

## ONTARIO REGULATION 354/07

made under the

### LIQUOR LICENCE ACT

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Amending Reg. 719 of R.R.O. 1990  
(Licences to Sell Liquor)

Note: Regulation 719 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

**1. Section 3 of Regulation 719 of the Revised Regulations of Ontario, 1990 is revoked.**

**2. Paragraph 6 of subsection 8 (2) of the Regulation is amended by striking out “golfers” and substituting “persons on a golf course”.**

**3. Sections 20 and 20.1 of the Regulation are revoked and the following substituted:**

**20.** (1) The holder of a licence to sell liquor shall not engage in or permit practices that may tend to encourage patrons' immoderate consumption of liquor.

(2) Without restricting the generality of subsection (1), the licence holder shall not,

(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.

(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.

(4) For the purposes of subsection (3), a serving of liquor is prescribed, by volume and type, as follows:

1. 341 ml (12 oz.) of beer, cider or cooler.

2. 29 ml (1 oz.) of spirits.

3. 142 ml (5 oz.) of wine.

4. 85 ml (3oz.) of fortified wine.

(5) If a licence holder offers for sale a serving of liquor that differs from the volume prescribed in subsection (4), the minimum price for that serving shall increase or decrease in direct proportion to the difference in volume of liquor contained in that serving.

(6) The holder of a licence to sell liquor that applies to premises in which the Ontario Lottery and Gaming Corporation conducts and manages a lottery scheme is exempt from clause (2) (a) with respect to any part of the premises to which public access is restricted and which are approved by the Registrar of Alcohol and Gaming.

(7) Despite subsections (1) and (3), a licence holder may offer a package of food and liquor at a fixed price at an event if,

(a) the licence holder and event organizer have entered into a written contract that sets out separately the price of the food component and the price of the liquor component of the package;

(b) the price of the food component is the fair market price and represents more than 50 per cent of the total price of the package;

(c) the event is intended only for the invited guests of the event organizer, is not advertised to the general public and is not open to the general public;

(d) attendees are not charged a fee for admission to the event or for liquor or food;

(e) the event organizer or the organizer's delegate remains on the premises at all times during the event;

(f) the time for which alcoholic drinks may be provided to attendees without charge to the attendee does not exceed eight hours;

- (g) the licence holder, the employees and managers of the licence holder and the security personnel other than paid duty police officers acting as security personnel at the event have completed a server training course approved by the board of the Commission; and
  - (h) the licence holder keeps all contracts relating to the event for at least one year after the event takes place and, on request, produces them to a person designated under section 43 of the Act or to a police officer.
- (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.

**4. The Regulation is amended by adding the following section immediately before the heading “CONDITIONS OF LIQUOR SALES LICENCES”:**

**21.1** The holder of a licence shall not have or permit on the licensed premises a device, known as an alcohol without liquid vaporizer, designed or marketed for the purpose of mixing alcohol with oxygen or another gas to produce a mist for inhalation.

**5. Clauses 23 (3) (f), (g), (g.1) and (g.2) of the Regulation are revoked and the following substituted:**

- (f) premises located in the lobby of a hotel or motel;

**6. Section 33 of the Regulation is amended by adding the following subsection:**

(6) Despite subsection (1), the licence holder may permit patrons to bring sealed, unopened liquor purchased from a government store onto the premises if the liquor is intended for personal use elsewhere than on or adjacent to the premises.

**7. The Regulation is amended by adding the following sections:**

**39.** On and after January 1, 2008, all current and new licence holders shall ensure that all managers, persons involved in the sale or service of liquor and security staff in the employ of the licence holder hold, within 60 days of the commencement of their employment, a certificate demonstrating the successful completion of a server training course approved by the board of the Alcohol and Gaming Commission of Ontario.

**40.** The licence holder shall ensure that the licence holder and any person involved in the sale or service of liquor, providing security or management services, including managers of the premises, have successfully completed any applicable training courses or programs approved by the board of the Alcohol and Gaming Commission of Ontario within the periods specified by the board.

**8. Subsection 42 (1) of the Regulation is amended by adding “or an employee of the licence holder” after “the licence holder”.**

**9. The Regulation is amended by adding the following sections:**

**45.1** The licence holder shall ensure that reasonable measures are in place and reasonable efforts are made to deter disorderly conduct on property adjacent to and in the vicinity of the premises and to minimize damage, nuisance or other harm to such property arising out of disorderly conduct engaged in by patrons of the licence holder or persons attempting or waiting to enter the premises or leaving the premises.

**45.2** The licence holder shall ensure that the licence holder or a manager appointed by the licence holder maintains control over the premises, including exercising control over who is permitted to enter the premises or remain on the premises and the activities that are permitted to occur on the premises.

**10. The Regulation is amended by adding the following sections:**

**63.1** (1) At least ten days before a catered event begins, a holder of a liquor sales licence with a caterer’s endorsement shall provide to the Registrar of Alcohol and Gaming and the local police, fire, health and building departments details concerning,

- (a) the nature of the event and the name of the sponsor;
- (b) the address at which the event will be held;
- (c) the dates on which and the hours during which the event will be held;
- (d) the estimated attendance for the event; and
- (e) the boundaries of the area within which liquor will be sold and served.

(2) Subsection (1) does not apply with respect to events held in premises under the exclusive control of the licence holder if the licence holder gives prior notice to the Registrar of Alcohol and Gaming of the licence holder’s intention to cater events in premises specified in the notice.

- (3) Subsection (1) does not apply with respect to events held in a residence.

**63.2** The holder of a liquor sales licence with a caterer’s endorsement and an employee of the licence holder are exempt from subsection 32 (1) of the Act (conveying liquor in a vehicle) when transporting liquor purchased under the licence between the premises to which the liquor sales licence applies and the location of a catered event.

**11. The Regulation is amended by adding the following heading immediately before section 75.1:**

CONDITIONS OF GOLF COURSE ENDORSEMENTS

**12. Paragraph 4 of section 75.1 of the Regulation is revoked and the following substituted:**

4. A person must not drink or hold any liquor while driving a golf cart on a golf course.

**13. The Regulation is amended by adding the following section:**

**75.2** Any person who obtained liquor at any licensed area of a golf course is exempt from subsection 32 (1) of the Act (conveying liquor in a vehicle) while driving or having the care or control of a golf cart on the playing area of the golf course.

**14. Section 76.1 of the Regulation is amended by striking out “subsection 20.1 (4)”.**

**15. Section 77 of the Regulation is amended by striking out “81”.**

**16. Sections 81 and 91 of the Regulation are revoked.**

**17. Sections 94 and 95 of the Regulation are revoked and the following substituted:**

TRANSFER OF LICENCE

**94.** (1) The following are prescribed changes for the purposes of section 16 of the Act:

1. An individual becomes or ceases to be an officer or director of a licence holder that is a corporation or a corporation that effectively controls the business.
2. A person becomes or ceases to be a partner of a licence holder that is a partnership.
3. A person or partnership acquires a beneficial interest in the business of the licence holder, including holding or controlling shares of a licence holder that is a corporation or in a corporation that effectively controls the business.
4. A person or partnership other than the licence holder becomes entitled to any of the profits from the sale of liquor or liable for any obligations incurred from the sale of liquor at the premises to which the licence applies.

(2) For the purposes of paragraph 3 of subsection (1), if a person or partnership acquires shares in a licence holder that is a corporation or in a corporation that effectively controls the business of the licence holder, an acquisition that results in the person or partnership holding or controlling 10 per cent or more of the outstanding shares, or of a class of shares, of the corporation is a prescribed change.

(3) Despite subsection (1), the following prescribed changes shall be considered rollovers by the Registrar for the purposes of transferring a licence if the principal individuals involved in the business of the licence holder remain the same after the change occurs:

1. A licence holder that is a sole proprietorship becomes a corporation.
2. A licence holder that is a partnership becomes a sole proprietorship or a corporation.
3. A licence holder that is a corporation becomes a sole proprietorship or a partnership.

(4) Despite paragraph 1 of subsection (1), if an individual ceases to be an officer or director of a licence holder that is a corporation, the corporation may keep for sale, offer for sale or sell liquor without transferring its licence, if the corporation gives the Registrar of Alcohol and Gaming notice of the change within 30 days after it occurs.

(5) Despite paragraph 2 of subsection (1), if a partner ceases to be a partner in a partnership that is a licence holder, the partnership may keep for sale, offer for sale or sell liquor without transferring its licence, if the partnership gives the Registrar of Alcohol and Gaming notice of the change within 30 days after it occurs.

**18. Sections 100 and 100.1 of the Regulation are revoked.**

**19. This Regulation comes into force on the day it is filed.**

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