

<b>Section:</b>	<b>Cannabis Licensing Board</b>	<b>Effective Date:</b>	<b>May 7, 2019</b>
<b>Number:</b>	<b>CB-2019-04</b>	<b>Last Revised:</b>	<b>November 10, 2020</b>
<b>Item:</b>	<b>Board Rules</b>	<b>Reference:</b>	

## STATEMENT OF POLICY

This policy describes the rules for the conduct for board meetings and hearings. Board meetings and hearings may be used to make decisions with respect to:

1. Applications for licences
2. Applications for Renewals of Licences
3. Applications for Variations to a Licence
4. Interim Licences
5. Reviewing Sanctions
6. Reviewing Suspensions
7. Reviewing Seizures
8. Reviewing Cancellations

## AUTHORITY

*Cannabis Control and Regulation Act – sections 21(3), 22(1) to (3), 31, 32, 44*

*Cannabis Control and Regulation General Regulation – s.3*

## RATIONALE

This policy outlines the rules of Board conduct to ensure consistency during Board meetings and hearings. Board meetings and hearings will follow the principles of natural justice and fairness.

## DEFINITIONS

**Act** means the *Cannabis Control and Regulation Act*.

**Application** means a submission for a cannabis retail licence provided to the Cannabis Licensing Board by the Yukon Liquor Corporation.

**Applicant** means the sole proprietor, partnership, or corporation who makes an application for a cannabis retail licence.

**Board** means the Cannabis Licensing Board, as established under the *Cannabis Control and Regulation Act*.

**Consensus** means a general meeting of minds; it does not always mean that all members are in complete agreement, but rather that a solution is found that all members can accept and to which no members strongly oppose.

**Corporation** means the Yukon Liquor Corporation.

**Decision Document** means a record of a decision of the Board.

**Hearing** means a legal proceeding where an issue of law or fact is heard and evidence is presented by participants to help determine the issue.

**Objector** means a person who provides in writing an objection to the Yukon Liquor Corporation in response to an application for a cannabis retail licence.

**President** means the president of the Yukon Liquor Corporation.

**Public Notification** means the public notice of the application that the president must give for a period of not less than three weeks when the president determines that an application is complete. Public notice must be given in newspapers and on an Internet website maintained by or for the Board. The President may also give public notice in other ways.

**Secretariat** means the administrative support provided by the Yukon Liquor Corporation to the Board, including the performance of executive, administrative, clerical, research or advisory functions for the Board.

## **PROVISIONS**

### **Chair**

- The Chair and Vice-Chair are appointed members; if either member is not available for a meeting, the Board is unable to make decisions and pass motions, with the exception of specific provisions provided for sanctions under the Act.

### **Yukon Liquor Corporation**

- Staff of the Yukon Liquor Corporation report to the President of the Yukon Liquor Corporation. Concerns with respect to staff, or the work of the Yukon Liquor Corporation, by members should be directed to the Chair to raise with the President.
- All communication from Board members to the Yukon Liquor Corporation will be addressed to the Chair and Secretariat.
- All communication from the Yukon Liquor Corporation to the Board will be addressed to the Secretariat for provision to the Board.

### **Location of Meetings and Hearings**

- Regular Board meetings to discuss business of the Board will be held at the Yukon Liquor Corporation boardroom in Whitehorse, unless otherwise directed by the Chair.
- When a hearing is required, as a result of an objection to the application for a cannabis retail licence, the hearing must be held as close as is reasonably practicable to the place where the premises is proposed.
- If an in-person meeting is not practicable, the Board may hold a hearing by conference telephone or another form of electronic technology allowing the Board, applicant and participants to hear one another at the same time.
- Public hearings may be conducted with one or more of the parties participating by means of telephone or other communications facilities, providing that such facilities will enable all persons participating in the hearing to hear each other.

## **Meeting Package**

- The Secretariat is responsible for preparing the meeting package including the agenda.
- Agendas and other information will be posted to a member's laptop.
- Board members are required to sign a computer use agreement for the use of government-issued laptops.
- The Chair is responsible for approving the agenda prior to it being sent to Board members.
- The meeting package must be provided to the Board at least five days prior to the meeting. Only the Chair may approve an exception to this requirement.
- Board members who may wish to add items to the agenda may do so at the meeting during the adoption of the agenda or prior to the meeting.
- Board members are responsible for attending meetings prepared to participate. Where time is required for the review of documents, a board meeting may be scheduled.
- Meeting packages will contain information that is of a personal nature and should be treated as confidential (e.g. personal history report; personal income statements).

## **Attendance**

- Board members are asked to notify the Chair and the Secretariat of timeframes that they will not be available to meet.
- Board members will notify the Chair when they will not be able to fulfil a complete review of an application.
- It is the responsibility of the Chair to advise the member whether they should cease participation on a specific file (e.g. direction to not review an application if the member cannot be present for the hearing and Board decision-making process).
- A Board member who is not present for the hearing or Board meetings specific to the review of an application is not eligible to participate in or be present for a decision on an application.

## **Sub-committees**

- The Board may strike a sub-committee of the Board when the Board determines that a matter requires more attention than can be allotted during a regular Board meeting.
- Members who serve on a sub-committee will be compensated at the regular honoraria and travel rates, in the case where travel is required.
- Recommendations made by a sub-committee must be forwarded to the Board for approval at the next meeting of the Board.
- Where timing does not permit the adoption of a sub-committee recommendation at the next board meeting, the Chair may seek comment and adoption through email, as long as it is so noted when the Board next convenes.

## Meetings and Minutes

- At a Board meeting the adoption of an agenda and of minutes are by motion.
- Decisions should be made by consensus. Where consensus may not be reached then the Chair may call for a vote. Abstention is not an option. When a decision has been reached to grant or not grant a licence, or to uphold or overrule a sanction adoption of the decision must be made by motion.
- If a board member is not part of the deliberations, the board member is not part of the decision-making.
- Meeting minutes will be taken by the Secretariat, and approved by the Board. All minutes will be circulated for review by the Board and adjusted or adopted at the following Board meeting.
- Where timing does not permit the adoption of minutes to wait until the next meeting, the Chair may seek comment and adoption through email, as long as it is so noted when the Board next convenes.
- Minutes will be made available to the public upon request.
- The Board may hold in camera sessions that are not recorded by the Secretariat. All in-camera decisions will be noted at the next meeting, in the meeting minutes.

## Decisions of the Board

- No decision may be made without quorum, as defined under the *Cannabis Control and Regulation Act*.
- The Board will take the time that it needs to consider information and come to a decision.
- The Board has 5 days following making a decision, to issue written reasons for the decision.
- The Board will release a decision document that contains the decision of the Board, as well as the reasons for the decision, to an applicant, and to other persons where those persons have been involved.
- The decision document and reasons must be posted on an internet website maintained by the Board or for it.

## Documents for Meetings and Hearings

- All documents received from applicants, and analyses and additional information developed by the Yukon Liquor Corporation will be collated by the Secretariat and shared with board members via their laptops.
- Some original documents will be presented at the board meeting and no copies will be made (e.g. confidential criminal record check).
- All documents will be retained for a minimum of the time period as defined by the Yukon Liquor Corporation records retention policy.
- Documents and all other records will be securely stored by the Yukon Liquor Corporation.

## **Licence Proceedings**

- The Board will receive all the information that is contained in a complete application submission as well as an analysis from the Corporation, as appropriate.
- The Board may at any time after an application has been deemed complete by the Yukon Liquor Corporation, and received by the Board, and before it has reached its decision, request additional information to assist in its determination.
- The Board may invite an applicant to attend an initial application review meeting, to ask questions, otherwise communication with the applicant must be completed in writing and facilitated through the secretariat.
- The Board may consider any information provided by the Corporation as part of their review of the application.
- The Board may seek clarification on the analysis provided by the Corporation that may advance its understanding and review of the application.

## **Hearings**

- The Board through the Secretariat will give the affected parties written notice of a hearing, including the date, time and location of the hearing.

### **Conduct of the Hearing**

- The Chair will lead and manage all hearings and will do so in a manner that respects the rights of all participants.
- The Chair may select the order of questions and responses that may be heard and may also limit the number of questions and the time for responses where the information is not relevant, may prejudice the hearing or where the information has already been presented.
- Unless the Chair directs otherwise all proceedings will appear before the Board as follows:
  1. Yukon Liquor Corporation presents a brief summary of the application.
  2. The objector will have an opportunity to present their reasons for objecting. If the objector does not appear, the Chair will read the objection into the record.
  3. The applicant will have an opportunity to speak to their application, and to the objection.
  4. Initial presentations shall be limited to fifteen minutes per participant.
  5. All parties will be given the opportunity to ask questions or respond to questions.
  6. Additional questions by the Board to any or all participants.
  7. Closing statement by the applicant (five minutes).
  8. Closing statement by the objector (five minutes).
  9. Closing statement by the Chair.

## **Objections**

- The Board will not consider objections that were not filed as part of the public notification process and timeframe.
- The Board may request clarification from the objector in writing on any objection in an effort to further its understanding of the concerns as they relate to the application and the Board's consideration of that application. Requests for clarification will be facilitated through the secretariat in writing.

## **Sanctions Imposed by the President of the Yukon Liquor Corporation**

- If a licensee appeals a sanction imposed by the President, the Board must hold a hearing to consider any submissions of the president and the licensee.
- If at least three members of the Board are not available to hear the appeal without delay, one member of the Board may, if the licensee and the president agree, make the decision.

## **Amendment of Submissions and Objections**

- The Board may amend or strike any material that, in its opinion, may prejudice a fair hearing.
- Information provided to the Board will be circulated to all persons listed as a party to the hearing, if the item is considered relevant to their participation.

## **Adjournments**

- The Board may adjourn a hearing for the following reasons:
  - To ensure fairness to all parties;
  - Where the Board has requested additional information and time is required to obtain the requested information;
  - Through unforeseen circumstances, there are not enough Board members to make quorum;
  - An applicant seeks adjournment and the Board is in agreement with the adjournment; or
  - Any reason that the Board deems necessary.
- Where the Board adjourns a hearing, the board will provide notice to the affected parties as soon as possible of the date, time and location of reconvening. Notice may be through the secretariat.

## **Cancel or Postpone a Hearing**

- The Board may cancel or postpone a scheduled hearing and is responsible to inform all parties through the secretariat.

## **Expenses and Travel**

- Members may be reimbursed for travel and living expenses that they incur in connection with the performance of their duties away from their ordinary place of residence. Payment of those expenses shall be in accordance with the Government of Yukon's General Administration Manual section 1.8.

- If the Board will use the Meals and Incidental Expenses for Employees on Travel Status Rates set by Yukon government department of Finance every April 1<sup>st</sup>.

**Policy Review**

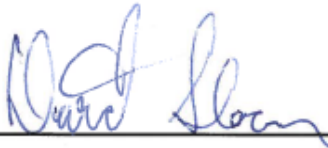
- The Board will make best efforts to review the rules annually for amendment or replacement.

**RELATED FORMS**

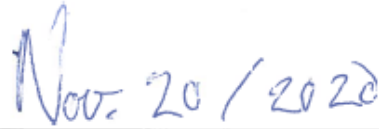
**RELATED POLICIES & DIRECTIVES**

Travel Rates – set by Yukon Government Department of Finance  
Government of Yukon General Administration Manual 1.8

Approved by:



David Sloan  
Chair



Date: