



From the Chair...

G.R. (RANDY) BARBER

As we pass the threshold into a new year, it is a pleasure to take a moment to express best wishes for a healthy, prosperous and happy future for all of our customers, clients and stakeholders.

Looking back on 2003 many changes occurred, including substantial revisions to the regulations of the Liquor Licence Act. These revisions streamlined and focused on the AGCO's enforcement efforts and enhanced customer service relating to licensing and the sale and service of liquor in our province.

Our Internet site www.agco.on.ca was extremely busy with more than eight million "hits" during the year.

Of the forty liquor-related licence application forms available for downloading on our website, the most popular was for Special Occasion Permits (SOPs) averaging about 3500 monthly. Visit our website for lots of information about liquor policy.

This year was also the fifth anniversary of the Alcohol and Gaming Commission of Ontario. Established in 1998 with the merger of the Liquor Licence Board of Ontario (LLBO) and the Gaming Control Commission, our agency reports to the Minister of Consumer and Business Services. Among our responsibilities are the administration and enforcement of Ontario's Liquor Licence Act and Regulations; the Gaming Control Act and charitable lottery licensing.

I am very pleased to welcome our new minister, the Honourable Jim Watson MPP and his Parliamentary Assistant, Mario Sergio MPP.

New minister responsible for AGCO

Premier Dalton McGuinty has appointed former Ottawa mayor and newly elected MPP for Ottawa West-Nepean, Jim Watson as the Minister of Consumer and Business Services (MCBS).

Mr. Watson was elected to the Ontario Legislature in the October 2, 2003 Ontario General Election.

As minister of MCBS part of his responsibilities includes the Alcohol and Gaming Commission of Ontario (AGCO).

The AGCO is a quasi-judicial regulatory agency that administers the Liquor Licence Act and Regulations, the Ontario Gaming Control Act, the Wine Content and Labeling Act 2000, part of the Liquor Control Act and charitable lottery licensing.

Mr. Watson is a graduate of Carleton University School of Journalism.

He has served as a city and regional councillor and from 1997 to 2000 was mayor of the City of Ottawa.

Mr. Watson was a media commentator and regular contributor to Radio CFRA and the Ottawa Citizen.

In 2000, the Prime Minister of Canada appointed him president and CEO of the Canadian Tourism Commission.

The new minister has been active in community organizations such as the Central Canada Exhibition Association, Riverside Hospital, the National Arts Centre and the United Way.



JIM WATSON MPP

Parliamentary assistant appointed



MARIO SERGIO MPP

At the same time, the Premier announced Mario Sergio MPP (York West) as the Parliamentary Assistant to the Minister.

Mr. Sergio was first elected to the Ontario Legislature in 1995 and re-elected in 1999 and 2003.

Before entering politics, he was a registered general insurance and real estate broker.

His elected public service spans more than 25 years starting in 1978 as an elected member of the City of North York Council.

He has been active in a wide range of community organizations including the York-Finch Hospital Board, the Children's Aid Society, and the Canadian Italian Business and Professional Association.

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Decision Summary

The following establishments were recently brought before the Board of the AGCO for disciplinary action. The list represents only those licensees that received suspensions of 14 days or more and revocations. Sanctions for similar infractions may vary in length according to the specifics of each case. Details about all Board decisions are now available on QUICKLAW.

ESTABLISHMENT	INFRACTION	SANCTION
Amazon Restaurant, Toronto	Failure to facilitate inspection, failure to clear signs of service	21 days
Apollo Lounge, Markham	Serving minors	45 days
Athena Palace Bar, Toronto	Service outside prescribed hours, failure to clear signs of service	14 days
B & D Deliveries (LDS), Waterloo	Serving minors, licensee did not deliver the liquor to a person at the residential address listed in the purchase order, licensee did not obtain a proper receipt at the time of delivery, licensee completed delivery of liquor without obtaining a signed receipt	21 days
Bar-One Nightclub, Toronto	Not financially responsible in conducting its business due to Retail Sales Tax Act, failure to clear signs of service	Licence revoked
Blind Dog Bar & Grill, Chatham	Failure to clear signs of service, permitted removal of liquor from premises, service outside prescribed hours, permitted drunkenness	14 days
Blue Anchor Restaurant & Tavern, Orillia	Substituted liquor without customer’s consent	14 days
Blue Moon, Toronto	Liquor sold to person who appears to be intoxicated, permitted drunkenness, failure to clear signs of service	14 days
Bradford Tic Tac Sports Bar & Grill, Bradford	Permitted operation of a business not permitted under the Act or regulations	14 days
Brothers Hotel, Owen Sound	Permitted drunkenness, permitted narcotics on premises, overcrowding	14 days
C. Regazzi Wine & Spirits Selections, Toronto	Obstructing an inspection, failure to facilitate inspection, canvassed for, received or solicited orders for the sale of liquor at premises, which were not solely for that purpose, did not notify Registrar of change of business address, did not comply with purchase order requirements, exceeded storage capacity of 180 litres, failure to have copy of purchase order attached to liquor	50 days
Caesar’s Timog Restaurant, Brampton	Liquor not purchased under licence, failure to clear signs of service	18 days
Café Grotto, Mississauga	Liquor sold to person who appears to be intoxicated, service outside prescribed hours, permitted drunkenness, failure to clear signs of service	19 days
Café Havana, Toronto	Liquor not purchased under licence, overcrowding	30 days
Café Vong Nguyet, Toronto	Serving minors, failure to inspect identification, permitted drunkenness, failure to retain records of sales and purchases of food and liquor, failure to clear signs of service	21 days
California Sports Café, Midland	Liquor sold to person who appears to be intoxicated, substituted liquor without customer’s consent, failure to clear signs of service, overcrowding, permitted drunkenness and disorderly conduct	30 days
Caribbean Breeze, Etobicoke	Caterer’s Endorsement: Licensee promoted an event at which the licence holder is offering liquor for sale or invited persons to attend the event	30 days
C-C’s Restaurant, Brampton	Serving minors, permitted drunkenness	30 days*
Chieu-Anh Restaurant, Windsor	Obstructing an inspection, failure to facilitate inspection, liquor not purchased under licence	21 days
Christine’s Place Restaurant, Toronto	Permitted drunkenness, liquor not purchased under licence, permitted removal of liquor from premises	14 days*
Cloak And Dagger Pub (The), Toronto	Overcrowding, permitted removal of liquor from premises	14 days
Club 56, Toronto	Overcrowding, permitted removal of liquor from premises, failure to clear signs of service	21 days
Core Fx (The), London	Liquor not purchased under licence	30 days
Corner Restaurant, North York	Liquor sold to person who appears to be intoxicated	14 days*
D 2 Nite Club, Markham	Serving minors, service outside prescribed hours, failure to inspect identification, permitted narcotics on premises, failure to clear signs of service	30 days
Dae Kam House, North York	Breach of condition, liquor sold to person who appears to be intoxicated, serving minors, obstructing an inspection, failure to clear signs of service, liquor not purchased under licence, alcohol content over prescribed maximum, failure to inspect identification, permitted drunkenness	45 days
Danny O’s Blues, Niagara Falls	Public interest	Interim suspension
Danny O’s Blues, Niagara Falls	Past conduct, permitted operation of a business not permitted under the Act or regulations, permitted narcotics on premises	Licence revoked
Diamond Tavern, North York	Not financially responsible in conducting its business due to Retail Sales Tax Act	Licence revoked
Docks By Cherry (The), Toronto	Permitted drunkenness and disorderly conduct	30 days
Dollhouse Gentlemen’s Club (The), Niagara Falls	Past conduct, provided false information	Licence revoked
Donny’s Den & Sports Bar, Thunder Bay	Serving minors, failure to clear signs of service, permitted drunkenness	21 days
El Mocambo Rocks, Toronto	Liquor not purchased under licence, permitted removal of liquor from premises, permitted operation of a business not permitted under the Act or regulations	14 days

* All managers and servers must take Smart Serve® responsible server training program.

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ESTABLISHMENT	INFRACTION	SANCTION
Emcee Restaurant & Pub, Markham	Serving minors, failure to clear signs of service, failure to inspect identification	14 days
End Zone Sports Bar & Café, Toronto	Permitted unauthorized persons behind bar, permitted narcotics on premises, failure to ensure sale and service of alcohol supervised by authorized employee	20 days
Enjoy Cream, Toronto	Permitted removal of liquor from premises, overcrowding	14 days
Fitzzy’s Oyster Bar, Barrie	Permitted removal of liquor from premises, overcrowding, permitted drunkenness	17 days
Flippers Grill & Variety, Beaverton	Breach of condition, failure to clear signs of service, permitted drunkenness, contracted out sale and service of liquor	14 days
Fox & Fiddle Mansion, Pickering	Overcrowding	17 days
Fraternal Order Of Eagles Heyden Goulais Aerie No 4061, Sault Ste., Marie	No light meals available, permitted drunkenness, overcrowding, altered boundaries of licensed premise	30 days
Friction Gentlemens Club, Markham	Liquor not in original container	14 days
Gaumont Restaurant And Bar, Scarborough	Permitted drunkenness	21 days
Good Cheer Deliveries (LDS), London	Licensee delivered liquor that was not purchased from the LCBO or Brewers Retail Inc., licensee did not deliver the liquor to a person at the residential address listed in the purchase order, licensee did not obtain a proper receipt at the time of delivery, licensee completed delivery of liquor without obtaining a signed receipt	14 days
Good Morning Toronto, Toronto	Liquor not purchased under licence, substituted liquor without customer’s consent	14 days
Green Dolphin Restaurant, Toronto	Public interest, permitted drunkenness, liquor sold to person who appears to be intoxicated, service outside prescribed hours	Licence revoked
Gusto Wine Bar And Restaurante, The Cottage	Overcrowding, over service	30 days
Habitat Lounge, Toronto	Failed to have a defined partition making the premises readily distinguishable from adjacent premises, overcrowding	18 days
Halfway Tree Restaurant & Bar, York	Breach of condition, failure to clear signs of service	21 days
Happy Taxi & Delivery (LDS), Barrie	Licensee purchased liquor before receiving an order from a person who is legally entitled to purchase liquor, licensee did not comply with order form requirements, licensee did not obtain a proper receipt at the time of delivery	21 days
Harb (The), Owen Sound	Liquor sold to person who appears to be intoxicated, permitted drunkenness, overcrowding	30 days
Havelock Hotel, Havelock	Liquor sold to person who appears to be intoxicated, permitted drunkenness, overcrowding	28 days
Hotel Boutique Bar, Toronto	Serving minors, service outside prescribed hours, overcrowding, permitted drunkenness	21 days
International Sports Bar Bar-B-Q & Grill, Brampton	Serving minors, failure to inspect identification	18 days
Island Sauvage, Hamilton	Liquor sold to person who appears to be intoxicated, permitted removal of liquor from premises, permitted drunkenness and violent conduct, failure to retain records of sales and purchases of food and liquor	18 days
J.M.’s Bar & Grill, Tottenham	Service outside prescribed hours, permitted removal of liquor from premises, permitted drunkenness	14 days
Jack’s Backyard, Brampton	Serving minors, failure to clear signs of service, permitted drunkenness	14 days
Jai Bar, Toronto	Overcrowding, permitted removal of liquor from premises, permitted narcotics on premises	18 days
Jam Dee’s Jerk Pit Restaurant, Scarborough	Sale not under licence, serving minors, service outside prescribed hours, illegal liquor, liquor not purchased under licence, permitted narcotics on premises, failure to clear signs of service, permitted removal of liquor from premises	60 days
K.T. Billiards And Sports Lounge, Kingston	Liquor sold to person who appears to be intoxicated, permitted drunkenness	14 days
Keystorm Pub, Brockville	Serving minors, permitted drunkenness	18 days
King Edward Hotel, Sturgeon Falls	Breach of condition, liquor not purchased under licence	21 days
King George Tavern, New Liskeard	Liquor sold to person who appears to be intoxicated, permitted removal of liquor from premises, permitted drunkenness	14 days
La Isla Bar & Lounge, Ottawa	Breach of condition, failure to clear signs of service, no light meals available, failure to post food menu, failure to post liquor menu	28 days
Lake Of The Woods Hotel, Kenora	Liquor sold to person who appears to be intoxicated	40 days
Ledo Hotel, Sudbury	Liquor not purchased under licence, permitted drunkenness	21 days
Liftlock Golfland, Peterborough	Illegal liquor, liquor not purchased under licence	21 days
Liquid Night Club, Whitby	Overcrowding, permitted removal of liquor from premises, permitted drunkenness	25 days
Liquor Dome, Ottawa	Serving minors, permitted drunkenness	30 days

* All managers and servers must take Smart Serve® responsible server training program.

Decision Summary continued from page 3

ESTABLISHMENT	INFRACTION	SANCTION
Lorenzo’s Pizzeria & Restaurant, North York	Breach of condition, no light meals available, failure to retain records of sales and purchases of food and liquor	14 days
Lupi Sports Café, Brampton	Failure to clear signs of service, permitted drunkenness	14 days
Mad Dogs & Englishmen Pub, Mississauga	Failure to facilitate inspection, failure to clear signs of service, permitted drunkenness	14 days
Main Street Bar & Grill (The), Hillsburgh	Not financially responsible in conducting its business due to Retail Sales Tax Act	Licence revoked
Manhattan Club, Toronto	Liquor sold to person who appears to be intoxicated, permitted narcotics on premises	14 days
Maxwell’s Deli, Belleville	Permitted removal of liquor from premises, permitted drunkenness	21 days
May Café, Toronto	Service outside prescribed hours, permitted drunkenness, failure to clear signs of service	14 days
Mid-Town Manor, Kingston	Breach of condition, obstructing an inspection, failure to facilitate inspection, no light meals available, failure to post liquor menu, failure to post prices	15 days
Molly Bloom’s Irish Pub, London	Overcrowding, serving minors, permitted drunkenness, failure to inspect identification	14 days
Moonside Restaurant, Toronto	Permitted drunkenness and disorderly conduct	21 days
Nancy’s Bar & Grill, Toronto	Permitted drunkenness	30 days
Nelson’s Restaurant, Oshawa	Permitted drunkenness	17 days
New Plaza Restaurant, Cobourg	Serving minors, failure to inspect identification, permitted drunkenness	30 days
Northern Lights Motor Inn, Blind River	Liquor sold to person who appears to be intoxicated, permitted removal of liquor from premises, permitted drunkenness and disorderly conduct	30 days
Obsan Restaurant & Bar, Toronto	Permitted drunkenness and disorderly conduct	14 days
Oda Restaurant And Tavern, Toronto	Liquor sold to person who appears to be intoxicated, failure to clear signs of service, permitted narcotics on premises	21 days
Old Brock House Restaurant And Tavern (The), Whitby	Breach of condition, failure to clear signs of service, service outside prescribed hours	14 days
Palazzo Restaurant Entertainment Complex, Vaughan	Public interest	Interim suspension
Palazzo Restaurant Entertainment Complex, Vaughan	Serving minors, permitted removal of liquor from premises, overcrowding, permitted drunkenness and disorderly conduct	45 days
Pataya Bar, Toronto	Liquor not purchased under licence, failure to clear signs of service, permitted removal of liquor from premises	30 days
Pearl Lounge, Toronto	Breach of condition, obstructing an inspection, overcrowding, permitted removal of liquor from premises, permitted disorderly and quarrelsome conduct	30 days
Pickles Bar & Grill, Sudbury	Breach of condition, obstructing an inspection, service outside prescribed hours, liquor not purchased under licence, failure to clear signs of service	25 days
Point Dining Lounge (The), Woodlawn	Permitted drunkenness	14 days
Polish Village Deli Café, Etobicoke	Failure to facilitate inspection, failure to clear signs of service, permitted drunkenness	14 days*
Queensway Brewing, Peterborough	Provided services contrary to the regulations, fail to ensure customer removed product, stored or permitted the storage on the licensed premises of beer or wine that has been placed in containers, licence not posted in a conspicuous place on licensed premises	25 days
Red Onion Tavern (The), Brantford	Sale not under licence, licensee kept for sale liquor despite a prescribed change to the corporate licensee, contracted out sale and service of liquor	60 days
Red Spot Bar & Lounge (The), Toronto	Overcrowding	30 days
Red Square, Toronto	Failure to clear signs of service, service outside prescribed hours, permitted drunkenness, permitted narcotics on premises	40 days
Rendez Vous Tavern, London	Public interest	Interim suspension
Rendezvous Restaurant & Sports Bar, Toronto	Liquor sold to person who appears to be intoxicated, serving minors, failure to inspect identification, permitted riotous, quarrelsome, violent and disorderly conduct	Licence revoked
Rhea’s Good Food & Fine Company, Kingston	Permitted drunkenness	16 days
Rol Jui Seafood Restaurant, Toronto	Service outside prescribed hours, failure to clear signs of service	21 days
Rose & Crown, London	Failure to facilitate inspection, service outside prescribed hours, permitted drunkenness, failure to clear signs of service	14 days
Sauble Lodge Motor Inn, Sauble Beach	Overcrowding, permitted drunkenness	45 days
Second Last Call, Orillia	Permitted drunkenness	21 days
Sharx Pool & Bar, Toronto	Breach of condition, substituted liquor without customer’s consent, over service, liquor not purchased under licence, permitted drunkenness, sale not under licence	35 days

* All managers and servers must take Smart Serve® responsible server training program.

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ESTABLISHMENT	INFRACTION	SANCTION
Shooters Billiard Lounge, Brampton	Serving minors	30 days
Shots Sports Tap & Grill, Pembroke	Liquor sold to person who appears to be intoxicated, permitted drunkenness	21 days
Smijie’s Bar And Grill, Kingston	Liquor not purchased under licence	14 days
South River Dairy Bar, South River	Liquor sold to person who appears to be intoxicated, permitted drunkenness	30 days
Southside Frankie’s, St. Catharines	Past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act	Licence revoked
Spice Isle Sports Bar, Toronto	Overcrowding	28 days
Stoopy’s, Toronto	Liquor sold to person who appears to be intoxicated, permitted removal of liquor from premises, permitted a contest involving liquor, permitted drunkenness, permitted narcotics on premises	21 days
Survivors Nite Club, Brampton	Breach of condition, failure to clear signs of service, obstructing an inspection, experienced food and beverage supervisor not on premises	20 days
T.J. Billiards, Ingersoll	Service outside prescribed hours, permitted disorderly conduct	14 days
Telf’s Place, Ennismore	Liquor sold to person who appears to be intoxicated, permitted drunkenness, permitted narcotics on premises	30 days
Texas Steak Company, Ottawa	Past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act	Licence revoked
Tex’s Grill, Toronto	Failure to facilitate inspection, failure to clear signs of service, permitted disorderly conduct	30 days
The Zoo, Thunder Bay	Serving minors	14 days
Tommy Cook’s, Scarborough	Permitted removal of liquor from premises, permitted drunkenness and disorderly conduct	21 days*
Top Shelf Sports Bar & Grill, Ajax	Serving minors, failure to inspect identification, permitted drunkenness	15 days
Trudeau Park Restaurant, Tweed	Liquor not purchased under licence	30 days
Tumbleweeds Family Restaurant, Shelburne	Liquor sold to person who appears to be intoxicated, permitted drunkenness, permitted removal of liquor from premises	14 days
Urban Lounge, Etobicoke	Liquor sold to person who appears to be intoxicated, failure to clear signs of service, permitted drunkenness	30 days
Venue Nightclub, Toronto	Overcrowding, permitted narcotics on premises, permitted removal of liquor from premises	30 days
Venus Café & Bar, Toronto	Obstructing an inspection, failure to clear signs of service, liquor not purchased under licence	16 days
Vibbes, London	Liquor not purchased under licence	30 days
Vision Café, North York	Failure to clear signs of service	Licence revoked
Webbly (The), Webbwood	Permitted operation of a business not permitted under the Act or regulations	21 days
Wine And Beer, Scarborough	Gave liquor to person on licensed premises, failed to provide and prepare an invoice setting out the required information, failed to ensure that each carboy being used for making beer or wine had attached to it the required tag	14 days
Ye Olde Brunswick House, Toronto	Serving minors, failure to inspect identification, overcrowding	14 days
The following is a list of sanctions where the licensee did not request a hearing and received suspensions of 14 days or more and revocations.		
¼ Mile Motor Sport Bar And Grill, Vaughan	Illegal liquor, liquor not purchased under licence - did not contest	21 days
Barrie Burger, Barrie	Breach of condition, obstructing an inspection, failure to facilitate inspection, liquor not purchased under licence - did not contest	21 days
Café Phuong Hong, Toronto	Over service, liquor not purchased under licence - did not contest	21 days
Club Sonic, Windsor	Over service, liquor sold to person who appears to be intoxicated, permitted drunkenness - did not contest	28 days
Corner Pocket-Billiards, Ottawa	Liquor not purchased under licence - did not contest	28 days
Donut & Deli Company, Brampton	Service outside prescribed hours, failure to clear signs of service - did not contest	14 days
Enricco’s Cuisine & Restaurant, Cornwall	Past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Licence revoked
Euro Café, Mississauga	Failure to ensure sale and service of alcohol supervised by authorized employee, experienced food and beverage supervisor not on premises, failure to facilitate inspection, permitted disorderly conduct - did not contest	21 days
* All managers and servers must take Smart Serve® responsible server training program.		

Decision Summary continued from page 5

ESTABLISHMENT	INFRACTION	SANCTION
Gordy’s Sports Bar, Tillsonburg	Breach of condition, past conduct, not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Licence revoked
Highway Tavern, Nickel Centre	Liquor sold to person who appears to be intoxicated, permitted drunkenness - did not contest	45 days
Jabronies’ Bar, Hamilton	Permitted drunkenness - did not contest	14 days
Jamille’s Hideaway, Mississauga	Failure to post sign concerning suspension, failure to post sign in a conspicuous place concerning suspension - did not contest	17 days
Klub 36, Alliston	Past conduct, liquor sold to person who appears to be intoxicated, permitted drunkenness, permitted removal of liquor from premises, serving minors, failure to inspect identification, experienced food and beverage supervisor not on premises - did not contest	Licence revoked
KMC Restaurant, Toronto	Illegal liquor, liquor not purchased under licence, liquor not in original container, adulterated liquor - did not contest	14 days
Leepers Landing, Whitby	Liquor sold to person who appears to be intoxicated, permitted drunkenness, permitted removal of liquor from premises - did not contest	Licence revoked
New Peking Restaurant, Scarborough	Illegal liquor, liquor not purchased under licence - did not contest	14 days
Olivers/Roosters, Ottawa	Service outside prescribed hours - did not contest	14 days
Park Hotel, Sudbury	Liquor sold to person who appears to be intoxicated, permitted drunkenness - did not contest	14 days*
Survivors Nite Club, Brampton	Serving minors, failure to inspect identification - did not contest	Licence revoked
Who’s On First Sport Bar, Toronto	Breach of condition - did not contest	14 days
Winston Motor Hotel, Pickle Lake	Liquor sold to person who appears to be intoxicated, permitted drunkenness - did not contest	21 days

* All managers and servers must take Smart Serve® responsible server training program.

continued from page 1 Chair

In his role as Minister of Consumer and Business Services, Mr. Watson has overall responsibility for Ontario’s liquor policy. He is a former mayor of the City of Ottawa. His experience and knowledge of municipal government will be of great benefit to our business sector.

Mr. Sergio represents the Toronto area riding of York West. He brings more than twenty-five years of community service to his new duties.

In this edition of Licence Line we have a series of articles that I believe will be of interest to our readers. Of particular note is the material focusing on liquor inspections and how licensees can and must help facilitate this very important function.

Finally, I want to express publicly my deep appreciation to our CEO, Duncan Brown and all of the staff (including some 140 members of the Ontario Provincial Police seconded to us on a full- time basis) at the AGCO for their dedicated efforts and very hard work that make this agency of the Ontario government highly regarded and focused on customer service.

All of us at the AGCO look forward to another year of working closely with our customers and stakeholders to help ensure that Ontario continues economically strong and our liquor regulatory regime remains fair and responsive to the needs of our local communities.

Randy Barber

Is an Ontario Health Card acceptable as ID

Many licensees have requested clarification as to whether an **Ontario Health Card** may be used as a piece of identification for the purposes of age identification under the *Liquor Licence Act (LLA)*.

As all licensees know, or should know, there are various prescribed forms of age identification acceptable under the LLA. These include:

- A driver’s licence issued by the Province of Ontario with a photograph of the person to whom the licence is issued
- A Canadian passport
- A Canadian citizenship card with a photograph of the person to whom the card is issued
- A Canadian armed forces identification card
- A photo-identification card issued by the Liquor Control Board of Ontario

In connection with the non-prescribed Ontario Health Card the following conditions apply. By law, no one can be required to produce their Ontario Health Card, nor can their health number be collected.

Licensees should not ask for the Ontario Health Card as identification, but if offered voluntarily you may accept it at your discretion.

When documenting this challenge - do not record any information from the card.

Licensees are advised to check and evaluate all presented identification, both prescribed and non-prescribed. If there is any doubt about its validity refuse the sale and document the Challenge and Refusal.

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 in January / February.

The application process takes approximately six to eight weeks. If an objection from a member of the public is received the process may take much longer. If the Registrar receives one or more written objections to your application from residents in the municipality, the Registrar may be required to call a public meeting.

Many licensees have benefited from informing residential and business neighbours of their intentions 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 early, your neighbours might submit an objection when your application is publicly advertised. Early communication and cooperation could save you 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 1-800-522-2876 Toll free in Ontario. Or download the form from the AGCO website at www.agco.on.ca ■



Obstructing an inspection

When an AGCO liquor inspector or police officer visits a licensed premise to carry out an inspection, licensees must not obstruct or hinder these officials in carrying out their duties under the *Liquor Licence Act (LLA)*.

- AGCO inspectors and police have a statutory right to:
- carry out inspections of licensed premises
 - ask to see documents (liquor licence, purchase invoices etc)
 - make copies of them
 - inquire about assets or financial transactions; and
 - remove materials or substances for testing.

In carrying out all of these duties there is an expectation that the licensee will facilitate the inspection in a safe non-threatening environment.

Unfortunately, there have been cases where inspectors and police have been obstructed by licensees and their staff.

In other instances, licensees simply stood by and watched while unruly patrons hindered officials from carrying out their duties. In these situations licensed establishment personnel should have taken appropriate action to control the behaviour of their customers.

Permitting disorderly conduct on licensed premises puts everyone at risk and aside from public safety concerns could lead to chargeable offences and/or prosecution under the *Liquor Licence Act* and Regulations.

Obstruction by management and/or staff of a licensed establishment is a major violation of the liquor regulatory regime, and can lead to severe disciplinary action such as revocation or suspension of the liquor licence.

One establishment owner's licence was suspended for 30 days for several infractions, including obstructing an inspection and failing to facilitate an inspection. ■

Smart Serve training program wins award

The Canadian Society for Training and Development has presented an award for best external electronic training program in Canada to Smart Serve® Ontario. The program teaches responsible sale and service of beverage alcohol in Ontario and is recognized by the province's **Alcohol and Gaming Commission of Ontario**.

Smart serve training teaches individuals in the hospitality industry to know their responsibilities and obligations under the law, to recognize the signs of intoxication, develop proactive approaches to preventing alcohol-related problems and implement intervention strategies for aggressive customers.

Regulations under the Ontario *Liquor Licence Act* now allow the Registrar to require that a licensee and their staff complete server training. As a result, it is compulsory for all new liquor licence holders and licensees of newly transferred licences to ensure licensee staff have smart serve training.

Since the Smart Serve® training program was launched in March 1995, more than 360,000 individuals have taken the program.

Smart Serve® is a division of the non-profit Hospitality Industry Training Organization of Ontario.

For more information on this training program please contact Diane Stefaniak, Executive Director, Smart Serve® Ontario at toll free 1-800-620-6082 or e-mail www.diane@smartserve.ca. ■

Q&A

Questions & Answers

Liquor as Prizes

Q. What are the current rules relating to liquor being awarded as prizes for licensed raffle events?

A. Although, it is illegal for a liquor sales licensee to give a customer liquor as a prize, a recent change made to the province’s liquor licence regulations eliminated the prohibition on awarding liquor as a prize for licensed raffle events. What this means is that an eligible charitable organization that has been issued a lottery licence by a municipality or the AGCO can raffle liquor off as a prize. In doing so, the licensed charitable organization assumes the responsibility of ensuring that any liquor prize is awarded only to those persons 19 years of age or over and that this condition is disclosed to all ticket purchasers.

Q. Can a charity hold its licensed raffle event at my licensed establishment?

A. Yes. Subject to the approval of the licensing authority, a charitable organization can manage and conduct its raffle lottery event in a liquor licensee’s establishment.

However, prior to conducting the event, the owner/operator of the licensed establishment should ensure the charitable organization has obtained a licence from a municipality or the AGCO that allows it to manage and conduct its raffle event in the licensed establishment.

Q. Can I donate liquor purchased under my liquor sales licence to the charity to be used as a prize for their licensed raffle lottery?

A. No. Liquor purchased under your liquor sales licence cannot be donated to the charity to be used as a prize for the licensed lottery event. However, the regulations provides for liquor that has been purchased off-licence to be brought on to the licensed establishment for the purpose of being awarded as a prize in a licensed raffle lottery event.

Q. Can the winner of a licensed raffle consume the liquor awarded as a prize in the licensed establishment?

A. No. Only liquor that has been purchased under the liquor licence may be served in the licensed establishment. The winner must remove the liquor awarded as a prize, sealed and unopened from the establishment.

OPP seize illegal gaming equipment

Eastern Ontario OPP officers raided several licensed establishments recently in the Kingston and Peterborough areas seizing 15 illegal gaming machines and an undisclosed amount of cash.

Police charged eight owners with illegal gambling offences.

The **Alcohol and Gaming Commission of Ontario** reminds licensees that it is an offence under the Criminal Code of Canada to keep or allow to be kept on licensed premises any device or machine for gambling or betting.

The presence of illegal gaming machines on licensed premises, or gambling of any kind, could lead to lengthy suspensions or revocation of licenses under the *Liquor Licence Act*.



Correction

In the last edition of Licence Line on Page 6, the Vila Verde Churrasqueira, Toronto was shown to have their liquor licence revoked. This should have indicated that the liquor licence was suspended for 45 days.

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.



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Licence Line

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. This newsletter is available free of charge to all holders of an alcohol sales licence in Ontario.

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