



Alcohol and Gaming Commission of Ontario

Special Occasion Permit Guide

MAY 2019



Ontario

AGCO

Alcohol and Gaming
Commission of Ontario

Alcohol and Gaming Commission of Ontario

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Section 1: When is a Special Occasion Permit Required?

A Special Occasion Permit (SOP) is required any time alcohol is served anywhere other than in a licensed establishment or a private place, or when public consumption of a patron's own alcohol is permitted at a tailgate event. A private place is an indoor area not usually open to the public and not open to the public during the event (for example, a boardroom, private office or a residence).

SOPs are for occasional, special events only, and not for personal profit or running an ongoing business. A permit may be revoked if the Registrar established under the Alcohol, Cannabis and Gaming Regulation and Public Protection Act (ACGRPPA) has reason to believe the event is being used for personal gain.

The following is an overview of the three types of SOPs available, depending on the kind of event you are holding. For detailed information, see "Detailed Information on Event Types", below.

TYPES OF SPECIAL OCCASION PERMITS: OVERVIEW

Four Special Occasion Permits may be issued for the following types of events:

- **Private Events** are limited to invited guests only and may not be publicly advertised. The public cannot be admitted and there can be no intent to gain or profit from the sale of alcohol at the event.
- **Public Events** are open to the public. These events can be advertised and fundraising and/or profit from the sale of alcohol at the event is permitted.
- **Tailgate Events** are Public Events that are held in connection with, and in proximity to, a live sporting event and where attendees may bring their own liquor (BYOB) for consumption at the event.
- **Industry Promotional Events** may be held to promote a manufacturer's product(s) through sampling. There can be no intent to gain or profit from the sale of alcohol at the event.

The following sections provide an overview of Private Events, Public Events (except Tailgate Events) and Industry Promotional Events.

For more information on tailgate (public) events, please refer to the AGCO's **Tailgate Event Permit Guide**.

Section 2: “Sale” vs. “No Sale” of Alcohol

For each type of permit (except tailgate events), you may apply for either a “Sale” or “No Sale” permit depending on how you plan to serve alcohol at your event:

- A “No Sale” permit is required when:
 - ◇ alcohol is served without charge;
 - ◇ no money and/or other forms of payment is collected directly or indirectly for alcohol from guests (e.g. through admission charge or ticket sales); and
 - ◇ the permit holder absorbs all alcohol costs.
- A “Sale Permit” is required for events where money is collected for alcohol through, for example:
 - ◇ an admission charge to the event;
 - ◇ the sale of alcohol (cash bar) or alcohol tickets sold to people attending the event;
 - or
 - ◇ the collection of money and/or other forms of payments for alcohol before the event.

Section 3: Conditions

The Alcohol and Gaming Commission of Ontario (AGCO) regulates the sale, and service of beverage alcohol in Ontario and provides assistance to applicants and permit holders in understanding how to conduct an event in a responsible manner.

The Registrar may review applications for SOPs to determine if there are any risks associated with an event. The Registrar has the authority to attach conditions to a SOP to mitigate any risks that may be related to an event. Conditions might include, for example, limiting the hours of sale and service of alcohol, or requiring licensed security staff to be hired/on duty during the event. A **list of conditions** is available on the AGCO website.

Section 4: Changes to your Event/Permit

If there is a change to the permit area(s) or the event after the permit is issued (such as a change in location, date, event type, permit area(s), estimated attendance and/or capacity, the addition of tiered seating, or the addition of

participating licensees) the permit holder must submit a change request. In some cases, a new permit may be required. If the permit holder does not notify the AGCO by submitting such a request, administrative action may be taken against the permit holder including, but not limited to, the immediate revocation of the SOP. Application fees are non-refundable.

Section 5: Revocation of Permit

A police officer or an AGCO Compliance official may revoke a SOP while the event is underway if he/she reasonably believes that the *Liquor Licence Act* or its regulations are being contravened in connection with the event.

Any SOP holder may be issued a monetary penalty as a result of specific breaches of the *Liquor Licence Act* and its regulations. The amount of the monetary penalty will be based on the approved **Schedule of Monetary Penalties** which can be found on the AGCO website (see Special Occasion Permit on pages 18 and 27).

Section 6: Application Fees

Special Occasion Permit application fees are non-refundable. Please refer to the **Schedule of Fees** on the AGCO website for current SOP fees.

Section 7: Detailed Information on Event Types

PRIVATE EVENTS

Private Events are limited to invited guests only and may not be publicly advertised. The public cannot be admitted and there can be no intent to gain or profit from the sale of alcohol at the event.

Examples of a private event would include stags, stag and does, bridal showers, wedding receptions, anniversary parties, baptisms or birthday parties, among others, where only family, friends and people known to the hosts or permit holders are invited to attend.

Information about the event may be shared with invited guests and members only. The event must not be advertised to the public (e.g. by way of flyers, newspaper,

internet or radio). Acceptable forms of notification may include social media (not available for viewing by the general public, must be a personal guest list, private invitation, etc.).

Homemade Wine and Beer

Homemade wine and beer can only be served but not sold at a wedding, anniversary, or other family special occasion (e.g. a family reunion or other similar family gathering).

The wine and/or beer must be made by a member of the family hosting the event and the permit holder must have acquired it free of charge. The permit holder may not sell the wine and/or beer.

Wine and/or Beer Club/Association/Group

The objects of the club/association/group are the testing, exhibition and judging of wine and/or beer made by its members. Wine and/or beer may only be served to members of the club/association/ group. No service is allowed to the public. These events must be “No Sale” events and alcohol must be served without charge.

Application Deadlines for Private Events

- For Indoor Events, the application must be submitted at least **10 days** prior to the event.
- For Outdoor Events, the local municipal clerk’s department, police, fire and health department must be given a written notice **30 days** before the event when expecting **fewer than 5,000** people per day. If expecting **5,000 or more** people per day, a notice to the same group is required at least **60 days** prior to the event. If there is a tent, marquee, pavilion or tiered seating being used, then the local building department must be notified in writing. For a list of Ontario municipalities, see **Appendix A - Contact Information**.

PUBLIC EVENTS

A Public Event SOP can be issued:

- To a charitable organization under the *Income Tax Act* (Canada);
- To Not-for-Profit organizations/associations organized to promote charitable, educational, religious or community objects;
- For an event of provincial, national or international significance; or
- For an event designated by a municipal council as an event of municipal significance.

- For a tailgate event held at outdoor premises that are at ground level, where the event is held in connection with, and in proximity to, a live professional, semi-professional or post-secondary sporting event. For more information on tailgate events, please see the AGCO's Tailgate Event Permit Guide.

Public Events may be held to raise funds for charitable purposes and objects that benefit the public at large (e.g. advancement of education, religion, relief of poverty, charitable purposes benefiting the community).

An event of municipal significance requires a municipal resolution or a letter from a delegated municipal official (e.g. municipal clerk) designating the event as "municipally significant".

Advertising

A Public Event permit holder may advertise or promote the availability of alcohol only in accordance with the **Registrar's Advertising Guidelines** (available on the AGCO website). Please refer to Section 7(2), Regulation 389/91 of the *Liquor Licence Act* for further information.

Designated Public Events – outdoor public events involving liquor sales licensed establishments

If a SOP has been issued for an outdoor event that has both licensed areas (bars, restaurants, etc.) and areas to which the SOP applies (e.g. the street on which the event is taking place), patrons can move freely between these areas with a single serving* of alcohol under certain conditions approved by the Registrar. Licensees and permit holders are responsible for ensuring this requirement is met.

**A single serving is defined as a serving of alcohol that is no larger than the following: 341 ml (12 oz.) of beer, cider or cooler, 29 ml (1 oz.) of spirits, 142 ml (5 oz.) of wine, 85 ml (3oz.) of fortified wine.*

To be eligible, the event must meet the following criteria:

- The event must be an outdoor event (e.g. street festival);
- The event must be designated "municipally significant" and the applicant must submit a resolution of municipal council or a letter from a delegated municipal official designating the event as "municipally significant"; and
- The licence holders and the permit holder must have entered into an agreement to ensure that there is no unreasonable risk to public safety, the public interest and the public, and no unreasonable risk of non-compliance with the *Liquor Licence Act* and its regulations by either of the parties.

This agreement must be submitted to the AGCO for review and approval at least 30 days prior to the event.

Please refer to Section 34.1, Regulation 719 of the *Liquor Licence Act* for further information (see **Appendix A - Contact Information**).

Donated Alcohol

Public events conducted by charitable organizations registered under the *Income Tax Act* and not-for-profit organizations/associations may accept alcohol donated by manufacturers of alcohol. Records (such as receipts or invoices) for all product must be obtained by the SOP holder and must be made available for inspection by an AGCO Compliance Official or a police officer. Donated alcohol must be processed by a government store (LCBO store, LCBO Agency store, The Beer Store or authorized manufacturer's retail store) under the permit.

Social Gaming Events

Social Gaming events are eligible for a SOP for a Public Event provided the applicant is a charitable organization or a religious organization, and the games are licensed under section 207 of the *Criminal Code* (Canada).

The holder of a SOP for a Public Event may offer alcohol, donated or otherwise, as a prize, provided there is a lottery licence issued to the permit holder. Only charities or not-for-profit organizations/associations are eligible for a lottery licence. Please note only those 19 years of age or over may be awarded alcohol as a prize and this condition must be disclosed and printed on all tickets. For more information on obtaining a **lottery licence**, please visit the AGCO website.

Application Deadlines for Public Events

- For Indoor Events, the application must be submitted at least **30 days** prior to the event.
- For Outdoor Events, the local municipal clerk's department, police, fire and health department must be given written notice **30 days** before the event when expecting **fewer than 5,000** people per day. If expecting **5,000 people or more** per day, a notice to the same group is required at least **60 days** prior to the event. If there is a tent, marquee, pavilion or tiered seating being used, then the local building department must be notified in writing. For a list of Ontario municipalities, see **Appendix A - Contact Information**.

INDUSTRY PROMOTIONAL EVENTS

Industry Promotional Events are events that promote a manufacturer's product(s). There can be no intent to gain or profit from the sale of alcohol at the event, however, samples for tasting at the event may be provided (under a "No Sale" permit) or sold (under "Sale" permit). Retailing of alcohol is not permitted at the event, however, manufacturers and/or their representatives may accept orders for alcohol purchases at the event.

Advertising

An Industry Promotional Event permit holder may advertise or promote the availability of alcohol only in accordance with the **Registrar's Advertising Guidelines** (available on AGCO website). Please refer to Section 7(2), Regulation 389/91 of the *Liquor Licence Act* for further information.

Event Organizers or AGCO Licensed Representatives

If an event organizer, manufacturer or AGCO licensed representative of a manufacturer is conducting market research or providing samples on behalf of a manufacturer, the event organizer may be required, upon request, to make available a letter from the manufacturer authorizing them as their representative to conduct market research and/or sampling.

Market Research

Market research may be conducted under an Industry Promotional, "No Sale" SOP by or on behalf of a liquor manufacturer for the purposes of gathering and analyzing information about consumers' needs and preferences. Market research conducted under Industry Promotional SOPs can be advertised and open to the public or for invited guests only. Samples at market research events cannot be sold and the retailing of alcohol is not permitted.

It is a requirement to have a clearly defined permit area. If the market research is done in an open area (e.g. a mall foyer), the area must still be readily distinguishable from the area where the permit does not apply.

Alcohol being sampled at a market research event does not have to be purchased from a government store.

Application Deadlines for Industry Promotional Events

- For Indoor events, the application must be submitted at least **30 days** prior to the event.

- For Outdoor Events, the local municipal clerk's department, police, fire and health department must be given a written notice **30 days** before the event when expecting **fewer than 5,000** people per day. If expecting **5,000 or more** people per day, a notice to the same group is required at least **60 days** prior to the event. If there is a tent, marquee, pavilion or tiered seating being used, then the local building department must be notified in writing. For a list of Ontario municipalities, see **Appendix A - Contact Information**.

Section 8: Guidelines for Submitting SOP Applications

APPLICANT INFORMATION

You must be 19 years of age or older to obtain an SOP. If the applicant is an organization, association or company, the application must be completed by a member or representative who will be at least 19 years of age on the day of the event, who has signing authority for the organization, association or company. Applicants must provide all information, materials, documentation or approvals as may be requested.

RESPONSIBLE PERSON(S)

The Permit Holder/Responsible Person must be present throughout the SOP event and is responsible for the safety and sobriety of people attending the event. They must ensure the event is run properly and in compliance with the *Liquor Licence Act* and its regulations. To request, view or download a copy of these documents, see the **e-Laws statute and regulations** on the Government of Ontario website.

The Permit Holder/Responsible Person indicated on the application will be noted on the permit. If there is more than one Responsible Person, all must be named and at least one of the persons named must be at the event at all times.

NOTE: If in an emergency situation the Permit Holder/Responsible Person is unable to attend, then it is the responsibility of the Permit Holder to designate in writing someone to attend the permit event on his/her behalf. The Designated Person is responsible to ensure that all legal requirements for the permit event are met. The Designated Person must not be someone who has previously been refused a Special Occasion Permit(s) by the AGCO.

EVENT NAME AND DETAILS

In this section, please expand on the details and purpose of your event. If your event has a name (e.g. "Annual Rib-Fest" or "Anderson Family Wedding"), please provide that information in this section.

LOCATION NAME, ROOM NAME OR AREA

If the room or location is within a large complex, specify the room name or use the exact location (e.g. Main Hall B, or 2nd floor, North West section). Do not use the name of the building or complex to describe the room or location (e.g. the North Tower).

For OUTDOOR areas, you must use specific descriptions (e.g. pavilion, outdoor fenced area, main banquet room & fenced area/patio, etc.). Do not use "grounds", "outside" or name of the park.

DATES AND TIMES OF EVENT

You may sell and serve alcohol only during the hours specified on your permit and consumption of alcohol by patrons may only take place during the hours specified on your permit.

Hours must be between 9:00 a.m. to 2:00 a.m. on any day except New Year's Eve (December 31) where hours may be between 9:00 a.m. and 3:00 a.m. the following day (January 1).

Date(s): Indicate the date on which the event will take place. If your event runs into the following day (e.g. until 2:00 a.m.), you must only indicate the first day (e.g. if the event begins April 9th at 7:00 p.m. and ends April 10th at 2:00 a.m. you would only indicate "April 9").

Start Time: Indicate the time at which the sale, service and consumption of alcohol will begin.

End Time: Indicate the time at which the sale, service and consumption of alcohol will end. Please note that the signs of alcohol must be cleared no later than 45 minutes after the end of the serving period (e.g. if serving period ends at 1:00 a.m., all alcohol must be cleared by 1:45 a.m.).

Multiple day events

Multiple day event permits can only be issued if:

- Each event is one in a series of events;
- The application for the permit is for all of the events (dates);
- The nature, purpose, location and target audience of each of the event dates are the same (e.g. monthly social club gatherings, monthly book club meetings, etc.); and
- As a result of doing so, the permit holder is not operating an ongoing business, or does not appear to be doing so.

LOCATION INFORMATION

The location/area where the event is to take place must meet the guidelines below. You can obtain this information from the premises owner or manager and should confirm that the building has been inspected by the proper authorities. The following guidelines must be met:

- The permit location/area where alcohol will be sold/served/consumed must be readily distinguishable from areas where the permit does not apply. This means that all areas that are not part of the permit area must be clearly defined and visibly separated from those areas covered under the permit. For example, boundaries of the permit area could be identified using:
 - ◇ Painted lines, tape or dots around perimeter
 - ◇ Plants, furniture, or other fixed items
 - ◇ Ropes and temporary fences
 - ◇ Pylons or other similar visible markers
 - ◇ Signage indicating where alcohol can be consumed or is prohibited
- The location may not be a licensed establishment under suspension and the event must comply with any conditions that apply to the licence (e.g. restricted hours of operation);
- The premises may not be a dwelling, or rooms or land adjacent to and used in conjunction with a dwelling;
- The location may not be in a dry area if alcohol is to be sold at the event. A dry area is an area/municipality where alcohol is not sold.

Note: If your event is being held at different locations (whether it's on the same day or over the course of several days), a separate permit is required for each location/address.

ESTIMATED ATTENDANCE

Indicate how many people you expect will attend the event per day.

CAPACITY

The maximum capacity of many **indoor premises** is predetermined by either the Building or Fire Department. It is the permit holder's responsibility to ensure these capacities are not exceeded during the permit event.

Maximum capacities for all **outdoor areas (and indoor areas without a designated Building or Fire Department capacity)** is determined by dividing the actual size of the permit area (as determined in square metres or square feet) by 1.11 square metres or 12 square feet per person.

For example:

- **30 m x 60 m = 1,800 square metres ÷ 1.11 = 1,621 persons; or**
- **100 ft x 200 ft = 20,000 sq.ft. ÷ 12 = 1,666 persons.**

The capacity for any location/room/area is the lesser of the occupant load set by Fire, Health or Building and the estimated capacity as calculated above.

NOTE: It is the permit holder's responsibility to ensure these capacities are correct and are not exceeded during the permit event.

HOMEMADE WINE AND/OR BEER

Homemade wine and beer can only be served (not sold) at a wedding, anniversary, or other family special occasion (e.g. a family reunion or other similar family gathering). The wine/beer must be made by a member of the family hosting the event and the permit holder must have acquired it free of charge. The permit holder may not sell the wine/beer.

WILL ALCOHOL BE SOLD?

You must answer "yes" to this question if you are collecting money for alcohol either directly, through the sale of alcohol or drink tickets at the event (e.g. cash bar, sale of drink tickets), or indirectly through the sale of admission, membership fees or the collection of money for alcohol before the event.

IS THERE AN ADMISSION CHARGE AND/OR WILL TICKETS BE SOLD FOR THIS EVENT?

You must answer “yes” to this question if you are collecting money through ticket sales or an admission charge to the event.

OUTDOOR EVENTS

Will alcohol be sold, served or consumed outdoors (including tent/marquee/pavilion or tiered seating area(s))?

Outdoor events are those which take place outdoors or in a temporary structure, such as a tent, marquee, pavilion or tiered seating seating (e.g. bleacher seating, stadium-type seating, seating arranged in sloping tiers).

The outdoor area must be clearly defined and separated from areas where the permit does not apply.

You will be required to provide a detailed sketch showing the dimensions of the area for which the permit will apply (see example below).

You must also notify in writing the local municipal clerk’s department, police, fire and health departments informing them of the event, and include a sketch identifying the physical boundaries. If a tent, marquee, pavilion or tiered seating is used, you must also notify in writing the local building department.

The applicant’s timelines for notifying local authorities are:

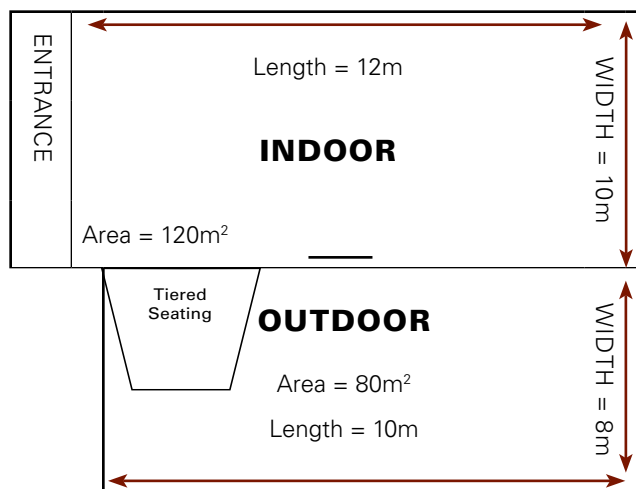
- **30 days** before the event takes place, if **fewer than 5,000** people per day are expected to attend the event; or
- **60 days** before the event takes place if **5,000 or more** people per day are expected to attend the event.

You should retain copies of all letters sent to authorities, as you may be required to include them with your application or make them available upon request.

TIERED SEATING

If a SOP application is submitted for a location that includes tiered seating (e.g. bleachers, stadium seating, etc.), this must be indicated on your application. If the event is outdoors, the location of the tiered seating must be clearly identified on a sketch and submitted along with the application.

Example of sketch showing SOP area:



REQUIRED DOCUMENTATION

If your event includes *any* of the following, you should retain copies of all letters sent to municipal authorities, as you may be required to make them available upon request:

- Any tiered seating;
- Any outdoor event (public, private or industry promotional);
- Outdoor Public Events involving liquor sales licensed establishments (e.g. Outdoor Street Festival);
- Public Events requiring a municipal resolution or letter from a delegated municipal official designating the event as “municipally significant” – see Section 7.

The following documents may be required for your application:

- **Detailed Sketch** - For Public, Private or Industry Promotional events if the event is being held outdoors.
- **Letter of Support** - For Public, Private or Industry Promotional events if the event is being held by a representative of a foreign government.
- **Municipal Resolution** - Required if the event is a public event of municipal significance, or is an outdoor public event that involves liquor licensed establishments.
- **Involvement of liquor licensed establishments** - Required if the event is an outdoor, public event and involves liquor sales licence holders.

- **Letter of Authorization** - Event organizers conducting sampling at an Industry Promotional event may be required to produce a letter of authorization from the Manufacturer or AGCO Licensed Representative.

Note: You may also provide any supplementary documents you feel may be helpful in the review of your application.

IS THE EVENT FOR INVITED GUESTS ONLY?

If your event is not open to the public, and for invited guests only, answer “yes” to this question.

If your event is open to the public and has been or will be advertised, answer “no” to this question.

Section 9: Purchasing Alcohol for a SOP Event

Generally, all alcohol must be purchased in Ontario through a government store or a store authorized under clause 3(1)(e) of the *Liquor Control Act*. These include any LCBO store, LCBO Agency store, The Beer Store, or any authorized manufacturer’s retail store. Some exceptions for purchasing alcohol under the permit apply. Please see relevant sections of this guide for more information.

Applicants should contact the **Canada Revenue Agency** for information concerning any collection of Harmonized Sales Tax (HST) or other obligations they may have relating to the HST and the sale of alcohol under the permit.

The permit and product receipts for all alcohol products purchased under the permit must be readily available during the SOP event for presentation upon request at the event by AGCO Compliance Officials.

Section 10: Storage of Alcohol

Alcohol that has not been consumed must be removed from the premises at the end of the event. When returning unopened alcohol purchased from a government store, you must produce the permit and a copy of your payment records (e.g. receipts and/or invoices). Check with the retailer at which you purchased the alcohol for further details.

If a multiple day event permit is issued, the permit holder may store alcohol that is sold under the permit between event dates if the permit holder:

- Identifies on the application, the location where the alcohol sold under the permit is to be stored;
- Stores the alcohol in a secure area that is not a dwelling;
- Ensures that the alcohol is stored separately from other alcohol not sold under the permit;
- Provides the AGCO with a list of persons with access to the location; and
- Ensures that the alcohol is made available to AGCO Compliance Officials and police officers for inspection upon request.

Section 11: Event Guidelines

RESPONSIBLE PERSON(S)

The Permit Holder, Responsible Person(s) and/or Designated Person must be present throughout the SOP event.

SECURITY

The permit holder must provide security sufficient to ensure that unauthorized persons do not attend the event and to ensure that the conditions of the permit and requirements of the *Liquor Licence Act* are observed. In order to determine whether security is sufficient, the permit holder shall consider:

- The nature of the event;
- The size of the premises; and
- The age and number of persons attending the event.

COMPLIANCE WITH THE LAW

AGCO Compliance Officials and police officers have the authority to access and inspect any location or area where a SOP event is being held.

If breaches of the *Liquor Licence Act* or its regulations are observed or if there is an immediate threat to public safety, an AGCO Compliance Official or police officer may revoke a SOP while the event is underway.

A Permit Holder, Responsible Person(s) and/or Designated Person may be issued a monetary penalty by the AGCO as a result of specific breaches of the *Liquor*

Licence Act or its regulations. For further information please refer to the **Schedule of Monetary Penalties** on the AGCO website.

SERVER TRAINING

Smart Serve Ontario offers a responsible alcohol beverage service training program for the Ontario hospitality industry. While not a requirement, permit holders and/or their staff may wish to consider taking this training to learn more about safe and responsible sale and service of alcohol. For more information, please contact Smart Serve Ontario (see **Appendix A - Contact Information**).

iAGCO RESOURCES

The AGCO has published a series of **tip sheets** to help you in planning your event. You may view and/or download them from the AGCO website or call or visit the AGCO for a copy.

Appendix A – Contact Information

Alcohol and Gaming Commission of Ontario (AGCO)

90 Sheppard Avenue East, Suite 200
Toronto, ON M2N 0A4
Website: www.agco.ca or [iagco online portal](#)
Tel: 416-326-8700
Toll Free: 1-800-522-2876

Additional Industry Contacts

Canada Revenue Agency

Website: www.cra-arc.gc.ca/

Liquor Control Board of Ontario (LCBO)

Telephone: 416-365-5900
Toll-free in Ontario: 1-800-668-5226
Mobile: #LCBO (#5226)
TTY Toll free in Ontario: 1-800-361-3291
Website: www.hellolcbo.com

Liquor Licence Act and Regulations (Government of Ontario)

Telephone: 416-326-5300
TTY/Teletypewriter (for the hearing impaired): 416-325-3408
Toll free in Canada: 1-800-668-9938
TTY Toll free in Ontario 1-800-268-7095
Website: www.ontario.ca/laws/statute/90l19

Ontario Municipalities

Website: www.mah.gov.on.ca/page1591.aspx

Smart Serve Ontario

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