



Information Sheet - Applications to Remove Liquor Licence Conditions

(Disponible en français)

Introduction

A licensee may apply to the Tribunal under s. 11(4) of the [Liquor Licence and Control Act, 2019](#) (LLCA) to remove a licence condition that the Tribunal has imposed. The Tribunal may not remove conditions that were imposed pursuant to s. 9(3), 9(4), or 19(3) of the LLCA. The Tribunal may remove conditions only if there is a change in circumstances.

How to submit an application under s. 11(4) of the LLCA

In order to submit an application to the Tribunal under s. 11(4) of the LLCA, complete the Tribunal's [Application for Removal of Conditions from a Liquor Licence](#) form, serve it on the Registrar under the *Alcohol and Gaming Commission of Ontario Act, 2019* (the Registrar) and file it with the Tribunal along with the [filing fee](#) and any other documents that you wish the Tribunal to consider in making its decision.

What documents do you need to submit with your application?

An application to remove liquor licence conditions must include the following documents:

- A copy of decision/order issued by the Tribunal that imposed the condition(s);
or
- If the conditions were imposed by the Tribunal based on the consent of the parties, a copy of Tribunal consent order;

In addition to the above, other documents that should be included with the application are:

- A copy of the liquor licence containing the conditions that the licensee is applying to have removed;
- A description of the change in circumstances that supports the application to have the conditions removed;
- Any documents that show that there has been a change in circumstances.

Your application should include all of the submissions and documents that you want the Tribunal to consider in deciding whether there has been a change in circumstances and whether the conditions should be removed as a result.

What should the Registrar submit with its response to an application?

The Registrar must submit their response to the application within fifteen (15) days of receiving the application. The response should be sent to the licensee and the Tribunal and should include:

- The Registrar's submissions on whether the condition should be removed;
- Any documents that the Registrar wants the Tribunal to consider; and
- Any relevant decision, order or consent that the licensee has not submitted with their application.

What is a change in circumstances?

In order for the Tribunal to remove a condition under s. 11(4) of the LLCA, there must be a change in circumstances. What change in circumstances will justify removing a condition depends on the particular situation of each case. However, below are some examples of changes in circumstances that may result in removing a condition:

- The business model of the establishment has changed (e.g. a night club is now a restaurant or sports bar);
- The business practices have changed;
- The establishment has undergone improvements in construction to address the concerns underlying the condition;
- If the condition was imposed due to non-compliance with legal requirements, the licensee has since been compliant with those requirements;
- The condition was imposed as a result of concerns from residents of the municipality in which the licensed establishment is located, and the residents no longer have the same concerns. Evidence of this might include:
 - letters of support from residents whose concerns were the basis for the conditions.
 - proof that the individuals whose concerns were the basis for the conditions

have moved out of the vicinity of the establishment.

- proof that the residents of the municipality have been notified of the application, provided with an opportunity to make submissions on whether the condition should be removed, and have not done so.

It is always up to the adjudicator to decide whether there has been a change in circumstances and whether the condition should be removed as a result.

Case conference

The Tribunal may direct the parties to participate in a case conference to discuss settlement of the application or any steps to be taken before the Tribunal makes its decision. Please consult the Tribunal's website for [general information about case conferences and hearings](#).

Settlement

At the case conference, a member of the Tribunal can help the licensee and the Registrar attempt to reach an agreement about whether the conditions should be removed. However, even if the Registrar consents to removing the condition or does not take a position one way or the other, the Tribunal still must be satisfied that there is a change in circumstances in order to remove the condition.

In some cases, the licensee and the Registrar may agree that a condition on a licence should be replaced with a different condition. Please note that the Tribunal does not have the power to impose new conditions on an application to remove liquor licence conditions. If the parties wish to impose new conditions, they may agree to do so on their own.

Procedural steps

At the case conference, the parties may wish to discuss steps to be taken before the Tribunal makes its decision. These may include:

- Giving the applicant an additional opportunity to provide documents that show that there has been a change in circumstances;
- Providing time for either party to provide notice to the public of the application.

What happens if the Tribunal does not remove the condition?

If the Tribunal decides not to remove the condition, the Tribunal will direct the Registrar

to issue a proposal to refuse to remove the condition.

If the Registrar issues a proposal to refuse to remove the condition, the licensee may request a hearing at the Tribunal. The licensee may complete a [Notice of Appeal - Liquor Licence and Control Act, 2019, Cannabis Licence Act, 2018, Horse Racing Licence Act, 2015, Gaming Control Act, 1992](#) form, serve it on the Registrar and file a copy with the Tribunal within fifteen (15) days of receiving the Registrar's proposal.

Other Sources of Useful Information

The Tribunal's website at tribunalsontario.ca/lat has Information Sheets, Rules of Practice, Practice Directions, FAQs and other useful information.

This information sheet is intended to provide general information to Appellants and other parties. It does not constitute legal advice. If you wish to obtain legal advice, you should consult a person licensed by the [Law Society of Ontario](#).