

How to Make an Appeal

HOW TO ASK FOR AND PREPARE FOR YOUR HEARING

The LGA's appeal process covers all licences, permits and approvals under *The Liquor and Gaming Control Act*. You can request a hearing by the LGA board if you disagree with a letter you received from the LGA's executive director about a decision or order regarding:

- a licence, permit or approval;
- the imposition of terms and conditions on a licence, permit or approval;
- a decision to issue a liquor service licence or retail beer vendor licence;
- a prohibited place order;
- a patron dispute order;
- a gaming integrity deficiency order; or
- a compliance order.

When you request an appeal, the LGA will consider your application, review the reason and grounds of the appeal, and inform you of next steps. The following checklist provides a summary of how to ask for and prepare for an appeal. You can also contact us by emailing appeals@LGAmanitoba.ca or calling us at 204-954-9400 or toll-free at 1-800-782-0363 if you have any questions.

- Tell us you want to appeal.** Send a request in writing to the LGA, stating the reason you want to appeal, within 21 days of receiving the decision or order. Your request for appeal must include your name, address and phone number, and must specify the grounds of the appeal. At this time, you can say if you want your hearing to be held in person, over the phone or in writing. You can also outline information about your case and any evidence or witnesses you plan to bring to your hearing.
- Receive information about your hearing.** The LGA will notify you of your hearing date, time and place within seven to ten days of receiving your request. Your hearing will be held within 60 days of LGA's receiving your request and you will receive written notice at least ten days in advance of your hearing date. You can ask for a later date if you need more time to prepare your case.
- Confirm in writing to the LGA that you will attend the hearing.** Tell us if you move or if your contact information changes.
- Review your file.** When your hearing date is set, the LGA will send you a copy of the information used by the executive director to make the decision or order. This information will help you and your representative prepare your case.

- ❑ **Prepare your case.** Consider all the facts. Decide what things you want to tell the board and what kind of evidence will support your case. Decide what you want to say before the hearing. If you want to bring witnesses, make sure they know the time and place of the hearing. Prepare any documents or written evidence that will help you. Bring the original and three copies of any documents you want to present.

You can speak on your own behalf, or you may ask a lawyer or another person to represent you and speak on your behalf. Some people have a lawyer come with them to present their case, others come alone or with someone who they trust to speak for them, or help and support them.

- ❑ **Attend the hearing and present your case.** This is your chance for you and your witnesses to give facts and evidence for the board to consider. Three or more board members assigned by the chair of the LGA board will form the panel to hear your appeal. You will have the chance to ask the executive director questions about the decision or order. You may be asked questions by the board members and by the executive director's lawyer. All those involved in the appeal may call witnesses, cross-examine witnesses, present arguments and submit evidence at the hearing.
- ❑ **Receive the decision.** The board will consider the evidence submitted by you and by the executive director. Based on the information presented to them, the board will make a legally binding written decision. If you want to appeal the board's decision, you must apply to the Court of Queen's Bench within 30 days of the board's decision. If you want to do this, you may wish to seek legal assistance. Appeals will only be reviewed by the Court of Queen's Bench if they involve a point of law or a question of the board's jurisdiction.

Contact:

Executive Director, LGA
800-215 Garry Street
Winnipeg, MB R3C 3P3
Telephone: 204-954-9400
Toll-free: 1-800-782-0363
Fax: 204-954-9450