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## A GUIDE FOR RESIDENTS OBJECTING TO A LIQUOR SALES LICENCE APPLICATION

### **PUBLIC NOTICE**

When someone applies for a new liquor sales licence or to add a licensed area (such as a patio) to an existing liquor licence, the Alcohol and Gaming Commission of Ontario (AGCO) will place an advertisement in a local newspaper on behalf of the applicant and provide the applicant with a placard to post at the premises.

This public notice offers residents in the municipality an opportunity to respond to the application and to voice any concerns or objections to the application within the time period set as advertised and posted on the placard.

### **YOUR OBJECTION**

Should you object to a liquor sales licence application, you must provide written notification to the AGCO. Notification may be forwarded by mail, e-mail or facsimile. Your objection must include:

- The name of and address of the proposed liquor licensed establishment
- Your name and address
- Your phone number
- The basis for your objection
- Whether you would be willing to attend a meeting or hearing about the application

In stating your objection, try to be as specific as possible. Explain why the addition of the proposed liquor licensed establishment would be of concern to your neighbourhood. Relate your objection to the sale and service of alcohol or any previous problems at the premises.

If you are concerned with parking or garbage problems created by a new bar or restaurant, you should contact your local municipal office.

If the AGCO receives a written objection to the issuance of a liquor sales licence by the date indicated on the placard, and it is determined by the Registrar of Alcohol and Gaming that the objection is not frivolous or vexatious, then a decision will be made to either first set up a public meeting at the AGCO or issue a Notice of Proposal to Review the Licence Application which can be appealed to the Licence Appeal Tribunal (LAT).

## LETTERS OF OBJECTION

The applicant will be notified of the objections and will be given copies of the letters of objection. This gives the applicant an opportunity to work with objectors to address their concerns.

## THE PUBLIC MEETING

A public meeting is an informal meeting between the liquor licence applicant, the objectors and a Deputy Registrar of the AGCO. This meeting may be arranged as a telephone conference call.

A public meeting is your opportunity to explain to the Deputy Registrar why you believe the establishment should not receive a liquor sales licence or be permitted to expand its licensed areas.

It is also an opportunity for both sides to clarify matters of concern and possibly resolve the issue. For example, if you are worried about loud noise coming from a licensed patio near your home, the applicant might agree to a condition on the liquor licence restricting the playing of music on the patio. The AGCO encourages residents and liquor licence applicants to work out a satisfactory solution for all concerned.

At a public meeting, the Deputy Registrar can either approve the application or, if the issues cannot be resolved, issue a Notice of Proposal to Review the Licence Application which can be appealed to the Licence Appeal Tribunal (LAT).

## PRE-HEARING CONFERENCES

LAT's Rules of Practice govern the conduct of pre-hearing conferences. If a pre-hearing conference is convened, the LAT member presiding at the pre-hearing conference has the authority to designate interested individuals as additional 'parties' to a hearing. The goal of the pre-hearing conference is to assist the parties to prepare for the hearing, to ensure the hearing is conducted in an expeditious and effective manner, to focus on the issues in dispute and, where possible, to assist the parties to resolve some or all of those issues. The LAT member(s) conducting the pre-hearing conference may make orders that are binding on the parties.

## THE HEARING

More formal than a public meeting, a hearing is a quasi-judicial proceeding usually held before a panel of LAT. A hearing is less formal than a court proceeding, however, the panel hears sworn testimony on behalf of both parties and has the power to determine the disposition of the matter.

## PREPARING FOR A HEARING

It is important that objectors carefully organize their case before the hearing.

Your group may choose to retain a lawyer or nominate a spokesperson to be "party to the proceedings" and act as the objectors' representative at the hearing. The lawyer or representative

may give evidence, call upon other individuals (witnesses) to give evidence, question the applicant's witnesses and present relevant documents such as petitions, photos, police reports, maps of the area indicating other liquor-licensed establishments, schools and homes, etc. You should bring copies of any documents you intend to enter as exhibits at the hearing.

You may wish to review relevant laws, particularly the *Liquor Licence Act* and Regulations. Copies of the *Liquor Licence Act* and Regulations are available for purchase through Publications Ontario, 777 Bay Street, Toronto, Ontario. To order copies by mail, call 1-800-668-9938. Copies are also available through the Government of Ontario's E-Laws website at [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

## **REVISED RULES OF PRACTICE**

LAT's Rules of Practice govern all aspects of a proceeding before the Tribunal and are intended to secure a just, expeditious and cost effective determination of the proceedings. This includes requirements with respect to disclosure by all parties to each other of the evidence a party intends to rely upon at the hearing and when a party is obliged to do so, pre-hearing conferences and motions.

For information on LAT's Rules of Practice, please visit LAT's website at [www.lat.gov.on.ca](http://www.lat.gov.on.ca)

## **THE HEARING PROCESS**

If party status for the objectors' representative has not been determined at the pre-hearing conference, then the objectors' representative may bring a motion before the hearing panel to request "party" status to the proceedings. After other preliminary matters, such as the swearing in of interpreters, your spokesperson will call witnesses and file documents to support your position. Testimony is given under oath and it is an offence to give false evidence. Next, the liquor licence applicant may call witnesses and file documents to support its case. Each side may ask questions of the other side's witnesses once they have testified. This is called cross-examination.

After all the evidence has been introduced, each side will make its closing argument. The closing argument should highlight relevant aspects of the evidence and summarize why the party feels LAT should find in its favour.

## **THE DECISION**

LAT may not make its decision at the hearing and may reserve decision for a later date.

## **APPEALS**

If you believe there has been an error of law, you may appeal LAT's decision to Divisional Court. A Divisional Court Appeal must be filed in accordance with the rules of court. Filing an appeal with Divisional Court does not automatically stay a decision of LAT. If you decide to appeal, you may wish to seek legal assistance.

## **REPORTING PROBLEMS WITH A LICENSED ESTABLISHMENT**

Once a liquor sales licence has been issued, the licence holder must comply with the *Liquor Licence Act* and Regulations as well as any conditions that have been placed on the licence.

If you have complaints about the operation of a liquor licensed establishment, such as minors being served, overcrowding, or intoxicated patrons disturbing the peace, please contact the AGCO Liquor Enforcement Section.

## **CONTACTS**

For more information, please visit our website at [www.agco.on.ca](http://www.agco.on.ca) or contact the AGCO at:

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