

# Liquor Control Act, R.S.O. 1990, c. L.18

Versions

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Regulations

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## Liquor Control Act

R.S.O. 1990, CHAPTER L.18

**Consolidation Period:** From March 16, 2009 to the [e-Laws currency date](#).

Last amendment: 2008, c. 7, Sched. L.

### Definitions

1. In this Act,

“beer”, “liquor”, “spirits”, “wine” and “Ontario wine” have the same meaning as in the *Liquor Licence Act*; (“bière”, “boisson alcoolique”, “spiritueux”, “vin”, “vin de l’Ontario”)

“Board” means the Liquor Control Board of Ontario continued under section 2; (“Régie”)

“government store” means a store established or authorized under this Act by the Board for the sale of spirits, beer or wine; (“magasin du gouvernement”)

“manufacturer” means a person who produces liquor for sale; (“fabricant”)

“Minister” means the minister responsible for the administration of this Act. (“ministre”) R.S.O. 1990, c. L.18, s. 1; 1996, c. 26, s. 2 (1); 2006, c. 33, Sched. Q, s. 1.

### Board continued

2. (1) The Liquor Control Board of Ontario is continued under the name Liquor Control Board of Ontario in English and Régie des alcools de l’Ontario in French and shall consist of not more than 11 members appointed by the Lieutenant Governor in Council who shall form its board of directors. R.S.O.

1990, c. L.18, s. 2 (1); 1994, c. 9, s. 1 (1); 2006, c. 33, Sched. Q, s. 2.

### **Terms of office**

(2) The members of the Board shall be appointed to hold office for a term not exceeding five years and may be reappointed for further succeeding terms not exceeding five years each. R.S.O. 1990, c. L.18, s. 2 (2).

### **Chair and Vice-Chair**

(3) The Lieutenant Governor in Council shall designate one of the members to be Chair of the Board and may designate one of the members to be Vice-Chair of the Board. R.S.O. 1990, c. L.18, s. 2 (3).

### **Acting Chair**

(4) In case of the absence or illness of the Chair or there being a vacancy in the Office of the Chair, the Vice-Chair or, if none, such member as the Board designates for such purpose shall act as and have all the duties and powers of the Chair. R.S.O. 1990, c. L.18, s. 2 (4); 1994, c. 9, s. 1 (2).

### **Remuneration of members**

(5) The members of the Board shall be paid such remuneration as is fixed by the Lieutenant Governor in Council. R.S.O. 1990, c. L.18, s. 2 (5).

### **Seat in Assembly not vacated**

(6) Despite anything in the *Legislative Assembly Act*, the appointment of the Chair or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or her or the acceptance by him or her of any salary or other remuneration under this Act, nor shall he or she thereby vacate or forfeit his or her seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. R.S.O. 1990, c. L.18, s. 2 (6).

### **Power and purposes of Board**

3. (1) The purposes of the Board are, and it has power,
- (a) to buy, import and have in its possession for sale, and to sell, liquor and other products containing alcohol and non-alcoholic beverages;
  - (b) to control the sale, transportation and delivery of liquor;
  - (c) to make provision for the maintenance of warehouses for liquor and to control the keeping in and delivery from any such warehouses;
  - (d) to establish government stores for the sale of liquor to the public;
  - (e) to authorize manufacturers of beer and spirits and wineries that manufacture Ontario wine to sell their beer, spirits or Ontario wine in stores owned and operated by the manufacturer or the winery and to authorize Brewers Retail Inc. to operate stores for the sale of beer to the public;
  - (f) to control and supervise the marketing methods and procedures of manufacturers and of wineries that manufacture Ontario wine including the operation of government stores by persons authorized under clause (e);
  - (g) subject to the *Liquor Licence Act*, to determine the municipalities within which government stores shall be established or authorized and the location of such stores in such municipalities;
  - (h) to determine the classes, varieties and brands of liquor to be kept for sale at government stores and maintain standards therefor;
  - (i) to fix the prices at which the various classes, varieties and brands of liquor are to be sold and, except in the case of liquor sold through an outlet designated by the Minister of National Revenue

under the *Excise Act* (Canada) as a duty free sales outlet, such prices shall be the same at all government stores;

- (j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold;
- (k) to appoint one or more vendors of sacramental wines in any municipality and to control the keeping for sale, sale and delivery of sacramental wines;
- (l) to lease or, subject to the approval of the Lieutenant Governor in Council, to purchase such land and buildings and erect such buildings as are necessary for the purposes of the Board;
- (m) to require manufacturers of liquor and wineries that manufacture Ontario wine to furnish such samples of their products to the Board as the Board may require;
- (m.1) to establish fees, subject to the approval of the Minister, and provide for refunds under this Act and the regulations made under it;
- (n) to do all things necessary for the management and operation of the Board in the conduct of its business;
- (o) to do all things necessary or incidental to the attainment of any of the purposes set out in clauses (a) to (n). R.S.O. 1990, c. L.18, s. 3; 1994, c. 9, s. 2 (1); 1996, c. 26, s. 2 (2); 2006, c. 33, Sched. Q, s. 3.

#### **Additional powers of Board**

- (2) The Board has the power to establish conditions with respect to,
  - (a) subject to any regulation, authorizations for government stores under clause (1) (e);
  - (b) appointments of vendors of sacramental wines under clause (1) (k);
  - (c) authorizations granted by the Board with respect to the importation of liquor on the Board's behalf;
  - (d) subject to any regulation, authorizations granted by the Board with respect to the transportation and delivery of liquor;
  - (e) subject to any regulation, authorizations granted by the Board with respect to the maintenance of warehouses for liquor and the keeping in and delivery from any such warehouses; and
  - (f) any other authorizations or appointments granted or made by the Board. 1994, c. 9, s. 2 (2).

#### **Power of Board to borrow**

(3) The Board has the power to borrow money on its credit, subject to the approval in writing of the Minister and the Minister of Finance. 2008, c. 7, Sched. L, s. 1 (1).

#### **Terms and conditions**

(4) An approval under subsection (3) may be subject to such terms and conditions as the Minister and the Minister of Finance consider advisable. 2008, c. 7, Sched. L, s. 1 (1).

#### **Borrowing, capital expenditures**

(5) Despite subsection 5 (1), if the Board proposes to undertake a major capital expenditure, it shall borrow the necessary funds in accordance with this section. 2008, c. 7, Sched. L, s. 1 (2).

#### **Major capital expenditure**

(6) An expenditure is a major capital expenditure for the purposes of this section in either of the following circumstances:

1. If it satisfies the prescribed criteria.
2. If the Minister notifies the Board in writing that the expenditure is a major capital expenditure for the purposes of this Act. 2008, c. 7, Sched. L, s. 1 (2).

### **Agreement with federal government**

**3.1** The Board may enter into an agreement with the Government of Canada, as represented by the Minister of National Revenue, in relation to liquor referred to in that agreement that is brought into Ontario from any place outside Canada,

- (a) appointing officers, as defined in subsection 2 (1) of the *Customs Act* (Canada), employed at customs offices located in Ontario, as agents of the Board for the purposes of,
  - (i) accepting, on behalf of the Board, liquor brought into Ontario,
  - (ii) collecting, on behalf of the Board, the mark-up set by the Board from time to time in relation to that liquor,
  - (iii) selling and releasing, on behalf of the Board, to the person bringing the liquor into Ontario, on the payment of the mark-up, the liquor in relation to which the mark-up is paid, and
  - (iv) detaining the liquor on behalf of the Board and releasing it to the Board where the mark-up is not paid by the person bringing the liquor into Ontario;
- (b) authorizing, in such circumstances and on such conditions as may be specified in the agreement, the payment, on behalf of the Board, to a person who has paid the mark-up, of a refund of any or all of the mark-up collected in accordance with subclause (a) (ii) and the agreement;
- (c) requiring, in such manner and at such time or times as may be specified in the agreement, the remittance to the Board of the mark-up collected in accordance with subclause (a) (ii) and the agreement;
- (d) respecting forms to be used in relation to liquor brought into Ontario; and
- (e) respecting any other matter in relation to liquor brought into Ontario. 1992, c. 28, s. 2.

### **Duties of Chair, members**

**4.** (1) The Chair shall preside at all meetings of the Board or, in his or her absence or if the office of Chair is vacant, the Vice-Chair has all the powers and shall perform all the duties of the Chair. 2006, c. 33, Sched. Q, s. 4.

### **Same**

(2) The Chair and the other members of the Board shall devote such time as is necessary for the due performance of their duties as members of the Board. 2006, c. 33, Sched. Q, s. 4.

### **Chief executive officer**

**4.0.1** (1) Subject to the approval of the Minister, the Board shall appoint a person to be the chief executive officer of the Board to be responsible for its operation and for the performance of such other functions as are assigned by the Board. 2006, c. 33, Sched. Q, s. 4.

### **Attend meetings**

(2) The chief executive officer may attend and participate at any meeting of the Board but shall not have a vote with respect to any matter to be decided at the meeting. 2006, c. 33, Sched. Q, s. 4.

### **Exception**

(3) Despite subsection (2), the Board may exclude the chief executive officer from attending any

meeting if a matter to be discussed at the meeting involves the position, performance or functions and duties of the chief executive officer. 2006, c. 33, Sched. Q, s. 4.

### **Staff**

**4.0.2** (1) The Board may appoint such officers, inspectors and employees and retain such assistance as is considered necessary and may, subject to the approval of the Lieutenant Governor in Council, establish job categories, salary ranges and conditions of employment. 2006, c. 33, Sched. Q, s. 4.

### **Approval by Minister**

(2) Despite subsection (1), job categories, salary ranges and conditions of employment of officers, inspectors and employees appointed by the Board who are not members of a bargaining unit, as defined in the *Labour Relations Act, 1995*, must be approved by the Minister and not by the Lieutenant Governor in Council. 2006, c. 33, Sched. Q, s. 4.

### **Pension plan**

(3) The Board shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act* as a board whose permanent and full time probationary staff are required to be members of the Public Service Pension Plan. 2006, c. 33, Sched. Q, s. 4.

### **Status of Board**

**4.0.3** (1) The Board is a corporation to which the *Corporations Act* does not apply. 2006, c. 33, Sched. Q, s. 4.

### **Crown agent**

(2) The Board is for all purposes an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty. 2006, c. 33, Sched. Q, s. 4.

### **Delegation**

**4.0.4** (1) The Board may delegate its powers under this Act, as it considers appropriate, to a committee of the Board, to its chief executive officer or to any other person. 2006, c. 33, Sched. Q, s. 4.

### **Further delegation**

(2) The powers delegated to the chief executive officer or other person may be further delegated to an officer, employee or agent of the Board upon such terms as may be specified by the Board. 2006, c. 33, Sched. Q, s. 4.

### **Restriction**

- (3) Despite subsection (1), the Board may not delegate the power to,
- (a) appoint or remove the chief executive officer or the internal auditor of the Board;
  - (b) make, amend or repeal a by-law of the Board; or
  - (c) approve the business plan, financial statements or annual report of the Board. 2006, c. 33, Sched. Q, s. 4.

### **Protection from personal liability**

**4.0.5** (1) No action or other proceeding may be instituted against any member of the Board or any officer or employee of the Board for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty under this Act. 2006, c. 33, Sched. Q, s. 4.

### **Board liability**

- (2) Subsection (1) does not relieve the Board of any liability to which it would otherwise be subject in

respect of a tort committed by a person referred to in subsection (1). 2006, c. 33, Sched. Q, s. 4.

### **Inspectors**

**4.1** (1) The Chair of the Board may designate any person as an inspector to carry out inspections for the purpose of determining whether there is compliance with this Act, the *Liquor Licence Act*, the *Wine Content Act* and the regulations under those Acts. 1994, c. 9, s. 3.

### **Proof of designation**

(2) An inspector who exercises powers under this Act shall, on request, produce his or her certificate of designation. 1994, c. 9, s. 3.

### **Entry without warrant**

**4.2** (1) An inspector may enter any premises described in subsection (2) for the purposes of ensuring compliance with this Act, the *Liquor Licence Act*, the *Wine Content Act* or any regulation under those Acts. 1994, c. 9, s. 3.

### **Premises**

(2) An inspector may only enter premises,

- (a) at which liquor is sold, served, manufactured, kept or stored; or
- (b) at which books or records relating to the sale, service, manufacture or storage of liquor are kept or are required to be kept. 1994, c. 9, s. 3.

### **Powers of inspector**

(3) An inspector who enters premises under subsection (1) may,

- (a) inquire into negotiations, transactions, loans or borrowings of a licensee or permit holder under the *Liquor Licence Act*, a manufacturer, a person who imports liquor, a person authorized to operate a government store or any other person who is granted an authorization or is the subject of an appointment referred to in subsection 3 (2);
- (b) inquire into assets owned, held in trust, acquired or disposed of by a licensee or permit holder under the *Liquor Licence Act*, a manufacturer, a person who imports liquor, a person authorized to operate a government store or any other person who is granted an authorization or is the subject of an appointment referred to in subsection 3 (2);
- (c) request the production for inspection or audit of books, records, documents or other things that are relevant to the inspection;
- (d) remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (e) remove things relevant to the inspection that cannot be copied and may be evidence of the commission of an offence;
- (f) remove materials or substances for examination or test purposes if the licensee, permit holder, manufacturer, importer or other occupant of the premises is given notice of the removal; and
- (g) conduct such tests as are reasonably necessary for the inspection. 1994, c. 9, s. 3.

### **Time for exercising powers**

(4) An inspector shall exercise the powers under this section only during normal business hours for the place the inspector has entered. 1994, c. 9, s. 3.

### **Entry with warrant**

**4.3** (1) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to

exercise any of the powers mentioned in subsection 4.2 (1) or clause 4.2 (3) (d), (e), (f) or (g) with respect to a place named in the warrant if the justice of the peace is satisfied on information under oath that,

- (a) the inspector has been denied entry to the place or has been obstructed in exercising any other of those powers with respect to the place; or
- (b) there are reasonable grounds to believe that the inspector will be denied entry to the place or obstructed in exercising any other of those powers with respect to the place. 1994, c. 9, s. 3.

### **Same, search and seizure**

(2) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter premises named in the warrant and to search for and seize any document or thing relevant to the inspection and identified in the warrant if the justice of the peace is satisfied on information under oath that there are reasonable grounds to believe that the document or thing will afford evidence relevant to a contravention of this Act, the *Liquor Licence Act*, the *Wine Content Act* or of any regulation under those Acts. 1994, c. 9, s. 3.

### **Same, search of dwelling**

(3) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter and search a place used as a dwelling and identified in the warrant if the justice of the peace is satisfied on information under oath that,

- (a) it is necessary to enter and search the dwelling for the purpose of carrying out an inspection; or
- (b) a document or thing is in the dwelling and there are reasonable and probable grounds to believe the document or thing is relevant to an inspection under this Act. 1994, c. 9, s. 3.

### **Time of execution**

(4) Unless otherwise ordered, a warrant issued under this section shall be executed only,

- (a) during the normal business hours of the place named in the warrant, in the case of a place of business;
- (b) in any other case, between the hours of 6 a.m. and 9 p.m. 1994, c. 9, s. 3.

### **Expiry of warrant**

(5) A warrant expires no later than thirty days after the day on which it is made. 1994, c. 9, s. 3.

### **Renewal of warrant**

(6) A warrant may be renewed upon application for renewal made before or after expiry. 1994, c. 9, s. 3.

### **Grounds for renewal**

(7) A warrant may be renewed for any of the grounds mentioned in subsections (1) to (3). 1994, c. 9, s. 3.

### **Use of force**

(8) An inspector named in a warrant may call upon police officers as necessary and use such force as is necessary to execute the warrant. 1994, c. 9, s. 3.

### **Return of things removed**

**4.4** (1) An inspector under section 4.2 or 4.3 who removes documents, material or other things in order to copy shall make the copy with reasonable dispatch and shall promptly return the things taken. 1994, c. 9, s. 3.

### **Admissibility of copies**

(2) Copies of or extracts from documents or things removed by an inspector and certified by the inspector as being true copies of or extracts from the original are admissible in evidence to the same extent, and have the same evidentiary value, as the documents or things of which they are copies or extracts. 1994, c. 9, s. 3.

### **Removal of things as evidence**

(3) If an inspector removes things referred to in clause 4.2 (3) (e), the inspector shall bring the things before a justice of the peace and section 159 of the *Provincial Offences Act* applies. 1994, c. 9, s. 3.

### **Receipt upon removal**

(4) An inspector shall issue a receipt for any document or thing removed during an inspection under section 4.2 or 4.3. 1994, c. 9, s. 3.

### **Written request**

(5) A request for production referred to in clause 4.2 (3) (c) shall be in writing and shall include a statement of the nature of the things required. 1994, c. 9, s. 3.

### **Experts**

(6) An inspector under section 4.2 or 4.3 is entitled to call upon such experts as are necessary to assist in carrying out the inspection. 1994, c. 9, s. 3.

### **Obstruction**

**4.5** (1) No person shall obstruct an inspector who is carrying out his or her duties under this Act. 1994, c. 9, s. 3.

### **Duty to answer inquiries**

(2) A licensee or permit holder under the *Liquor Licence Act*, a manufacturer, a person who imports liquor, a person authorized to operate a government store, or any other person who is granted an authorization or is the subject of an appointment referred to in subsection 3 (2) shall answer any inquiries made by the inspector that are relevant to the inspection. 1994, c. 9, s. 3.

### **Form of answer**

(3) An answer given by a person mentioned in subsection (2) may be given orally or in writing and, if the inspector so requires, by statutory declaration. 1994, c. 9, s. 3.

### **Attendance required**

(4) An inspector may require a person mentioned in subsection (2) to attend at the premises that are the object of the inspection for the purpose of answering inquiries and the person shall do so. 1994, c. 9, s. 3.

### **Payment of costs from revenues**

**5.** (1) All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of the revenues of the Board. R.S.O. 1990, c. L.18, s. 5 (1).

### **Payments into Consolidated Revenue Fund**

(2) The net profits of the Board shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct. R.S.O. 1990, c. L.18, s. 5 (2).

### **Financial statements**

(3) The accounts of the Board shall be made up to the 31st day of March in each year, and at such other times as is determined by the Lieutenant Governor in Council, and in every case the Board shall prepare a balance sheet and statement of profit and loss. R.S.O. 1990, c. L.18, s. 5 (3).

### **Reports to Treasurer**



(4) The Board shall submit to the Treasurer of Ontario, at such times as he or she may prescribe, reports setting out the net profit and net profit forecasts of the Board and such reports shall contain such information as he or she may prescribe. R.S.O. 1990, c. L.18, s. 5 (4).

### **Audit**

6. The accounts and financial transactions of the Board shall be audited annually by the Auditor General. R.S.O. 1990, c. L.18, s. 6; 2004, c. 17, s. 32.

### **Annual reports**

7. (1) The Board shall make a report annually to the Minister upon the affairs of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. L.18, s. 7 (1).

### **Other reports**

(2) The Board shall make such further reports to the Minister and provide him or her with such information as the Minister may from time to time require. R.S.O. 1990, c. L.18, s. 7 (2).

### **Regulations**

8. (1) The Lieutenant Governor in Council may make regulations,
- (a) governing the purchase, distribution and sale of liquor;
  - (b) governing the keeping, storage or transportation of liquor;
  - (c) governing the operations of government stores or classes of government stores;
  - (d) governing the product and pricing of liquor sold in government stores or classes of government stores;
  - (e) governing the issuance of authorizations for government stores by the Liquor Control Board;
  - (f) prescribing the conditions that apply to authorizations for government stores or to authorizations for classes of government stores;
  - (g) prescribing standards for liquor manufactured, purchased, distributed or sold in Ontario;
  - (h) prescribing criteria for the purposes of paragraph 1 of subsection 3 (6);
  - (i) requiring manufacturers, wineries that manufacture Ontario wine, persons operating government stores and persons importing liquor to furnish the Board with such returns and information respecting the manufacture, purchase, distribution or sale of liquor as is prescribed;
  - (j) governing the purchase of liquor under a permit issued by the Alcohol and Gaming Commission of Ontario or the Registrar of Alcohol and Gaming, as the case may be, under the regulations made under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*;
  - (k) exempting any person, product or class of person or product from any provision of this Act or the regulations. 1994, c. 9, s. 4; 1996, c. 26, s. 2 (3); 2008, c. 7, Sched. L, s. 2.

### **Same**

(2) A regulation may be general or particular in its application. 1994, c. 9, s. 4.

### **Same**

(3) Any provision of a regulation may be subject to such conditions, qualifications or requirements as are specified in the regulation. 1994, c. 9, s. 4.

