

LIQUOR LICENCE ACT REGULATORY REFORM 2011

Regulation 719 (Licences to Sell Liquor)

Effective August 2, 2011

Previous Regulation	Before August 2, 2011	New Regulation	After August 2, 2011
Stadium / Tiered Seating			
<p>1 In this Regulation, ... “stadium” means a premises whose seating is in fixed tiers and in which live sporting and entertainment events take place before an audience; (“stade”) ... 8(2) The following endorsements to liquor sales licences are established: ... 7. A stadium endorsement authorizing the sale and service of liquor in the tiered seats of a stadium during live sporting and entertainment events approved by the Registrar of Alcohol and Gaming. ... 11 Except in a stadium or in the auditorium of a motion picture theatre to which the exemption provided in clause 23 (3) (g) applies, premises with tiered seats intended for a viewing audience must not be used for the sale and service of liquor. O. Reg. 369/08,</p>	<p>Licenses who wished to sell and serve liquor in areas that contained tiered seating were required to apply for a “stadium endorsement.” They were also required to follow several conditions related to the endorsement. Additionally, only premises with tiered seating that offered live sporting and entertainment were eligible to apply for a stadium endorsement.</p>	<p>Paragraph 7 of subsection 8(2) is revoked. Section 11 is revoked. Sections 76, 76.1, 77 and 78, subsection 79 (4) and sections 80, 83, 85 and 86 are revoked. See Section 49.</p>	<p>The category of “stadium endorsement” no longer exists. Licensees are now permitted to sell and serve liquor in areas that contain tiered seating without obtaining a stadium endorsement (e.g. fixed tiered seating), including the use of temporary tiered seating (e.g. bleachers). If a liquor sales licensee wishes to add tiered seating to the premises, approval from the Registrar is required. AGCO Board-approved conditions may be added to the liquor sales licence to mitigate identified risks to public safety.</p>

Previous Regulation	Before August 2, 2011	New Regulation	After August 2, 2011
<p>s. 1; O. Reg. 342/09, s. 1; O. Reg. 481/09, s. 1. 76(1) 86(1) ...</p>			
Primary Business Requirement			
<p>23(1) The licence holder shall not operate or permit to be operated at the premises to which the licence applies any business other than,</p> <ul style="list-style-type: none"> (a) the sale and service of liquor and food; (b) the sale of articles incidental to the sale and service of liquor and food; (c) the sale of lottery tickets distributed under a government licence; or (d) the provision of entertainment ancillary to the sale and service of liquor and food. <p>R.R.O. 1990, Reg. 719, s. 23 (1).</p> <p>(1.1) For the purposes of clause (1) (d), “entertainment ancillary to the sale and service of liquor and food” does not include entertainment designed to appeal to erotic or sexual appetites or inclinations if the entertainment includes entertainment provided by a person under 18 years of</p>	<p>Only premises where the primary business was the sale and service of liquor and food were eligible for a liquor sales licence.</p>	<p>Section 23 is revoked and the following substituted:</p> <p>23(1) The licence holder shall not operate or permit to be operated at the premises to which the licence applies the business of providing entertainment designed to appeal to erotic or sexual appetites or inclinations if the entertainment includes entertainment provided by a person under 18 years of age.</p> <p>(2) In subsection (1), “entertainment designed to appeal to erotic or sexual appetites or inclinations” includes entertainment,</p> <ul style="list-style-type: none"> (a) a feature or characteristic of which is the nudity or partial nudity of a person, or (b) in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or “nu” or any other word or any picture, symbol or representation having like meaning or 	<p>The primary business of a premises no longer has to be the sale and service of liquor and food in order to be eligible for a liquor sales licence.</p> <p>Other types of businesses (spas, hair salons, art galleries, book stores, etc.) may now apply for a liquor sales licence.</p> <p>AGCO Board-approved conditions may be added to the liquor sales licence to mitigate identified risks to public safety.</p>

Previous Regulation	Before August 2, 2011	New Regulation	After August 2, 2011
<p>age. O. Reg. 696/94, s. 1. (1.2) In subsection (1.1), “entertainment designed to appeal to erotic or sexual appetites or inclinations” includes entertainment, (a) a feature or characteristic of which is the nudity or partial nudity of a person, or (b) in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or “nu” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement. O. Reg. 696/94, s. 1. (1.3) Subsections 41 (3), (4) and (5) and subsections 42 (1) and (2) apply with respect to the enforcement of clause (1) (d) where the entertainment appears to be entertainment under subsection (1.1). O. Reg. 696/94, s. 1. (2) The premises for which a licence is issued must be used primarily for the sale and service, for consumption on the premises, of light meals and liquor. R.R.O. 1990, Reg. 719, s. 23 (2). ...</p>		<p>implication is used in any advertisement. (3) Subsections 41 (3), (4) and (5) and subsections 42 (1) and (2) apply with respect to the enforcement of subsection (1).</p>	

Previous Regulation	Before August 2, 2011	New Regulation	After August 2, 2011
Stadium / Tiered Seating			
<p>32(2) A licence holder is not required to offer for sale more than one brand of draught beer. R.R.O. 1990, Reg. 719, s. 32 (2).</p>	<p>Liquor sales licensees were not required to offer more than one type of draft beer for sale.</p> <p>Licensees with stadium endorsements were required to offer more than one type of draft beer. This requirement was contained in Section 76.1 of Regulation 719.</p>	<p>Subsection 32(2) is revoked and the following substituted:</p> <p>(2) A licence holder is not required to offer for sale more than one brand of draught beer except if the premises to which the licence applies is a stadium.</p>	<p>Only stadiums with a liquor sales licence are required to offer more than one type of draft beer for sale. Other liquor sales licensees can offer only one type of draft beer for sale.</p> <p>This is a technical amendment and was made to reflect the fact that the category of “stadium endorsement” no longer exists.</p>
<p>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. O. Reg. 354/07, s. 7.</p>	<p>As of January 1, 2008, all staff involved in the sale or service of liquor, as well as security staff, are required to have completed server training (Smart Serve) within 60 days of the start of their employment</p>	<p>Section 39 is revoked and the following substituted:</p> <p>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 whom the licence holder employs or, in the case of a stadium, uses, hold, within 60 days of the commencement of starting to so act, a certificate demonstrating the successful completion of a server training course approved by the Board.</p>	<p>All liquor sales licensees, including stadiums, must ensure that any persons selling or serving liquor and all security staff must have successfully completed server training (Smart Serve). This was added to ensure that the staff of companies that are contracted by stadiums have proper training.</p>
<p>49 The licence holder shall not alter the boundaries of the premises to which the licence applies without the prior written consent of the Registrar of Alcohol and Gaming. O. Reg. 63/98, s. 17.</p>	<p>A licensee cannot alter the boundaries of the licensed areas of his/her establishment without the written approval of the Registrar.</p>	<p>Section 49 is amended by adding “or add tiered seating on the premises” after “applies”.</p>	<p>A licensee cannot alter the licensed areas of his/her establishment or add tiered seating without the written approval of the Registrar.</p> <p>The requirement to obtain Registrar approval prior to the addition of “tiered seating” allows for a proper assessment and</p>

Previous Regulation	Before August 2, 2011	New Regulation	After August 2, 2011
<p>63.1 (1) At least 10 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,</p> <p>...</p> <p>(e) the boundaries of the area within which liquor will be sold and served. O. Reg. 354/07, s. 10.</p>	<p>A liquor sales licensee using his/her catering endorsement must include information about the tiered seating when submitting a notification about the catered event to the AGCO.</p> <p>The notification must be submitted to the AGCO at least 10 days before the catered event. Local officials must also be notified within 10 days of the catered event.</p>	<p>Clause 63.1(1)(e) is amended by adding "and the location of any tiered seating in the area" at the end.</p>	<p>determination of conditions to reduce the risk to public safety, if required.</p> <p>A liquor sales licensee using his/her catering endorsement at a premises with tiered seating must include information about the tiered seating when submitting a notification about the catered event to the AGCO.</p> <p>The notification must be submitted to the AGCO at least 10 days before the catered event. Local officials must also be notified within 10 days of the catered event.</p>