

Cannabis law talks



Cannabis law update – Ontario provides guidance on licence appeal process

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Cannabis

With less than a month until Ontario’s first cannabis retail outlets go live, the Alcohol and Gaming Commission of Ontario (AGCO) has released some guidance on the licensing appeals process.

Under the *Cannabis Licence Act, 2018*, the AGCO has broad authority to issue, deny, suspend and revoke retail operator licences, retail store authorizations and retail manager licences. If an applicant or licensee wishes to dispute the AGCO’s decision, the applicant or licensee may seek an appeal. The procedure for appealing an AGCO decision depends on the specific licence and decision involved. Generally, appeals are heard by the Ontario [Licence Appeal Tribunal](#) but in certain circumstances, appeals may be heard by a court. The AGCO’s guidance can be found [here](#) and a summary of the appeals process is as follows:

License	AGCO Decision	Appeal Process
Retail Operator Licence	Denial or Revocation	Generally, a notice of proposal is served on the applicant or licensee. An appeal must be filed with the Licence Appeal Tribunal within 15 days of receiving a notice of proposal from the AGCO.
Retail Manager Licence	Denial or Revocation	Generally, a notice of proposal is served on the applicant or licensee. An appeal must be filed with the Licence Appeal Tribunal within 15 days of receiving a notice of proposal from the AGCO.
Retail Store Authorization	Revocation or Suspension	Generally, a notice of proposal is served on the applicant or licensee. An appeal must be filed with the Licence Appeal Tribunal within 15 days of receiving a notice of proposal from the AGCO.
	Denial or Issuance	An appeal must be made by way of an application for judicial review. Judicial review applications are often heard by the Divisional Court, but the appropriate forum can depend on the circumstances.

In situations where serious violations are alleged, the AGCO may take action without issuing a notice of proposal. In all circumstances, applicants and licensees should seek advice from their counsel to develop the best strategy for appeals.

Other news

The AGCO also recently published [guidance](#) on the provincial retail seal that licenced cannabis retailers will be required to display. The seal must be at least 17 cm wide by 20 cm tall and displayed in a place that is visible from the exterior public entrance. An electronic version of the seal will be provided to licensees who are issued a retail store authorization.

Stay tuned for more updates as the Ontario cannabis retail industry rapidly takes root.

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