



Licence Line

VOLUME 18 • ISSUE 1 • 2018



S. Grace Kerr

Message from the Chair

As we look forward to the warm weather ahead we must also consider all that comes with the increased activity in outdoor venues. In this edition of Licence Line we feature a number of items that should be of great interest to all licensees, offering practical reminders in the interest of seasonal and general compliance.

More specifically, this edition includes information on applying for and operating outdoor areas, as well as temporary extensions to a liquor licence, as such extensions increase in popularity with the arrival of warmer

weather. Also, with the busy summer season approaching, all licensees are reminded of their ever-present responsibility to ensure patrons leave their premises safely.

We also include helpful information for authorized grocery store operators to remain compliant and ensure that alcohol is sold in their stores in a socially responsible manner.

Another story of interest in this edition relates to training for hospitality industry staff for the prevention of sexual harassment in licensed establishments.

Finally, as we continue modernizing our web-based service portal, iAGCO, in this issue we announce the services available to make it more

Continued on p. 6 See [Chair's Column](#)

In This Issue

COVER

Message from the Chair

Get ready for summer

PAGE 2

Get ready for summer (cont'd)

PAGE 3

Sale of beer, wine and cider in Ontario grocery stores

Taking precautions can save lives

PAGE 4

It's Your Shift – New, free online training for employees working in the hospitality industry

PAGE 5

Now available! More iAGCO online services

PAGE 6

Decision Summary

AGCO website has lots of information

Chair's Column (cont'd)

Get ready for summer



The arrival of warmer weather brings an influx of applications for outdoor patio licences and temporary extensions to the AGCO. Read on to learn more about each type of application, as well as your responsibilities as a licensee.

Continued on p. 2 See [Get ready for summer](#)

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



Continued from p. 1 *Get ready for summer*

APPLICATION FOR AN OUTDOOR PATIO LICENCE

Licensees may apply to the AGCO for an additional licensed area, such as an outdoor patio. Public notification is required for new outdoor spaces and/or if you are applying to increase the capacity of an additional outdoor space by more than 25%.

Licensees interested in applying for a licensed outdoor patio should consider submitting an application as soon as possible. The application process takes about six weeks. If an objection to the application is received, a hearing may be required and the process could take much longer.

All liquor licensing-related applications can be completed online at www.agco.ca/iagco. During this one-year transition period from paper to digital applications, you can still submit the paper form, **Application for Changes and/or Additions to Existing Licensed Areas**.

APPLICATION FOR A TEMPORARY EXTENSION OF YOUR PREMISES

Temporary extensions allow licensees 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 to be issued a permanent liquor sales licence.

The AGCO will consider temporary extensions for a period of 14 days or less. A licensee is eligible to receive a maximum of four (4) temporary extensions per calendar year.

All liquor licensing-related applications can be completed online at www.agco.ca/iagco. During this one-year transition period from paper to digital applications, you can also submit the paper form, **Application for Temporary Extension of Premises**.

RESPONSIBILITIES

With any licensed outdoor space, whether permanent or temporary, there are additional responsibilities that a licensee must be aware of to ensure safety and to preserve the public interest. Any violations of the *Liquor Licence Act* and/or its regulations could result in a monetary penalty, suspension or even a revocation of your licence. Below are some of the most common violations related to outdoor spaces:

Noise

Most noise complaints come from local residents who live beside or near licensed premises. Licensees should familiarize themselves with local by-law regulations. Most municipalities have strict noise regulations that must be followed. As a licensee, it is in your best interest to be aware of how your licensed outdoor space affects neighbours and the surrounding area.



Removing liquor

Licensees must ensure that patrons do not remove liquor from a licensed area, including an outdoor area, such as a patio. 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. Ensure that you have proper monitoring practices and security in place so that this does not occur.

Disorderly conduct

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. The licensee must attempt 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. This can sometimes lead to overcrowding. As a licensee, you must ensure that the number of people in your licensed outdoor space does not exceed the capacity stated on your liquor licence. This number includes employees of the licensee. For temporary extensions, you must ensure the number of people in the extended area does not exceed the capacity stated in your approval letter. This number also includes employees of the licensee.

For further information on applying for an outdoor patio licence or a temporary extension, please visit www.agco.ca, submit your question at www.agco.ca/iagco, or call AGCO Customer Service at 1-800-522-2876 or 416-326-8700.



Section 46 of Regulation 719/90 of the *Liquor Licence Act* 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."

Sale of beer, wine and cider in Ontario grocery stores

For operators of grocery stores authorized to sell beer, wine and cider, you are required to comply with the *Liquor Licence Act*, the *Liquor Control Act*, and their regulations, as well as any specific conditions attached to your Authorization.

The following information will help you remain compliant and ensure that alcohol is sold in a socially responsible manner.

- HOURS OF SALE**
- Alcohol can only be offered for sale during standard hours of sale:
 - Monday to Saturday: 9 a.m. to 11 p.m.
 - Sunday: 11 a.m. to 6 p.m.

- PRODUCT DISPLAY**
- Beer (and cider, if sold) must be displayed in a single, contiguous product display area and not in multiple locations throughout the store.
 - There are no restrictions on the size of the area, as long as it is contiguous.
 - Wine (excluding cider) must also be sold in a contiguous product display area, but it does not have to be in the same contiguous display area as beer (and cider, if sold).

- MINORS AND CHECKING ID**
- Selling alcohol to people who are under the legal drinking age of 19 is a contravention of the *Liquor Licence Act*.
 - If a customer appears to be under the age of 19, you are required to ask for valid ID and confirm its likeness with the customer, before selling alcohol.
 - If you doubt the legitimacy of a person's ID, consider requesting a second piece of ID.

For more information, read the AGCO Information Sheet **Checking ID** available on the AGCO website.

- INTOXICATED CUSTOMERS**
- Selling alcohol to a person who is or appears to be intoxicated is a contravention of the *Liquor Licence Act*.
 - Customers showing signs of intoxication must be refused the sale of alcohol.

For more information, read the AGCO Information Sheet **Recognizing Intoxication** available on the AGCO website.

- PRICING**
- The price of beer, wine and cider is required to be the same across all retailers (grocery stores, the LCBO, The Beer Store, wineries and on-site manufacturers' stores).
 - According to section 13(1) of Ontario Regulation 232/16 under the *Liquor Control Act*:

The operator of a grocery store that is authorized to sell beer or wine in the store must ensure that it is offered for sale, and sold, at the price stipulated by the Board.*

*"Board" means the Liquor Control Board of Ontario.

AGCO inspectors and police officers can, at any time, inspect your store to ensure compliance, and you must provide unobstructed access for the inspection.

The AGCO would like to remind authorized grocery store operators that failure to operate your store and sell alcohol responsibly may result in regulatory action, such as a warning, monetary penalty, suspension or revocation of your Authorization.

For more information, please read the AGCO Information Sheets **Beer and Wine Authorization: Selling Beer and Wine in Grocery Stores** and **Selling Beer and Cider in Grocery Stores** available on the AGCO website.

To help ensure compliance, AGCO inspectors have recently provided authorization holders educational materials on these topics. If you have any questions or concerns about your compliance, please contact your local inspector or AGCO customer service at www.agco.ca/iAGCO or 1-800-522-2876 (toll-free in Ontario).

Taking precautions can save lives

As a regulator, public safety is always the AGCO's first priority. In response to dangerous and tragic incidents involving drinking and driving, the AGCO has issued proposals to revoke several liquor licences. As an example, the deaths of two minors and serious injuries to two more after being served in a licensed establishment in Eastern Ontario is a stark reminder that safe service and conscientious management of licensed establishments is critical to public safety. While the establishment in question surrendered its licence shortly after the AGCO proposed to revoke it, the consequences of this preventable fatal collision have devastated the families and local community.

Studies conducted in the U.S. show that more than half of all impaired drivers consume their last drink at a licensed establishment. Currently, 31 police services in Ontario have participated in the AGCO's Last Drink Program by asking all impaired drivers where their last drink was consumed and

then reporting this back to the AGCO. The AGCO is then able to identify and educate these establishments regarding safe service. Since the program started in 2011, AGCO inspectors have visited more than 1,000 licensed establishments to follow up on Last Drink Reports.

As a licensee, you are responsible under the *Liquor Licence Act* to ensure patrons do not reach the point of intoxication and that they leave your premises safely. You can set a certain standard for your establishment and support your staff when they take necessary and responsible action to curb impaired driving, helping to make tragic accidents and deaths a thing of the past. If you or your staff have reason to believe a patron is intoxicated and will get behind the wheel of a car, it is important to call 911 immediately.

We all have a role to play in keeping our streets and our communities protected against the dangers of impaired driving.

It's Your Shift – New, free online training for employees working in the hospitality industry



YOUR RESPONSIBILITY AS AN EMPLOYER

As an employer, you have a duty to ensure your workplace is free of sexual harassment. Under the *Sexual Violence and Harassment Action Plan Act*, it is an employer's legal responsibility to prevent sexual harassment and to regularly update policies around this.

A new online training program called **It's Your Shift** has been developed to help prevent sexual harassment and violence in the hospitality industry. The program launched in Toronto on November 30, 2017 and was created through a collaboration between the Ontario Government, the Ontario Restaurant Hotel & Motel Association, Ontario Tourism Education Corporation and Tourism HR Canada. **It's Your Shift** challenges those employed in the hospitality industry, such as bartenders and servers, to "shift the thinking" about sexual harassment and violence.

BENEFITS

Frontline hospitality employees will learn how to recognize and how to intervene appropriately in sexually violent or harassment situations. Managers will also learn how to support their frontline teams to foster a safe workplace environment, meet their legal obligations and support survivors of sexual violence and harassment. Owners/operators will have access to resources and tools to integrate training and policies. With this information, the hospitality industry has the opportunity to become a leader in ensuring patron and workplace safety.

For more information and to register for this program please visit www.itsyourshift.ca or click on the REGISTER NOW button below.

You can also follow the conversation at #ITSYOURSHIFT.

COMPLIMENTARY E-LEARNING



Time to stop sexual harassment & violence

REGISTER NOW

QUICK FACTS

- The hospitality industry employs 450,000 people in Ontario.
- One in three women will experience sexual assault in her lifetime.
- Most Ontarians strongly agree that they have an obligation to intervene if they witness sexual violence (64%) or sexual harassment (58%).
- Key barriers to intervention include not knowing how to respond, concerns about personal safety, and fear of jeopardizing employment.

Information for this story was provided by the Ontario Restaurant Hotel & Motel Association.

Now available!



AGCO | Alcohol and Gaming Commission of Ontario

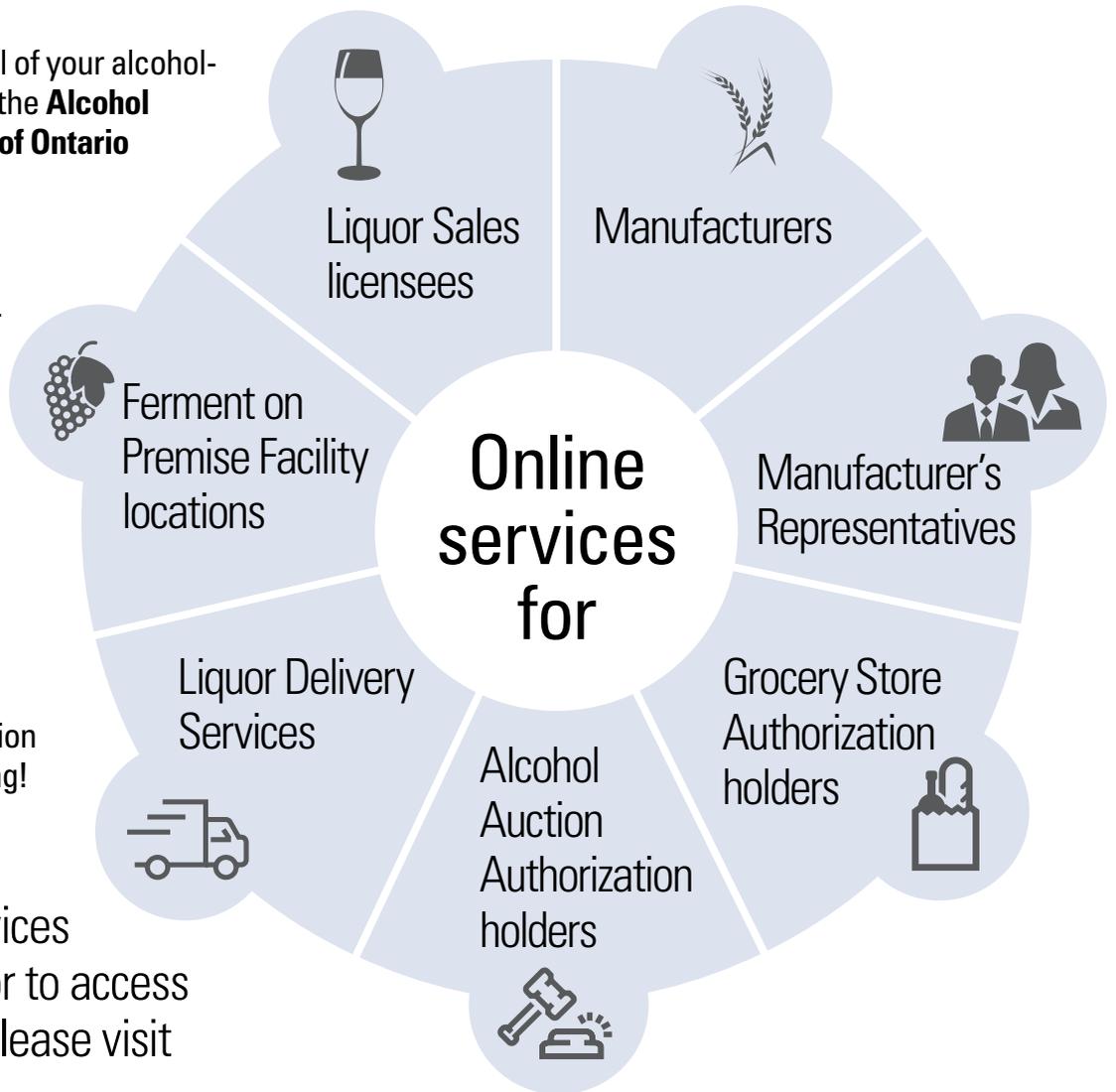
More iAGCO Online Services!

Now, you can complete all of your alcohol-related transactions with the **Alcohol and Gaming Commission of Ontario (AGCO)** online.

The services you are able to access through the **iAGCO** portal include your applications, renewals and all other transactions associated with holding an alcohol-related licence or authorization.

With the launch of these online services, you now also have the flexibility of choosing either a two-year or four-year term option when applying or renewing!

For a full list of services that are available, or to access the iAGCO portal, please visit www.agco.ca.

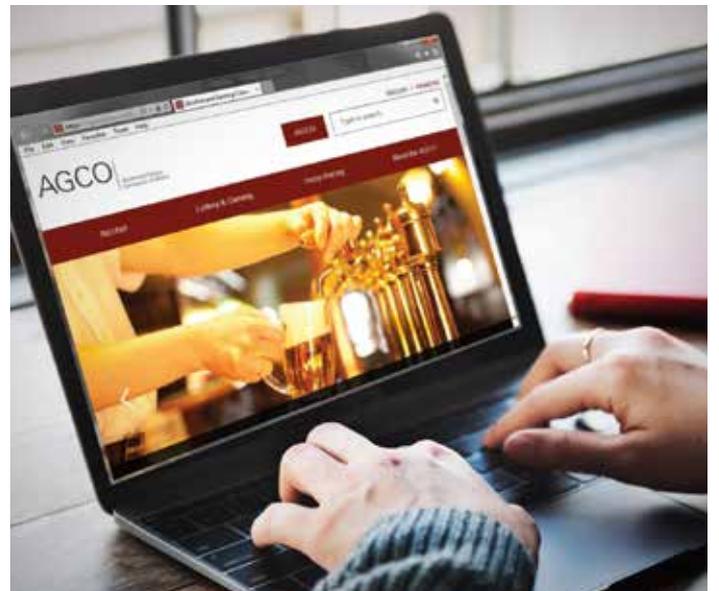


For more information, visit us online www.agco.ca or call (416) 326-8700 or toll free 1 (800) 522-2876

To begin using these online services, you must first create an iAGCO account and then link that account to your licence/authorization/permit information on file using an online access code provided by the AGCO. If you have not yet received an access code, please note that the AGCO will be mailing you yours before your licence renewal date.

Once your individual and corporate information has been saved, you can reuse it for all of your alcohol-related applications. You will only need to update that information when changes occur.

As we have in the past, the AGCO will continue sending renewal notices 60 days before your current licence expires. After you have created an iAGCO account those notices will be sent to you by email.



When working in the iAGCO portal, you will be able to save your applications in draft form before you submit them and you will be able to modify them as needed throughout the application process. You will also be able to check the status of your applications in real time.

Decision Summary

The following establishments requested a hearing before the Licence Appeal Tribunal (LAT) regarding compliance issues and received suspensions of 14 days or more and revocations for the period beginning November 16, 2017 ending June 8, 2018. Sanctions for similar infractions may vary in length according to the specifics of each case. For details on LAT visit www.lat.gov.on.ca.

ESTABLISHMENT	INFRACTION	SANCTION
Romby's Tavern and Smokehouse, St. Catharines	Permitted removal of liquor from premises: permitted unlawful gambling; obstructing an inspection	Licence Revoked

SUSPENSIONS OF 14 DAYS OR MORE AND REVOCATIONS WHERE THE LICENSEE DID NOT REQUEST A HEARING

ESTABLISHMENT	INFRACTION	SANCTION
All Stars Bar and Grill, Brampton	Breach of condition of the establishment's liquor licence	Licence Revoked
Amber, Toronto	Overcrowding	30 days
Ora Italian Kitchen & Bar, Hamilton	Not financially responsible in conducting its business; past conduct; overcrowding; licensee failed to ensure control of premises was maintained	30 days
Paradise Sports Bar & Grill, Toronto	Service outside prescribed hours; failure to clear signs of service	14 days
Republick, Sarnia	Overcrowding	14 days
Six Nites Karaoke Bar, Scarborough	Permitted drunkenness	14 days

AGCO website has lots of information!

If you are looking for general information about the AGCO, how to apply for a Liquor Sales Licence or other liquor licensing matters, please visit our website at www.agco.ca.

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

You can also connect to the iAGCO portal, where you can complete all of your alcohol-related transactions online.



Continued from p. 1 *Chair's Column*

convenient and easier for licensees and applicants to do business with the AGCO. As well, we provide information on how to create an account in iAGCO.

It continues to be an exciting time for everyone at the AGCO as we streamline our operations, and as Chair, I look forward to the many ways in which this modernization will

help strengthen our Agency's relationships with both the industry and the public. In the meantime, I wish you all a safe, successful and happy summertime.

S. Grace Kerr, Chair

Licence Line

This newsletter 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.

Editor
 Alcohol and Gaming
 Commission of Ontario
 90 Sheppard Avenue East,
 Suite 200
 Toronto, Ontario M2N 0A4
editor@agco.ca

General Inquiries
 416-326-8700 or toll free in Ontario 1-800-522-2876
 Web: www.agco.ca/iAGCO

DISPONIBLE EN FRANÇAIS

