

# Regulation respecting liquor permits, R.R.Q., c. P-9.1, r. 5

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c. P-9.1, r. 5

## Regulation respecting liquor permits

### An Act respecting liquor permits

(R.S.Q., c. P-9.1, s. 114)

#### DIVISION I

##### INTERPRETATION

**1.** In this Regulation, unless the context indicates otherwise, the word “Act” means the Act respecting liquor permits (R.S.Q., c. P-9.1).

Decision 83-08-05, s. 1.

#### DIVISION II

##### APPLICATION FOR A PERMIT OR APPLICATION FOR AN AUTHORIZATION PRESCRIBED BY THE ACT

**2.** A person who wishes to submit an application for a permit or an application for an authorization shall do so on the appropriate form prescribed by the Régie des alcools, des courses et des jeux.

Decision 83-08-05, s. 2.

**3.** When applying for a permit, the applicant shall submit the form duly completed with the following documents:

(1) if the applicant was born in Canada, a copy of his act of birth certified and signed by a depositary of registers of acts of civil status or a copy of his act of birth issued by the Ministère de la Santé et des Services sociaux;

(2) if the applicant is a Canadian citizen by naturalization, a written attestation by the Department of Immigration of Canada that he is a Canadian citizen by naturalization;

(3) if the applicant is not a Canadian citizen, a sworn declaration stating that he has been resident in Québec for at least 1 year;

(4) if the applicant is a legal person, the certificate of constitution as well as the form indicating the membership of the board of directors and a declaration filed with the enterprise registrar of any other name used in Québec. Where the legal person's name includes a term corresponding to a class of permit issued under the Act respecting liquor permits (R.S.Q., c. P-9.1), that term shall correctly reflect the term used to designate the class of permit applied for;

(5) if the applicant is a cooperative association or a cooperative agricultural association constituted under the cooperatives Act (R.S.Q., c. C-67.2), written proof of its formation issued by the competent authority;

(6) where the applicant is a partnership or a natural person submits an application, a copy of the declaration of registration filed with the enterprise registrar.

Where the declaration includes a term corresponding to a class of permit issued under the Act, that term shall correctly reflect the term used to designate the class of permit applied for;

(7) a detailed plan of the room or the terrace where the applicant intends to use his permit, approved by an engineer, an architect, the municipality where the establishment is situated, the dimensions being shown on the plan;

(8) a photograph of the building and of the room or terrace where the permit will be used;

(9) proof that the applicant holds, where applicable, a classification certificate issued under the Act respecting tourist accommodation establishments (R.S.Q. c. E-14.2), or a written commitment to obtain such a certificate.

This section does not apply to an application for a reunion permit.

Decision 83-08-05, s. 3; O.C. 1056-90, s. 1; O.C. 1118-92, s. 1; O.C. 1042-2006, s. 15.

**3.1.** Where an application for a permit is submitted because of an increase in the number of persons who may be admitted at one time, as determined by the board, the person submitting the application shall attach to it a detailed plan of the room or terrace approved in accordance with subparagraph 7 of section 3 and showing the alterations that justify the application.

O.C. 1118-92, s. 2.

**4.** Where the applicant is a partnership or a legal person not listed on a Canadian stock exchange, it shall also furnish for each partner or director of the legal person and for each shareholder holding 10% or more of the shares with full voting rights, a photocopy of the documents prescribed by subparagraph 1, 2 or 3 of section 3, whichever applies.

Decision 83-08-05, s. 4; O.C. 1042-2006, s. 15.

**4.1.** Where a person applies for a permit following the transfer of an establishment for which a permit is already in force, the application shall be accompanied, when submitted to the board, by the title deed of the stock in trade, by the costs for examination provided for in section 7 of the Regulation respecting the duties and costs payable under the Act respecting liquor permits (c. P-9.1, r. 3) and, where applicable, by the duties payable to obtain temporary authorization to use that permit, as provided for in section 5 of that Regulation.

O.C. 1118-92, s. 3.

**5.** Where a person applies for a permit following an assignment of the establishment in which a permit is being used, and there is no change in the arrangement of the room or terrace where the permit is used, the board may accept an affidavit to the effect that the establishment has not changed, instead of requiring the detailed plan prescribed by subparagraph 7 of section 3.

Decision 83-08-05, s. 5; O.C. 1056-90, s. 2.

**5.1.** Where an application for a permit is submitted for an air carrier, the applicant shall submit to the board a sworn statement indicating the number of aircraft in the fleet.

The holder of a permit used by an air carrier shall inform the board, by means of a sworn statement, of any change in the number of aircraft in the fleet during the period for payment of the annual duties applicable to the permit.

O.C. 1118-92, s. 4.

### **DIVISION III**

#### **APPLICATION FOR AUTHORIZATION FOR TEMPORARY USE OF A PERMIT**

**6.** Where a person wishes to obtain the authorization for temporary use of a permit described in section 79 of the Act, the board may require the following documents:

- (1) if the applicant is a liquidator of a succession:
  - (a) the certificate attesting to the death of the permit holder;
  - (b) the document prescribed by subparagraph 1, 2 or 3 of section 3; and
  - (c) an authentic copy of the will establishing his capacity as liquidator of the succession;
- (2) if the applicant is a bankruptcy trustee, written proof of his appointment and his mandate;
- (3) if the applicant is a judicial or conventional sequestrator, a copy of the deed or court judgment by which he was appointed;
- (4) if the applicant is a trustee, a copy of the deed or the court judgement by which he was appointed.

Decision 83-08-05, s. 6.

**7.** An application for authorization described in section 6 shall be made without delay.

Decision 83-08-05, s. 7.

#### **DIVISION IV** **GROCERY PERMITS**

**8.** In this section, “food” means any product used to feed any person, except beer, wine or cider.

The conditions which an applicant must fulfil in order that his establishment be considered a grocery are as follows:

(1) the store must display an assortment of foods having a value of at least \$3,000, computed on the retail price of those foods;

(2) the assortment of foods must represent at least 51% of the products displayed in the store.

An applicant must submit to the board, at the time of his application for a permit, a statement showing the merchandise on display meeting the requirements mentioned in subparagraphs 1 and 2. The board may require photographs of the display.

Decision 83-08-05, s. 8; O.C. 1056-90, s. 3.

**9.** No grocery permit may be used in a room where a business for which a liquor permit in another category has been issued or a business that is likely to apply for a liquor permit in another category.

Decision 83-08-05, s. 9.

**10.** Where another business is operated in a room where a grocery permit is used, each business must keep separate accounting and any sum of money obtained from the sales of each business must be readily identifiable.

Decision 83-08-05, s. 10.

**11.** *(Revoked).*

Decision 83-08-05, s. 11; O.C. 1056-90, s. 4.

## **DIVISION V**

### **REUNION PERMITS**

#### *§1. General provisions*

**12.** A reunion permit to sell or serve alcoholic beverages may be issued to a person only for a social, cultural, educational or sporting event if the person meets the requirements of this Division.

A natural person who meets the requirements may also obtain such a permit for a family event.

For the purposes of the first paragraph, an event may consist of 2 or more activities that take place during the period determined by the board under section 33 of the Act.

Decision 83-08-05, s. 12; O.C. 1042-2006, s. 1.

**13.** A reunion permit may be issued even if the proposed use of the permit constitutes an operation for which another permit could be issued, provided that the operation does not constitute the main activity of the person applying for the permit.

In such a case, the board shall take into account the nature and use of the place of the proposed operation, the nature and frequency of the activities planned and the persons who are to participate therein.

Decision 83-08-05, s. 13; O.C. 1042-2006, s. 1.

**14.** A reunion permit to sell includes the right to serve alcoholic beverages without charge.

A reunion permit to serve does not include the right to sell alcoholic beverages.

Decision 83-08-05, s. 14.

**15.** Any applicant for a reunion permit must establish that he is the owner or lessee of the room or terrace where the event is to be held or that he is expressly authorized by the owner or the lessee of the room or terrace to use the place in question without charge.

Decision 83-08-05, s. 15; O.C. 1042-2006, s. 3.

**15.1.** A holder of a reunion permit must purchase the beer he intends to sell or serve without charge directly from a holder of a grocery permit.

O.C. 1529-91, s. 1; O.C. 1042-2006, s. 4.

**16.** No reunion permit may be used in an establishment whose permit has been cancelled within the 6 months following the date of the cancellation, or in an establishment whose permit has been suspended, as long as the suspension is in force, except in the case where a cancellation or suspension has been requested by the permit holder or in the case of a cancellation covered by section 55 of the Act.

Decision 83-08-05, s. 16; O.C. 1056-90, s. 5; O.C. 1042-2006, s. 5.

**17.** *(Revoked).*

Decision 83-08-05, s. 17; O.C. 1042-2006, s. 6.

**18.** *(Revoked).*

Decision 83-08-05, s. 18; O.C. 1042-2006, s. 6.

**19.** In spite of the provisions of this Division, the board may:

(1) issue a reunion permit to a diplomat, a consul or a member of the International Civil Aviation Organization who applies for it to serve alcoholic beverages outside his establishment or his residence;

(2) issue a reunion permit to a person who uses a permit entitling him to sell alcoholic beverages for consumption on the premises provided that he uses the reunion permit in the manner prescribed for a reception in section 68 of the Act, whether the reunion takes place inside or outside his establishment.

Decision 83-08-05, s. 19; O.C. 2619-83, s. 1.

## *§2. Reunion permit to sell*

**20.** Subject to sections 12 to 19, a reunion permit to sell may be issued to a natural person if the natural person meets the following conditions:

(1) he is a member of the group having an interest in the event for which the permit is requested;

(2) he is not a caterer, owner of a hall for receptions, representative of a manufacturer or a tradesman in similar matters;

(3) he does not intend to make any profit on the occasion of the event;

(4) he sends an application to the board at least 15 days before the date of the event for which the permit is applied for or, if the event consists of 2 or more activities, at least 15 days before the date of the first activity.

Decision 83-08-05, s. 20; O.C. 1042-2006, s. 7.

**21.** Subject to sections 12 to 19, a reunion permit to sell may be issued to a legal person if the legal person meets the following conditions:



(1) it is a non-profit legal person under its constituting Act and its income may not be used directly or indirectly for the benefit of its members;

(2) the profits from the event for which the permit is applied for, including any entry fees or admission charges, must be used only to achieve the purposes of the legal person or to achieve the purposes of another non-profit legal person;

(3) it sends its application to the board at least 15 days before the date of the event for which the permit is applied for or, if the event consists of 2 or more activities, at least 15 days before the date of the first activity.

If the profits from the event must be used to achieve the purposes of another non-profit legal person, that legal person must have an establishment in Québec and the applicant must attach to the application a copy of the agreement entered into with that legal person attesting that the profits will be paid to it.

Decision 83-08-05, s. 21; O.C. 1042-2006, s. 8.

**22.** No natural person may apply for a reunion permit to sell for the purpose of a family event unless he has a direct interest therein and is a relation or connection of the person in favour of whom the event is held and unless the price demanded for the alcoholic beverage is used only to cover the costs of the event.

Decision 83-08-05, s. 22; O.C. 1042-2006, s. 9.

**23.** *(Revoked).*

Decision 83-08-05, s. 23; O.C. 1042-2006, s. 10.

**23.1.** Notwithstanding paragraphs 2 and 3 of section 20 and paragraph 1 of section 21, the board may issue to a manufacturer, within the meaning of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages (c. P-9.1, r. 6), a reunion permit to sell on the premises of an exhibition or of a trade or specialty show.

O.C. 1529-91, s. 2.

**24.** Notwithstanding paragraph 4 of section 20 and paragraph 3 of section 21, the board may issue a reunion permit to sell if the applicant establishes that it is impossible to apply within the time limit.

Decision 83-08-05, s. 24.

**25.** *(Revoked).*

Decision 83-08-05, s. 25; O.C. 1042-2006, s. 10.

§3. *Reunion permit to serve*

**26.** A reunion permit to serve authorizes its holder to allow the consumption of alcoholic beverages brought by participants to the event or to serve alcoholic beverages without charge if the event takes place outside the holder's residence or a business establishment of the holder where a permit is not in use.

Decision 83-08-05, s. 26; O.C. 1042-2006, s. 11.

**27.** Subject to sections 12 to 19, a reunion permit to serve may be issued to a natural person or a legal person if the person meets the following conditions:

(1) in the case of a sporting event, the permit may be applied for only for sporting competitions during which there is no form of betting and no purses are awarded;

(2) the person must not charge an entry fee or admission charge for the event;

(3) the person must not make any profit from the event;

(4) the person sends an application to the board at least 15 days before the date of the event for which the permit is applied for or, if the event consists of 2 or more activities, at least 15 days before the date of the first activity.

Decision 83-08-05, s. 27; O.C. 1042-2006, s. 12.

**28.** Notwithstanding paragraph 4 of section 27, the board may issue a reunion permit to serve if the applicant establishes that it was impossible to apply within the time limit.

Decision 83-08-05, s. 28.

**29.** *(Revoked).*

Decision 83-08-05, s. 29; O.C. 1042-2006, s. 13.

## **DIVISION VI**

### **CLUB PERMIT**

**30.** The board will issue a club permit only to a person who meets the following conditions:

- (1) it must be a non-profit legal person under its constituting Act;
- (2) it must operate an establishment solely for its members and their guests, without any intention of making a pecuniary gain for any of its members;
- (3) it must be a legal person having at least 100 members in good standing, having paid and being required to pay an annual fee of at least \$25, the whole duly attested to at the board by an accountant governed by the Professional Code (R.S.Q., c. C-26);
- (4) it must have made by-laws providing:
  - (a) that admission of a person as a member of the club must be subject to the approval of the board of directors;
  - (b) that an annual membership card be issued;

(c) that use of the club services is restricted to club members in good standing and their guests;

(d) that any person who is not a member must, in order to use the club services, be accompanied by at least one club member in good standing who is not an employee of the club;

(e) that no member of the club board of directors, or its president, vice-president, secretary or treasurer be a salaried employee of the club; and

(f) that the club premises may not be used for receptions except for:

(i) a reception organized by the club itself for its members and guests; or

(ii) a reception organized by a member for the advantage of a relation or connection of a member.

Decision 83-08-05, s. 30; O.C. 1042-2006, s. 14.

**31.** In the case of a snowmobile club, it must have been recognized in accordance with the regulations made under the Transport Act (R.S.Q., c. T-12).

Decision 83-08-05, s. 31.

**32.** The holding of a reception described in subparagraphs i and ii of paragraph *f* of paragraph 4 of section 30 may not be done so as to constitute a commercial operation of the club permit.

Decision 83-08-05, s. 32.

## **DIVISION VII**

### **MISCELLANEOUS PROVISIONS**

**33.** *(Revoked).*

Decision 83-08-05, s. 33; O.C. 1056-90, s. 6.

**34.** A permit holder may not receive a greater number of people at one time in a room or on a terrace where a permit is being used than the number fixed by the board.

When the board fixes that number of persons, it applies section 3.1.14.1 of the Building Code (R.R.Q., 1981, c. S-3, r. 2).

Decision 83-08-05, s. 34.

**35.** The device described in sections 63 and 87.1 of the Act must be equipped with a locking mechanism to prevent access to alcoholic beverages; the device described in the 2nd paragraph of section 76 of the Act must carry a notice indicating the price of the alcoholic beverages, and it must be possible to lock it.

Decision 83-08-05, s. 35; O.C. 1118-92, s. 5.

**36.** In the case of a permit used in a means of public transport, section 38, paragraphs 1, 2 and 3 of section 39, sections 40, 47, 59 to 68, 72 to 74, 76 and 82 to 84 of the Act do not apply.

Sections 84, 85, 93, 94, 103.2, 103.3, 103.6 and paragraphs 1, 2, 5, 6 and 8 of section 109, and paragraph 5 of section 110 of the Act respecting offences relating to alcoholic beverages (R.S.Q., c. I-8.1) do not apply.

Decision 83-08-05, s. 36; O.C. 1118-92, s. 6.

**37.** Sections 82 to 84 of the Act and sections 8 to 10 of this Regulation do not apply in the case of a grocery permit used in a trading post.

Decision 83-08-05, s. 37.

**38.** *(Omitted).*

Decision 83-08-05, s. 38.

Decision 83-08-05, 1983 G.O. 2, 3166  
O.C. 2619-83, 1984 G.O. 2, 49  
O.C. 1056-90, 1990 G.O. 2, 2193  
O.C. 1529-91, 1991 G.O. 2, 4466  
O.C. 1118-92, 1992 G.O. 2, 4159  
O.C. 1042-2006, 2006 G.O. 2, 3644