



Alcohol and Gaming Commission of Ontario

# Brewery Retail Store Information Guide

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AGCO

Alcohol and Gaming  
Commission of Ontario



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# TABLE OF CONTENTS

General Information.....	1
Issuance of Brewery Retail Store Authorizations to New Owners of Manufacturers with Existing Brewery Retail Stores.....	1
Relocations of Existing Brewery Retail Stores.....	1
Beer Which May Be Sold at a Brewery Retail Store.....	2
Accepting Payment at a “Tied House” for a Brewery Retail Store Purchase.....	2
Mandatory Server Training for Brewery Retail Store Staff.....	2
Products Other Than Beverage Alcohol Which May Be Sold at an On-Site Manufacturer Retail Store.....	2
Hours of Operation.....	3
Criteria and Requirements for an On-Site Brewery Retail Store.....	3
Criteria and Requirements for the Relocation of an On-Site Brewery Retail Store.....	5
Applications to Relocate an On-Site Brewery Retail Store.....	5
Conditions of the New On-Site brewery Retail Store Authorization.....	5
Requirements for Relocation of On-Site Brewery Retail Stores.....	5

## General Information

The Registrar of Alcohol, Gaming and Racing (“the Registrar”) may authorize a manufacturer of beer (“manufacturer”) to operate a brewery retail store for the retail sale of its beer. A manufacturer must comply with specific criteria in order to be eligible for an authorization to operate a brewery retail store. This information guide summarizes those criteria. This guide is designed to assist manufacturers in applying for the issuance of a new brewery retail store authorization, or for authorization to relocate an existing authorized brewery retail store.

In order to be eligible for a brewery retail store authorization, a manufacturer must hold a valid Manufacturer’s Licence - Brewery issued by the Registrar. In addition, a manufacturer must meet the other criteria outlined in this information guide.

The brewery retail store must be located on the same parcel of land as the production site of the manufacturer that holds the brewery retail store authorization. More than one licensed manufacturer may have an authorized brewery retail store at the same production site, provided that each licensed manufacturer possesses substantial ownership and control over the production site. However, a brewery is limited to two (2) stores across all of its production facilities.

The issuance of a brewery retail store authorization and the determination of the conditions to be attached to it are matters which fall within the discretion of the Registrar, to be exercised based upon the circumstances of each case.

## Issuance of Brewery Retail Store Authorizations to New Owners of Manufacturers with Existing Brewery Retail Stores

If there is a proposed change in the ownership of a brewery, which holds an On-Site Brewery Retail Store Authorization, an application for the transfer of the Manufacturer’s Licence — Brewery must be filed by the potential buyers. Retail store authorizations are not transferable. The potential buyer must also complete an application for a retail store authorization. These two (2) applications will be reviewed concurrently.

## Relocations of Existing Brewery Retail Stores

If a manufacturer with an On-Site Brewery Retail Store Authorization wishes to relocate its brewery retail store, it must apply to the Registrar for authorization to relocate prior to any changes taking place. The manufacturer must then surrender its existing retail store authorization and obtain a new authorization from the Registrar, showing the new location.

## **Beer Which May Be Sold at a Brewery Retail Store**

A manufacturer may only sell in its on-site brewery retail store beer made by the manufacturer. In addition, a certain percentage of the beer sold in an on-site brewery retail store must be made by the manufacturer at the production site where the store is located. That percentage will vary and additional requirements may apply depending on the category of brewery within which the manufacturer falls. Those categories and requirements are set out below.

## **Accepting Payment at a “Tied House” for a Brewery Retail Store Purchase**

If a “Tied House” is located on the same manufacturing site as an on-site brewery retail store, the licensee may bring sealed, unopened beer purchased from the retail store onto the licensed premises for the purposes of selling it to a patron. This allows restaurant patrons that wish to purchase beer for personal use from the retail store to pay for the product on their restaurant bill. In order to do so, the licensee must first purchase the sealed, unopened beer from the brewery retail store on the patron’s behalf and then charge the amount of the purchase directly on the restaurant bill.

## **Mandatory Server Training for Brewery Retail Store Staff**

Brewery retail store staff involved in the sale, service and/or sampling of alcohol are required to complete a server training course approved by the AGCO Board. The server training course that has been approved by the AGCO Board for these purposes is Smart Serve<sup>®</sup>.

## **Products Other Than Beverage Alcohol Which May Be Sold at an On-Site Manufacturer Retail Store**

The following non-liquor products may be sold at an on-site manufacturer retail store:

- Items used for storing, opening, carrying and serving beverage alcohol;
- Books, magazines and other media related to: (i) food and beverage and (ii) local history, art and tourism;
- Clothing and accessories which display the manufacturer’s branding;
- Locally-produced artisanal products;
  - “Locally-produced” means “produced in the Province of Ontario”

- “Artisanal products” means “products produced in limited quantities using traditional methods”
- Dealcoholized wine and beer produced by the manufacturer;
- Tickets for public events taking place in the community;
- Gift cards and certificates for the purchase of the manufacturer’s goods and services.

The manufacturer must ensure that:

- It does not offer for sale any products that promote immoderate or high-risk consumption of alcohol or specifically target people under the legal drinking age; and
  - The amount of non-liquor products made available for sale at any one time does not constitute a substantial amount of all products made available for sale in the store.

## Hours of Operation

### DAILY HOURS OF OPERATION

Hours of Operation are restricted to Monday to Sunday — 9:00 a.m. to 11:00 p.m.

### RETAIL SALE ON HOLIDAYS

For retail stores that may sell alcohol and are permitted to open on a holiday under laws applicable to their business, including the Retail Business Holidays Act (RBHA) and municipal retail holiday by-laws, the permissible hours of sale of alcohol are as listed above.

Please note that the RBHA does not fall under the AGCO’s authority.

Questions about the RBHA may be directed to the Ministry of Government and Consumer Services. More information about the RBHA can be found on the [Ontario.ca](https://www.ontario.ca) website.

## Criteria and Requirements for an On-Site Brewery Retail Store

- The applicant must be a brewery with a valid Manufacturer’s Licence – Brewery issued by the Registrar;
- The applicant must apply to the Registrar for an On-Site Brewery Retail Store Authorization, together with submission of the necessary supporting documentation;

- Where the applicant seeks to operate one on-site brewery retail store, the store must be located on the same parcel of land as the applicant's main production site where the full brewing process takes place. The full brewing process includes, without limitation, mashing, lautering, boiling, hop separation, fermentation and packaging;
- Where the applicant seeks to operate two (2) on-site brewery retail stores, one store must be located on the same premises as the applicant's main production site where the full brewing process takes place and the second must be located at another production site of the applicant where the full brewing process takes place;
- The applicant is eligible to apply for authorization to operate two (2) brewery retail stores, provided that each on-site brewery retail store is located at a production site of the applicant (as set out above) and provided that at least fifty percent (50%) of the beer sold in each store is made by the applicant at the site of the retail store where it is being sold;
- The applicant must make all of its products in Ontario using the full brewing process including, without limitation, mashing, lautering, boiling, hop separation, fermentation and packaging;
- The applicant must possess substantial ownership and control over the production site. Where the production site is owned and controlled by more than one licensed manufacturer, the applicant must demonstrate to the Registrar that it meets this requirement;
- Where more than one retail store is located at the same production site, each licensed manufacturer must own and operate their own retail store and the store must be readily distinguishable from any other authorized retail store located at the same production site.

**Please note that it is the responsibility of the holder of a retail store authorization to ensure that it complies with all federal, provincial and municipal laws including municipal zoning laws.**

**Please note that the application process also includes a site inspection of the constructed retail store to confirm that all eligibility criteria and requirements have been met.**

# Criteria and Requirements for the Relocation of an On-Site Brewery Retail Store

## APPLICATIONS TO RELOCATE AN ON-SITE BREWERY RETAIL STORE

An on-site brewery retail store cannot be relocated without prior authorization from the Registrar. It must be located at a production site of the holder of the on-site retail store authorization.

A brewery may apply to the Registrar for authorization to relocate its on-site retail store where:

- The brewery wishes to relocate both its production site and the on-site store; or
- The brewery wishes to relocate its on-site store to another part of the production site.

## CONDITIONS OF THE NEW ON-SITE BREWERY RETAIL STORE AUTHORIZATION

If the proposed relocation is approved by the Registrar, a new On-Site Brewery Retail Store Authorization will be issued to the applicant, showing the new store location, but subject to the same conditions contained in the original on-site retail store authorization.

## REQUIREMENTS FOR RELOCATION OF ON-SITE BREWERY RETAIL STORES

- The applicant must be a brewery with a valid Manufacturer's Licence – Brewery issued by the Registrar and a valid On-Site Brewery Retail Store Authorization for the store which is proposed to be relocated;
- The applicant must apply to the Registrar for the relocation of its on-site brewery retail store together with the necessary supporting documentation, where applicable;
- Where, in the opinion of the Registrar, there are extenuating circumstances, a manufacturer that proposes to relocate its retail store may be permitted to sell its beer concurrently from the retail store at its original location (which it proposes to close) and the retail store at its new location for a period of up to seven (7) days to facilitate the transition of equipment and inventory, provided that the manufacturer obtains prior approval;
- A relocation will only be approved if the on-site brewery retail store continues to be located on the same parcel of land as the manufacturer's production site and the spirits and/or spirit products to be sold there meet the requirements stated previously in this guide;
- After the relocation, the on-site brewery retail store must continue to operate in accordance with the conditions for the On-Site Brewery Retail Store Authorization.

**Please note that the application process also includes a site inspection of the constructed retail store by the AGCO to confirm that all eligibility criteria and requirements have been met.**

**Please note that it is the responsibility of the holder of the retail store authorization to ensure that it complies with all federal, provincial and municipal laws including municipal zoning by-laws/requirements.**

**Please note that no sales may occur from the new location until the authorization is issued.**