



From the Chair...

IAN D.C. MCPHAIL, Q.C.

As we move towards closing the last chapter of the first year of the 21st century, it is perhaps timely to cast a focus on the new year and share with our client and stakeholders some of our priorities.

In the coming year our first priority is to ensure that the people of Ontario have confidence in our ability to provide fair, but rigorous administration of the province's liquor legislation. Enforcement should be tougher on the real wrongdoers and fairer to people carrying on responsible businesses.

We look forward to strengthening an already positive relationship with all of our clients and stakeholders, balancing the legitimate need to promote business opportunities and economic development with responsible sale and service of beverage alcohol.

In this respect, customer service will take on an enhanced focus as we continue to streamline our operations. More attention will be placed on staff training and expanding our technology-driven databases. For example, soon you'll be able to get AGCO forms on-line.

AGCO website

And of special significance, is the launching of the AGCO Internet website outlined in more detail on this front page. Our internet address is: www.agco.on.ca

As the accompanying story indicates our bilingual website will provide to visitors a wide range of information about the policies administered by the AGCO. It will also include access to publications, annual reports and newsletters.

We are also exploring methods that might allow for the electronic filing of licensing and renewal applications; and further innovations to improve our customer service through the Internet.

We hope you will become frequent users of our website. We invite suggestions on how to improve it. (To provide feedback please refer to our website).

Fair and responsible administration of liquor legislation and regulations,

Continued page 3 See Chair

AGCO website up and running

We are pleased to advise all of our readers the **Alcohol and Gaming Commission of Ontario** Internet website is now available; in both **English and French**. It covers liquor and gaming areas.

You may reach us at www.agco.on.ca

It should be noted the material presently on the site does not constitute the full range of information that will eventually be posted. This is just the beginning. Over the next few weeks visitors to the website will have online access to application forms, terms and conditions and a range of publications.



We will create a comprehensive site to provide you with easy access to the various programs of the **AGCO**.

To be included on the website:

- ◆ Access and ability to download all current alcohol and gaming related forms such as applications for liquor sales licenses and registrations under the **Gaming Control Act**
- ◆ Laws and regulations pertaining to the **Liquor Licence Act** and gaming
- ◆ New and timely information of interest regarding the regulation of liquor and gaming
- ◆ The process and forms regarding hearings and appeals
- ◆ Decision summaries
- ◆ Publications issued by the **AGCO**; and much more

The mandate of the **Alcohol and Gaming Commission of Ontario** is to regulate the sale, service and consumption of beverage alcohol and promote moderation and responsible use; and to ensure that casino and charitable gaming is conducted in the public interest by people with integrity, and in a manner that is socially and financially responsible.

We trust you will find our website useful and helpful; and we invite suggestions that might offer to improve our site. The e-mail address is— feedback@agco.on.ca

Ontario to crack down on crime in bars

Consumer and Commercial Relations Minister Robert Runciman has announced that the provincial government will address, through stronger enforcement measures, the growing public concern about drugs, violence and illegal activities in bars, after-hours clubs, booze cans and other locations.

A report summarizing ideas from a provincial conference, Building Safer Communities, held in the spring of this year was submitted to the government in October.

One of the recommendations called for treating licenses as a "privilege" not a "right". Also urged are increased penalties and the ability to hold landlords accountable and liable for illegal activity occurring on their property.



BOB RUNCIMAN

Continued page 2 See Crime

Alcohol and Gaming Commission of Ontario
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Decision Summary		
The following establishments were recently brought before the Board of the AGCO for disciplinary hearings. Suspensions for similar infractions may vary in length according to the specifics of each case. Details about these decisions are now available on QUICKLAW.		
ESTABLISHMENT	INFRACTION	SUSPENSION
Baby Dolls, Toronto	Illegal liquor	14 days
Brass Rail Restaurant, Oshawa	Public interest	Interim suspension
Brockville & District Shrine, Elizabethtown	Illegal liquor	20 days
Club Shanghai, Toronto	Overcrowding, permitted narcotics on premises	Licence revoked
Flying Dog (The), Waterloo	Permitted drunkenness	21 days*
Gallileo Restaurant, Ottawa	Permitted narcotics on premises	14 days*
Goddess Nightclub and Discotheque, Markham	Public interest	Interim suspension
J.P.'s Roadhouse, Dryden	Failure to clear signs of service, permitted drunkenness	14 days*
L'Amour Café Ltd., Toronto	Illegal liquor	14 days
Main Street Station Roadhouse Restaurant, Bolton	Illegal liquor	14 days
Manny's Road House Club Remedy, Acton	Failure to clear signs of service, permitted drunkenness	14 days
Manolito Bar Café Restaurant, Toronto	Obstructing an inspection, serving minors, failure to give access, illegal liquor	28 days
Mercury /Granite Lounge, Toronto	Serving minors, permitted drunkenness, overservice	14 days
Mix It Up Bar and Grill, Pickering	Failure to inspect identification, permitted drunkenness, past conduct	17 days
New Fairbank Hotel (The), Toronto	Past conduct	45 days
On The Rocks, Toronto	Illegal liquor	14 days*
Paradise Cove Resort, Minaki	Permitted drunkenness	21 days*
Portuguese Canadian Club of Sarnia, Sarnia	Liquor not in original container, illegal liquor	14 days
Ramp (The), London	Breach of condition	14 days
Reactor, Ottawa	Overcrowding	21 days
Scarboro Station Pub, Scarborough	Past conduct, breach of condition	Licence revoked
Sled Heads & Soft Tails, Port Perry	Breach of condition	21 days
Splash Cruising Bar and Night Club, Burlington	Overcrowding, permitted drunkenness, no light meals available, permitted removal of liquor from premises	21 days
Studio 9 Restaurant, Woodstock	Public interest	Interim suspension
Sunny's Cavern, Thunder Bay	Permitted drunkenness, failure to inspect identification, serving minors	24 days
The following is a list of suspensions/revocations where the licensee did not request a hearing.		
ESTABLISHMENT	INFRACTION	SUSPENSION
Byeways Tavern, Deep River	Liquor sold to person who appears to be intoxicated, permitted drunkenness, failure to clear signs of service, permitted removal of liquor from premises - did not contest	21 days*
Café Spasso, Concord	Serving minors, failure to inspect identification - did not contest	21 days*
Courtright Tavern, Courtright	Past conduct, breach of condition, not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Licence revoked
Huong Cang Café Karaoke, Kitchener	Serving minors, failure to inspect identification - did not contest	21 days*
J.T. Jesters Taphouse & Grill, St. Catharines	Past conduct, breach of condition, not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Licence revoked
Loon's Nest (The), Buckhorn	Past conduct, breach of condition, not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Licence revoked
Playez Lounge (The), Toronto	Alleged past conduct, provided false information, permitted drunkenness, permitted narcotics on premises - did not contest	Licence revoked
Rainbow Bangkok Restaurant, Kitchener	Serving minors, failure to inspect identification - did not contest	21 days*
* All managers and servers must take Smart Serve responsible trainer program.		

continued from page 1 Crime

Joint operations

Increasingly, enforcement activities are being more coordinated through joint operations between regional and local police services, the Alcohol and Gaming Commission, the OPP, the RCMP and municipal agencies such as building and health departments to deal with illegal drug trafficking, prostitution, money laundering and offences against provincial laws that are habitually occurring in licensed establishments across Ontario.

Many joint operations have recently taken place in Toronto, Peel, Hamilton and Niagara regions.

Mr. Runciman said, ‘ Any licensed facility that allows illegal activity on its premises should be put out of business, and if the offence is serious

enough, kept out of business”. He was supported by Solicitor General David Tsubouchi who commented that “ all levels of government must work together to fight crime, wherever it appears”.

Keep bad guys out

Said Terry Mundell, president of the Ontario Restaurant, Hotel and Motel Association, “ We support the governments efforts to have tougher enforcement standards to ensure criminals do not operate out of licensed premises”.

While the vast majority of licence holders operate responsibly and in the public interest the focus of the government’s initiatives are on ‘keeping the bad guys out.’

Plans and capacities of a licensed premises

Each liquor sales licence must state the number of patrons and staff legally entitled to be on the premises at any one time.

Prior to submitting an application for a new sales liquor licence or an application for additional facilities to an existing liquor sales licence, the applicant must:

- ◆ Contact the local municipal building department and fire department to see if they will determine the capacity of the proposed licensed premises;
- ◆ **Obtain and provide a capacity figure and scale drawing of the entire proposed licensed premises (indoor/outdoor) from a professional engineer or architect IF the local municipal building department or fire department will not provide a capacity for the proposed licensed premises;**
- ◆ Have the capacity figure(s) and scale drawing of the premises SIGNED and STAMPED by the professional engineering or architectural firm and submitted to the Commission as part of the application package.

The engineer or architect must use the Building Code or Fire Code - whichever applies— when calculating the capacity of each proposed licensed premise or area.

- ◆ The capacity must be stated for every proposed licensed area (indoor and outdoor) separately;
- ◆ Each licensed area must be outlined on the plans in “red”;
- ◆ The dimensions of the licensed area(s) and room(s) (length and width) must be clearly shown;
- ◆ Each licensed area must be separated from non-licensed areas with a permanently fixed partition not less than 1.06 m (42”) high;
- ◆ All proposed outdoor area(s) (patios) must show their distance (if remote) to the nearest licensed premise in the application;
- ◆ 2 copies of the plans reduced to 8 1/2” x 11” must be submitted.

The calculated capacity of the licensed premises does not include the following:

- ◆ Stairways or stairwells,



- ◆ Washrooms,
- ◆ Offices,
- ◆ Closets,
- ◆ The bar and area behind the bar,
- ◆ Liquor storage areas, or
- ◆ Food preparation areas.

Other deductions in capacity may result from adding games and amusements such as pool tables to the licensed premises.

NOTE: Plans of proposed licensed areas are required for all applications. However, signed and stamped architect’s/professional engineer’s plans are required ONLY if a municipal fire or building department will not calculate a capacity for the proposed licensed area(s).

Failure to provide the stamped and signed plans when required will result in a delay in your licence application.

Once completed this information must be sent with the official application forms to the **AGCO’s Licensing and Registration Department, 7th floor, 20 Dundas Street West, Toronto ON M5G 2N6.**

Liquor Stats

- ◆ Number of licensed establishments in Ontario as of **October 2000:** 17,510
Number of licensed establishments in Ontario **October 1990:** 14,141

- ◆ Top 10 cities in rank order of the number of licensed establishments *

City	#	% (of provincial total)
1 Toronto	4149	24.6
2 Ottawa	736	4.4
3 Mississauga	571	3.4
4 Hamilton	507	3.0
5 London	423	2.5
6 Windsor	391	2.3
7 Vaughan	308	1.8
8 Niagara Falls	265	1.6
9 Brampton	247	1.5
10 St. Catharines	231	1.4

Some districts of interest:

- ◆ District of Kenora 148 (Town of Kenora, Dryden,Sioux Lookout)
- ◆ District of Thunder Bay 272
- ◆ District of Sudbury 75
- ◆ District of Nipissing (North Bay area) 182
- ◆ District of Algoma (Sault Ste. Marie) 245

- ◆ These numbers are as of October 2000

Room service endorsement

The holder of Liquor Sales Licence with a Room Service Endorsement may provide room service to sell and serve beverage alcohol for consumption by persons registered as guests. As of October 2000 there were **569** establishments (eg. hotels/ motels) in Ontario licensed for such service.

Toronto area bar fined \$10, 000 for overcrowding

A licensed establishment in Mississauga, Ontario was fined \$10,000 in provincial court on August 22, 2000 after Peel Regional Police laid charges for overcrowding. There were 350 people in premises licensed for only 230 people. The licence holder was in contravention of the Liquor Licence Act and Regulations which state that “ the number of persons on the premises to which the licence applies, including employees of the licence-holder, does not exceed the capacity of the licensed premises as stated on the licence”.

continued from page 1 Chair

increased operational efficiencies and more focus on customer service are the key objectives over the coming months. With a dedicated, well-trained and knowledgeable staff we are looking forward eagerly to the new year.

On behalf of the Board of Directors, management and staff of the **Alcohol and Gaming Commission of Ontario**, we wish all of our clients, customers and stakeholders the very best for the Holiday Season; and continued good health and success in the New Year.

Ian D.C. McPhail

Interesting facts

- ◆ There are 1350 impaired driving fatalities in Canada each year.
- ◆ Impaired drivers with a BAC (blood alcohol content) of .15 - about twice the legal limit-or higher are 200 times more likely to be involved in a fatal car crash.



Questions & Answers

Homemade Wine

Q. How can homemade wine/beer be served at a religious function held in a licensed premise?

A. Normally, all beer, wine or spirits sold or served at a function where a Special Occasion Permit (SOP) has been issued must be purchased from a government store. However, there is an exception under the regulations whereby the permit holder may serve wine and beer made by a member of the family hosting a wedding or religious occasion under the following conditions:

- ♦ the permit holder acquires the wine and beer free of charge
- ♦ the permit holder does not sell the wine and beer but serves them free of charge
- ♦ a applicant for a SOP must indicate on the application form that he /she intends to serve homemade wine or beer to guests at the event.

If the event is held in a premise with a liquor sales licence (like a restraant or bar) a SOP must be obtained. During the time when the homemade wine/beer is served, the licensee’s own bar must be closed. Two liquor sales licenses cannot be operating at the same time. Once the homemade products have been consumed and/or removed from the licensed premise, the licensee’s bar may began selling and serving beverage alcohol from their own stock.

A religious occasion does not include events like a stag, anniverseries or birthdays.

Internet advertising

Q. What can a liquor manufacturer do regarding advertising on the Internet?

A. The rules regarding the advertising of liquor are no different for the Internet than any other form of advertising medium. Consistent with the **AGCO’s Advertising Guidelines**, a manufacturer does not have to seek pre-approval for a website that only has corporate advertising. However, anything that is brand-identified is subject to pre-approval by the AGCO. The Advertising and Promotions Section of the AGCO can now accept Internet advertising electronically for pre-approval. For more information on the process contact them at (416) 326-0400. A copy of the Advertising Guidelines may be obtained by writing to or phoning the AGCO’s Customer Service Section at: 20 Dundas Street West, 7th Floor, Toronto, ON M5G 2N6. Telephone numbers are; toll free-1-800-522-2876 or the general inquiry line at (416) 326-8700. Also a copy of the Advertising Guidelines will soon be available on the AGCO website at www.agco.on.ca

New Year’s Eve hours

Ontario’s licensed establishments are able to serve beverage alcohol until 3 am for New Year’s Eve events.

Regulation 719/90 Section 25 of the **Liquor Licence Act** permits sale and service from 11am on December 31 to 3am the following day in licensed establishments and 11am on December 31 to 2am the following day for Special Occasion Permits (SOPs) events.

Licensees and SOP holders are reminded they must remove all evidence of the service and consumption of liquor within 45 minutes after the stop-service time.

Once again this year, **Consumer and Commercial Relations Minister Robert Runciman** cautions all licensees and “party goers” to remember that drunk driving and inappropriate behaviour, such as intoxication, is not tolerated. He said, “Everyone can and should have a good time, but also very important is the responsible service and consumption of alcoholic beverages”.

Did you know!

♦ **Ontario Health card**

If a customer presents photo identification issued by a government it may also be used as proof of age. For example, a commonly offered form of non-prescribed identification is the Ontario Health card. By law, no one can be required to produce their Ontario Health card, nor can their health number be collected.

Therefore, we advise licensees not to ask for the Ontario Health card as identification. But if offered voluntarily, licensees may choose to accept it at their discretion. Also, do not record any information off of the card.

♦ **Theatres**

That in 1965 theatres became eligible for a dining lounge, lounge and dining room liquor licence. But with the 1990 amendments to the LLA and regulations, the holder of a licence for a premise in a theatre is not require to have light meals available if liquor is sold and served for a maximum of one hour before a performance, during intermission and for one hour after the performance.

Apply for patio licence early

Are you planning to add a patio for this spring or summer?

We suggest if you are— applications be sent in as early as possible, even starting in January.

The application process takes approximately six to eight weeks. If an objection from the public is received the process may take much longer. If the Commission receives one or more objections from residents in the municipality the Commission is required to hold either a public meeting or a hearing.

Many licensees have benefited from informing residential and business neighbours of their intention to apply for a new licensed outdoor area (patio) or expansion of an existing patio. If you don’t explain your plans and listen to their concerns, your neighbours might submit an objection when your application is publicly advertised. Early communication and co-operation could save an applicant valuable time and possibly eliminate difficulties in the processing of your application.

To obtain an application for an additional licensed area, call the Licensing and Registration Department at (416) 326-8700 or toll free in Ontario 1-800-522-2876. Also refer to the AGCO Internet website at www.agco.on.ca

Bar fined \$10,000 for illegal gaming machines

A Niagara Falls bar owner was fined \$10,000 in provincial court in St. Catharines in November 2000 for operating illegal video slot machines. The **Ontario Illegal Gaming Enforcement Unit, Ontario Provincial Police**, laid charges of keeping a common gaming house and seized the video slot machines and cash from the facility. The AGCO is now proposing to revoke the liquor licence of the establishment.