



# AGCO

Alcohol and Gaming  
Commission of Ontario

## Licence Line

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DAVID C. GAVSIE

### From the Chair...

*As another year draws to a close, it is a real pleasure to once again extend Season's Greetings to all of our clients and stakeholders.*

#### Busy year

*It's been a very busy 2010 for the AGCO. All elements of our new liquor licensing compliance strategy—including risk-based licensing, risk-based enforcement and monetary penalties—are now fully operational.*

**Continued on p. 7 See *Chair's column***

### Responsibility for AGCO transferred to Ministry of the Attorney General

Premier Dalton McGuinty has announced that responsibility for the AGCO has been given to **Attorney General Chris Bentley**. He is also Minister of Aboriginal Affairs. Mr. Bentley represents the constituency of London West and was first elected to the Ontario Legislature in 2003. He has previously served as Minister of Labour and as Minister of Training, Colleges and Universities. Prior to entering politics he practiced criminal and labour law and taught part-time at the University of Western Ontario Law School. Mr. Bentley holds a Master's Level Degree from Cambridge University in England.



THE HONOURABLE  
CHRIS BENTLEY

*The AGCO previously reported to the Ministry of Consumer Services.* ■

### AGCO adjudication function to move to Licence Appeal Tribunal\*

The provincial government has introduced legislation which would move responsibility for the AGCO's adjudicative function concerning licensing and registration under the *Liquor Licence Act* and *Gaming Control Act, 1992* together with some other statutes to the **Licence Appeal Tribunal (LAT)**. **"...the Good Government**

The legislation, the *Good Government Act, 2010* is an omnibus bill containing amendments to a number of statutes administered by various ministries. If passed by the Ontario Legislature it is expected the transfer will take place on July 1<sup>st</sup>, 2011. In the meantime, in terms of Hearings, it will be **business as usual** at the AGCO.

**Act, 2010 is an  
omnibus bill"**

This proposed change follows a governance review of the AGCO conducted over the past year. The review found while the AGCO was successful in fulfilling its adjudication function, the province wanted the Board of the AGCO to focus its activities on its corporate governance and policy responsibilities.

**More on this transfer will be provided when the information becomes available.**

\* *The Licence Appeal Tribunal (LAT) is an independent quasi-judicial administrative tribunal created in April 2000. It is designed to provide timely and inexpensive processes to settle, among other things, disputes concerning licensing activities regulated by several government ministries and their agencies which would include the licensing activities of the AGCO if the Good Government Act, 2010 passes in the Ontario Legislature.* ■

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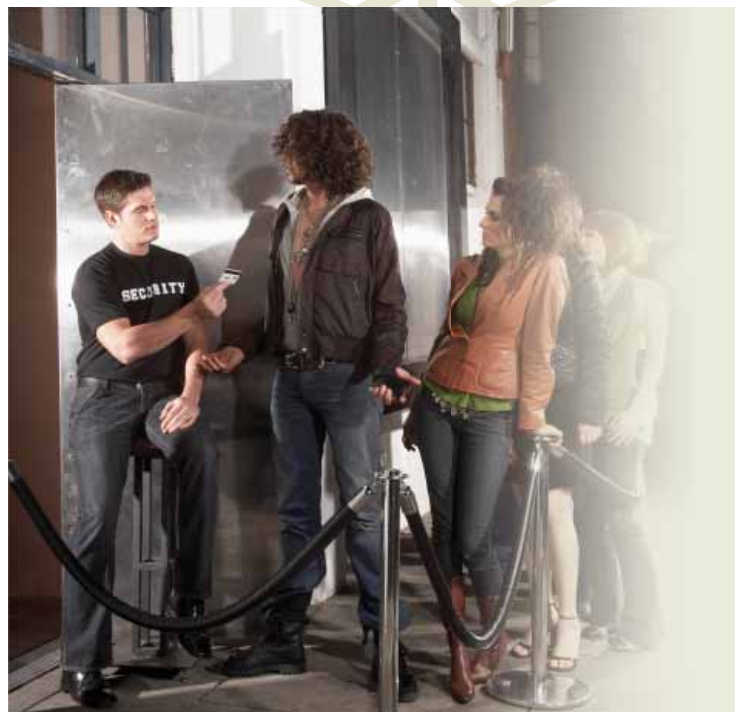


## New Year's Eve hours of operation

Licensed establishments are permitted to serve alcohol until 3:00 a.m. on New Year's Eve (December 31), **one hour later** than normal service time (this does **not** apply to licensees who have a condition on their licence restricting the hours of alcohol service). For those who may hold Special Occasion Permits (SOPs), the New Year's Eve hours are extended to 2:00 a.m.

Licensees and SOP holders are reminded they must remove all signs of alcohol service (including consumption) within **45 minutes of the closing time**. This means 3:45 a.m. for licensees and 2:45 a.m. for SOP holders.

While New Year's Eve is a traditional time to celebrate, licensees and staff are reminded that permitting intoxication and promoting immoderate consumption is illegal and not permitted. ■



### Check capacity

## Holiday season crowds

Overcrowding puts your patrons and your staff at risk, especially in an emergency situation. With the holiday season underway, licensees are reminded that overcrowding in liquor sales licensed establishments can lead to disciplinary measures and sanctions under the *Liquor Licence Act*. The holder of a liquor sales licence must ensure that the number of persons on the licensed premises does not exceed the capacity as stated on the licence. This number includes the employees of the licence holder. For separately listed or multi-level establishments, if the first floor is licensed for 100 and the second floor is licensed for 100, for example, the licensee cannot allow 200 people on a single floor. Licensees and their staff must keep track of the number of persons entering and leaving the facility so as not to exceed capacity. ■

## Catering endorsements—minimum 10 day prior notification required

*At least 10 days before a catered event begins, the licence holder with a caterer's endorsement must provide the AGCO, the local police, fire, health and building departments with details of the event.*

A liquor sales licensee who holds a caterer's endorsement may sell and serve liquor in an unlicensed area of a licensed premises or at a catered event in an unlicensed area away from the licensed premises. The catered event must be sponsored by someone other than the licence holder, have light meals available and not be more than 10 days in duration. During the event, the location is considered to be a licensed premises. As such, the licence holder is responsible for ensuring compliance with all sections of the *Liquor Licence Act* and Regulations.

### 10 days notice required

At least **10 days** before a catered event begins, the licence holder with a caterer's endorsement must provide the

AGCO, local police, fire, health and building departments with details concerning:

- the nature of the event and the name of the sponsor,
- the address where the event will be held,
- the date(s) and hours during which the event will be held,
- the estimated attendance for the event, and
- the boundaries of the area where liquor will be sold and served.

Liquor not sold during a catered event must be returned to the licence holder's stock. A licence holder is not permitted to promote or invite persons to attend a catered event where the licence holder is offering liquor for sale.

For more information and to download a Liquor Sales Licence Endorsement Application, please refer to the AGCO website at [www.agco.on.ca](http://www.agco.on.ca) or contact AGCO Customer Service at 1 800.522.2876 or 416.326.8700. ■

# Decision Summary

The following establishments requested a hearing before the Board of the AGCO regarding compliance issues and received suspensions of 14 days or more and revocations for the period beginning **August 1, 2010** ending **October 31, 2010**. 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 |
|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Ambasel Bar & Restaurant, Toronto           | Permitted drunkenness violent and disorderly conduct; service outside prescribed hours; failure to clear signs of service; illegal liquor; liquor not purchased under licence; non compliance with <i>Fire Protection and Prevention Act</i> ; breach of condition of the establishment’s liquor licence | Revoked  |
| Bennigins Dining Lounge, Essex              | Past conduct; not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i>                                                                                                                                                                                                  | Revoked  |
| Body English, Mississauga                   | Permitted drunkenness, quarrelsome, violent and disorderly conduct; licensee failed to ensure control of premises was maintained; breach of condition of the establishment’s liquor licence                                                                                                              | 60 days  |
| D.Y. Karaoke, Toronto                       | Permitted drunkenness, violent and disorderly conduct; non-compliance with the <i>Health Protection and Promotion Act</i>                                                                                                                                                                                | 14 days  |
| Golden Brothers Sports Bar & Tapps, Welland | Liquor sold to person who appears to be intoxicated; permitted drunkenness; permitted narcotics on premises                                                                                                                                                                                              | 21 days  |
| London Mansion, London                      | Permitted drunkenness; liquor sold to person who appears to be intoxicated                                                                                                                                                                                                                               | 25 days  |
| Office (The), Thunder Bay                   | Serving minors; permitted drunkenness                                                                                                                                                                                                                                                                    | 15 days  |
| Shannon’s Pub, Hawkesbury                   | Permitted narcotics on premises                                                                                                                                                                                                                                                                          | 30 days  |
| Sogo Bar & Lounge, Scarborough              | Permitted narcotics on premises; operated business without licence transferred by the Registrar                                                                                                                                                                                                          | 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 for the period beginning **August 1, 2010** ending **October 31, 2010**. Any omissions will be reflected in our next edition. Sanctions for similar infractions may vary in length according to the specifics of each case.

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |         |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Agogo Karaoke, Toronto                  | Overcrowding; service outside prescribed hours; failure to clear signs of service; obstructing an inspection; failure to facilitate inspection                                                                                                                                                                                                                                                                                                                                                                                                                            | 30 days |
| Carla’s Sports Bar, Toronto             | Past conduct; provided false information; licensee failed to demonstrate sufficient control of the premises to which the licence is to be issued; permitted drunkenness; obstructing an inspection; failure to facilitate inspection; failure to clear signs of service; failure to ensure sale and service of alcohol supervised by authorized employee; failure to post Fetal Alcohol Spectrum Disorder warning sign; altered boundaries of licensed premise; liquor not purchased under licence; failure to provide or post liquor menu in accordance with regulations | Revoked |
| Club Mirage Karaoke & Lounge, Markham   | Permitted drunkenness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 14 days |
| Club Paris, Richmond                    | Serving minors; failure to inspect identification; permitted drunkenness; service outside prescribed hours; failure to clear signs of service; non-compliance with <i>Fire Protection and Prevention Act</i>                                                                                                                                                                                                                                                                                                                                                              | 30 days |
| Fifth Avenue Bar & Grill, Sioux Lookout | Permitted drunkenness                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 18 days |



Decision Summary continued from page 3

| ESTABLISHMENT                              | INFRACTION                                                                                                  | SANCTION |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------|
| Innsville Hotel (The), Stoney Creek        | Liquor sold to person who appears to be intoxicated; permitted drunkenness                                  | 30 days  |
| Little Ochie Restaurant & Bar, Scarborough | Overcrowding; failure to clear signs of service; breach of condition of the establishment's liquor licence  | 21 days  |
| Manx Arms Restaurant, St. Thomas           | Liquor sold to person who appears to be intoxicated; permitted drunkenness; permitted narcotics on premises | 21 days  |
| Michael's Billiard, Mississauga            | Liquor not purchased under licence; failure to provide or post liquor menu in accordance with regulations   | 14 days  |

OPP-led Illegal Gambling Unit

Keep illegal gambling machines out of a licensed establishment



Licenses are reminded that allowing illegal gaming activity on their premises is against the law and can lead to severe penalties if convicted. The **Ontario Provincial Police-led Illegal Gambling Unit\***

may lay charges under the *Criminal Code of Canada* against a liquor licensed establishment that operates illegal gaming machines on its premises.

A licensee, if convicted, is also subject to disciplinary action by the AGCO which may lead to a monetary penalty, a suspension or revocation of the liquor sales licence.

The illegal use of a gaming machine may occur if there is potential for the player to win money, prizes or other valuable consideration from the playing of the machine, or from any person based on the results of a game played on or through the machine.

Machines seized

The **OPP** reports that in 2009 the **Illegal Gambling Unit** seized some 157 machines valued at about \$544,000 from bars and convenience stores in Ontario.

*\*The Organized Crime Enforcement Bureau – Illegal Gambling Unit, consists of a partnership of police services from the OPP, Durham, Ottawa, York, Peel, London, Windsor and Hamilton. The Unit is responsible for province-wide illegal gambling investigations pertaining to Part VII of the Criminal Code of Canada within the Province of Ontario, with an emphasis on organized crime.*

A reminder  
Smart Serve training is mandatory

Liquor sales licensees must ensure that all managers and persons involved in the sale and service of beverage alcohol, including security staff, hold a certificate demonstrating the successful completion of a server training course approved by the Board of the AGCO. Smart Serve requirements also apply to liquor delivery services.

Server training must be completed within sixty (60) days of the commencement of employment at a licensed establishment.

In Ontario, the AGCO Board-approved program is **Smart Serve**. This training program focuses on recognizing intoxication, responsible serving techniques, legal and liability issues and house polices.

For information on this mandatory training program please contact:

**Smart Serve Ontario**  
Telephone: 416.695.8737  
Toll free in Ontario: 1 877.620.6082  
Website: [www.smartserve.org/home.asp](http://www.smartserve.org/home.asp)  
Email: [general@smartserve.ca](mailto:general@smartserve.ca)

# SANDY'S LAW

Drinking alcohol during pregnancy can cause birth defects and brain damage to a baby. The safest choice in pregnancy is no alcohol at all. In fact, it is best to stop drinking *before* pregnancy.

Regulation 718, Subsection 26.1(1) of the *Liquor Licence Act* requires liquor licensed premises to post signs warning women that drinking alcohol during pregnancy can cause **Fetal Alcohol Spectrum Disorder (FASD)**. This requirement is known as “Sandy’s Law”.

The warning sign must be at least 8 by 10 inches in size, to be printed in landscape format (horizontally). It must be prominently displayed in all locations where beverage alcohol is sold or where customers brew their own wine or beer for take home

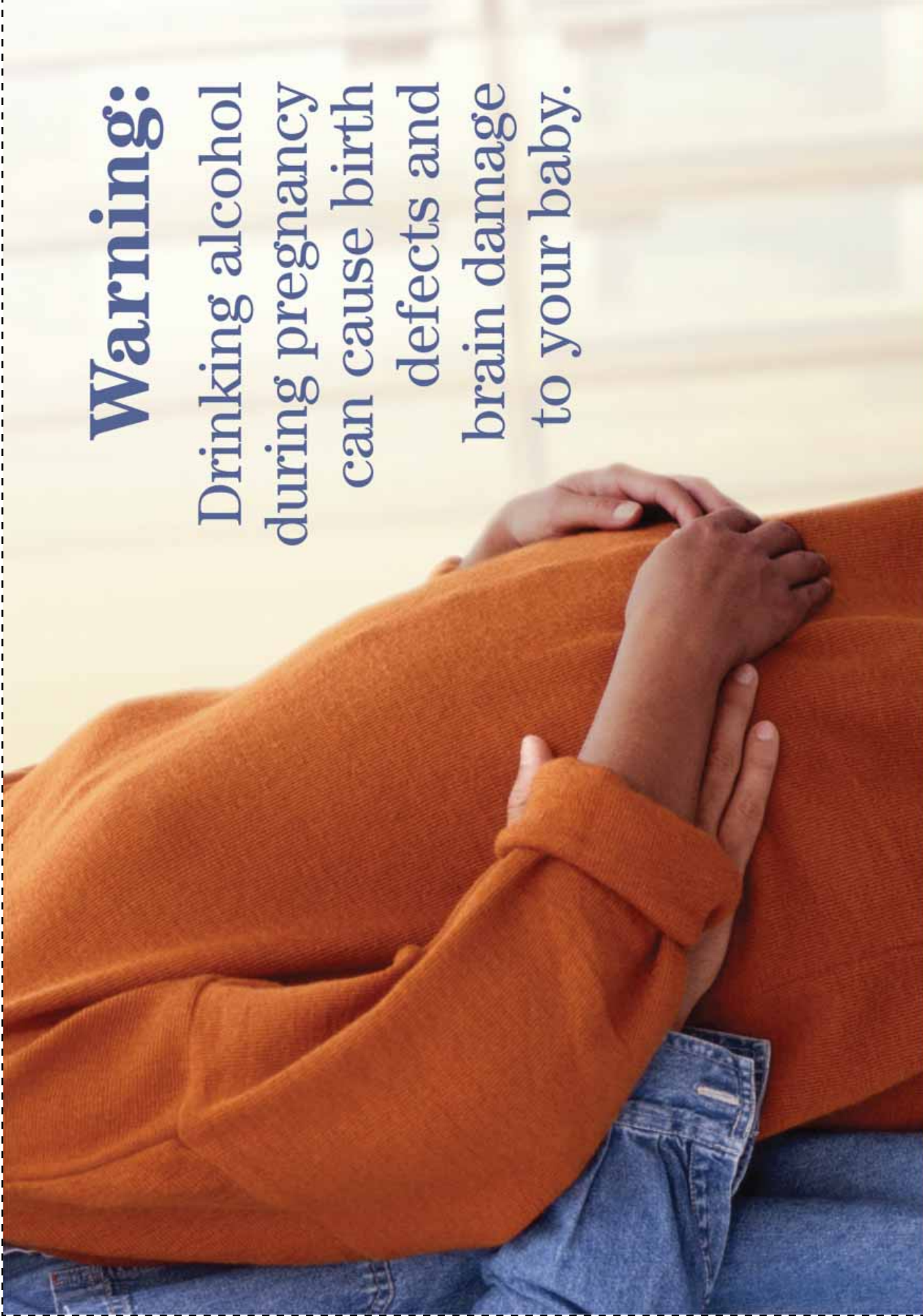
consumption. Failure to comply with the signage requirements is an offence under the *Liquor Licence Act*.

The following types of premises must post the warning sign:

- restaurants and bars licensed to sell beverage alcohol (wine, beer and spirits),
- LCBO stores,
- other retail stores authorized to sell beverage alcohol (for example, The Beer Store),
- wine, beer and spirits manufacturers’ stores, and
- licensed ferment on premise facilities.

For your convenience, we have included a colour copy of the mandatory sign in English and French. Sandy’s Law signs (bilingual) may also be printed from our website at [www.agco.on.ca](http://www.agco.on.ca) or ordered from AGCO Customer Service at 1 800.522.2876. ■

**Warning:**  
Drinking alcohol  
during pregnancy  
can cause birth  
defects and  
brain damage  
to your baby.



1-877-FAS-INFO • [www.alcoholfreepregnancy.ca](http://www.alcoholfreepregnancy.ca)





LOI SANDY

La consommation d'alcool durant la grossesse peut causer des anomalies congénitales et des dommages au cerveau d'un bébé. Le choix le plus sûr pour une femme enceinte est de s'abstenir de consommer de l'alcool. En fait, il est préférable de cesser de boire avant le début de la grossesse.

Le *Règlement 718, paragraphe 26.1 (1)*, exige que les locaux posent des affiches prévenant les femmes que la consommation d'alcool durant la grossesse peut occasionner **l'ensemble des troubles causés par l'alcoolisation fœtale**.

L'affiche doit mesurer au moins 8 po sur 10 po et être imprimée à l'horizontale. Elle doit être posée bien en vue à tous les endroits où de l'alcool est vendu et où les clients fabriquent leur propre vin ou bière en vue de les consommer à la maison. Si on ne respecte

pas les exigences relatives à l'affiche, on commet une infraction à la *Loi sur les permis d'alcool*.

**Les genres de locaux suivants doivent afficher l'avertissement :**

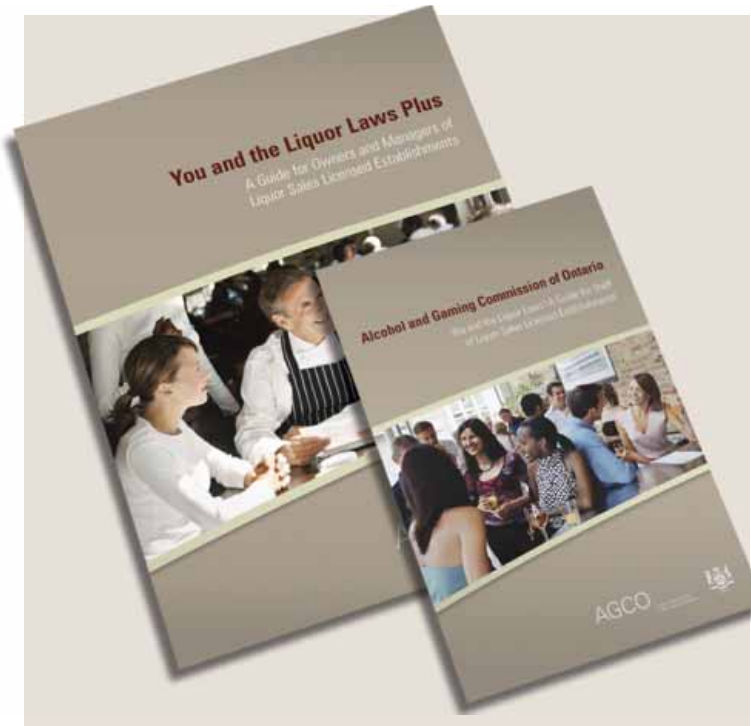
- les restaurants et bars pourvus d'un permis de vente d'alcool (vin, bière et spiritueux);
- les magasins de la LCBO;
- les autres magasins de détail autorisés à vendre de l'alcool (soit The Beer Store);
- les magasins de fabricants de vin, bière et spiritueux;
- les centres de fermentation libre-service pourvus d'un permis.

Nous vous fournissons un copie à découper de l'affiche bilingue obligatoire en couleurs. Les affiches de la Loi Sandy (bilingues) peuvent aussi être imprimées à partir de notre site Web à [www.agco.on.ca](http://www.agco.on.ca) ou commandées auprès du service à la clientèle de la CAJO au 1 800.522.2876.

**Avertissement:**  
La consommation  
d'alcool pendant la  
grossesse peut  
occasionner  
des anomalies  
congénitales  
et des lésions  
cérébrales à  
votre bébé.

1-877-327-4636 • [www.grossesse-sans-alcool.ca](http://www.grossesse-sans-alcool.ca)





**ORDER NOW!**

**Information materials available**

**You and the Liquor Laws:** A short booklet for employees of liquor sales licensed establishments.

**You and the Liquor Laws – Plus:** A guide for owners and managers focusing on the operational aspects of maintaining a licence in good standing.

These brochures may be requested by calling AGCO Customer Service at 416.326.8700 or toll free in Ontario at 1 800.522.2876 or by emailing [customer.service@agco.ca](mailto:customer.service@agco.ca).

These and other information materials such as Responsible Service Tip Sheets, Annual Reports and Sandy's Law poster can be viewed and downloaded from the AGCO website at [www.agco.on.ca](http://www.agco.on.ca).

**Continued from p.1** *Chair's column*

We also greatly expanded our licensee education and information program. Starting in July of this year, we launched a province-wide series of educational seminars for licensees and their staff to increase their awareness and understanding of the province's liquor laws. By the end of this year, AGCO staff will have visited about 25 communities and the seminar schedule will continue in the New Year in a further 30 locations. This initiative is supported by the publication and wide distribution of a series of new information materials highlighting key responsibilities that liquor licence holders have under the Liquor Licence Act and Regulations.

**Important changes**

In the New Year, substantial changes will occur relating to the adjudicative and reporting functions of the AGCO. In August, the Ontario government announced that responsibility for the AGCO would be moved to the **Ministry of the Attorney General**, and in

October announced that the responsibilities for the adjudication of alcohol (and gaming) hearings will be transferred from the Board of the AGCO to the **Licence Appeal Tribunal**, pending legislative approval. This will leave the Board to focus on internal corporate governance and policy matters (see stories on both these subjects elsewhere in this Edition of Licence Line).

**Thanks to all**

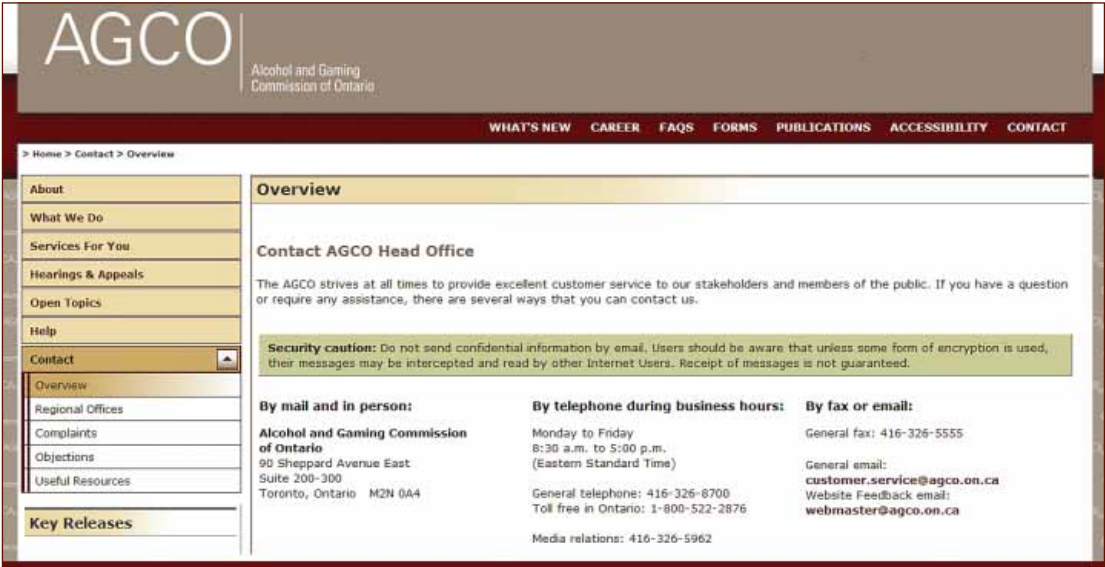
I would also like to take this opportunity to express my sincere thanks to Board members, the Executive Committee, the management and all employees of the AGCO for their hard work, cooperation, dedication and professionalism in serving our clients, stakeholders and in general, the people of Ontario.

To all, my best wishes for a healthy, happy and successful New Year.

*David C. Gavsie*  
Chair

**AGCO website has lots of information**

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





Seminars are popular

Free Educational Seminars continue into the new year

The AGCO continues its program of free Educational Seminars on Ontario’s liquor laws into 2011. By the end of December 2010, 31<sup>st</sup> seminars will have been held throughout the province with 30 more scheduled in the New Year. The seminars are aimed at helping licensees and their staff to become better acquainted and knowledgeable about the sale and service of beverage alcohol.

Who should attend?

There are two parts to each seminar.  
**Part One** is for those involved in the day-to-day sale and service of beverage alcohol: including servers, bartenders and security staff.  
**Part Two** focuses on operational issues and is targeted at owners and managers.  
However, anyone working in a licensed establishment is welcome to attend both parts. Each session is about 75 minutes long and there is an open question and answer period for each session. For information on how to register please refer to our website at [www.agco.on.ca](http://www.agco.on.ca).  
Since the Education Seminars are proving to be very popular, we suggest you register early.

Educational Seminars Calendar

| JULY 2010                                                                                                                                                          | AUGUST 2010                                                                                                                                                    | SEPTEMBER 2010                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Toronto (West)* ..... July 12<br>Thunder Bay ..... July 14<br>Kenora ..... July 20                                                                                 | St. Catharines ..... August 17<br>Hamilton ..... August 18<br>Guelph ..... August 19<br>Toronto (North) ..... August 23<br>Timmins ..... August 25             | Kingston* ..... September 14<br>Belleville ..... September 15<br>Peterborough ..... September 16<br>Mississauga ..... September 21<br>Toronto (East)* ..... September 22 |
| OCTOBER 2010                                                                                                                                                       | NOVEMBER 2010                                                                                                                                                  | DECEMBER 2010                                                                                                                                                            |
| Kincardine ..... October 18<br>Owen Sound ..... October 19<br>Barrie* ..... October 20<br>Huntsville ..... October 21<br>Toronto (Central)* ..... October 25       | London* ..... November 16<br>Sarnia ..... November 17<br>Windsor* ..... November 18<br>Toronto (West)* ..... November 24                                       |                                                                                                                                                                          |
| JANUARY 2011                                                                                                                                                       | FEBRUARY 2011                                                                                                                                                  | MARCH 2011                                                                                                                                                               |
| Toronto (North)* ..... January 18<br>Oshawa ..... January 24<br>Peterborough ..... January 25<br>Ottawa (Centre)* ..... January 26<br>Mississauga ..... January 31 | Kitchener ..... February 7<br>Burlington ..... February 8<br>Niagara Falls ..... February 9                                                                    | Toronto (East)* ..... March 28<br>Oakville ..... March 29                                                                                                                |
| APRIL 2011                                                                                                                                                         | MAY 2011                                                                                                                                                       | JUNE 2011                                                                                                                                                                |
| London ..... April 11<br>Chatham ..... April 12<br>Windsor ..... April 13<br>Aurora ..... April 19<br>Sault Ste. Marie ..... April 27                              | Brockville ..... May 9<br>Cornwall ..... May 10<br>Ottawa (Nepean)* ..... May 11<br>North Bay ..... May 17<br>Sudbury ..... May 18<br>Mississauga ..... May 25 | Niagara Falls ..... June 13<br>Hamilton ..... June 14<br>Cambridge ..... June 15<br>Toronto (Central)* ..... June 21                                                     |

\*denotes 2 sessions on this date



AGCO

Alcohol and Gaming  
Commission of Ontario

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 comments are welcome. This newsletter is available free of charge to all holders of a liquor sales licence in Ontario.

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