

LIQUOR LICENCE ACT REGULATORY REFORM 2011

Regulation 719 (Licences to Sell Liquor)

Effective June 1, 2011

Previous Regulation	Before June 1, 2011	New Regulation	After June 1, 2011
Complimentary Drinks / Minimum Pricing			
<p>20(2) Without restricting the generality of subsection (1), the licence holder shall not,</p> <ul style="list-style-type: none"> (a) supply servings of liquor free of charge; or (b) permit persons employed on the licensed premises to supply servings of liquor to patrons free of charge. O. Reg. 354/07, s. 3. 	<p>Licenses and their employees were not permitted to give free drinks to customers under any circumstances.</p>	<p>Subsection 20(2) is revoked and the following substituted:</p> <p>(2) Without restricting the generality of subsection (1), the licence holder shall not advertise the availability of complimentary liquor and may supply complimentary servings of liquor only in circumstances that are consistent with not encouraging the immoderate consumption of liquor and only for the purpose of customer relations.</p>	<p>Licenses may now offer complimentary drinks to their customers under certain limited circumstances, which are defined in the Registrar's Liquor Advertising Guidelines for Liquor Sales Licenses and Manufacturers' Representatives.</p> <p>Licenses may not advertise that they can provide free drinks or provide free drinks as part of a promotion. They are also not permitted to encourage the immoderate consumption of liquor.</p> <p>An example of a circumstance under which providing a complimentary drink to a patron would be permitted is because the patron received poor service.</p>
<p>20(3) Without restricting the generality of subsection (1), the licence holder shall not offer for sale or supply a serving of liquor for less than a total purchase price of two dollars, including retail sales tax, goods and services tax and any other applicable taxes. O. Reg. 354/07, s. 3.</p>	<p>Licenses were not permitted to sell or give drinks for less than two dollars (\$2.00) per single serving, including tax.</p>	<p>Subsection 20(3) is amended by striking out "or supply".</p>	<p>Unless providing a complimentary drink to a patron in certain limited circumstances per the Registrar's liquor advertising guidelines, a licensee must maintain the current minimum pricing requirement and not sell a serving of alcohol for less than two dollars (\$2.00), including tax.</p> <p>If the drink contains more than a</p>

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			serving of alcohol, the price must be adjusted upwards accordingly. If the drink contains less than a serving of alcohol, the price can be adjusted downwards accordingly.
All Inclusive Packages			
20(8) Despite subsections (1) and (3), if the premises to which the licence applies is an airport lounge, a boat or a railway car, the licence holder may offer for sale at one price a package including the cost of a trip and of liquor. O. Reg. 354/07, s. 3.	Only licensees who operated an airport lounge, boat or railway car were permitted to offer all-inclusive packages that included liquor as part of the price.	Subsection 20(8) is revoked and the following substituted: (8) Without restricting the generality of subsection (1), the licence holder may offer for sale at one price a package including liquor and one or more of a trip, accommodation, food and services.	Any licensee may now offer packages that include the cost of a trip, food, services or accommodation and liquor for one price. For example, hotels with a liquor sales licence may offer all-inclusive vacation packages that include overnight accommodations with a bottle of wine, or food and drink vouchers to be used at the hotel's restaurant or bar. The prohibition against engaging in practices that may tend to encourage immoderate consumption remains in place, as does minimum pricing for servings of liquor.
Boats for Hire			
28(1) Liquor may be sold and served on a boat beginning one-half hour before the boat departs from the dock and until one-half hour before the boat is expected to arrive at the dock. R.R.O. 1990, Reg. 719, s. 28 (1). (2) While a boat is docked, liquor may be sold and served on a maximum of five occasions from	Licensees could only sell and serve liquor on a boat for hire under certain time restrictions, and up to a maximum number of times during the year, when the boat was docked, based on bad weather.	Section 28 is revoked and the following substituted: 28. Liquor may be sold and served on a boat only when, (a) the boat is being used for the primary purpose of transporting its passengers; and (b) the boat is underway or	Within the regular hours of sale and service of liquor (11 a.m. to 2 a.m.), there are no further restrictions on the time or number of occasions during the year that liquor can be sold and served on a boat for hire, regardless of whether or not the boat is docked because the weather is poor.

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<p>the 1st day of November to the 31st day of March in the following year if, on each occasion, the ship's captain and the engineer advise the Registrar of Alcohol and Gaming in writing within seventy-two hours after service of liquor begins that it was not safe for the boat to leave the dock because of inclement weather. R.R.O. 1990, Reg. 719, s. 28 (2); O. Reg. 63/98, s. 12.</p>		<p>would be underway but for unforeseen circumstances or the operator has indicated that the boat will soon be underway.</p>	<p>The boat must be being used for the primary purpose of transporting passengers and must be underway or soon to be underway.</p> <p>AGCO Board-approved conditions may be added to the licence to mitigate identified risks.</p>

Outdoor SOP Holders May Enter Into Agreement With Liquor Sales Licensees

<p>33(1) The licence holder shall not permit liquor, other than liquor purchased by the licence holder under licence from a government store, to be brought onto the premises to which the licence applies or that are used in connection with the sale and service of liquor, including the liquor and food preparation area and storage areas. O. Reg. 31/94, s. 7.</p> <p>34(1) The licence holder shall not permit a patron to remove liquor from the premises to which the licence applies. R.R.O. 1990, Reg. 719, s. 34.</p>	<p>For large outdoor events, such as fairs and festivals, patrons were prohibited from bringing alcohol into licensed premises from unlicensed areas (such as the street on which the event was taking place), and they were prohibited from removing alcohol from licensed premises.</p>	<p>The Regulation is amended by adding the following section:</p> <p>34.1 Despite subsections 33 (1) and 34 (1), the licence holder may permit a patron at a public event for which a permit has been issued under Ontario Regulation 389/91 (Special Occasion Permits) made under the Act to bring a serving of liquor as described in subsection 20 (4) or less of it onto the premises to which the licence applies and to remove the serving of liquor or less of it from the premises if,</p> <p>(a) the event is an outdoor event taking place on both the premises to which the licence applies and premises to which the licence does not apply;</p> <p>(b) the applicant for the permit has requested a patron be permitted to so act;</p>	<p>If a Special Occasion Permit has been issued for an outdoor event that has both licensed areas (bars, restaurants, etc.) and unlicensed areas (i.e. the street on which the event is taking place), patrons can move freely between the permitted areas and the licensed areas with a single serving of alcohol if the following conditions apply:</p> <ul style="list-style-type: none"> • The SOP applicant (or event organizer) must make a request to the AGCO for patrons to be able to move between premises with a serving of liquor. • The municipality must designate the event as one of municipal significance. • The permit holder and participating licensees must enter into an agreement which is
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		<p>(c) the council of the municipality, or its delegate, has designated the event as one of municipal significance;</p> <p>(d) the liquor is not removed from the premises to which the permit applies;</p> <p>(e) the licence holder and the permit holder have entered into an agreement with each other to ensure that there is no unreasonable risk to public safety, the public interest and the public and no unreasonable risk of non-compliance with the Act and the regulations by either of the parties; and</p> <p>(f) the parties to the agreement described in clause (e) have provided it to the Registrar at least 30 days before the event.</p>	<p>provided to the Registrar 30 days prior to the event to establish which establishments are participating and ensure there is no unreasonable risk to the public.</p> <ul style="list-style-type: none"> Depending on the nature of the event, the Registrar may impose certain conditions to mitigate identified risks to public safety and enhance compliance with the law.
Additional Forms of Prescribed Identification			
<p>41(5) The following types of identification are prescribed for the purpose of subsection 30 (6) of the Act:</p> <ol style="list-style-type: none"> 1. A driver's licence issued by the Province of Ontario with a photograph of the person to whom the licence is issued. 2. A Canadian passport. 3. A Canadian citizenship card with a photograph 	<p>Although any identification with a photo, a date of birth and that reasonably appears to have been issued by a government may be accepted by a licensee, there were five types of government-issued identification on the prescribed list that the licensee may rely on to reasonably establish a patron's age:</p> <ul style="list-style-type: none"> Ontario driver's licence Canadian passport 	<p>Subsection 41(5) is amended by adding the following paragraphs:</p> <ol style="list-style-type: none"> 5. A secure certificate of Indian status issued by the Government of Canada. ... 7. A permanent resident card issued by the Government of Canada. 8. A photo card issued under the <i>Photo Card Act, 2008</i>. 	<p>Although any identification with a photo, a date of birth and that reasonably appears to have been issued by a government may be accepted by a licensee, there are now three additional types of government-issued identification that have been added to the prescribed list and that the licensee may rely on to reasonably establish a patron's age:</p> <ul style="list-style-type: none"> Secure Indian Status card

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<p>of the person to whom the card is issued.</p> <p>4. A Canadian armed forces identification card.</p> <p>5. Revoked: O. Reg. 230/03, s. 23 (1).</p> <p>6. A photo card issued by the Liquor Control Board of Ontario. R.R.O. 1990, Reg. 719, s. 41 (5); O. Reg. 560/96, s. 1; O. Reg. 63/98, s. 13 (1); O. Reg. 230/03, s. 23 (1).</p>	<ul style="list-style-type: none"> • Canadian Citizenship card • Canadian armed forces identification card • LCBO “BYID” photo card 		<p>(Canadian)</p> <ul style="list-style-type: none"> • Permanent Resident card (Canadian), • any photo card issued under the <i>Photo Card Act, 2008</i> <p>The other five forms of prescribed identification are:</p> <ul style="list-style-type: none"> • Ontario driver’s licence • Canadian passport • Canadian Citizenship card • Canadian armed forces identification card • LCBO “BYID” photo card
Patios			
<p>48 If a liquor sales licence is issued in respect of more than one premises, the service bar at one premises may be used to service a second premises only if persons serving liquor are not required to carry the liquor across an area not under the exclusive control of the licence holder in order to reach the second premises. R.R.O. 1990, Reg. 719, s. 48.</p>	<p>For premises with two or more licensed areas that were separated by unlicensed areas not under the licensee’s exclusive control (i.e. a public sidewalk), servers were not permitted to carry drinks from one licensed area to another licensed area. In such cases, a service bar was required in each of the licensed areas.</p>	<p>Section 48 is revoked and the following substituted:</p> <p>48 If a liquor sales licence is issued in respect of more than one premises, the service bar at one premises may be used to service a second premises but only the licence holder or the licence holder’s employees may carry the liquor across an area not under the exclusive control of the licence holder in order to reach the second premises.</p>	<p>Staff are now permitted to carry drinks from one licensed area to another licensed area across an area that is not under the exclusive control of the licensee. For example, an employee of a liquor sales licensee may carry drinks across a public sidewalk to get from the licensed premises to a licensed patio or vice-versa. Separate service bars are no longer required.</p> <p>Licensees must comply with all other applicable legislation, including municipal by-laws.</p> <p>Patrons remain prohibited from removing drinks from a licensed area.</p>