



Liquor and Cannabis
Regulation Branch

ENGAGEMENT PAPER

Temporary Relocation of a Liquor Store

Purpose

The Liquor and Cannabis Regulation Branch, Ministry of Public Safety and Solicitor General invites Indigenous partners and interested parties to comment on the temporary relocation of a Licensee Retail Store, Wine Store and BCLIQUOR store. This consultation paper provides a brief background and questionnaire.

Responses will be accepted until **September 29, 2023**

Contact

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Introduction

The Liquor and Cannabis Regulation Branch (LCRB) has received requests to allow Licensee Retail Stores (LRS) and government-run BCLIQUOR (BCL) stores to temporarily relocate to accommodate renovation or redevelopment of their establishments.

The LCRB is collecting comments on whether retailers, including Wine Stores and government-run BCL stores, are supportive of having the ability to temporarily relocate, and if so, what limitations should be placed on temporary relocations.

Who will the LCRB be engaging with?

Through this engagement, the LCRB wants to hear from:

- The Alliance of Beverage Licensees (ABLE)
- LRS licensees
- Wine Store licensees
- BCL Stores
- Local and Indigenous governments

Background

A liquor licence, by law, relates exclusively to a single establishment, even when it is not operating. Therefore, a licence cannot relate to multiple establishments (i.e., one permanent and one temporary) at the same time.

Additionally, an LRS or BCL cannot relocate **permanently** within a one-kilometre (km) radius (hereafter, one-km rule) of another LRS or BCL, except in limited circumstances. For example, if the original location was damaged beyond the licensees' control, the distance between the new location and the other store is the same, or the new location is on the same parcel of land.

The one-km rule was introduced to provide market stability and to prevent further densification of retail liquor stores.

Many current LRS and BCL locations were approved before today's distance rules came into effect. While these stores are authorized to continue operating, many are in locations that could not be approved under today's rules.

If an LRS or BCL is unable to operate at their licensed location due to significant renovations or redevelopment, for example, the licensee can choose to:

- Temporarily close the location until the location can resume operation (i.e., place the licence into “dormancy”); or,
- Permanently relocate to an eligible new location.

There is currently no provision that allows a liquor retailer to **temporarily** relocate or that allows a licence to relate to more than one establishment. This means that if a retailer relocates from a currently approved location to a new location, and later wants to relocate back to the original location, they can only do so if the original location is eligible under today’s rules.

Discussion

Permitting an LRS, Wine Store or BCL to temporarily relocate raises a number of issues for consideration.

Eligibility

If the LCRB allowed temporary relocations eligibility criteria will be required to limit the impact to other retailers and maintain market stability.

Considerations:

- Should eligibility for a temporary relocation be limited to specific circumstances?
- If so, what circumstances should be eligible?
- What should happen to the licence if these circumstances change before it returns to the permanent location?

Location requirements

It may not always be possible to find a temporary location that is both economically viable and that satisfies the one-km km rule.

Considerations:

- Could a proposed temporary location be located within one km of another liquor retailer’s permanent location, and if so, under what circumstances?
- Could a liquor retail store permanently relocate within one km of another retailer’s temporary store location?
- Would it be feasible to find a temporary location that satisfies the current one km criteria?

The LCRB is **not** considering requiring the consent of nearby retailers for a temporary location seeking to operate within one-km, as this approach would

require significant additional regulation and oversight. It also increases the risk of (legal) conflict between licensees.

The LCRB is **not** considering changes that would expand the circumstances when a retail store can **permanently** relocate to within one km of another permanent retail store location.

Time limit

Given the potential impact on other liquor retailers and the broader policy implications, it is likely necessary to limit the time that a temporary location would be allowed.

Considerations:

- What the maximum time limit would be?
- Whether the time limit would apply in all circumstances, or if flexibility to extend the time limit in some circumstances should be available.
- Whether there should be a different time limit for different circumstances.
- What happens to a licence that fails or is unable to return to its permanent location within the maximum time permitted?

Questions

Comments focused on the questions outlined below are much appreciated. Comments outside the scope of this paper are not able to be considered at this time. Your comments are confidential and will not be shared in a manner that identifies you.

1. Do you support potential changes to allow for an LRS licensee, Wine Store licensee or a BCL to temporarily relocate? Please explain your position.
2. If yes to the above, under what circumstances should a temporary relocation be permitted?
3. Should temporary locations be permitted to be within one km of another existing or proposed LRS, Wine Store or BCL? Please briefly explain.
4. Should there be a limit on how long the temporary relocation is in effect?
5. If you answered yes to question 4,
 - a. How long should the time limit be?

- b. Should it be one time limit or a different limit for different circumstances?
- c. Should there be any possibility for an extension?

Submitting your comments

Send your comments to LCRB.Outreach@gov.bc.ca with the subject “Temporary relocation consultation.” Email submissions are preferred.

Submission deadline: September 29, 2023

When submitting your comments, please include:

- Full name of the person submitting
- Name of the business/organization and licence number, if applicable
- Municipality or regional district in which your store is located
- Phone number, including area code and reply email address

If you wish to provide comments by mail, you can send to:

PO Box 9292 Stn Prov Govt
Victoria, BC V8W 9J8

Collection Notice

By submitting a response to this consultation paper, I understand that my personal information is being collected pursuant to sections 26(c) and 26(e) of the *Freedom of Information and Protection of Privacy Act* for the purposes of sharing my views or the views of my organization in response to the questions outlined in the engagement paper for use in considering the issue of temporary locations. Any questions about the collection, use, disclosure and storage of my Personal Information pursuant to this engagement should be directed to the Stakeholder Engagement and Outreach Specialist, Liquor and Cannabis Regulation Branch at PO Box 9292 STN PROV GOVT, Victoria, B.C., V8W 9J8, or by phone at 236-478-0348.