



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

LIQUOR CONTROL ACT LIQUOR AGENCY REGULATIONS

PLEASE NOTE

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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LIQUOR CONTROL ACT
Chapter L-14

LIQUOR AGENCY REGULATIONS

Pursuant to section 8 of the *Liquor Control Act* R.S.P.E.I. 1988, Cap. L-14, the Prince Edward Island Liquor Commission, with the approval of the Lieutenant Governor in Council, made the following regulations:

1. Definitions

In these regulations,

- (a) **“applicant”** means the person submitting a proposal in response to a request for proposals by the Commission;
- (b) **“closing date”** means the date and time of day before which proposals must be received by the Commission;
- (c) **“community”** means an area of the province as specified from time to time by the Commission;
- (d) **“proposal”** means the document submitted by an applicant to the Commission in response to a request for proposals and includes all information provided by the applicant which is required in the request for proposals to be provided to the Commission;
- (e) **“request for proposals”** means the terms and conditions prescribed by the Commission by which the Commission will receive proposals for the appointment of a vendor to operate a liquor agency established by the Commission and which contains the criteria established by section 5 for the appointment of a vendor to operate a liquor agency;
- (f) **“Review Committee”** means a committee of three persons appointed by the Commission to review all proposals received in response to a request for proposals.
(EC343/12)

2. Location of liquor agency

Where the Commission is of the opinion that a community in Prince Edward Island is a suitable location for a liquor agency to be established, the Commission shall take such steps as it considers appropriate to determine if there is support in the community for the appointment of a vendor to operate a liquor agency. (EC343/12)

3. Criteria for appointment of vendor to operate liquor agency

The Commission may appoint a vendor to operate a liquor agency within a community, if, in the opinion of the Commission,

- (a) the community has a population base capable of sustaining a liquor agency for all or part of a calendar year;
- (b) there is not an existing store or liquor agency located in the community; and
- (c) there is support in the community for the establishment of a liquor agency. (EC343/12)

4. Request for proposals

- (1) Where the Commission determines that a community meets the requirements of section 3 and wishes to appoint a vendor to operate a liquor agency in the community, the Commission shall issue a request for proposals.

Eligible applicants

- (2) Only those applicants who submit a proposal to the Commission in response to the request for proposals, and in accordance with these regulations, and who
 - (a) are not persons who are prohibited under the *Liquor Control Act* from selling, possessing or consuming liquor;
 - (b) have not, within the five years immediately prior to the date of the submission of the proposal, been convicted of
 - (i) an offence under the *Criminal Code* (Canada),
 - (ii) an offence under the *Controlled Drugs and Substances Act* (Canada), or
 - (iii) an offence under the *Food and Drugs Act* (Canada);
 - (c) are not on parole or probation at the time of the submission of the proposal; and
 - (d) have no current or proposed affiliation with a ferment on premises business, including the operation of a licensed premises under a ferment on premises license issued by the Commission,

are eligible to be appointed by the Commission as the vendor. (EC343/12; 464/16)

5. Factors considered

- (1) The Commission, in its review of the proposals submitted by applicants in response to a request for proposals, shall consider the following:
 - (a) the applicant's business experience;
 - (b) the applicant's financial stability;
 - (c) the location of the proposed liquor agency within the community;
 - (d) the proposed service to the public;
 - (e) the discount schedules;
 - (f) the on-site evaluation of the proposed premises completed by the Review Committee;
 - (g) any other criteria considered by the Commission to be relevant to the operation of a liquor agency in the Province.

Excluded premises

- (2) The Commission shall not appoint an applicant as a vendor if the premises in which the applicant proposes to operate a liquor agency



- (a) are in, or form part of the premises of, a motel, hotel, licensed establishment or restaurant; or
- (b) are premises at which, in the opinion of the Commission, minors tend to congregate.

Permitted premises

- (3) For greater certainty, the Commission may appoint an applicant as a vendor if the premises in which the applicant proposes to operate a liquor agency are in, or form part of the premises of,
 - (a) a convenience store, grocery store or motor vehicle service station; or
 - (b) subject to subsection (2), any other retail business. (EC343/12)

6. Form

- (1) Subject to the requirements of these regulations, a request for proposals shall be in a form prescribed by the Commission and shall include the criteria established by section 5, including criteria considered relevant by the Commission for the appointment of a vendor to operate a liquor agency.

Idem

- (2) A copy of the proposal form, as prescribed by the Commission, shall be included in the request for proposals.

Idem

- (3) Proposals must be submitted using the prescribed proposal form.

Fee

- (4) An applicant shall pay to the Commission a non-refundable fee of \$300 to submit a proposal and a proposal is not considered to have been received until the fee is paid. (EC343/12; 464/16)

7. Closing date

- (1) The Commission shall establish the closing date for the submission of proposals in response to a request for proposals.

Idem

- (2) No proposals received subsequent to the closing date shall be considered by the Commission. (EC343/12)

8. Appointment

The Commission may decide not to appoint any applicant who has submitted a proposal in response to a request for proposals as a vendor to operate a liquor agency and the Commission is not obliged to appoint as vendor the applicant who submitted the highest rated proposal. (EC343/12)

9. Advertisement

A request for proposals by the Commission shall be advertised by the Commission three times over the two-week period prior to the closing date in a newspaper in general circulation in the province. (EC343/12)

10. Information in advertisement

The advertisement of a request for proposals shall include the following information:

- (a) the location where the Commission proposes to establish the liquor agency;
- (b) the location where a copy of the request for proposals may be picked up;
- (c) the closing date by which proposals must be received by the Commission in order to be considered. *(EC343/12)*

11. Review

- (1) Immediately after the closing date for the submission of proposals, all proposals received by the Commission shall be given to and reviewed by a Review Committee.

Report

- (2) The Review Committee shall review each proposal in relation to the criteria contained in the request for proposals, and report the results of its review to the Commission within fourteen days of the closing date. *(EC343/12)*

12. Decision

- (1) Within fourteen days after receiving the Review Committee's report the Commission shall determine which, if any, applicant will be appointed as vendor to operate a liquor agency established by the Commission, and the Commission shall notify each applicant of the Commission's decision by way of registered mail.

Decision final

- (2) The Commission's decision shall be final and binding. *(EC343/12)*

13. Repeal

The *Liquor Control Act Liquor Agency Regulations (EC730/94)* are revoked. *(EC343/12)*

