

# Liquor Licensing in British Columbia

Applicants' Information for

*Ubrew / Uvin*

Liquor Licence



BRITISH  
COLUMBIA

Ministry of Public Safety  
and Solicitor General  
Liquor Control and Licensing Branch

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# Ubrew/Uvin Licensing in B.C.

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Read this booklet before you begin to fill out your application form. Your completed application should be submitted to head office in Victoria. All branch offices are listed at the back of this guide.



## Introduction

This booklet is written specifically for Ubrew/Uvin licence applicants and contains information about the licensing process. Inside, you'll find answers to the most commonly asked questions. If you have more questions, please call your local liquor inspector for help. You'll find a list of local offices and phone numbers at the back of this booklet.

U-Brew and U-Vin are the names commonly given to businesses that provide goods, facilities and services to persons manufacturing, within the facility, beer, wine, cider or coolers for their own consumption or consumption at no charge by others. The liquor manufactured in these facilities is then consumed off-site. A U-Brew typically offers services to manufacture beer, while a U-Vin offers services to manufacture wine. In law, however, there is no difference between the two facilities and a person holding a Ubrew/Uvin licence may offer either or both services.

After March 31, 2000, it will be illegal to operate this type of establishment without a Ubrew/Uvin licence. Businesses that sell kits, juices, or other ingredients needed to make beer, wine, cider or coolers do not need a licence if the customer manufactures the product in his or her own home and the store operator is not involved in the production process.

It is important to note that Ubrew/Uvin licensees are not liquor manufacturers. They provide services, equipment and products with which the customer manufactures beer, wine, cider or coolers. You'll find more details on page 9 of this booklet.

## Liquor Control in British Columbia

The Liquor Control and Licensing Branch, an agency of the provincial government in the Ministry of Attorney General, administers liquor licensing. The branch issues licences and is also responsible for inspecting facilities and educating licensees to ensure they comply with the law. The branch also takes appropriate compliance action for contravention of the *Liquor Control and Licensing Act* and Regulations.

## Licensing Criteria

The branch considers a number of specific eligibility criteria when determining whether to licence your Ubrew/Uvin.

### Applicant suitability

#### ***Character***

The *Liquor Control and Licensing Act* specifies that a licence may not be issued, renewed or transferred to someone who is not a “fit and proper person”. Determining whether a person is fit and proper includes conducting a criminal record search for previous criminal convictions and may also include examining compliance records if the applicant has previously held a liquor licence.

#### ***Criminal record search***

Your application package contains a form called “Personal History Summary and Consent for Criminal Record Search” (LCLB004). By signing this form, you are giving permission for a criminal record search.

Along with the completed consent form, you must also provide proof of your identity bearing the same name you used in the consent form. This could be a birth certificate or a government-issued photo identification such as a driver’s licence. If you are mailing the form, you must attach a copy of proof of identity.

A previous criminal record will not necessarily prevent approval of your licence. The branch will consider the relevance of the conviction to the responsibilities that go with holding a liquor licence. The branch also considers the severity of the crime, when the offense occurred and any rehabilitative steps you have taken since then.

The branch has produced a brochure titled “Who must consent to a Criminal Record Search,” that contains commonly asked questions and answers about the requirements for a search. You will find a copy in your application package.

### ***Compliance history***

The branch will search their files for current and previous liquor licences held by the Ubrew/Uvin applicant to identify any history of non-compliance regarding liquor regulations.

### **Residency and age requirements**

The Act also stipulates that a licence may only be issued to a person who is at least 19 years of age and a resident of British Columbia. If you are applying as a corporation, you must appoint a resident agent or manager if none of the officers, directors or shareholders reside in British Columbia. This person must also consent to a criminal record search.

### **Association with a liquor manufacturer, agent or liquor licensed establishment**

Persons making application for a Ubrew/Uvin licence after April 1, 2000 may not be financially associated in any way with a liquor manufacturer, licensed agent or liquor licensed establishment in British Columbia. This does not include financial relationships in which you hold less than a ten per cent ownership.

Ubrews/Uvins licensed prior to this date may be a party to such a relationship although it cannot be further expanded after April 1, 2000, by entering into additional financial arrangements with other manufacturers, licensed agents or liquor licensed establishments.

## Flow chart of Approval Process

### Applicant steps:

#### Application:

- Obtain an application package
- Complete Criminal Record Search (CRS) form
- Complete licence application form
- Prepare supporting documentation (see checklist for details)
- Submit completed application form with supporting documentation and fee

#### Approval

- Receive notice that your application is approved
- Pay annual licence fee

#### Approval

- Receive your licence and handbook
- Open for business

#### Meeting with Inspector:

- Discuss terms and conditions with inspector

### Liquor Control and Licensing Branch steps:

#### Branch staff

- Receives your application package
- Reviews your application material to ensure it is in compliance with legislation and policy
- Faxes request for criminal record check to the Criminal Records Review Agency
- Receives results of criminal record search
- Directs you to your local police department or RCMP detachment for fingerprints if necessary
- Notifies you of approval and requests payment of annual licence fee

#### Branch staff:

- Receive your annual licence fee
- Mails your licence and licensee handbook titled A Guide for Ubrew/Uvin Operators in B.C.

#### Liquor Inspector:

- Phones for an appointment to discuss terms and conditions of licensing with you

## Applying for a Ubrew/Uvin Licence

### The application package

An application package, available from any branch office or Government Agent, includes:

- Application for a Ubrew/Uvin Licence (LCLB016)
- Applicant's Checklist of Documents for Ubrew/Uvin Licence (LCLB029)
- Personal History Summary and Consent for Criminal Record Search (LCLB004)
- Brochure titled "Who needs to consent to a Criminal Record Search?"
- Booklet titled "Applicants' Information for Ubrew/Uvin Liquor Licence" (this booklet)

### The application form

All applicants must complete the "Applicant Information" section. You must identify yourself and any co-applicants or partners, and provide information about any current or past involvement with liquor licensed establishments or manufacturers.

#### ***Corporate applicants***

Corporate applicants must also provide information about the agent or manager identified in the "Corporate Applicants" section.

#### ***Individuals and partnerships***

Whether you are applying as an individual or partnership, you must provide information about every person involved in the "Individuals and Partnerships" section.

#### ***Establishment information***

In the "Establishment Information" section, give enough information to clearly identify the name and location of your facility.

## Fees

Non-refundable application fee .....	\$500
Annual licence fee .....	\$750

*These fees are subject to change and the branch will notify you of any changes.*

## The application process

An application package is available from any branch office or Government Agent. Complete the necessary forms and mail them to branch headquarters. You will find the address at the back of this booklet and on the application form.

Branch staff will review your application with reference to the licensing criteria on pages 4 and 5. If the application is approved, the branch will notify you by mail that your application is granted approval in principle. You will be asked to pay the annual licence fee at this time. Upon receiving your fee, the branch will mail your Ubrew/Uvin licence and a licensee handbook titled A Guide for Ubrew/Uvin Operators in B.C.

Within a few weeks of receiving your licence, a branch liquor inspector will contact you. The inspector will make an appointment to review with you your obligations as a licensee.

## Dealing with other regulatory authorities

Please remember that provincial liquor licensing regulations are separate and distinct from the regulations of all other federal, provincial or municipal authorities. You are responsible for ensuring that you secure all necessary approvals to operate your business. If you obtain a Ubrew/Uvin licence without getting a required approval from a regulatory authority, and later discover that you cannot operate because, for example, it contravenes a local bylaw or regulation, you will not be eligible for a refund of your Ubrew/Uvin licence application and licensing fees.

### ***Registering for Provincial Sales Tax***

You are required to register your company for the payment of Provincial Sales Tax. For more information about registering, call (250) 387-7526 in Victoria or, (604) 660-4500 in the Vancouver area.

In other areas of the province, consult the blue pages of your local phone book. You will find a listing for “Tax - Sales Registration” in the Province of British Columbia Key Word Listing section. If there is no regional office in your community, call your local government agent or the Victoria number listed above.

### **Operating terms and conditions**

The Act, regulations and the general manager of the branch impose terms and conditions on the operation of your Ubrew/Uvin. This brochure lists only the major terms and conditions to provide you with a broad understanding of what the branch expects of you as a licensee. For more detailed information please review the *Liquor Control and Licensing Act*, its Regulations and “A Guide for Ubrew/Uvin Licensees in British Columbia”.

### ***Role of the customer***

The customer, in making beer, wine, cider or coolers, must visit your store at least twice. During the first visit, the customer mixes the ingredients necessary to make the liquor, adds the yeast and pays for the product. After fermentation, when the product is ready for bottling the customer must return to bottle it and remove it from the premises.

You may provide secondary assistance to the customer during these steps, but the customer must perform the tasks unless he or she is physically incapable of doing them.

### ***Role of the licensee***

The licensee is allowed to supervise the fermenting, aging and filtration of the product between the two stages mentioned above.

### ***Customer declaration***

Every customer must sign a declaration stating that they are using the product for personal use or for use at no charge by others such as friends or family. They may not use the product for commercial purposes – this includes selling the product or making it available in a licensed establishment or at a special occasion licensed event.

### ***Sampling***

A licensee is not permitted to provide samples of finished product to customers or prospective customers. This is because the Ubrew/Uvin is not a licensed liquor manufacturer. Only these types of facilities may produce liquor for commercial purposes.

Customers may taste samples of their own product prior to bottling to ensure that the product has fermented and aged properly.

### ***Minors***

You may employ minors, but they must always be under your supervision or the supervision of an adult employee. Minors are not permitted in the areas of a Ubrew/Uvin where liquor is manufactured or stored unless accompanied by a parent or guardian.

### ***Hours of sale***

The maximum hours of sale are 9:00 a.m. to 11:00 p.m., seven days a week. There is no requirement to be open during all of these hours or days.

### ***Advertising***

Advertising must not refer to availability of beer, wine, cider or coolers or the price of beer, wine, cider or coolers because the Ubrew/Uvin does not sell these products. They sell ingredients and services that enables a customer to make liquor and the advertising should focus on these items. Price advertising of these goods and services is permitted.

### ***Products that may be manufactured***

Customers may manufacture any type of beer, wine, cider or coolers provided that it does not contain distilled liquor (spirits).

### ***Reporting and record keeping***

Licensees must report to the branch twice each year, giving the total volume of beer, wine, cider and coolers manufactured in the facility. Licensees must also keep all sales and purchase records for a period of at least 3 years. These records must be made available on request to branch inspectors and auditors.

## Applications Requiring Special Consideration

There may be occasions where the branch receives a Ubrew/Uvin application that is out of the ordinary. Perhaps an applicant is asking for approval to do something that is allowed under legislation but prohibited by policy. In these cases, the application is referred to the general manager for a decision.

The *Liquor Control and Licensing Act* and Regulations give the general manager of the branch a great deal of discretionary decision-making power. This discretion allows the general manager to consider unique circumstances arising in individual cases, while maintaining the principle that all licence applications be processed in a consistent way. The general manager may only permit situations that are consistent with liquor regulations and are not contrary to the public interest.

## Appeal Process

If approval is denied at any point in the application process, you may appeal the decision to the Liquor Appeal Board, which is a separate body from the Liquor Control and Licensing Branch. You must register your appeal in writing within 30 days of the decision you are appealing and forward a copy to the branch. The grounds for appeal are limited to an error of law by the branch, or the branch's failure to follow the principles of procedural fairness. The Appeal Board makes its decision "on the record", which means that the board must use the same evidence the branch saw and heard when it made the decision being appealed. The board does not normally consider any additional information or evidence from either you or the branch.

For more information or to register your appeal contact:

Liquor Appeal Board  
910 - 1125 Howe Street  
Vancouver, V6Z 2K8  
Phone: (604) 660-2987  
Fax: (604) 660-3372

## Branch Offices

### **Campbell River**

Liquor Control and Licensing Br.  
B.C. Access Centre  
115 - 1180 Ironwood Street  
Campbell River, B.C. V9W 5P7  
(250) 286-7654 FAX 286-7573

### **Cranbrook**

Liquor Control and Licensing Br.  
B.C. Access Centre  
100 Cranbrook Street N.  
Cranbrook, B.C. V1C 3P9  
(250) 426-1562 FAX 426-1253

### **Fort St. John**

Liquor Control and Licensing Br.  
B.C. Access Centre  
10600 - 100th Street  
Fort St. John, B.C. V1J 4L6  
(250) 787-3345 FAX 787-3210

### **Kamloops**

Liquor Control and Licensing Br.  
c/o Government Agent  
250 - 455 Columbia Street  
Kamloops, B.C. V2C 6K4  
(250) 828-4720 FAX 828-4233

### **Kelowna**

Liquor Control and Licensing Br.  
Regional Office  
101 - 2141 Springfield Road  
Kelowna, B.C. V1Y 7X1  
(250) 861-7418 FAX 861-7697

### **Nanaimo**

Liquor Control and Licensing Br.  
B.C. Access Centre  
Nanaimo, B.C. V9R 5B9  
(250) 741-3624 or 3625  
FAX 741-3622

### **Nelson**

Liquor Control and Licensing Br.  
110 - 310 Ward Street  
Nelson, B.C. V1L 5S4  
(250) 354-6460 FAX 354-6561

### **Penticton**

Liquor Control and Licensing Br.  
c/o Government Agent  
Room 112 - 100 Main Street  
Penticton, B.C. V2A 5A5  
(250) 492-1293 (Phone/Fax)  
FAX 492-1213

### **Prince George**

Liquor Control and Licensing Br.  
472 - 1011 4th Street  
Prince George, B.C. V2L 3H0  
(250) 565-6994/6993  
FAX (250) 56506758

### **Squamish**

Liquor Control and Licensing Br.  
Rm. 116, 38075 2nd Avenue  
Squamish, B.C. V0N 3G0

### **Surrey**

Liquor Control and Licensing Br.  
101 - 9180 King George Highway  
Surrey, B.C. V3V 5V9  
(604) 586-2641 FAX 586-2640

### **Terrace**

Liquor Control and Licensing Br.  
B.C. Access Centre  
107 - 3220 Eby Street  
Terrace, B.C. V8G 5K8  
(250) 638-6544 FAX 638-6519

### **Vancouver**

Liquor Control and Licensing Br.  
133 East 8th Avenue  
Vancouver, B.C. V5R 1R8  
(604) 775-0100 FAX 775-0044

### **Vernon**

Liquor Control and Licensing Br.  
B.C. Access Centre  
#38 - 3201 30th Street  
Vernon, B.C. V1T 9G3  
(250)549-5614 FAX 549-5508

### **Victoria**

Liquor Control and Licensing Br.  
P.O. Box 9292, Stn Prov Govt  
Victoria, B.C. V8W 9J8  
(250) 387-1254 FAX 387-9184

### **Williams Lake**

B.C. Access Centre  
540 Borland Street  
Williams Lake, B.C. V2G 1R8  
(250) 398-4705 FAX 398-4208