



Ontario

AGCO

Alcohol and Gaming Commission of Ontario

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Licence Line



From
the
Chair ...

DAVID C. GAVSIE

In this Edition of Licence Line, we cover a wide range of changes to Ontario's liquor laws. Overall these amendments to the Liquor Licence Act and Regulations are the most extensive in two decades.

We suggest that all licensees and others who have an interest in the manufacture, sale and service of beverage alcohol in Ontario make themselves familiar with the substantial revisions so that your business operations continue to be carried on within the conditions of your liquor licence. The changes are both statutory (Liquor Licence Act) and regulatory in nature.

*Among the significant changes is a requirement for licensees to take reasonable measures to deter **disorderly conduct** in the vicinity of a licensed premise. This means as a licensee you must now maintain not only full control of activity inside your establishment, but also the proper **monitoring of lineups** to get into your place of business, and address the potential disorderly conduct of patrons at the end of the evening outside of the premises.*

*The introduction of **minimum pricing** is intended to provide liquor sales licensees with the ability to offer responsible drink flexibility by setting a floor price for liquor sold in licensed establishments. This change is meant to simplify pricing rules, give the public improved consumer choice while*

**Continued on page 7
See Chair's Column**

Statutory and regulatory changes to liquor laws now in effect

Substantial Changes

Statutory amendments to the *Liquor Licence Act*

Effective July 1, 2007, the Alcohol and Gaming Commission of Ontario (AGCO) is pleased to advise that all of the previously announced statutory changes to the *Liquor Licence Act* (LLA) and *Alcohol and Gaming Regulation and Public Protection Act, 1996* (AGRPPA) have come into force. These reforms were based on extensive consultations with the public and stakeholders and were passed by the Legislative Assembly of Ontario in the *Ministry of Government Services Consumer Protection and Service Modernization Act, 2006* in December 2006.

Continued on page 2 - See *Statutory*

Major *Liquor Licence Act* regulatory changes now apply

Effective July 13, 2007, the Alcohol and Gaming Commission of Ontario (AGCO) is pleased to advise that a number of changes have been made to regulations under the *Liquor Licence Act* (LLA). These reforms were based on extensive consultations with the public and stakeholders and affect a number of different types of licensees.

Continued on page 2 - See *Major*

Editor's Note

Because of the amount of material relating to the significant changes to the liquor laws of Ontario, we will not be including in this addition of Licence Line our usual section on Decisions Summary. Had space permitted, the Decisions Summary for the period November 1, 2006 to July 31, 2007 would have been included. Instead, Decision Summary will be posted on the AGCO website www.agco.on.ca simultaneously with the distribution of this Edition of Licence Line. Click on to "What's new". Decision Summary is a compilation of liquor licence establishments brought before the Board of the AGCO for disciplinary action such as licence suspensions or revocation of a liquor licence. The summary represents suspensions over 14 days and revocations. For immediate reference to all Board decisions please refer to LexisNexis@Quicklaw, <http://www.lexisnexis.ca/gi/index.php> and/or the website www.canlii.org/.

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New Director of Liquor Enforcement

AGCO website

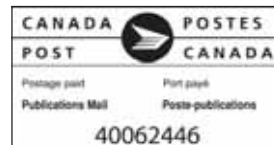
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Letting a patron take their drink with them

'By the Glass' - Manufacturer's Limited Liquor Sales Licence

Bingo halls can now apply for a liquor licence

Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto, Ontario
M2N 0A4



Continued from page 1 - Statutory Revisions

These statutory amendments to the LLA and AGRPPA include provisions:

- Enhancing the investigative authority of the Registrar of Alcohol and Gaming (Registrar) and allowing for the recovery of costs for complex investigations;
- Creating the framework for the development of a risk-based licensing system that will allow for the better targeting of resources and easing of some administrative burdens;
- Empowering the Board of the AGCO to create a schedule of monetary penalties that may be imposed for contraventions of Acts administered by the AGCO, including the LLA, and using the revenue collected for public and stakeholder education.
- Introducing grounds to refuse or revoke a licence if the licensee/applicant is unable to demonstrate sufficient control over the business;
- Creating a two-year waiting period before a person who has had a liquor sales licence refused or revoked for reasons other than those related to the location or public interest may re-apply;
- Transferring the authority from the Board of the AGCO to the Registrar in seven areas to better protect the public, clarify responsibilities and streamline processes;
- Providing the Registrar with the discretion to consolidate liquor sales licences at the same premises if operated by the same licensee;
- Changing the name “brew on premise” to “ferment on premise”;
- Specifying a minimum two-year ineligibility for locations disqualified from hosting events held under Special Occasion Permits;
- Preventing the transfer of a licence after a Notice of Proposal (NOP) has been issued;
- Creating an NOP entitled “Refuse an application for a licence to sell liquor”; and
- Addressing a number of other housekeeping and technical issues. ■

Continued from page 1 - Major Regulatory Changes

These amendments to the regulations under the LLA include provisions:

Regulation 719 – Liquor Sales Licensees

- Requiring licensees to take reasonable measures to deter or minimize damage caused by disorderly conduct in the vicinity of the licensed establishment;
- Establishing a duty for licensees/management to maintain control over entry into their establishments, as well as the activities that take place in them;
- Allowing the licensing of hotel and motel lobbies;
- Introducing minimum liquor pricing and responsible drink price flexibility for licensees (please see Information Bulletin No. 14 for further details);
- Mandating that all licensees, including those issued licences prior to 1993, ensure appropriate staff members successfully complete server training by January 1, 2008;
- Prohibiting the presence of alcohol without liquid (AWOL) devices, which are designed to produce a mist for inhalation, at licensed establishments;
- Allowing patrons to bring sealed alcohol into licensed establishments that is bought from a government store and intended for personal use elsewhere;
- Permitting the service of liquor to all persons on a golf course;

Regulation 718 – Manufacturers’ Representatives and Liquor Delivery Services

- Mandating that all liquor delivery service operators ensure that appropriate staff members successfully complete server training by January 1, 2008;
- Requiring liquor delivery service operators to immediately notify the AGCO of a business address change;
- Permitting manufacturers’ representatives to keep existing liquor products, rather than strictly “new” products, for the purpose of providing samples;

Regulation 720 – Manufacturers

- Clarifying that liquor manufacturers’ records must be kept for a minimum of six years for inspection purposes;

Regulation 58/00 – Ferment on Premise Facilities

- Changing the name “brew on premise” to “ferment on premise”;
- Eliminating the three-month grace period for licence renewals to create consistency with other types of licences;

General

- Amending and streamlining the prescribed ownership sections for licence transfer purposes, including establishing that any share transfer that results in a 10% ownership of any class of shares is a prescribed change;
- Eliminating LLBO photo cards as a prescribed form of identification; and
- Addressing a number of other housekeeping and technical issues.

These regulatory amendments complement a number of statutory changes already introduced and related policy reforms continue to be developed. As a whole, these changes represent a balanced package that incorporates significant public safety and consumer protection initiatives, as well as measures that reduce red tape and create a more flexible and modern liquor licensing framework in Ontario.

New Rules for Pricing Drinks

Responsible price flexibility and minimum pricing introduced. Effective July 13, 2007, the Alcohol and Gaming Commission of Ontario (AGCO) is pleased to advise that changes have been made to *Regulation 719* under the *Liquor Licence Act* (LLA) and AGCO policy that alter the manner by which liquor sales licen-

sees may price and promote liquor at their establishments. The introduction of minimum liquor pricing is intended to provide liquor sales licensees with the ability to offer responsible drink price flexibility, while also strengthening social responsibility by establishing a floor price for liquor sold in licensed establishments. The following directives form part of the Liquor Advertising Guidelines for Liquor Sales Licensees and Manufacturers issued by the Registrar of Alcohol and Gaming (the “Registrar”) and provide guidance on defining practices that may tend to encourage the immoderate consumption of liquor.

Liquor sales licensees in Ontario are required to offer, promote, sell, and serve liquor in accordance with these guidelines.

1. A standard-sized drink may not be sold or supplied for less than \$2. As outlined in s.20 (3) of Regulation 719 under the *Liquor Licence Act*, licensees may not offer for sale or supply a serving of liquor for a price below the minimum price of \$2, including taxes, whether the liquor is sold separately or as part of a package that includes food. A serving of liquor is defined as follows:

- (a) 341 ml (12oz) of beer, cider or cooler;
- (b) 29 ml (1oz) of spirits;
- (c) 142 ml (5oz) of regular wine;
- (d) 85 ml (3oz) of fortified wine.

2. The minimum price changes depending on the size of the serving of liquor provided to the patron. If a licensee offers for sale a serving of liquor that differs in size from those listed above, the minimum price for that serving shall increase or decrease in direct proportion to the difference in volume of liquor contained in that serving.

For easy reference, the following chart provides some examples of the minimum price for various common sizes in which liquor is served:

Beer	284ml (10oz)	455ml (16oz)	568ml (20oz)	1.7l (60oz)
Minimum Price	\$1.67	\$2.67	\$3.33	\$10

Regular Wine	170ml (6oz)	500ml (18oz)	750ml (26oz)	1l (35oz)
Minimum Price	\$2.40	\$7.20	\$10.40	\$14

Spirits	14ml (0.5oz)	43ml (1.5oz)	57ml (2oz)	85ml (3oz)
Minimum Price	\$1	\$3	\$4	\$6

3. Responsible drink price flexibility is permitted. A licensee may vary the purchase price of liquor as long as it remains above the minimum price, whether offered in combination with food, such as ‘wine with dinner’ or ‘beer with wings’, or for a specified time. For example, a licensee may offer a different price for a glass of wine provided with a certain meal on a regular basis, a different price for martinis on a certain day or a differ-

ent price for domestic beers, house wine and bar shots during a certain period of a day as long as the cost of the liquor itself remains at or above the minimum price.

4. Revised drink prices must always be posted or provided to patrons. If there is a temporary change in the price of liquor, served alone or in combination with food, the licensee must post or provide a notice specifying the change and make it visible or available to all patrons attending the premises while the change is in effect to comply with s.53 of Regulation 719.

5. Liquor prices must be the same for all patrons. A licensee is required to offer uniform liquor pricing to all patrons. Promotions that target certain segments of the population, such as students or women, are not permitted. A licensee, however, is permitted to offer different liquor prices in separate locations of their establishment. For example, a licensee may offer liquor prices to patrons in a patio area that are different from those offered in an indoor area.

6. Drink prices may not be based on the purchase of other drinks. A licensee is not permitted to offer a difference in the price of liquor which is contingent on another purchase of liquor or is offered at regular intervals. For example, promotions such as ‘2 for 1 drinks’, ‘2nd drink is ½ off’ or ‘every 3rd drink is \$2’ are prohibited under all circumstances.

7. Prices and promotions may be advertised outside of the establishment. A licensee may advertise or post liquor prices and promotions outside of the licensed premises. For example, postings on a ‘sandwich board’ may include such items as time periods prices are in effect, food included in a promotion, brands and generic categories like “domestic beers”, “margaritas” or “a glass of our finest wine”.

8. The posting and advertising of prices and promotions must be responsible in nature. A licensee is not permitted to advertise or post liquor prices and promotions, inside or outside of the licensed premises, in a manner that may promote immoderate consumption. For example, the use of the terms “Happy Hour” or “Cheap Drinks”, or something similar, is prohibited.

9. Patrons may not be given free drinks. A licensee and the employees of a licensee are prohibited by s.20 (2) of Regulation 719 from supplying liquor to a patron free of charge under any circumstances unless otherwise permitted by regulation.

The new pricing and promotion rules provide responsible options and better reflect the realities of the hospitality industry. These changes afford licensees the opportunity to make legitimate business decisions, give the public improved consumer choice and maintain strong social responsibility controls by creating a floor price for liquor served in licensed establishments. The new structure also simplifies the pricing rules for compliance purposes and expands the availability for promotional opportunities to Ontario’s tourism and hospitality industries. ■

Q&As Questions & Answers

Liquor Licence Act – Regulatory Amendments (July 2007): Regulation 719

Q. What is the change?

A. Licensees must make reasonable efforts to deter potential disorderly conduct by their patrons near their licensed establishments.

Q. What does it mean?

A. The potential disorderly conduct of patrons in the vicinity just outside of a licensed establishment must now be reasonably addressed by the licensee. Licence holders are expected to have in place reasonable measures and/or to make reasonable efforts to deter or minimize the harm caused by disorderly conduct in the vicinity of their licensed premises by their patrons or persons attempting to enter their establishments. Reasonable measures/efforts will be determined on a case-by-case basis and licensees may face discipline if reasonable steps are not taken, particularly if a recurring pattern of public disturbances is reported coming from the same licensed establishment.

For example, line-ups to get into a nightclub must be properly monitored and secured, a crowd of noisy patrons gathering outside of an establishment at the end of an evening should be politely dispersed, and the police may need to be called if a dispute that spills out of an establishment escalates in nature.

Licensees are expected to take reasonable steps to help ensure that their communities remain as safe and peaceful as possible but not to ‘police’ their local neighbourhoods.

Q. Why was it made?

A. Liquor sales licences are issued with the public interest in mind and licensees are expected to be good neighbours. This change ensures that licensees are acting appropriately with regards to addressing potential disorderly conduct that may emanate from their establishments into their local communities.

Q. What is the change?

A. Licensees and/or their management must always maintain control over their establishments, including patron entry and activities.

Q. What does it mean?

A. A specific and proactive duty now exists to provide proper supervision over a licensed establishment. Licence holders and/or their management must maintain control over the licensed premises, including who is permitted to enter or remain and the activities that are permitted to occur there. Sufficient control will be determined on a case-by-case basis and licensees may face discipline if they do not provide adequate supervision over their establishments.

For example, a licensed establishment should never be left unattended or inadequately staffed, all entrances should be properly supervised and secured, and patrons should always be sufficiently monitored to ensure that no improper activities are taking place.

Q. Why was it made?

A. Illegal activities have never been permitted in licensed establishments and licensees should never create an environment that is conducive for allowing them to occur. This change reinforces the obligation of licensees to maintain proper control of their licensed premises and proactively ensures that licensees have the proper mechanisms and procedures in place to effectively control their establishments, as well as to curb potential problems before they arise or become serious.

Q. What is the change?

A. Alcohol without liquid (AWOL) devices are prohibited at licensed establishments.

Q. What does it mean?

A. Licensees must now ensure that AWOL devices or vaporizers are not permitted or used at their licensed establishments. These devices are designed to mix alcohol with oxygen, or other gases, to produce a mist for inhalation. If an AWOL device is already located at a licensed establishment, the licensee must immediately have it removed.

Q. Why was it made?

A. Concerns have been raised about the potential misuse of AWOL devices, as well as a lack of understanding about the effects the devices may have on users. AWOL devices have already been prohibited in many jurisdictions across North America.

Q. What is the change?

A. Patrons are permitted to bring sealed alcohol into licensed establishments if it is purchased from a government store and intended for personal use elsewhere.

Q. What does it mean?

A. Licensees may now allow patrons to bring unopened liquor into their licensed establishments if the liquor remains sealed, is bought from a government store and will be consumed somewhere besides the licensed establishment. For example, if a person purchases a bottle of spirits from a Liquor Control Board of Ontario (LCBO) outlet to take home and then decides to stop in at a restaurant, this change clarifies that the bottle of spirits will not be considered a technical violation for LLA-related purposes as long as it remains sealed within the establishment.

Despite this change, licensees may still choose to disallow patrons to bring in any liquor into their establishments. For example, licensees may feel allowing patrons to bring their own sealed liquor into the licensed premises to be too difficult to monitor, inappropriate for their establishment or a potential cause of compliance issues.

Please note that licensees are responsible for ensuring that sealed liquor brought in by patrons is not opened or consumed in the establishment, does not remain in the establishment when the patron leaves and does not mix in any manner with the establishment's own bar stock, and may face discipline if they do not.

Q. Why was it made?

A. This change was made to allow licensees, particularly those located in shopping malls or near LCBO/The Beer Store outlets, the option to permit patrons to bring liquor into an establishment that is clearly intended for home use. This change provides flexibility for establishments where allowing such liquor into the premises will not cause compliance difficulties, as well as offers patrons the chance to visit these establishments after purchasing liquor from a store for their enjoyment elsewhere or as a gift for others.

Q. What is the change?

A. Photo cards issued by the former Liquor Licence Board of Ontario have been eliminated as a prescribed form of identification for under the LLA.

Q. What does it mean?

A. Photo cards issued by the LLBO are no longer a prescribed form of identification under any of the LLA regulations for the purposes of checking the age of a patron. Licensees in Ontario are under a strict obligation to ensure that minors are neither served nor consume alcohol in their establishments, as well as to inspect appropriate identification for patrons who appear to be under 19 years of age. A licensee should not be solely relying on a LLBO photo card to determine the age of a patron. Please note that this change has **no effect** on the use of photo cards issued by the LCBO.

Q. Why was it made?

A. The LLBO no longer exists and identification issued by the LLBO is no longer reliable. Any existing LLBO photo cards would also be unfamiliar to most licensees for the purposes of verifying authenticity.

Q. Why were these regulatory changes made?

A. These regulatory amendments complement a number of statutory changes already introduced and other related policy reforms that continue to be developed. As a whole, these changes represent a balanced package that incorporates significant public safety and consumer protection initiatives, as well as measures that reduce red tape and create a more flexible and modern liquor licensing framework in Ontario.

Q. What is expected of licensees in terms of legislative and regulatory compliance?

A. All licence holders are expected to fully comply with all legislative and regulatory requirements pertaining to their licence.

Q. How may updated versions of the LLA and its regulations be obtained?

A. Updated electronic versions of the LLA and its regulations are available online through the AGCO website at www.agco.on.ca. Updated print versions may be obtained by request through AGCO Customer Service by emailing Licensing@agco.on.ca, or by calling (416) 326-8700 or toll free in Ontario at 1 800 522-2876.

Q. How should licensees further inquire about these changes and others made to Ontario's liquor licensing framework?

A. For further inquiries about Ontario's liquor licensing framework, including any of the recent changes, please contact AGCO Customer Service by email at Licensing@agco.on.ca, or by phone at (416) 326-8700 or toll free in Ontario at 1 800 522-2876, and visit the AGCO website on a regular basis. Liquor sales licensees should also pay close and careful attention to articles and notices included in Licence Line, a semiannual AGCO publication provided to all liquor sales licensees.

For a complete copy of Questions and Answers covering all of the Regulatory Amendments made to the *Liquor Licence Act* please visit the AGCO website at www.agco.on.ca. ■

Mandatory server training requirements for all liquor sales licensees

All licensees must ensure appropriate staff members successfully complete server training by January 1, 2008, or within 60 days after being hired.

The requirement to have appropriate staff members complete server training will apply to all licensees, including those issued licences prior to 1993, at the beginning of 2008 and the period for new employees to receive the training will be set at 60 days after they are hired. On and after January 1, 2008, all licence holders must ensure that managers, persons involved in the sale or service of liquor and security staff hold, within 60 days after being hired, a certificate demonstrating the successful completion of a server training course approved by the Board of the AGCO. This requirement applies to full-time, part-time and contract employees, as well as any licensees who are involved in the day-to-day operations of the establishment. This new regulatory provision supplants the standard server training licence conditions that have already been added to the vast majority of liquor sales licences and licensees may face discipline if they are not in compliance with this provision on and after January 1, 2008.

Properly trained

Please note that sole proprietors, partners, shareholders, officers and directors associated with a licensee but who are **not** involved in the day-to-day operations of a licensed establishment are **not** required to be server trained. Their management staff, however, must be properly trained in responsible service.

Currently the server training that has been approved by the Board of the Alcohol and Gaming Commission of Ontario is Smart Serve.

The Smart Serve Training Program is available on video or on the Smart Serve website at www.smartserve.org/home.asp. For more information about the Smart Serve Training Program, please contact:

Smart Serve Ontario
5405 Eglinton Avenue West
Unit 106
Toronto, ON M9C 5K6
Tel. (416) 695-8737
Toll-Free: 1-877-620-6082
Fax: (416) 695-0684
Website: www.smartserve.org/home.asp
E-Mail: general@smartserve.ca

Licensing of hotel and motel lobbies

The lobby areas of hotels and motels may now be licensed for the service of liquor. Due to a change of *Regulation 719*, liquor may now be sold, served and consumed in hotel and motel lobbies that have been licensed. A specific regulatory exemption now permits the lobbies of hotels and motels to be covered by a liquor sales licence, including having them added to existing licences.

Lobbies, for the purpose of this exemption, are considered to be the areas inside of an entrance where patrons of the hotel or motel are first welcomed and may contain a reception area where guests are able to "check-in". The lobby area must otherwise be eligible for liquor licensing and all of the rights and responsibilities that apply to other licensed areas apply to licensed

lobbies, including the requirement to make food available for patrons. While there are no special processes involved with the licensing of hotel and motel lobbies, the licensing officer assigned to an application by the Alcohol and Gaming Commission of Ontario (AGCO) will address any specific concerns with the applicant that may arise.

This change was made to afford hotel and motel operators additional business flexibility while strong regulatory controls continue to be maintained. Input from industry stakeholders indicates strong support for this change because it provides an added customer service feature that allows Ontario hotels, motels and resorts to better serve their patrons and compete with other travel destinations. ■

Liquor licence suspended for allowing unlawful gambling

A southwestern Ontario licensed establishment has had its liquor licence suspended for permitting an unlawful Texas Hold'em poker tournament, with betting, to occur on the premises.

The *Criminal Code of Canada*, which is federal legislation, generally prohibits gambling in Canada unless the activity falls within one of the exemptions provided for in the *Criminal Code*. These exemptions include lottery schemes conducted and managed by a charitable organization licensed for that purpose and various lottery schemes conducted and managed by the **Ontario Lottery and Gaming Corporation**.

The AGCO has regulatory responsibility for certain exemptions, including charitable gaming (where a charity is issued a licence to conduct and manage a lottery scheme), casinos, charity casinos and slot machine facilities at racetracks. The AGCO regulates those lottery schemes through the *Gaming Control Act* and various terms and conditions to licences.

None of these schemes are applicable to a bar or restaurant. A bar or restaurant, for example, is not elig-

ible for a charitable gaming licence. Furthermore, while licences are issued to eligible charities for a variety of lottery schemes (such as bingo, break open tickets, and raffles), no licences are issued for poker tournaments. The AGCO does not license poker tournaments.

The provisions of the *Criminal Code* that prohibit gambling apply. If the operator of a bar or restaurant is approached to hold or permit a poker tournament on its premises, the operator should seek independent legal advice from a lawyer with experience in this area. The holder of a licence to sell liquor is responsible under the *Liquor Licence Act* for activities that occur on its premises. The liquor licence may be affected by any activities that are contrary to the *Criminal Code*.

OPP Illegal Gambling Unit of Ontario

Central/Northern Ontario:
1-705-735-4700

Eastern Ontario: 1-613-270-0878

South Western Ontario:
1-519-474-8900

Toronto Area: 1-416-235-3503

GTA Area: 1-705-735-4700 ■

Continued from page 1 - *Chair's Column*

maintaining strong social responsibility and control over the sale and service of liquor products. Licensees should review carefully AGCO Information Bulletin # 014 explaining this new policy.

*Starting on January 1, 2008, whether a licence is existing or new, all licence holders involved in the day-to-day operations of their licensed establishments, their managers, those who sell and serve beverage alcohol, and security personnel will have to have completed and obtained a certificate demonstrating they have completed successfully a **server training course** approved by the AGCO. This includes all part time staff or contract staff. This provision also covers those who hold or may apply for a liquor delivery licence. The server training program is available through Smart Serve Ontario and information on this is available on our website.*

*The **"By the Glass"** initiative has been introduced which allows Ontario wineries and breweries to sell and serve their wine and beer to patrons for consumption in single servings at the manufacturing site. This change has been sought after by these producers for many years. It is expected this change will provide an enhanced tourist experience and add to the enjoyment of visitors to these locations and, at the same time, allow them to learn about the processes of brewing beer and producing top quality wine products. **The Manufacturer's Limited Liquor Sales Licence** came into effect in May. For complete details on this new policy refer to AGCO Information Bulletin Number #011.*

Among the many other amendments to Ontario's liquor laws, most of which came into effect in July 2007, are provisions that allow for:

- *The enhancement of the investigative authority of the Registrar in liquor licensing matters;*
- *The development of a risk-based liquor licensing system;*
- *The establishment of monetary penalties for minor violations of the liquor laws;*
- *The liquor licensing of hotel and motel lobbies;*
- *Updating of liquor advertising guidelines;*
- *The banning of alcohol without liquid (AWOL) devices in licensed establishments;*
- *Changes to liquor licence transfers applications relating to share ownership and disclosure;*
- *A two-year ineligibility period for locations disqualified from*

hosting events held under a Special Occasion Permit.

In 2005, the government approved a new policy of allowing patrons to bring commercially-made wine to participating licensed establishments (1243 licensed establishments are now approved to provide this service); and remove partially consumed wine from a licensed premises.

Then in 2006, another important initiative was undertaken, by allowing patrons of liquor licensed establishments to take their drinks with them into adjacent washrooms, stairwells, hallways and other similar areas, in order to monitor their drinks at all times (over 610 licensed establishments now have this provision in place).

Check AGCO website

I have only very briefly touched on some of the major revisions to the provinces liquor laws. There are many others. Much more detailed information is available on our website at www.agco.on.ca On it you will find extensive material including Information Bulletins, Question and Answers and supplemental data that we believe will be helpful in understanding both the statutory and regulatory changes now in place. I would also suggest to all those interested in liquor laws to acquire an up-to-date print copy of the Liquor Licence Act and Regulations, to keep handy for easy reference. All of this material can be downloaded from our website without charge.

By any measure, these revisions to Ontario's liquor laws are substantial and have greatly modernized the way beverage alcohol is sold, served and consumed, all under a reasonable but responsible regulatory regime in our province.

*And finally, we welcome **S. Grace Kerr** as a full-time Board Member of the AGCO for a two-year term. Ms. Kerr lives in London, Ontario. She was previously a member of the Ontario Review Board. Ms. Kerr is a former partner of the Lerner LLP law firm in London.*

The AGCO Board now consists of 12 members, (a full-time chair, 1 full time and 1 part time vice chair, 3 full time members and 6 part time members). In 2006/07 fiscal year, the Board held 502 liquor related Hearings at numerous locations across the province.

*David C. Gavrie
Chair*



FRED BERTUCCA

NEW DIRECTOR OF LIQUOR ENFORCEMENT

OPP Detective Inspector Fred Bertucca has been appointed Director, Liquor Enforcement Branch, AGCO. He was previously Commander of the Queen's Park Detachment, Protective Services, and Ontario Provincial Police. The Liquor Enforcement Branch has responsibility for enforcing Ontario's liquor regulatory regime to ensure compliance with the *Liquor Licence Act* and its regulations. Members of the Branch help to educate liquor licence holders, attend community meeting and meet with local police services to proactively deal with public safety issues and other matters relating to the service of beverage alcohol. In 2006, the Branch carried out some 25,500 liquor inspections across the province. There are approximately 17,000 licensed establishments in Ontario. ■

AGCO website has lots of information

If you are looking for general information on beverage alcohol, how to apply for a liquor sales licence or other liquor licensing matters, please visit our website at www.agco.on.ca. You can download, and fill out on screen, liquor related forms such as liquor licence applications, renewals, transfers, etc. ■

The screenshot shows the AGCO website homepage. At the top left is the AGCO logo with the text 'CONTACT US FRANÇAIS'. To the right of the logo is the text 'Alcohol and Gaming Commission of Ontario'. Below the logo is a navigation bar with links: OFFICES | ALCOHOL FAQS | EMPLOYMENT | SITE MAP | USEFUL LINKS + CONTACTS. Below this is a main content area with a 'Welcome' message and several menu items: About AGCO, Alcohol, Gaming & Lottery, AGCO Features, Publications, Fees, Hearings & Appeals. At the bottom, there is a footer with the text 'Welcome to Alcohol and Gaming Commission of Ontario web site' and 'AGCO'.

Letting a patron take their drink with them

The new liquor policy that allows patrons of licensed establishments to take their drinks with them to washrooms and hallways is now in effect—and more than 550 licensees have applied and been approved for this initiative. All licensees who wish to participate in this initiative must apply for permission from the Alcohol and Gaming Commission of Ontario (AGCO) but **there is no fee attached to WHS approval.**

Areas of a licensed premise where patrons may now take their drinks include washrooms, hallways and stairwells and other similar places (WHS Policy). The new policy was developed as a result of safety concerns and to reduce the likelihood that unknown substances are added to a drink without the customer's knowledge. This new policy aims to protect patrons, from the possibility of their drinks being altered if left unattended. With the new process in place,

drinks can be monitored at all times.

The extended areas, once approved, must be under the exclusive control of the licensee.

The application process, provided all necessary information is supplied to the AGCO Licensing Branch, will take about 5 to 10 days. For an Application Form, go to our website at www.agco.on.ca and download Application for Washrooms, Hallways, Stairwells and other Similar Areas [Form 1200 B (07/01)] or contact AGCO Licensing Branch at (416) 326-8700: 1 800 522-2876 toll free in Ontario.

For further details and Questions and Answers about the new WHS policy, please visit the AGCO website at www.agco.on.ca, or contact AGCO Customer Service to request a free pamphlet at (416) 326-8700 or toll free in Ontario at 1 800 522-2876. ■

'By the Glass' - Manufacturer's Limited Liquor Sales Licence

Effective May 2007, the Alcohol and Gaming Commission of Ontario (AGCO) began accepting applications from Ontario wineries and breweries for a Manufacturer's Limited Liquor Sales Licence to allow them to sell and serve their wine and beer to patrons for consumption in single servings at their manufacturing site. The sale and service of the wine and beer must be primarily aimed at promoting the manufacturer's product and either providing an enhanced tourist

experience or fulfilling an educational purpose.

'By the Glass' licensing is designed to enhance the Ontario tourism experience and provide wineries and breweries with an added tool that can be used to educate guests about their products in an interactive manner.

A Manufacturer's Limited Liquor Sales Licence allows for the sale and service of the manufacturer's wine or beer to patrons in quantities that do not exceed 341ml (12 oz.) for beer and 142 ml

(5oz.) for Ontario wine between 11 a.m. and 6 p.m. on any day.

A manufacturer must submit an Application for a Manufacturer's Limited Sales Licence (#1222) to the AGCO, along with a site plan of the manufacturing site, written confirmation that a municipal resolution has been passed in support of the licence and the appropriate fee. The proposed licensed areas must be outlined in a clearly defined manner on the site plan.

The application needs to be

fully approved by the AGCO before a licensee may permit the sale and service of wine or beer for consumption by patrons at the manufacturing site.



Bingo halls can now apply for a liquor licence

The Ontario government has announced that Class "A" bingo halls may, for the first time, apply for a liquor licence. The process will be the same as any new liquor sales application. A liquor licence guide and application package is available at the AGCO website www.agco.on.ca or can be obtained by contacting our customer Service Desk at 1 800 522-2876 or in the Toronto area (416) 326-8700. ■

Licence Line is published by the Alcohol and Gaming Commission of Ontario to provide licensees and interested parties with information regarding alcohol legislation and related issues. Reader contributions, letters and suggestions are welcome. This newsletter is available free of charge to all holders of a liquor sales licence in Ontario.

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