



AGCO

Alcohol and Gaming
Commission of Ontario

Licence Line

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Tips for licensees regarding:

- Patio licences
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- Removal of liquor from licensed premises



Apply now!

All liquor licensing-related application forms can be downloaded from the AGCO website at www.agco.on.ca/en/whatwedo/licence_liquor_sales.aspx

Patio season is around the corner

Licensees interested in applying for a licensed outdoor patio should consider submitting an application to the AGCO as soon as possible.

The application process takes about six weeks. If an objection to the application is received from a member of the public this may lead to a hearing and the timeframe could take much longer. To obtain an application form for an additional licensed area, please call our Licensing and Registration Branch at 416.326.8700 or 1.800.522.2876.

Patio noise

Most noise complaints come from local residents who live beside or near licensed premises.

Regulation 719/90 of the *Liquor Licence Act* regulates noise that emanates from a liquor licensed patio that may disturb neighbours. Specifically, Section 46 states:

"The holder of a licence that applies to outdoor premises shall not permit noise that arises directly or indirectly from entertainment on the premises or from the sale and service of liquor to disturb persons who reside near the premises."

Continued on p. 5 See *Getting ready for summer!!!*



ELEANOR MESLIN

FROM THE CHAIR...

In this Edition of Licence Line we focus attention on the summer season and the outdoor sale and service of beverage alcohol products.

Those licensees who do not presently have licensed patios, but who wish to engage in this seasonal activity, should apply for a patio liquor licence as soon as possible since the application process may take up to six weeks for approval.

Of course, having a patio liquor licence comes with important responsibilities to ensure that noise emanating from the licensed area does not disturb neighbours, and to closely monitor any activities that may lead to the unlawful removal of liquor from the premises.

Another important item in this Edition covers applications for the temporary extension of liquor facilities for special events and community festivals. We provide some tips to help guide you through this application process.

Continued on p. 3 See *Chair's Column*

Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto, Ontario
M2N 0A4



New AGCO Window Decals: “Licensed to Sell and Serve Alcohol”

The Alcohol and Gaming Commission of Ontario (AGCO) is the provincial agency responsible for regulating the sale and service of beverage alcohol across the province. As part of this mandate, the AGCO issues liquor sales licenses to establishments in order that they may sell and serve wine, beer and spirits to their patrons.

To assist licensees in communicating to the public that their establishments are licensed, the AGCO has produced a full colour, cling vinyl decal that clearly indicates the premises are “Licensed to Sell and Serve Alcohol”.

To order decals in English or French please contact AGCO Customer Service at 1-800.522.2876 or 416-326-8700.



Make sure staff complete the mandatory Smart Serve training program

Regulatory requirements under the *Liquor Licence Act* state that all liquor sales licensees and liquor delivery services must ensure that persons involved in the sale and service of liquor, including security staff, hold a certificate demonstrating the successful completion of a server training course approved by the Board of the AGCO. The current approved server training course is **Smart Serve**.

For more information about the Smart Serve Training Program, please visit the Smart Serve Ontario website at www.smartserve.ca .

ATTENTION ALL LICENSEES — *We want to hear from you!*

Licence Line is a publication intended to provide practical and timely information to liquor licensees and interested parties in Ontario’s beverage alcohol industry relating to licensing, regulation and enforcement under the *Liquor Licence Act* and its Regulations.

The publication is free of charge and mailed to liquor licensees and others, generally on a quarterly schedule.

To ensure Licence Line continues to print helpful and useful material, the Editor is requesting licensees and other interested parties to send along ideas for stories you feel

would be beneficial in explaining the liquor laws of Ontario, and that may help you to better operate your licensed establishment.

Please address all correspondence to:
The Editor, Licence Line
Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto, Ontario M2N 0A4
or by e-mail to: editor@agco.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.

Sandy’s Law signs (bilingual) may be printed from our website at www.agco.on.ca or ordered from AGCO Customer Service at 1 800.522.2876.



Eleanor Meslin appointed Chair of AGCO

Eleanor Meslin has been appointed Chair of the AGCO. She has been a member of the Board of the AGCO since 2000, more recently as Interim Chair. Eleanor is a law school graduate and has served as an Assistant Deputy Minister, acting Ombudsman, and Executive Director of the Ontario Women’s Directorate among other senior Ontario government positions.

AGCO Board / staff members receive high honours for community service

A Board and staff member of the AGCO were honoured recently with the Queen Elizabeth II Diamond Jubilee Medal for outstanding service to their communities.

Beryl Ford, a member of the Board of the AGCO since 2004, received the Diamond Jubilee Medal for her dedication, commitment and contribution to the Peel Region community.

She has been active in many volunteer organizations in Brampton, including the Peel Children’s Aid Society, Peel Memorial Hospital, Brampton Public Library and Family Services of Peel. She is currently the vice-president of the Peel Children’s Aid Foundation.

Beryl has served as a trustee for the Peel District School Board since 1985, where she has held the position of vice-chair and chair.

Don Bourgeois received the Diamond Jubilee Medal for outstanding services to the Kitchener community. He is the AGCO’s General Counsel and Director of Legal Services.

Continued from p.1 *Chair’s column*

Diamond Jubilee awards

It is a real pleasure to congratulate two members of the AGCO who have been cited for outstanding contributions to their community.

Beryl Ford, a Board Member from Brampton and Don Bourgeois, of Kitchener, our General Counsel and Director of Legal Services, have been awarded the prestigious Diamond Jubilee Medal for service and commitment to their communities. We congratulate each of them on this honour. They reflect an exemplary dedication to public service both at the provincial and local level.

And finally, I am personally pleased to have been appointed as the Chair of the AGCO for the next year. As a member of the Board, and until recently Interim Chair, I have over the past 12 years greatly enjoyed my association with the staff and management of the AGCO, along with working together with our licensees, clients and stakeholders. I look forward to a continuing positive relationship during the months ahead.

Eleanor Meslin, Chair

Don was honoured for his volunteer services to such charitable organizations as Compass Kitchener, the K-W Art Gallery, and the Kitchener-Waterloo Symphony Orchestra. His citation reflects his dedication to community engagement and building a shared vision of Kitchener.

The medals are presented as a tangible way to honour Queen Elizabeth II, and significant contributions and achievements by Canadians.

Decision Summary

Note: There were no suspensions of 14 days or more or revocations of a liquor sales licence as a result of compliance issues heard before the Licence Appeal Tribunal for the period beginning February 1, 2013 and ending on May 31, 2013.

Suspensions of 14 days or more and revocations where the licensee did not request a hearing during the period February 1, 2013 to May 31, 2013.

ESTABLISHMENT	INFRACTION	SANCTION
African House Restaurant, North York	Overcrowding; permitted removal of liquor from premises; failure to clear signs of service; liquor not purchased under licence	21 days
Bar Domani, Windsor	Overcrowding; permitted removal of liquor from premises; permitted unauthorized persons behind bar; permitted quarrelsome, violent and disorderly conduct; licensee failed to ensure reasonable measures taken to deter disorderly conduct, or minimize the harm caused from it, in the vicinity of the licensed establishment	14 days
Café Thuy Ky Karaoke & Bar, North York	Overcrowding; service outside prescribed hours; failure to clear signs of service	60 days
Caygeon Lanes, Bobcaygeon	Liquor sold to a person who appears to be intoxicated; permitted drunkenness	40 days
Cow and Sow Eatery (The), Fenelon Falls	Encouraged immoderate consumption	30 days
Firehall (The), Waterloo	Serving minors; failure to inspect identification; overcrowding; permitted drunkenness; encourage immoderate consumption; failure to clear signs of service; carried on business under a name other than the name set out on the licence; failure to prominently post proper form of Fetal Alcohol Spectrum Disorder warning sign	40 days
LIV Nightclub, Toronto	Permitted drunkenness; liquor sold to person who appears to be intoxicated	21 days
Moe's Coffee Shop, Leamington	Service outside prescribed hours; failure to clear signs of service; permitted removal of liquor from premises; licensee failed to ensure reasonable measures taken to deter disorderly conduct, or minimize the harm caused from it, in the vicinity of the licensed establishment	14 days
Mynt Nightclub, Windsor	Serving minors, failure to inspect identification; encouraged immoderate consumption; permitted drunkenness and violent conduct; licensee failed to ensure control of premises was maintained	30 days
Prive Yorkville, Toronto	Permitted narcotics on premises; overcrowding; permitted removal of liquor from premises; permitted unauthorized persons behind bar; failure to post Fetal Alcohol Spectrum Disorder warning sign; failure to facilitate inspection; failure to post licence in a conspicuous place	15 days
Round 2 KTV, Richmond Hill	Serving minors; failure to inspect identification; permitted drunkenness; overcrowding; service outside prescribed hours; failure to clear signs of service; obstructing an inspection; failure to facilitate inspection	60 days
Santa Roza Family Restaurant & Lounge, Toronto	Permitted drunkenness; encouraged immoderate consumption; overcrowding	17 days
Sturgeon River Inn, Sturgeon Falls	Past conduct; permitted narcotics on premises	26 days
Suite 811, Etobicoke	Past conduct; not financially responsible in conducting its business	Licence Revoked
Vinyl Jimmy Jazz, Guelph	Liquor sold to person who appears to be intoxicated	35 days

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.

You can download and fill out on screen liquor-related forms such as liquor licence applications, renewals, transfers, etc.



Continued from p. 1 *Getting ready for summer*

In some cases, residents keep a log of the noise that is generated by the premises. If the AGCO receives a noise complaint, it will assign an inspector to follow up. These complaints and any related information may result in disciplinary action being taken against a licensee. Therefore, licensees should familiarize themselves with local by-law regulations. Most municipalities have strict noise regulations that must be followed, and licensees may wish to familiarize themselves with local by-laws. It is in the licensee's interest to be aware of how his or her licensed patio affects neighbours and the surrounding area. If there is (loud) noise from patrons, speakers, live bands, high volume TV sets, etc., necessary adjustments may be required to work harmoniously with neighbours.

Depending on the circumstances, a violation of noise regulations could result in a monetary penalty or a suspension/revocation of the liquor sales licence.

Removing liquor

Licensees must ensure that patrons do not remove liquor from the outdoor premises, or any licensed premises, to which the licence applies. There can be a tendency for some patrons to want to take a drink with them to an adjacent parking lot, sidewalk or alleyway for a cigarette or other purpose. Licensees must have proper monitoring practices and security in place to make sure these practices do not occur. It is a violation of liquor regulations to allow patrons to remove liquor from the licensed premises. This could lead to a monetary penalty or a suspension of the liquor licence.

Reasonable measures

Licensees should also know they have a responsibility to put in place reasonable measures, and make reasonable



efforts, to deter disorderly conduct on property adjacent to and in the vicinity of their premises to minimize damage, nuisance or other harm to such property arising out of disorderly conduct engaged by patrons of the licence holder or persons waiting to enter or leaving the licensed premises.

Overcrowding

During the summer months patios become a favourite location for enjoying the warm weather. Often, this can lead to overcrowding. Licensees have an obligation to ensure that the number of persons on the licensed patio area does not exceed the capacity as stated on the liquor licence. This number includes employees of the licensee.

Submitting a temporary extension application

The arrival of warmer weather brings an influx of temporary extension applications to the AGCO.

Temporary extensions allow licensees the opportunity to serve alcohol in places not usually licensed. This includes outdoor areas such as a sidewalk or street adjacent to the licensed premises.

Temporary extensions are customarily requested by licensees to hold special events or to participate in a community festival. A temporary extension may be granted for a specific event but will not be granted to an applicant who is waiting for the issuance of a permanent liquor sales licence.

The Registrar of Alcohol and Gaming may approve a temporary physical extension (indoors or outdoors) for a period of fourteen (14) days or less, if the extension is adjacent to the premises to which the licence applies. A licensee is eligible to receive a maximum of four (4) extensions per calendar year.

To ensure an application is processed as quickly as possible, please follow the checklist included with the required application which can be found on our website at www.agco.on.ca.

Some helpful tips:

- A single notification letter outlining the details of your event can be submitted to the AGCO indicating local building, fire, health and police departments have been notified accordingly (the copies of individual letters that were sent to these departments are not required.)
- Applications must be signed by the licensee or a manager who has signing authority. The application cannot be signed by a transfer applicant. Only one signature is required from a director or officer of a corporation.
- Applications for temporary extensions to be held outdoors require a letter of non-objection from the municipal clerk in the related municipality. While applications will be accepted without this letter the temporary extension will not be issued until a non-objection letter from the municipal clerk is received.

For further information on temporary extensions, please visit the AGCO website or call AGCO Customer Service at 1-800-522-2876 or 416-326-8700.

Know the Liquor Laws

Free Seminars for liquor sales licensees, management and staff

The AGCO will lead you through information to better understand your responsibilities.

This 2 ½ hour seminar includes:

Part 1

- Liquor laws that apply in the day-to-day sale and service of alcohol including new opportunities
- Understanding liability
- Where liquor can be sold, served and consumed
- Handling an AGCO Inspector’s visit smoothly
- Open Question and Answer period

Break

Part 2

- Advertising, pricing and promotion flexibility
- Relationships with manufacturers and their licensed representatives
- Keeping your liquor licence in good standing
- Open Question and Answer period

Educational Seminars Calendar

JULY 2013	
Fort Frances	Wednesday, July 24
Thunder Bay	Thursday, July 25
Richmond Hill	Tuesday, July 30

AUGUST 2013	
Hanover	Tuesday, August 13
Orangeville.....	Wednesday, August 14
Meaford.....	Thursday, August 15
Toronto West	Tuesday, August 27

SEPTEMBER 2013	
Kapuskasing.....	Wednesday, September 11
Toronto (Central)	Wednesday, September 18
Brockville.....	Tuesday, September 24
Hawkesbury	Wednesday, September 25
Perth	Thursday, September 26

OCTOBER 2013	
Burlington.....	Wednesday, October 9
London.....	Tuesday, October 22
Sarnia.....	Wednesday, October 23
Windsor	Thursday, October 24
Mississauga	Wednesday, October 30

NOVEMBER 2013	
Cambridge.....	Tuesday, November 5
Fort Erie	Wednesday, November 6
St. Catharines	Thursday, November 7
Toronto East	Wednesday, November 20

Detailed information on these Educational Seminars is available on our website at www.agco.on.ca



AGCO

Alcohol and Gaming Commission of Ontario

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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Disponible en français

Licence Line



80%+ of over **8,000**
participants said they would recommend attending because they found the information useful and learned something

- Since this program began the AGCO has conducted 177 educational seminars and visited 63 Ontario cities and towns (with multiple trips to the larger centres).
- Over the next 12 months we expect to conduct an additional 45 seminars - with 9 new stops added for Fort Frances, Richmond Hill, Orangeville, Meaford, Kapuskasing, Hawkesbury, Perth, Bancroft and Elliot Lake.
- During the educational seminars, AGCO staff have distributed more than 61,000 pieces of informational materials relating to the sale and service of beverage alcohol.