after a hearing, cancel or suspend licences;
  - c. generally advise the Minister on all matters of policy, legislation and administration relating to the sale, distribution and consumption of liquor;
  - d. make rules or orders governing its proceedings.

Authority: *Nunavut Liquor Act*, s.6

## Members of the Nunavut Liquor Licensing Board: 2013 - 14

<b>David Wilman</b>	<b>Chair</b>	<b>Iqaluit</b>	<b>Appointed: October 2005</b> <b>Reappointed: November 2007 *</b> <b>Reappointed: November 2009</b> <b>Reappointed: September 2011</b> <b>Reappointed: September 2013</b>
<b>Jimmy Kilabuk</b>	<b>Member</b>	<b>Iqaluit</b>	<b>Appointed: September 2006</b> <b>Reappointed: September 2008</b> <b>Reappointed: September 2010</b>
<b>Leesa Sowdluapik</b>	<b>Member</b>	<b>Pond Inlet</b>	<b>Appointed: December 2007</b> <b>Reappointed: November 2009</b> <b>Reappointed: September 2011</b> <b>Reappointed: September 2013</b>
<b>John Maurice</b>	<b>Member</b>	<b>Iqaluit</b>	<b>Appointed: September 2011</b> <b>Reappointed: September 2013</b>
<b>Joseph Kaviok</b>	<b>Member</b>	<b>Arviat</b>	<b>Appointed: March 2014</b>

Notes:

\* Dr. Wilman served as a member of the Board from November 2007 - 2009.

## Chair's Report

The Nunavut Liquor Licensing Board (NLLB) is a public regulatory body established under the *Nunavut Liquor Act*. The Board's mission, duties and powers are outlined on Page 3 of this report and are set out in Section 6 of the *Liquor Act*, The Board is responsible for the control of the conduct of licensees, the management and equipment of licensed premises, and the conditions under which liquor may be sold or consumed in licensed premises. In order to carry out these responsibilities, the *Act* provides the Board with the power to issue, renew and transfer licences, and to hold show cause hearings that might lead to suspension or cancellation of a licence. The Board reports to the Minister of Justice and provides advice to the Minister on all matters of policy, legislation and administration relating to the sale, distribution and consumption of alcohol.

The Board's mission is '*to foster an environment that guides and regulates the legal and responsible use of alcohol*' in Nunavut. In pursuing this mission, the Board takes the position that licensees share the responsibility for this mission, and endeavours to maintain a positive relationship with the businesses and organizations to which it grants licences.

The Board normally holds four regular meetings each fiscal year in order to handle the business, requests, applications and issues that come before it. One meeting is scheduled in March each year to approve licence renewals for the following fiscal year, which is also the licensing year. During 2013 - 14, meetings were held in June and September 2013, and January and March 2014.

### Follow-up on the Report of the Ministerial Task Force Reviewing the *Nunavut Liquor Act*

In April 2010, the Honourable Keith Peterson, Minister of Finance and then Minister Responsible for the Nunavut Liquor Licensing Board, announced the formation of a Ministerial Task Force to review the Nunavut Liquor Act. The Chair of the NLLB was appointed as one of the ten members of the Task Force which was given the mandate to conduct hearings in every community in Nunavut and to undertake research into alcohol related issues in Nunavut. Following the public consultation and research phase, the Task Force was to provide the Minister with two reports:

- an Interim Report that would highlight the major concerns raised by stakeholders and set out the information that had been collected by the Task Force, and
- a Final Report that detailed the recommendations of the Task Force based on the community consultations and a consensus among the Task Force members.

Specifically, the Final Report was to include “*meaningful recommendations for changes to the Nunavut Liquor Act that will reflect the dynamic needs of Nunavummiut*” and to identify how the *Act* can “*be used as a vehicle to positively promote the responsible use of alcohol.*”

Between April 2010 and March 2012, members of the Task Force visited every community in Nunavut, holding public hearings and consulting with key stakeholder groups in each community, including: elders, social workers and medical staff, community councils, the RCMP, and high school students. In addition, Task Force members and researchers reviewed hundreds of documents on alcohol-related issues and alcohol legislation in other jurisdictions. This was one of the most extensive public consultation exercises ever conducted in Nunavut.

The Task Force submitted its interim report, entitled *What We Heard*, to the Minister of Finance in April 2012, just two years after the establishment of the Task Force. As its title suggested, this report contained a synopsis of what the Task Force members were told at public and private meeting held during the consultation phase, and in briefs or other submissions submitted to them. This material was summarized in the Interim Report without interpretation or comment from the Task Force. The majority of participants that spoke to the Task Force wanted laws that provide an appropriate balance between protecting society from alcohol-related harm while allowing individuals the opportunity to drink responsibly.

The Final Report, entitled *Halting the Harm*, was submitted to the Minister in August 2012, and tabled in the Legislative Assembly on November 2, 2012. It contained a comprehensive series of evidenced-based recommendations for changes to the *Liquor Act* that reflected the dynamic needs of the people of Nunavut and represented their values and wishes as expressed to the Task Force. Together, these recommendations responded to the call for change heard in every community in Nunavut. To accomplish all this would require major changes to the *Nunavut Liquor Act*. The Task Force stressed that each recommendation was an integral part of a comprehensive strategy and that, if the effectiveness of the proposed strategy was not to be compromised, should not be viewed in isolation of other recommendations. The key elements of the strategy included:

- Replacing the current *Nunavut Liquor Act* with a new Act that is easily understood by all;
- Targeting special measures to stop bootlegging and the illegal manufacturing, sale, and distribution of alcohol;

- Strengthening community empowerment to deal with alcohol related issues;
- Changing the drinking culture;
- Improving the alcohol control, supply, and distribution system; and,
- Increasing efforts to help individuals and families struggling with the outcomes of addiction.

On March 19, 2013, the Government of Nunavut issued its formal response to the recommendations made by the Task Force in a brief, fourteen page document tabled in the Legislative Assembly that day, entitled *Government of Nunavut's Response to the Recommendations of the Minister's Task Force to Review the Nunavut Liquor Act*. In this document, while agreeing with the Task Force on the need to take steps to reduce alcohol-related harm in Nunavut, the GN disagreed with or questioned many of the recommendations made by the Task Force, including the recommendation for a major revision of *The Nunavut Liquor Act* itself.

Because of the Chair's involvement as a member of the Task Force and because the NLLB is directly and frequently involved with the application and interpretation of the *Nunavut Liquor Act*, the Board has a particular interest in the development of new liquor legislation designed to '*reflect the dynamic needs of Nunavummiut*' and '*to positively promote the responsible use of alcohol*' in Nunavut. In addition, given its responsibility under Section 6 of the *Nunavut Liquor Act* to 'generally advise the Minister on all matters of policy, legislation and administration relating to the sale, distribution and consumption of liquor,' the Board believes that it has a public responsibility to comment on the Government's response to the recommendations made by the Task Force.

A number of the responses made by the GN reflect either a misunderstanding or a misreading of the Task Force's recommendations. For example, the Task Force recommended that the GN "replace the current *Nunavut Liquor Act* with one that is not misleading and is easily understood by all." (Halting the Harm, p. 105). It recommended legislation that is well written in clear, understandable language, as is most modern legislation today. There are many good examples of such legislation. The GN's assertion that all legislation must be written in complex legalistic language (GN Response. p.1) is difficult to understand.

One of the major recommendations of the Task Force, based directly on public input from almost every community in Nunavut, was that Alcohol Education Committees should be established in every community, not only in communities where alcohol is restricted following a plebiscite. (Halting the Harm, p. 131). The Task Force further recommended that each Alcohol Education Committee should be adequately financed, trained and resourced through a GN secretariat that would support them in their key role



of providing education on alcohol use and alcohol-related issues. (Halting the Harm, p. 131). The GN response that the Alcohol Education Committees “should be disbanded altogether in favour of other control systems, and that responsible GN departments should carry out alcohol education initiatives” (GN Response. P.9) is in direct contradiction to the clearly expressed wishes of Nunavummiut.

The Task force stressed the need for the Government of Nunavut to become the sole supplier of alcohol in Nunavut and for the need to eliminate the use of liquor import permits that allow Nunavummiut to import alcohol from other provinces. (Halting the Harm, p.113/ 153). The elimination of the import permits is an essential step in cutting off the supply of alcohol to bootleggers who are known to use government issued import permits to obtain most of their supplies. As the Board stressed in its Annual Report for 2012 – 13, bootlegging was a major concern raised in every community in Nunavut during the Task Force’s public consultations. Bootlegging is an illegal activity that is currently out of control in Nunavut, and is a major contributor to the social problems facing many communities, a factor in most criminal offences, and a major drain on Nunavut’s financial resources.

In recommending that changes to the *Liquor Act* should be made quickly (Halting the Harm, p.105), the Task Force was envisaging that the work of drafting comprehensive new legislation would go ahead in a timely manner, fully understanding that the development of good legislation is a complex and time-consuming task.

### Conditional Renewal of Licences

In March each year, the Board reviews applications for licence renewals. Applications for the major types of licence (cocktail lounge, dining room, club and private recreational club) require current fire safety and health inspection reports. When reviewing the fire and health safety reports in March 2013, the Board noticed that in several instances the fire and health inspectors had identified a number of deficiencies and given a deadline by which the necessary repairs had to be completed: April 30, 2013 in most cases. In some reports, the fire or health inspectors had indicated that a closure order might be issued if the repairs were not made. Given that the safety of clients is also an important consideration for the Board, members decided to issue only temporary licences for the licensed establishments that had received unsatisfactory fire or health inspection reports. In these cases, the Board issued licences covering only the month of April 2013, and sent a letter to the affected licensees advising them that compliance with fire and health regulations is a requirement under *the Liquor Act*, and that accordingly, extension of their licences beyond April 30, 2013 would be contingent upon correction or repair of the deficiencies listed in the inspection reports.

This resulted in a flurry of activity on the part of the licensees who had received the temporary licences. In two cases, premises were closed for two or three days so that major repairs or renovations could be made. In the third week of April, the Chair of the Board met with the Fire Marshall for Nunavut to discuss progress on the work that was required. He expressed appreciation for the Board's position, and commented that the issuance of the temporary licences had given the licensees a much needed wake-up call. The Board then decided to make this approach a standard part of the licence renewal process, and to work more closely with the fire and health inspectors in the future in order to ensure public safety. In all but one case, by April 30, 2013, the Board had received confirmation from the inspectors that the necessary repairs had been made and the full-year licences were issued.

### Development of Nunavut Liquor Licensing Board Website

At Its September 2013 Meeting, the Board decided to develop a website and directed support staff to look into the cost and planning for this site. The site is currently in development and should be ready for operation in early 2015. It will contain a range of information about the functions, duties and responsibilities of the Nunavut Liquor Licensing Board, copies of the *Liquor Act and Regulations*, information on all of the board's policies and directives, rulings on recent show cause hearings, biographies of the Board members, and PDF fillable versions of all the application forms used by the Board. This new website will be operated in conjunction with the other quasi-judicial boards in Nunavut, and will have links to the official GN website.

### Board Appointments

The Board has been working with too few members since the expiry of the appointment of Ralph Porter Sr. in 2012. The Board has issued requests for letters of interest on three occasions, with only minimal response. The death of Jimmy Kilabuk in April 2013, left the Board with only three members. Fortunately, under the *Liquor Act*, three members constitute a quorum so the Board could continue to function and make the decisions required in its work. In February 2014, the Board recommended the appointment of an individual to represent the North Baffin area. Unfortunately, because of erroneous information provided to the Minister, this appointment was denied. Since then, a new member has been appointed to represent the Kivalliq region, but the Board still only has four members. The Board reiterates its recommendation for the appointment of an additional two members. In making these appointments, the Board has recommended that regional and gender representation be taken into account.

### Special Hearing on the Rankin Inlet Royal Canadian Legion Licence Application

During the public consultation hearing of the Ministerial Task Force on the Nunavut Liquor Act held in Rankin Inlet in August 2010, the Task Force heard a presentation

from two individuals claiming to represent different licensed establishments in that community. However, the NLLB had only issued one liquor licence in Rankin Inlet. When the Board investigated this anomaly, it came to light that a branch of the Royal Canadian Legion had been operating in the Rankin Inlet since before the establishment of Nunavut in 1999, opening two or three times each week under locally issued special occasion permits. While the Legion executive believed that they were operating in a legitimate way, from the Board's perspective this appeared to be a way to circumvent the need to obtain a proper licence. The situation clearly stretched the limits of the liquor licensing legislation as outlined in the *Nunavut Liquor Act*. However, since this situation had already existed for at least 15 years and had been inherited from the NWT, the Board took the position that the best course of action was to work with the Legion to regularize the situation as soon as possible and properly license the establishment once it met all licensing requirements.

The situation was complicated by the fact that the community had prohibited the sale of beer through a plebiscite vote that would remain in force until 2012. This meant that had the Board approved a licence for the Rankin Inlet Legion in 2010, it would have done so for the proverbial 'pub with no beer' because of the prohibition on the sale of beer in the community. The Board therefore allowed the Legion to continue operating on special occasion permits, but for only one evening a week until the beer prohibition could be revisited in a further plebiscite. During this time, the Board monitored this situation very closely by requiring that all of the Legion's financial reports and purchasing requests be submitted weekly to the Board's Executive Secretary.

As a result of the plebiscite held in December 2012 the prohibition on beer sales in Rankin Inlet was rescinded and in March 2013 the Board held a public hearing in Rankin Inlet on the Legion's application for a Club Licence. There was no opposition to the application. However, an inspection of the building used by the Legion showed that it did not meet all fire and health safety requirements, so the licence was approved but not issued pending completion of the substantial repairs and renovations needed to bring the building up to standard. In late August 2013, the Board was advised that the renovations would be completed by early October and so scheduled a Special Hearing for October 8, 2013 to bring this issue to a close. Health and fire inspection reports presented at the hearing confirmed that the building now met all required safety conditions and a Club Licence was finally issued to the Rankin Inlet Branch of the Royal Canadian Legion on October 15, 2013.

### Show Cause Hearings

At some meetings the Board deals with complaints brought to it by Liquor Enforcement through the Department of Justice when infractions of the Act or Regulations by

licensees have been reported. In these cases, pursuant to its obligation under section 6(2)(a) of the *Liquor Act* which directs the Board to control the conduct of licence holders, the Board requires the licence holder to appear and show cause as to why their licence should not be suspended, cancelled or have conditions and/or fines imposed on them pursuant to sections 35 to 37 of the *Nunavut Liquor Act*. Over the last five or six years, the number of violations by licensees that have been brought before the Board has declined significantly. During 2013, the Board did not have to schedule any hearings for violations of the *Liquor Act* or *Liquor Regulations* by its licensees. The Board believes that this significant improvement is a direct result of the positive working relationship that it has fostered with licence holders over the last several years, and of the rigorous inspection program conducted by staff of the Liquor Commission. Licensed facilities in Nunavut are inspected frequently by Nunavut's liquor inspectors, often at least once a week. The Board supports the tight control of Nunavut's licensed facilities and commends the Liquor Enforcement staff on their work.

#### The Association of Liquor Licensing Authorities of Canada

The Association of Liquor Licensing Authorities of Canada (ALAC) is a national association of liquor licensing jurisdictions with representation from each province and territory. The Association meets twice a year and the Chair represents Nunavut as the voting delegate on decisions made by the Association. The Board's Executive Secretary, Janine Budgell, and Legal Counsel, Merrilee Rasmussen, QC, represented the Board at the Association's June 2013 meeting in Banff, Alberta. One of the major topics at this meeting was the liability of licensees for the actions of their customers after they leave the licensed premises.

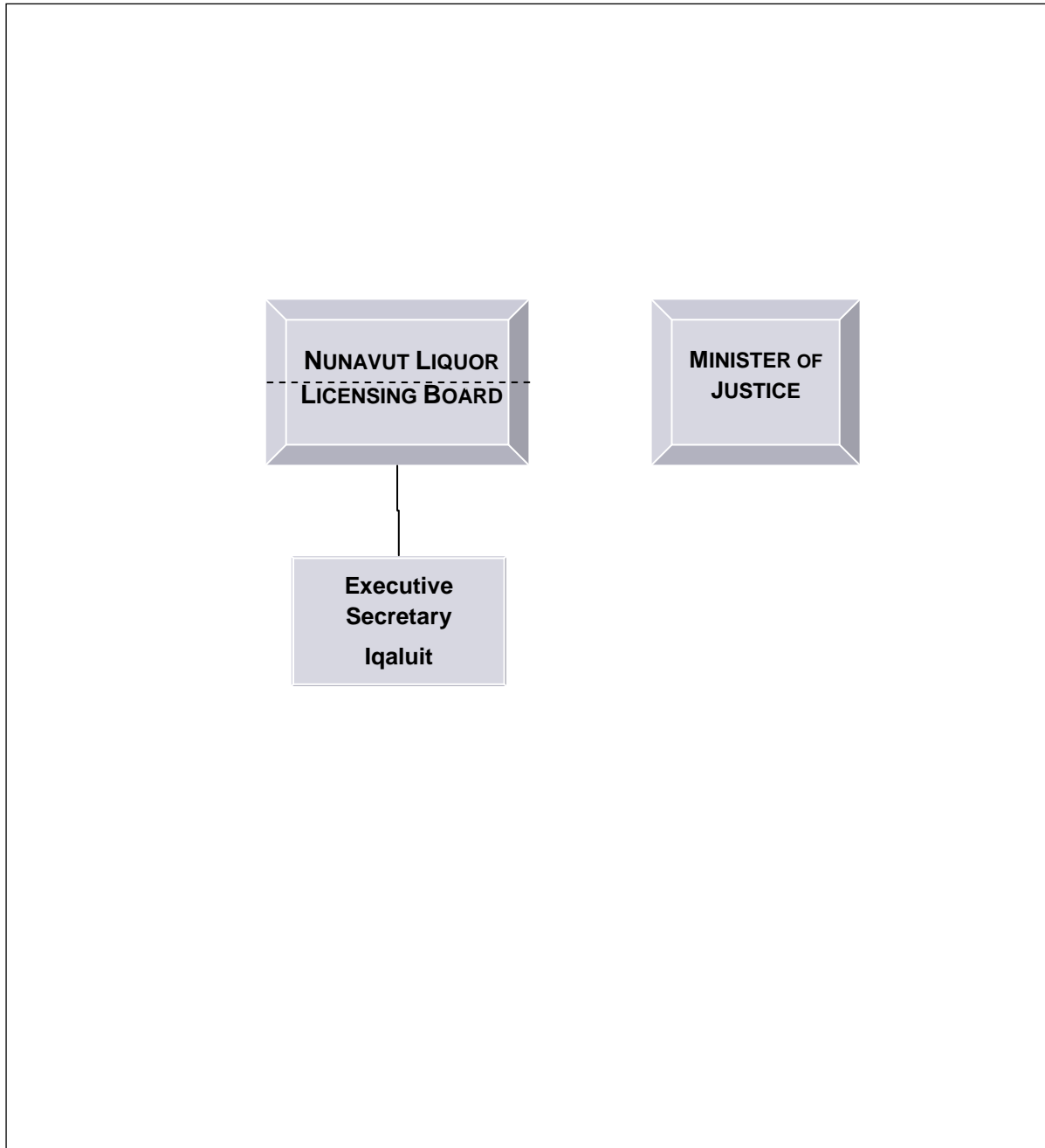
In February 2014, the Chair attended the annual meeting of the Winter ALAC Meeting in Montreal. The major topics at this meeting were anti-corruption initiatives initiated by alcohol and gambling authorities, and licensing enforcement and inspection procedures.

Respectfully submitted,

David Wilman  
Chair,  
Nunavut Liquor Licensing Board

# Organization of the Nunavut Liquor Licensing Board

2013 - 14



## Liquor Licences Approved for 2013 - 14

Under subsection 13(1) of the Nunavut *Liquor Act*, the Nunavut Liquor Licensing Board has absolute discretion in the granting of new liquor licences and in the renewal of existing licences. On March 19, 2013, the Board approved renewal of the following licences:

<u>Licence #</u>	<u>Operating As</u>	<u>Type of Licence</u>	<u>Licence Holder</u>
001	Granite Dining Room	Dining Room	Arctic Resources Ltd. Discovery Lodge Inn
002	Bathurst Inlet Lodge	Special	Bathurst Inlet Development Ltd.
003	B.P.O. Elks Lodge	Club	B.P.O. Elks Lodge, Branch # 570, Iqaluit
004	Arctic Club & Wolf's Den	Special	CFS Alert
005	Trading Post	Canteen	CFS Alert
006	Fort Eureka Canteen	Canteen	CFS Alert
008	Frobisher Racquet Club	Private Recreational Facility	Frobisher Racquet Club Ltd.
009	High Arctic Lodge Victoria Island	Special	High Arctic Sports Fishing Camps
011	Chartroom Lounge	Cocktail	994459 Nunavut Ltd
012	Captain's Table Dining Room	Dining Room	Chan's Family Investments Inc.
014	Royal Canadian Legion	Club	Royal Canadian Legion Branch # 168. Iqaluit
015	Siniktarvik Hotel	Guest Room	Kissarvik Coop Rankin Inlet (Did not provide documentation of correction of fire and health report deficiencies : licence not renewed until August 21,2013)

<u>Licence #</u>	<u>Operating As</u>	<u>Type of Licence</u>	<u>Licence Holder</u>
017	Frobisher Inn	Guest Room	902776 NWT Ltd. Frobisher Inn
018	Gallery Dining Room	Dining Room	902776 NWT Ltd. Frobisher Inn
019	Storehouse Bar & Grill	Cocktail	902776 NWT Ltd. Frobisher Inn
020	Arctic Watch Somerset Island	Special	Canadian Arctic Holidays Ltd
021	Waters' Edge Seafood and Steakhouse	Dining Room	Donna & Kim Waters
022	Waters' Edge Kickin' Caribou Lounge	Cocktail Lounge	Donna & Kim Waters
023	L' Association des Francophones du Nunavut	Club	L' Association des Francophones du Nunavut
024	Granite Dining Room Discovery Inn.	Guest Room	Arctic Resources Ltd
025	RCMP Iqaluit Mess	Canteen	RCMP
026	Ikaluktutiak Elks #593	Club	B.P.O. Elks Lodge, Branch # 593, Cambridge Bay
027	Royal Canadian Legion	Club	Royal Canadian Legion Branch # 169. Rankin Inlet (Approved: October 15, 2013)

**NUNAVUT LIQUOR LICENSING BOARD**  
**STATEMENT OF EXPENDITURES**  
MARCH 31, 2014



**NUNAVUT LIQUOR LICENSING BOARD**  
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MARCH 31, 2014

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### **Basis for Qualified Opinion**

The Government of Nunavut - Department of Finance processes expenditures for the Board, the completeness of which is not susceptible to satisfactory audit verification. Further, sufficient support for allocations of some expenditures calculated by the Department of Finance was unavailable during our audit. Accordingly, our verification of these expenditures was limited to the amounts recorded in the records of the Board and we were not able to determine whether any adjustments might be necessary to expenditures.

### **Qualified Opinion**

In our opinion, except for the effects of the matters described in the Basis for Qualified Opinion paragraph, the statement of expenditures of the Nunavut Liquor Licensing Board presents fairly, in all material respects the expenses connected with operating the Board in accordance with the Nunavut Liquor Act for the year ended March 31, 2014 in accordance with the basis of accounting disclosed in Note 2 to the statement of expenditures.

### **Report on Other Legal and Regulatory Requirements**

We further report, in accordance with the Financial Administration Act, in our opinion, except for the effects of the matters described in the Basis for Qualified Opinion paragraph, proper books of account have been kept by the Nunavut Liquor Licensing Board, the statement of expenditures is in agreement therewith and the transactions that have come under our notice have, in all significant respects, been within the statutory powers of the Nunavut Liquor Licensing Board.



Iqaluit, Nunavut  
January 19, 2015

CHARTERED ACCOUNTANTS

**NUNAVUT LIQUOR LICENSING BOARD**  
**STATEMENT OF EXPENDITURES**  
**FOR THE YEAR ENDED MARCH 31, 2014**

	Budget <u>2014</u> (unaudited)	Actual <u>2014</u>	Actual <u>2013</u>
<b>EXPENDITURES</b>			
Advertising and publications	\$ 0	\$ 5,231	\$ 0
Conferences and catering	0	1,266	1,344
Fees and payments	2,000	32,475	58,658
Materials and supplies	2,000	1,179	225
Other	59,000	10,000	0
Salaries and honoraria	114,000	207,377	142,347
Service contracts	64,000	20,291	78,191
Travel and accommodation	<u>70,000</u>	<u>15,283</u>	<u>20,822</u>
	<u>\$ 311,000</u>	<u>\$ 293,102</u>	<u>\$ 301,587</u>

**NUNAVUT LIQUOR LICENSING BOARD**  
**NOTES TO THE STATEMENT OF EXPENDITURES**  
FOR THE YEAR ENDED MARCH 31, 2014

**1. NATURE OF THE ORGANIZATION**

The Nunavut Liquor Licensing Board operates at arm's length from the Government of Nunavut under the *Nunavut Liquor Act*. The purpose of the Board is to adjudicate over liquor licensing in Nunavut. The Board is a public agency and is exempt from income tax. The Board's continued existence is dependent upon the continuing support from the Government of Nunavut.

**2. SIGNIFICANT ACCOUNTING POLICIES**

The accounting policies followed by the Board are in accordance with the Financial Administration Manual of the Government of Nunavut and include the following significant accounting policies:

**(a) Use of Estimates**

The preparation of the statement of expenditures of the Board requires management to make estimates and assumptions based on information available as of the date of the statement of expenditures. Therefore, actual results could differ from those estimates.

**(b) Accrual Basis**

The statement of expenditures has been prepared on the accrual basis of accounting.

**(c) Allocation of Expenditures**

Expenditures which are wholly attributable to the Board are charged directly to the Board. In circumstances where expenditures are not wholly attributable to the Board these expenditures are allocated amongst the Board and other cost centers of the Ministry of Justice based on the Ministry's estimates of the time, effort and resources required to support these activities.

**Contact Information for Members of the  
Nunavut Liquor Licensing Board: 2013 - 14  
(at March 31, 2014)**

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Leesa Sowdluapik	Member	P.O. Box 11175 Iqaluit, NU X0A 0H0	867-979-2572	lsowdluapik77@hotmail.com
John Maurice	Member	P.O. Box 761 Iqaluit, NU X0A 0H0	867-979-1226	jtmaurice@northwestel.net