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Tips for liquor licence holders for the responsible sale and service of beverage alcohol in Ontario

This chart lists some of the "key" requirements that will help to ensure licensed establishments are in compliance with liquor laws.

DO	
Make sure you obtain and understand the <i>Liquor Licence Act</i> and regulations	Allow AGCO inspectors and/or police unobstructed access to your premises
Facilitate inspections by AGCO inspectors and/or police officers	Make sure the number of persons in the establishment is within the lawful capacity of the establishment
Train staff in responsible serving practices and ensure that all staff obtain Smart Serve certification	Monitor consumption of liquor by patrons on the premises
Sell only liquor that was bought on the licence through the LCBO, The Beer Store or from a manufacturer's retail store	Ensure that the establishment complies with all applicable zoning by-laws, the <i>Building Code Act</i> , the <i>Fire Protection and Prevention Act</i> , and the <i>Health Protection and Promotions Act</i>
Serve alcohol only within allowed hours	Check the identification of people you suspect are under 19 years of age
Create, communicate and enforce house rules and policies, and keep an incident log	
DO NOT	
Let people under 19 drink alcohol in the establishment	Encourage excessive drinking or serve alcohol to anyone you suspect may already be intoxicated
Permit drunken, quarrelsome, violent or disorderly conduct in the establishment	Permit anyone in the establishment to hold, sell, distribute or use illegal drugs
Serve smuggled, homemade or watered down liquor	Allow overcrowding in the establishment
Sell liquor from a vending machine	Hold contests that involve buying, drinking or winning liquor
Promote complimentary drinks for patrons	Allow customers behind the bar
Sell liquor for less than the minimum price which changes depending on the size of the serving	Do not allow illegal gaming machines in your licensed premise

These tips are not an exhaustive summary of responsibilities for liquor licence holders. For a complete list of licensee responsibilities, please refer to the *Liquor Licence Act* and Regulations which can be found on our website at www.agco.on.ca



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Chair's Column

In this edition of *Licence Line*, we provide a number of

"Tips" to licensees to help you stay in compliance with the province's liquor laws. There are more than 17,000

liquor licensed establishments in Ontario, and over 60,000 Special Occasion Permits (SOPs) are issued annually. This means that much of our day-to-day activity is focused on enforcing the various safety and security regulations relating to the sale and service of beverage alcohol in Ontario.

Last year, our Inspection and Investigation Branch carried out 23, 871 inspections of licensed

establishments and was involved in 2,702 Joint Force Operations with local law enforcement agencies.

These activities led to the recording of about 7,300 infractions of liquor laws resulting in 121 liquor licence suspensions. The good news is that both the number of infractions and suspensions has been substantially decreasing over the past several years,

Continued on p. 6 See *Chair's Column*

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



Decision Summary

The following establishments requested a hearing before the Licence Appeal Tribunal regarding compliance issues and received suspensions of 14 days or more and/or revocations for the period beginning **August 1, 2014** ending **September 30, 2014**. Sanctions for similar infractions may vary in length according to the specifics of each case. For details on the Licence Appeal Tribunal, visit www.lat.gov.on.ca.

Suspension/Revocations

Suspensions of 14 days or more and revocations where the licensee did not request a hearing.

Establishment	Infraction	Sanction
Angie's Restaurant, Toronto	Liquor not purchased under licence	14 days
E & T Karaoke, Markham	Overcrowding	30 days
Eclipse, Concord	Failure to pay monetary penalty	Licence Revoked
High - 5KTV, Scarborough	Serving minors; permitted drunkenness and disorderly conduct; failure to inspect identification; licensee failed to ensure control of premises was maintained; service outside prescribed hours; permitted removal of liquor from premises failure to clear signs of service; obstructing an inspection; failure to prominently post Fetal Alcohol Spectrum Disorder warning sign; did not comply with liquor advertising guidelines; failure to retain records of sales and purchases of liquor	47 days
Iron Horse Inn, Blind River	Permitted narcotics on premises	30 days
Junjun Village Restaurant, Toronto	Serving minors; failure to inspect identification; overcrowding; 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, failure to ensure required persons successfully completed applicable training courses or programs approved by the Board within the time periods specified by the Board	14 days
Kiss-KTV, Toronto	Serving minors; failure to inspect identification; permitted drunkenness	14 days
Mustangs Grill, Blind River	Permitted narcotics on premises	30 days
Passa Tempo Bar & Grill, Toronto	Permitted unlawful gambling; permitted unauthorized persons behind bar; failure to clear signs of service; operated business without licence transferred by the Registrar; failure to post Fetal Alcohol Spectrum Disorder warning sign; failure to provide or post liquor menu in accordance with regulations; failure to post licence in a conspicuous place	Licence Revoked
Red Parrot, Toronto	Permitted narcotics on premises; overcrowding; permitted removal of liquor from premises; liquor not purchased under licence; failure to facilitate inspection; breach of condition of the establishment's liquor licence	Licence Revoked

Minister responsible for Liquor Regulation in Ontario



The Honourable Madeleine Meilleur, Attorney General of Ontario, has responsibility for the oversight of the Alcohol and Gaming Commission of Ontario (AGCO) which regulates the province's gaming and alcohol sectors.

Minister Meilleur represents the Eastern Ontario riding of Ottawa-Vanier. After more than a decade in municipal politics, she was first elected to the Ontario Legislature in 2003 and re-elected in 2007, 2011 and 2014.

Francophone Affairs

Minister Meilleur was appointed Attorney General in March 2014 after having served as Minister of Community Safety and Correctional Services, Minister of Community and Social Affairs and Minister of Culture. She is also the Minister Responsible for Francophone Affairs.

Ms. Meilleur is a registered nurse and lawyer specializing in labour and employment law. In March 2012, she was appointed to the rank of Chevalier of the Ordre national de la Légion d'Honneur by the Ambassador of France to Canada.

The AGCO reports to the Ontario Legislature through the Ministry of the Attorney General. ■

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.



Checking ID: It is against the law to serve liquor to people under the age 19

The legal drinking age in a liquor licensed establishment in Ontario is 19.

Serving people under 19 years of age is an offence under the *Liquor Licence Act* (LLA); and upon a conviction can lead to a monetary penalty (up to \$20,000) or suspension/ revocation of the liquor licence.

Alcohol cannot be passed from a person of legal drinking age to a person that is under the legal drinking age.

The minimum age to work in a liquor sales licensed establishment depends on whether the employee handles alcohol.

- To work in a liquor sales licensed establishment and handle alcohol a person must be at least 18 years of age.

- Other staff that work at the establishment and don't handle alcohol may be younger than 18 years of age.

If there is any doubt as to a person's age, licensees and their staff should ask for an acceptable form of identification. Valid identification must be current, government-issued, and include a photo of the person and the birth date.

Any form of ID with a photo and date of birth that reasonably appears to have been issued by a government may be accepted as proof of age.

By law, no one can be required to produce the Ontario Health Card, nor can the health number be collected. Licensees and their staff should not ask for the Ontario Health Card as identification, but if offered voluntarily you may accept it at your discretion.

Acceptable forms of ID include:

Ontario Driver's Licence with a Photo



Front Face



Reverse Face

Canadian Passport



Cover



Inside

Canadian Citizenship Card with a Photo



Front Face



Reverse Face

Canadian Armed Forces Identification Card



Front Face



Reverse Face

LCBO BYID Photo Card



Front Face



Reverse Face

Secure Indian Status Card (Canadian)



Front Face

Permanent Resident Card (Canadian)



Front Face

Photo Card issued under the Photo Card Act



Front Face



Front Face with Age Banner

Check student ID closely

Since the elimination of Grade 13 from the province's educational system students entering college or university each fall will be on average one year younger, impacting the average age of first year post-secondary students. This may present some challenges for licensees with licensed

establishments in communities with colleges or universities. Some 1st year underage students may attempt to join their age-eligible cohorts for celebrations in liquor licensed establishments. Licensees should have rigorous measures in place to prevent any illegal underage drinking from taking place in their premises.

Selling a business : Transferring a liquor sales licence

Liquor sales licences are issued to individuals, business partnerships or corporations, for operation at a specific location.

The owner, as licensed by the AGCO, is responsible for the ongoing operation of the licence.

Changes in ownership (commonly referred to as a licence transfer) must be approved by the AGCO.

Liquor licence transfers fall into two categories: 100% change in ownership or a partial change in ownership.

Note: Anytime a change in the ownership of a licensed establishment occurs, the AGCO must be advised.

Transfer application forms (**Form 1203**) can be downloaded from our website at www.agco.on.ca

Be sure to answer all questions on the Transfer Application Form. Incomplete or improperly completed or unsigned applications will be returned to the applicant.

Closing a business

If you are closing a business and not seeking to apply for a transfer to another owner, you must surrender the licence to the Registrar of Alcohol and Gaming when you stop operating your business. To do this you must complete the Voluntary Surrender of Licence (**Form 2026**) and send it and the liquor sales licence to the AGCO.

For more information on liquor licence transfers, please refer to our website at www.agco.on.ca or call our Customer Service Department toll free at 1 800 522-2876 or 416 326-8700 (in the GTA). ■

Liquor information materials available

The AGCO has a wide range of new and updated liquor information materials available, designed to help inform and educate liquor sales licensees and their staff about the province's liquor laws. The materials include:

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 liquor licence in good standing.

Know the Liquor Laws:



A CD containing complete copies of the *Liquor Licence Act* and regulations.

Responsible Service Tip Sheets:



A series of topic specific information bulletins covering important requirements of the *Liquor Licence Act* and regulations.

AGCO window decals:



Indicating the establishment is licensed to sell and serve beverage alcohol.

And don't forget to visit our website at www.agco.on.ca where you'll find many new features like "mini sites" for key stakeholders, application forms, licensing requirements, decision summaries, how to request a hearing and a lot of general and specific information pertaining to the sale and service of beverage alcohol in Ontario. ■

Ontario Provincial Police-led Illegal Gambling Unit

Licensees 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.

*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. ■

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**."

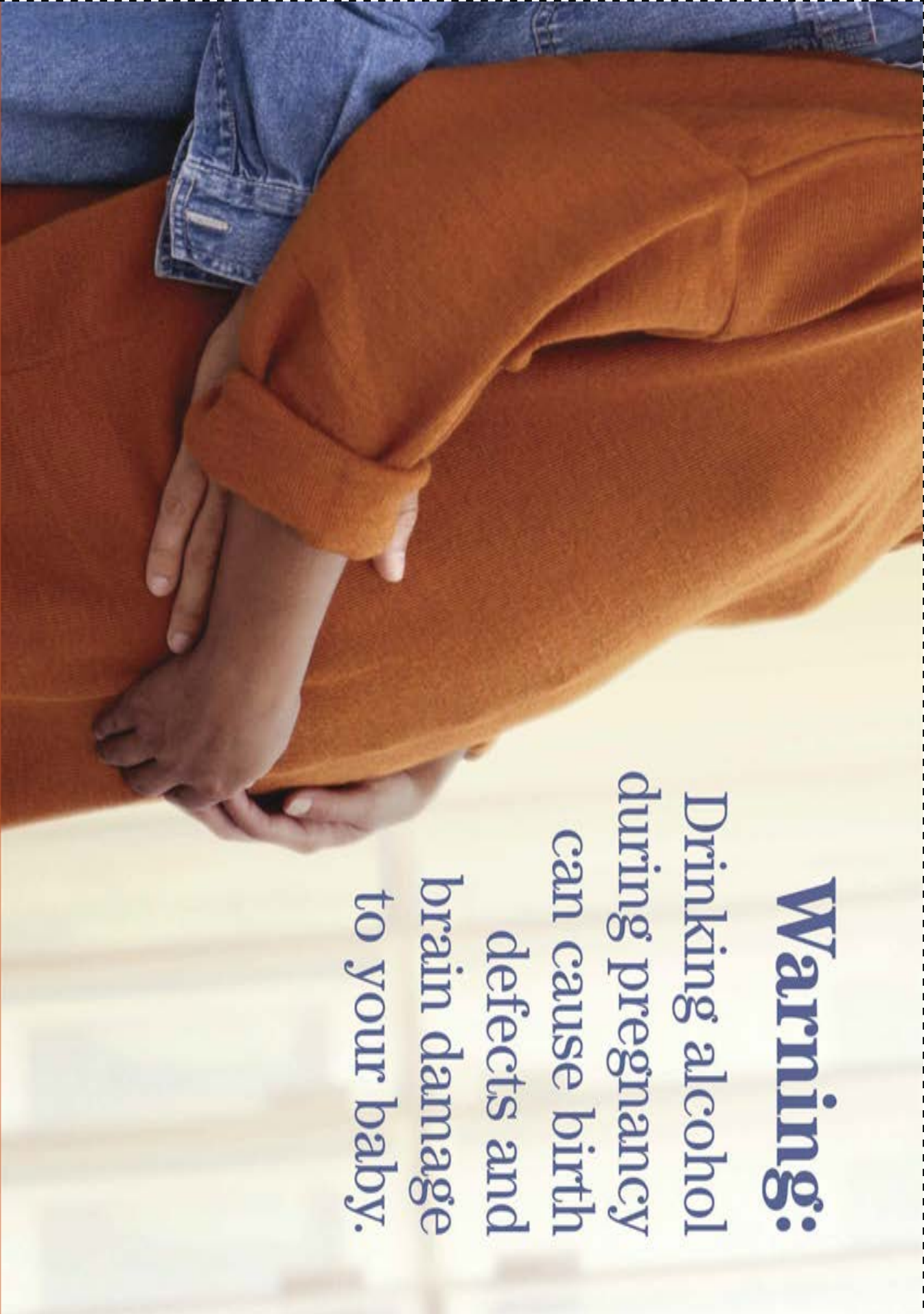
The warning sign must be at least 8 by 10 inches in size, to be printed in landscape format (horizontally). It must be prominently displayed in all locations where beverage alcohol is sold or where customers brew their own wine or beer for take home consumption. Failure to comply with the signage requirements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

 Ontario

Know the Liquor Laws

Attend a **free** seminar for liquor sales licensees and those who sell and serve alcohol, at a location near you.

Learn about liquor laws that affect you in this two-hour seminar:

Topics covered include:

- Understanding liability and responsibility
- Where liquor may be sold, served and consumed
- Inspections and your obligations
- Advertising, pricing and promotion flexibility
- Relationships with manufacturers and their licensed representatives
- Maintaining a liquor sales licence in good standing
- Changes to licensed areas
- Changes in ownership

Question and Answer period



80%+ of over **10,000** participants said they would recommend attending because they found the information useful and learned something

- Since this program began the AGCO has conducted over 200 educational seminars and visited some 100 Ontario cities and towns (with multiple trips to the larger centres)
- During the educational seminars, AGCO staff have distributed more than 75,000 pieces of informational materials relating to the sale and service of beverage alcohol.

"Very good session – long overdue" — London

"Should be mandatory for anyone involved in the liquor industry" — Manager, Kenora

"Well done and organized. The information was helpful" — Ottawa

Educational Seminars Calendar

OCTOBER 2014

London.....Tuesday, October 7
 Chatham.....Wednesday, October 8
 Windsor.....Thursday, October 9
 Toronto (Central).....Wednesday, October 29

NOVEMBER 2014

Guelph.....Tuesday, November 4
 St. Catharines.....Wednesday, November 5
 Niagara Falls.....Thursday, November 6
 Newmarket.....Tuesday, November 18
 Barrie.....Wednesday, November 19
 Bracebridge.....Thursday, November 20

DECEMBER 2014

Brampton.....Wednesday, December 3

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

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down from 416 suspensions in 2008. This is, we believe, because a great majority of licensees understand that staying in compliance with the liquor laws and regulations is good business and very good for their bottom line. We hope these "Tips" will remind licensees to continue to follow good business practices.

Underage drinking

Serving minors continues to be one of the more common violations of the Liquor Licence Act. We urge all licensees and their staff to pay close attention to the underage drinking laws. This is especially necessary where licensed establishments are located in

communities with a college or university. At this time of year students are returning to school, and since the elimination of Grade 13 in September 2003, students enter college or universities a full year younger than was previously the case. On Page 3 we illustrate the legally accepted forms of ID.

Other topics

Elsewhere in Licence Line, we provide information on transferring a liquor licence, listing the various free information materials available to licensees, and to advise licensees of our ongoing free Educational Seminars being held throughout the province.

Re-elected

We congratulate Madeleine Meilleur on her re-election to the Ontario Legislature and on her appointment as Attorney General of Ontario. As our Commission reports to this Ministry, in connection with liquor and gaming issues, we look forward to maintaining a close working relationship with the Minister's Office, as we continue the ongoing modernization of the province's beverage alcohol industry.

Eleanor Meslin, Chair.

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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