

Date: February 15, 2010

To: All LCLB staff
All Industry Associations
All Local Government, First Nations, and Police Agencies

Re: Increasing the distance criterion for the relocation of licensee retail stores (LRS)
from 0.5 km to 1 km.

The purpose of this policy directive is to announce an amendment to the Liquor Control and Licensing Regulation which will increase the current 0.5 km separation requirement for relocation of licensee retail stores to 1 km. This policy directive replaces the section addressing LRS relocation criteria in policy directive 09-06. Corresponding amendments will be made to update section 4.4.5 of the Licensing Policy Manual.

Background

The LRS model was introduced in 1985 and stores had to be attached or adjacent to an associated hotel or pub. In 2003, LRS's were permitted to relocate away from their Liquor Primary (LP) establishment, anywhere within the same local government or within 5 km away if in a different local government jurisdiction. A minimum distance criterion of 0.5 km separating new or relocating LRS's or LRS applications from existing LRS's or LRS applications was imposed in 2004. In December 2009, the ownership link between LRS and their associated LP licence was severed, allowing LRS to operate without being tied to an LP licence.

Statutory Authority and Policy Rationale

The change to require that LRS relocations maintain a separation of 1km will provide greater market certainty for LRS operators and prevent further market saturation.

Eligibility Terms and Conditions

This amendment to section 14(5)(a) of the Liquor Control and Licensing Regulation takes effect immediately, and applies to all licensee retail store relocation applications received on or after February 15, 2010, the date the regulation comes into effect.

An LRS may relocate their store or LRS application to another location within the same local government or first nation jurisdiction, or if relocating to a location outside the local government/first nation jurisdiction, up to 5 km from the site of the existing LRS or LRS application. Relocation applications will not generally be approved by the general

manager if the proposed site is within 1 km of an existing LRS or the site of an LRS application in progress.

However, there may be circumstances under which the general manager may approve the relocation of an LRS to a location within 1km of another LRS. These include the following circumstances:

- Where a store loses their leased location due to circumstances beyond their control and the only reasonable location is within 1km of another store, and where it would not be contrary to the public interest to allow the relocation; or
- Where there is a re-development on the same site as the LRS or LRS application and the licensee needs to move on that site as a result; or
- Where there is a large natural or artificial barrier between the stores, e.g. a river or divided highway; or
- Where someone entered into a lease or an offer to purchase for a new site prior to the regulation coming into effect, and has an on-going financial commitment as a result of that transaction.

LRS licensees that wish to relocate to a new location can make application by submitting the Licensee Retail Store (LRS) - Application for Transfer of Location (LCLB092) form.

Further Information

Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at www.hsd.gov.bc.ca/lclb. If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250-387-1254 if calling from the Victoria area.



Karen Ayers
General Manager