



Randy Barber appointed new chair of AGCO



From the Chair...

G.R. (RANDY) BARBER

G.R. (Randy) Barber of Thornhill, Ontario has been appointed Chair of the Alcohol and Gaming Commission of Ontario. Mr. Barber has served on the Board of Directors since 1997, and was fulltime vice-chair for the past 18 months. He brings a wealth of business experience to his new responsibilities having held executive positions in both the private and public sectors. Mr. Barber is currently the president of the International Churchill Society-Canada. He served the residents of the Town of Markham for six years as a municipal councilor. His appointment is effective immediately.

Note: “From the Chair” to be continued in the next issue of Licence Line.

AGCO gets new regulatory responsibilities

Effective July 3, 2001, the responsibility for authorizing on and off-site winery retail stores, on-site brewery and distillery stores and private liquor delivery services has been transferred from the **Liquor Control Board of Ontario (LCBO) to the Alcohol and Gaming Commission of Ontario**. The transfer is set out on Ontario Regulation 232/01.

Eliminates overlap

The decision to transfer these regulatory functions to the **AGCO** was taken to eliminate any real or perceived conflict of interest between the commercial and regulatory functions of the **LCBO**. The change will eliminate overlap and consolidate the regulatory role with the **AGCO**.

This will now allow the **LCBO** to concentrate on its core business of being a retailer of beverage alcohol; although still retain such commercial duties as product pricing, labeling, packaging and product standards.

Delivery services

Currently, the **LCBO** looks after liquor delivery services-delivery by a third party (typically taxicab companies) and home delivery by manufacturers through private carriers. These responsibilities have now been given to the **AGCO**.

Note: There are two types of liquor retail stores; those located on-site where the product is made, and off-site stores usually located in commercial retail areas.

Tips for Community Festival events

The **AGCO** receives many inquiries related to the **Special Occasion Permits (SOPs)** for community festivals. The following are some tips for those who wish to apply for this type of temporary permit.

Generally, these types of festivals are events where the sale of liquor is used to make a “profit”. The public is admitted, and the application for a **SOP** must be accompanied by either a municipal resolution, or a letter from a delegated municipal officer, designating the event as a Community Festival.

Note: Applicants cannot designate their event as

a community festival; only the municipality can legally do so.

The fee is **\$75.00** for 3 consecutive days or any part of a three-day period (community festivals can be held up to a maximum of 10 consecutive days). The applicant must apply for a permit 30 days before the event.

Only charities registered under the **Canada Income Tax Act**; or *qualified non-profit corporations or organizations may be issued permits for community festival events.

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Alcohol and Gaming Commission of Ontario
20 Dundas Street West, 10th Floor
Toronto, Ontario
M5G 2N6

CANADA	POSTES
POST	CANADA
Postage paid	Port payé
100102-94 TORONTO SOUTH CENTRAL Publications Agreement 1782843	

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*(*In order to qualify for a community festival event, a non-profit organization must be properly formed with a written constitution and bylaws stating its objective is to promote charitable, religious or community objects.)*

Liquor advertising

Advertising may refer to liquor in general terms only. For example, an advertisement may say that a liquor permit has been issued and liquor is available. However, specific manufacturer names and brands cannot be mentioned. All liquor must be purchased through the **Liquor Control Board of Ontario (LCBO)**, The Beer Stores or licensed Ontario winery, brewery or distillery retail stores.

The Regulations state that a “ permit holder shall not, directly or indirectly, request, demand or receive a financial or material benefit from a manufacturer of liquor or a representative or an employee of the manufacturer. **(Section 17; Regulation 389/90).**

A permit holder is not required to offer for sale more than one brand of draught beer.

A supply of food must be available at all events sufficient to serve all persons attending.

Hours for the sale and service of liquor are: 11:00 am to 1:00 am only (Sunday 12 noon to 1:00 am).

Outdoor festivals

If the community festival event is to be held outdoors (includes tents, marquees and pavilions) sketches of the outdoor areas must be provided, along with the application, by the permit holder to municipal authorities including police, fire and health and building departments. All information on the event/s must be given in writing to local government officials **21 days** before the date of the festival.

Often festival events include licensee participation through the use of temporary extension of premises to which a licence to sell liquor applies. Licensees are reminded to apply for an extension permit well in advance of the event. A minimum of **10 days** is required.

Public security

One of the most frequent inquiries relates to public security. It is the responsibility of the applicant to provide adequate security measures to ensure public safety; and that all terms and conditions of the **Liquor Licence Act and Regulations** are strictly adhered to. Applicants should consult with liquor and local law enforcement agencies to determine the number of security staff required and to work out a plan of security enforcement and operations. It is a lot more sensible to meet and resolve issues ahead of time, than to have to deal with problems during the event.

New Board Members



Jo-Anne Best Evelyn Dodds R.T. (Ted) Salci

Mr. Salci is a former member of the Police Services Board and is a broker with a Niagara region real estate company. At the same time, **Mr. Breen Keenan** has resigned from the Board for personal reasons. He had been a Board member since 1997. Said **Randy Barber, Chair AGCO**; “ **Mr. Keenan** has been a respected member of our Board since his appointment three years ago. We deeply thank him for his outstanding dedication to public service and to our organization. Also, I wish to welcome to the Board the three new members. I am sure they will make a significant contribution to our deliberations and overall operations.” The Board of the AGCO presently consists of 15 appointed members-each normally appointed for a term of three years: a chair, four vice-chairs and ten members.



Detective Superintendent Ken Smith

Police leadership program

Ontario Provincial Police **Detective Superintendent Ken Smith**, who is on assignment to the AGCO, has graduated from the first Police Leadership Program at the **Rotman School of Management, University of Toronto**. Ken is the Director of the Investigations Branch and supervises the gaming investigative and regulatory work of the Ontario Provincial Police (**OPP**) officers assigned to the **AGCO**. The **Police Leadership Program** is an intensive four- week curriculum on executive management policing. It is the first MBA-style program in Canada developed especially for police executives. It is a partnership between the Ontario Association of Chiefs of Police and the U of T Rotman School of Management.

AGCO website has lots of information

If you are looking for general information on beverage alcohol, how to apply for a liquor sales permit or other liquor licensing matters, please visit our website at www.agco.on.ca. You can download, and fill out on screen, liquor related forms such as liquor licence applications, renewals, transfers, etc.



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
1001 Nights 1998, Thornhill	Illegal liquor	21 days*
African Paradise Bar, Toronto	Failure to retain records of sales and purchases of food and liquor, non compliance with Fire Marshals Act	14 days
Al’s Corner Pub, Sault Ste. Marie	Liquor sold to person who appears to be intoxicated, illegal liquor	15 days
Amherst Hotel, Amherstburg	Past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act	Licence revoked
Aquarium, Mississauga	Illegal liquor, permitted drunkenness, permitted unauthorized persons behind bar, failure to clear signs of service	21 days
Atomic Nightclub, Ottawa	Permitted narcotics on premises	21 days
Big Daddy’s Sports Bar and Grill, Toronto	Permitted unauthorized persons behind bar	14 days
Bizim, Toronto	Illegal liquor	21 days
Boka Wines & Spirits, Toronto	Past conduct, unlawful gift	30 days
Boss 677, Toronto	Breach of condition, serving minors, failure to inspect identification	Licence revoked
Café Kim, Toronto	Illegal liquor, no light meals available	18 days
Canton Seafood Restaurant, Markham	Breach of condition, illegal liquor	14 days*
Casauria Pizzeria and Trattoria, Woodbridge	Illegal liquor	14 days*
Casebridge International, Scarborough	Exceeded storage capacity of 180 litres, failure to have copy of purchase order attached to liquor, canvassed for, received or solicited orders for the sale of liquor at premises which were not solely for that purpose, the licence holder failed to use a purchase order pursuant to regulations	35 days
CC Grape Vine Bar & Grill, Toronto	Failure to clear signs of service, failure to give access	14 days
Centre Inn, Homepayne	Liquor sold to person who appears to be intoxicated, permit riotous, quarrelsome, violent or disorderly conduct	14 days*
China Ocean Seafood Restaurant, Mississauga	Adulterated liquor, failure to retain records of sales and purchases of food and liquor, illegal liquor	21 days
Club 107, Mississauga	Overcrowding, permit riotous, quarrelsome, violent or disorderly conduct	20 days
Club 333, Thunder Bay	Permitted drunkenness, liquor sold to person who appears to be intoxicated	21 days
Club Paradise, Etobicoke	Overcrowding, permit riotous, quarrelsome, violent or disorderly conduct	21 days
Club Princess, Sault Ste. Marie	Permitted drunkenness	30 days
Curva Nord Bar, Toronto	Breach of condition, illegal liquor	14 days
De Havilland Restaurant, North York	Breach of condition, failure to clear signs of service, obstructing an inspection, failure to give access, permitted drunkenness, riotous, quarrelsome and disorderly conduct, no light meals available	Licence revoked
Downtowner Billiards and Eatery (The), Hamilton	Public interest	Interim suspension
El Sitio, Toronto	Past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act, illegal liquor, overcrowding, no light meals available, failure to retain records of sales and purchases of food and liquor, service outside prescribed hours, permitted narcotics on premises	Licence revoked
Farm House Restaurant, London	Illegal liquor	14 days*
Feed Lot Group Of Fine Restaurants, Kincardine	Serving minors, failure to clear signs of service, permitted drunkenness	14 days*
Flight 2000, Mississauga	Permitted drunkenness, overcrowding, serving minors	21 days
Flying Dog, Waterloo	Serving minors, permitted drunkenness	28 days
G Spot 2000, Toronto	Service outside prescribed hours, failure to clear signs of service, permitted drunkenness	14 days
Gabriel Art Caffé, Toronto	Sale not under licence, permitted unauthorized persons behind bar, illegal liquor	14 days
Goddess Nightclub & Discotheque, Markham	Public interest	Interim suspension
Goddess Nightclub & Discotheque, Markham	Breach of condition, past conduct, adulterated liquor, permitted narcotics on premises	Licence revoked
Golden Embassy Restaurant, Toronto	Service outside prescribed hours, failure to clear signs of service, permitted removal of liquor from premises, permit riotous, quarrelsome, violent or disorderly conduct, failure to retain records of sales and purchases of food and liquor	30 days
* All managers and servers must take Smart Serve responsible server training program.		

Decision Summary continued from page 3

ESTABLISHMENT	INFRACTION	SUSPENSION
Golden Star Restaurant, North York	Illegal liquor	17 days
Greece By Night, Toronto	Failure to clear signs of service, failure to give access	15 days
H.I.M. / Sneakers, Toronto	Service outside prescribed hours, permitted drunkenness, serving minors	14 days
Honour Donuts & Coffee, Toronto	Illegal liquor, permitted drunkenness, failure to retain records of sales and purchases of food and liquor	14 days
Hoops, Toronto	Illegal liquor, permitted removal of liquor from premises	40 days
Ichiban Fish House, Richmond Hill	Illegal liquor, failure to retain records of sales and purchases of food and liquor	23 days
Il Chez Café, Toronto	Liquor sold to person who appears to be intoxicated, permitted drunkenness	21 days
Inntowner Tavern, Thunder Bay	Overcrowding, permitted removal of liquor from premises, permitted drunkenness, liquor not in original container	35 days
International Produce Trading, Etobicoke	Unlawful gift, canvassed for, received or solicited orders for the sale of liquor at premises which were not solely for that purpose, exceeded storage capacity of 180 litres, failure to have copy of purchase order attached to liquor	35 days
Jimmy’s Pizza Place Restaurant, Midland	Service outside prescribed hours, illegal liquor	14 days
Johnny Fedora’s, Mississauga	Overcrowding, liquor not in original container, permitted drunkenness	14 days
Kajmere, Toronto	Failure to clear signs of service, overcrowding	30 days
Knights Of Columbus Council - 5068 Hall, Cornwall	Liquor sold to person who appears to be intoxicated	30 days
L.A. Blues Sport Bar & Grill, Thunder Bay	Serving minors	14 days
Layalle Restaurant, North York	Breach of condition, past conduct	Licence revoked
L’Espresso Bar, Toronto	Illegal liquor, no light meals available, overservice	21 days
Lethal Q Billiards and Caffé, Woodbridge	Substituted liquor without customer’s consent, illegal liquor, overservice	14 days*
Lex’s Restaurant & Bar, Scarborough	Service outside prescribed hours, failure to clear signs of service, overcrowding, permitted narcotics on premises	Licence revoked
Loretto Inn, Loretto	Liquor sold to person who appears to be intoxicated	30 days
Lyric, Kitchener	Liquor sold to person who appears to be intoxicated, serving minors	21 days
Manila Garden Restaurant & Karaoke Bar, Thornhill	Breach of condition, illegal liquor, permitted drunkenness	30 days
Maple Garden Chinese Restaurant, Maple	Illegal liquor	21 days*
Mayhews Billiards, Hornepayne	Liquor sold to person who appears to be intoxicated, permitted removal of liquor from premises	45 days
Monalisa-Jay Café, Toronto	Illegal liquor	14 days
Montfort Restaurant, Mississauga	Illegal liquor, failure to clear signs of service, permitted drunkenness	14 days
Muskoka Joe’s, Bala	Liquor sold to person who appears to be intoxicated, overcrowding, permitted drunkenness and disorderly conducts, overservice, permitted free liquor, liquor not in original container, no light meals available, failure to post licence in a conspicuous place, failure to retain records of sales and purchases of food and liquor, service outside prescribed hours, permitted removal of liquor from premises, permitted unauthorized persons behind bar	21 days
Nancy’s Bar & Grill, Toronto	Illegal liquor, permitted removal of liquor from premises, service outside prescribed hours	14 days
New Catwalk Karaoke, Toronto	Service outside prescribed hours, failure to clear signs of service, permitted drunkenness and disorderly conduct	30 days
New Crossroads, Toronto	Liquor sold to person who appears to be intoxicated, permitted drunkenness, illegal liquor	14 days
New Hunan Restaurant, Toronto	Illegal liquor	14 days*
New Leafs Sports Bar, Toronto	Liquor sold to person who appears to be intoxicated, serving minors, illegal liquor	28 days
Nick Pizzeria Bar Two, Toronto	Illegal liquor	30 days*
Nortown Restaurant & Dining Lounge, Chatham	Not financially responsible in conducting its business due to Retail Sales Tax Act	Licence revoked
Nova Vaga, Toronto	Illegal liquor	14 days
Nu-Style Patties Inc., St. Catharines	Serving minors, permitted drunkenness, illegal liquor	14 days
Oriental Court, Thornhill	Breach of condition, past conduct, failure to clear signs of service, failure to retain records of sales and purchases of food and liquor, illegal liquor, overservice, obstructing an inspection, failure to facilitate inspection, service outside prescribed hours	Licence revoked
* All managers and servers must take Smart Serve responsible server training program.		

Decision Summary continued from page 4

ESTABLISHMENT	INFRACTION	SUSPENSION
Oscar, Toronto	Obstructing an inspection, failure to facilitate inspection, failure to clear signs of service, overservice	25 days
O’Toole’s Roadhouse Restaurant, North York	Serving minors, failure to inspect identification, permitted drunkenness or riotous, quarrelsome, violent or disorderly conduct, substituted liquor without customer’s consent	Licence revoked
Ozawa Canada, Richmond Hill	Canvassed for, received or solicited orders for the sale of liquor at premises which were not solely for that purpose, exceeded storage capacity of 180 litres, the licence holder failed to use a purchase order pursuant to regulations, failure to have copy of purchase order attached to liquor	3 Months
Pine Valley Raquets Club, Woodbridge	Illegal liquor	25 days
Plastique Lounge, Toronto	Overcrowding	21 days
Port Of Calls, Sombra	Past conduct, liquor sold to person who appears to be intoxicated, permitted drunkenness	Licence revoked
Regency Hotel, Toronto	Serving minors, permitted drunkenness, permitted narcotics on premises	45 days
Richmond Tavern, London	Liquor sold to person who appears to be intoxicated, permitted drunkenness, permitted removal of liquor from premises	21 days
Ritz Banquet Hall and Convention Centre, North York	Past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act	Licence revoked
Rosa Chilena Restaurant, North York	Breach of condition, illegal liquor, liquor not in original container	21 days
Roti Place (The), Scarborough	Obstructing an inspection, failure to facilitate inspection	21 days
Scooter’s Sports Bar & Grill, Woodbridge	Illegal liquor	21 days
Selam Restaurant, Toronto	Failure to clear signs of service, overcrowding	14 days
Shah Dining Lounge, Toronto	Breach of condition	Licence revoked
Shindig, Toronto	Past conduct, failure to clear signs of service, service outside prescribed hours, permitted drunkenness and disorderly conduct, no light meals available, non compliance with Fire Marshals Act, failure to retain records of sales and purchases of food and liquor	Licence revoked
Silver Spur Restaurant, London	Illegal liquor	14 days
Steak & Shake Bar and Restaurant, Concord	Liquor not in original container, illegal liquor	35 days
Stone Angel Restaurant, Toronto	Permitted drunkenness	14 days
Sundream Atrium Bar, St. Catharines	Public interest	Interim suspension
The Captains Cook, Port Stanley	Service outside prescribed hours, failure to clear signs of service, permitted drunkenness, liquor sold to person who appears to be intoxicated	14 days
The Harb, Owen Sound	Liquor sold to person who appears to be intoxicated, illegal liquor, permitted contest involving liquor	15 days
The Loose Rooster, North York	Illegal liquor	17 days
The Purple Pepper Café, Toronto	Service outside prescribed hours, permitted drunkenness, liquor sold to person who appears to be intoxicated	14 days
The Rock, Brampton	Serving minors, permit disorderly conduct	21 days
The University Of Toronto, Toronto	Serving minors, no light meals available, permitted removal of liquor from premises	28 days
The Wayland Bar & Grill, Thunder Bay	llegal liquor	14 days*
Times Square, Toronto	Permitted drunkenness, serving minors	28 days
Vibe Lounge, Toronto	Past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act, illegal liquor, contracted out sale and service of liquor	Licence revoked
Vieng Ratri, Toronto	Illegal liquor, failure to clear signs of service, permitted drunkenness, obstructing an inspection	25 days
West Hotel, Thunder Bay	Serving minors, liquor sold to person who appears to be intoxicated, permitted drunkenness	21 days
West Side Moronis, Gananoque	Permitted drunkenness, riotous, quarrelsome, violent or disorderly conduct	30 days
Wired Nightclub, Windsor	Liquor sold to person who appears to be intoxicated, illegal liquor, permitted removal of liquor from premises, no light meals available, permitted drunkenness and disorderly conduct	18 days
Wiskema Sports Bar and Grill, Toronto	Serving minors, illegal liquor	14 days
Wong’s Restaurant, Mississauga	Failure to clear signs of service	21 days
Xam Yu Seafood Restaurant, Toronto	Illegal liquor	14 days*
* All managers and servers must take Smart Serve responsible server training program.		

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The following is a list of suspensions/revocations where the licensee did not request a hearing.

ESTABLISHMENT	INFRACTION	SUSPENSION
Aero Club America, Toronto	Overcrowding, permitted narcotics on premises, permitted removal of liquor from premises - did not contest	30 days
Alive-Toronto, Toronto	Liquor sold to person who appears to be intoxicated, permitted drunkenness - did not contest	21 days
Blue Star Restaurant, Toronto	Service outside prescribed hours - did not contest	14 days
Cheers Dining Lounge, Elliot Lake	Serving minors, permitted drunkenness or riotous, quarrelsome, violent or disorderly conduct, liquor sold to person who appears to be intoxicated, no light meals available - did not contest	30 days
Chimpum Callao Restaurant Nite Club, Toronto	Liquor sold to person who appears to be intoxicated, permitted drunkenness - did not contest	21 days
Doc’s, New Liskeard	Liquor sold to person who appears to be intoxicated, permitted drunkenness or riotous, quarrelsome, violent or disorderly conduct - did not contest	14 days*
Downtowner Billiards and Eatery (The), Hamilton	Past conduct, public interest, liquor sold to person who appears to be intoxicated, permitted narcotics on premises, permitted drunkenness, serving minors, failure to inspect identification, failure to retain records of sales and purchases of food and liquor, no light meals available, service outside prescribed hours, failure to clear signs of service - did not contest	Licence revoked
Holiday Garden & Dodai Sushi Restaurant, Mississauga	Breach of condition, illegal liquor, liquor not in original container - did not contest	14 days
J.P.’s Roadhouse, Dryden	Past conduct, liquor sold to person who appears to be intoxicated, permitted drunkenness or riotous, quarrelsome, violent or disorderly conduct, failure to clear signs of service - did not contest	Licence revoked
Lazio Sports Bar, North York	Illegal liquor, failure to post prices - did not contest	Licence revoked
Mars Restaurant, Toronto	Breach of condition, past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Licence revoked
Nice And Nuff, Toronto	Breach of condition, past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Licence revoked
Pappas Billiards And Coffee Shop, Peterborough	Substituted liquor without customer’s consent - did not contest	14 days
Paradise Island Show Bar, Thunder Bay	Liquor sold to person who appears to be intoxicated, permitted drunkenness or riotous, quarrelsome, violent or disorderly conduct, illegal liquor, contracted out sale and service of liquor, obstructing an inspection, failure to facilitate inspection, failure to give access - did not contest	Licence revoked
Riviera Hotel Motel, Rockland	Contracted out sale and service of liquor - did not contest	Licence revoked
Roadhouse (The), St. Albert	Past conduct, sale not under licence, permitted removal of liquor from premises, altered boundaries of licensed premise, overcrowding - did not contest	Licence revoked
Siren Nite Club, Oshawa	Past conduct, permitted narcotics on premises - did not contest	Licence revoked
Snails Pub, Cornwall	Liquor sold to person who appears to be intoxicated, permitted drunkenness - did not contest	30 days*
Sport Club Lusitania Of Toronto, Toronto	Illegal liquor - did not contest	30 days
Star City Restaurant, Toronto	Serving minors - did not contest	Licence revoked
Stardust Billiards Restaurant, Mississauga	Breach of condition, past conduct, permitted narcotics on premises, illegal liquor - did not contest	Licence revoked
Sundream Atrium Bar, St. Catharines	Past conduct, permitted drunkenness or riotous, quarrelsome, violent or disorderly conduct - did not contest	Licence revoked
Three Kings Restaurant, Toronto	Breach of condition, permitted narcotics on premises, overcrowding - did not contest	28 days
Turn Around, Brantford	Past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Licence revoked
Vincent’s Café, Toronto	Illegal liquor, permitted unauthorized persons behind bar, failure to retain records of sales and purchases of food and liquor - did not contest	Licence revoked
We’ Ave, Toronto	Failure to post sign, failure to post sign in a conspicuous place - did not contest	37 days
We’ Ave, Toronto	Past conduct, failure to post sign, failure to post sign in a conspicuous place - did not contest	Licence revoked
Wynne’s Estate Winery, Stratford	Past conduct - did not contest	Licence revoked
* All managers and servers must take Smart Serve responsible server training program.		

Tavern owners’ responsibilities clear*

By Judith Stoffman (From the Guelph Mercury October 14/01 edition)

Ontario’s Liquor Licence Act provides the statutory framework for taverns and their customers alike as it relates to the sale of liquor in this province.

The term liquor includes spirits, wines and beer or any combination thereof, and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter.

The offence provisions under the Act provide for fines of up to \$25,000 or imprisonment for a term of not more than one year or both for individuals who are convicted of offences.

Similarly, the legislation provides that a corporation that is convicted of an offence under the Act is liable to a fine of up to \$100,000.

There are several specific additional penalties including licence suspensions and minimum set fines that are provided for in the case of certain offences such as, for example, selling or supplying liquor to persons under the age of 19.

Purveyors of liquor will attract civil liability if they are found to encourage intoxication, fail to adequately monitor and supervise alcohol consumption of their patrons, or fail to take the necessary steps to keep intoxicated patrons from driving or leaving their premises.

Thus, taverns that choose to sell or supply liquor to persons who appear to be intoxicated or taverns that knowingly sell or supply liquor to persons under the age of 19 not only run afoul of the law as it is set out in the Liquor Licence Act and will be dealt with in the Provincial Offences Court, those taverns will also run the risk of civil suits in the event the person or persons they had served caused injury to themselves or others.

Starting as far back as the landmark decision of the Supreme Court of Canada in the case of Jordan House Limited versus Menow, our courts have consistently held that a special relationship exists between tavern owners and their patrons and have found that this special relationship imposes a duty upon tavern owners to protect their patrons and others from foreseeable injury.

Bar owners must be vigilant in sheltering themselves from liability even if it means the potential of lost sales revenues. The potential for multimillion dollar damage awards most certainly negates any minimal sales increases potentially made in serving drunken patrons.

Tavern owners are encouraged to take a zero tolerance approach to service of those underage, service to those already intoxicated entering their premises, and service to those approaching the point of intoxication to the point of ultimately stepping in and arranging for alternative transportation, such as a taxi, to ensure that patrons arrive home safely.

Tavern owners must also ensure that their staff are trained to contact the police for their assistance.

Bar owners cannot afford to be complacent.

They must be proactive in order to protect themselves from liability because at the end of the day the patron who has been allowed to leave the premises drunk and gets hurt as a result is going to look to the tavern as having potentially the deepest pockets.

The case law is quite clear and settled in generally finding against taverns insofar as liability is concerned.

****This column is reprinted here with the permission of Judith C. Sidlofskystoffman, B.A., M.L.S., LL.B., LL.M. She maintains a general legal practice at Suite 226-2, Quebec Street ,Guelph, (519) 822-8226. She writes a column every Sunday for the Guelph Mercury.***



Apply for your patio licence early

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

We suggest that if you are interested in applying for an outdoor area, you should submit your application as early as possible.

The application process takes approximately 6 to 8 weeks.

If there are objections from the public, the process will likely take much longer. This is because written objections from residents in the municipality would require the Commission to hold a public meeting or hearing. Sometimes these events take considerable time to arrange.

To obtain an application for additional licensed areas, call the AGCO Licensing and Registration department at **(416) 326-8700 or 1-800-522-2876 toll free in Ontario.**

Another bar owner charged in connection with an auto fatality related to serving intoxicated patron

The owners of a bar in Port Perry, Ontario have been charged under **the Liquor Licence Act** following an investigation into the death of a suspected drunk driver.

The driver was killed in a multi-vehicle collision.

Durham Regional Police charged that the driver had been drinking at a licensed establishment prior to the accident.

The charges allege that the driver consumed about a dozen beers and spirits between the hours of 11:15 pm and 1:45am the morning of the collision, and appeared to be in a state of intoxication when he left the bar. The company and four directors have been charged with permitting drunkenness and serving alcohol to an intoxicated person.

This is the third recent case that a Durham area bar has been charged by police with an alcohol-related accident resulting in death or serious injury. Earlier this year, the owner of an Uxbridge bar was convicted and fined for serving an intoxicated patron who killed another motorist while driving home drunk.

Manufacturer’s rep has licence suspended for 3 months

At a hearing in Toronto in July this year, the **Board of the AGCO** suspended a manufacturer’s representative’s licence, held by a Toronto- based company, for **3 months** for breaching regulations under the **Liquor Licence Act (LLA)**.

Liquor inspectors of the **AGCO** found over 1831 litres of liquor at the facility much of which did not have the proper purchase orders on hand or the required information available. As well, the premises were being used for warehousing other goods for business unrelated to liquor in contravention of the **LLA**. The organization admitted contravening the **LLA** and had their licence suspended.

Cheating customers

A licensee admitted to using lower cost draft beer and selling it through the draft beer dispensing system branded with major brewery labels: charging a higher price and thereby cheating customers and committing a breach of **the LLA**. The board of the **AGCO** suspended the licence for 10 days.

Questions
& Answers

Q. Is there any area of compliance with the Liquor Licence Act and Regulations that seem to crop up repeatedly-where AGCO inspectors and enforcement officers would like to see improvement from licensees?

A. The greatest concerns of the **Liquor Enforcement Section** are public safety issues such as overcrowding, service to minors, permitting and /or serving intoxicated patrons and allowing disorderly conduct. Other offences include serving after hours and failing to clear evidence of service. In many instances, the persons involved were employees of licensees drinking after hours that is not permitted under the LLA.

Q. What are the main things AGCO staff look for when inspecting a licensed establishment?

A. We conduct thorough inspections to ensure compliance with the **Liquor Licence Act** and all regulations. The most important focus remains on public safety issues (see Question #1). Inspectors always check to ensure the licence is valid and that any conditions attached to the licence are being adhered to such as a requirement for Smart Serve certification. Any breaches of conditions on a licence are taken very seriously by the **AGCO**. Inspectors check to make sure all beverage alcohol on the premises has been purchased legitimately under the licence from a government store.

Q. Do licensees often call the AGCO for help in solving a problem before inspectors discover a possible illegal practice?

A. The **AGCO** encourages licensees to call if they have any questions. One of the AGCO’S key activities includes monitoring compliance with the **Liquor Licence Act**. Education is an important tool in achieving compliance. **AGCO** staff meet frequently with licensees, holders of caterer’s endorsements, permit holders and manufacturer’s representatives to discuss issues and upcoming events. In many cases potential problems have been resolved prior to the events, to everyone’s satisfaction.

Q. Last year, the AGCO made some structural changes that included merging the inspections and enforcement branches into an Investigation and Enforcement Bureau. How have these changes worked out?

A. The changes are working out very well. Liquor inspectors are now operating out of 10 regional offices across the province under the direction of a local OPP Detective Sergeant seconded to the **AGCO**. The inspectors work closely with local police and other regulatory agencies to identify problem licensed establishments and bring them into compliance with the **LLA** and regulations. The **AGCO** provides extensive training for inspection staff and continues to refine operating procedures.

*The **AGCO Liquor Enforcement Section** is committed to ensuring public safety and the responsible sale, service and consumption of beverage alcohol in licensed establishments across Ontario. This will be accomplished working in concert with other law enforcement and regulatory agencies, and through education and enforcement.*

Letter to the editor

*I am so impressed with the recent editions of the AGCO’s Licence Line, that I decided to write you personally.
From my vantage point, the publication has become far more focused and relevant in terms of reaching your target audience. I am most impressed with the scope and variety of articles that very clearly review rules and regulations related to the alcohol industry.
Keep up the good work.*

Sincerely,
Andrew S. Brandt
Chair and CEO
Liquor Control Board of Ontario

Alcohol and Gaming Commission
of Ontario Board of Directors

G.R. (Randy) Barber	Chair, Thornhill businessman, former municipal councillor
Evelyn Dodds	Vice-Chair, Mississauga former school board chair and municipal councillor
Elaine Kierans	Vice-Chair, Toronto lawyer, bilingual
Joel Kuchar	Vice-Chair, Thornhill lawyer
John Rossetti	Vice-Chair, Woodbridge partner, firm of chartered accountants
Jo-Anne Best	Member, Lansdowne businesswoman, former reeve
Stephanie Ball	Member, Whitby lawyer
Anne Guillemette-Kore	Member, Welland general manager in the hospitality industry, bilingual
Kirsti Hunt	Member, Sudbury educator, bilingual
Eleanor Meslin	Member, Toronto lawyer, former assistant deputy minister
Vaughan Minor	Member, Mississauga chartered accountant
Mark Poudrier	Member, North Bay president of consulting firm dealing with health care education
Jeffrey Steiner	Member, Toronto lawyer, principal, venture capital consulting firm
R.T. (Ted) Salci	Member, Niagara Falls broker with a real estate company, former member of the Niagara Police Services Board
Terence Young	Member, Oakville president of a consulting firm specializing in the public policy



IAN D.C. McPHAIL

Ian McPail, Q.C.
appointed to
environment post

Ian D.C. McPhail has been appointed as Chair of the Environmental Review Tribunal.
Mr. McPhail has served as chair of the AGCO since his appointment on May 15th, 2000. A lawyer, he was appointed as a federal Q.C. in 1992. He has served as an instructor in the Bar Admission Course, chair of Toronto Grace Hospital and acting chair, vice-chair and director, TVOntario.

Licence Line is published by the Alcohol and Gaming Commission of Ontario to provide licensees and interested parties with information regarding alcohol legislation and related issues. Reader contributions, letters and suggestions are welcome.
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AGCO
Alcohol and Gaming Commission of Ontario

Licence Line

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