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July/August 2015

Chair's Column



ELEANOR MESLIN

In this edition of *Licence Line*, we remind licensees of some of the measures that are required to operate their licensed establishment in order to keep in compliance with the province's liquor laws.

We are also publishing the dates and locations of the "Know the Liquor Laws" seminars

through to December of this year. These seminars, which began three years ago, have now been conducted in over 200 Ontario cities and towns and involved more than 10,000 participants. They are free of cost to liquor sales licensees, management and staff. Because of their popularity, early registration

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Reminders

The *Liquor Licence Act* and regulations provide the framework for the sale and service of beverage alcohol in Ontario. The following are some key legislative and regulatory requirements that licensees must adhere to in order to maintain compliance with the liquor laws and keep their liquor licences in good standing.*



No smoking

Regulations under the Smoke-Free Ontario Act now include a ban on smoking at outdoor patio bars and restaurants, whether covered or not.

For full details on this law, which came into effect on January 1, 2015, please refer to ontario.ca/page/smoke-free-ontario.



Serving minors

Do not serve liquor to persons under the age of 19. Check the identification of people who you suspect are underage.

Controlling noise

Ensure that noise emanating from your patio does not disturb the neighbourhood.



Sandy's Law

Sandy's Law posters must be visible to patrons at all times, and not placed out of sight in a back room or hidden by a clutter of wine bottles or glasses.



Overcrowding

Make sure the number of persons in the licensed establishment is within the lawful capacity as stated on the liquor licence.



Excessive drinking

Licensees and their staff have a responsibility to make sure not to encourage excessive drinking or serve alcohol to anyone suspected of being intoxicated.

Continued on p. 5 See *Reminders*

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



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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 revocations for the period beginning April 1, 2015 ending June 30, 2015. Sanctions for similar infractions may vary in length according to the specifics of each case. For details on Licence Appeal Tribunal visit www.lat.gov.on.ca

Establishment	Infraction	Sanction
G's Chill & Grill Sports Bar, Scarborough	Failure to clear signs of service; overcrowding	55 days
OORAA Lounge, Toronto	Past conduct; permitted narcotics on premises; permitted drunkenness; failure to clear signs of service; licensee failed to ensure control of premises was maintained.	Licence Revoked

Other Suspension/Revocations

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

Establishment	Infraction	Sanction
Game Center, Toronto	Past conduct; not financially responsible in conduct of its business	Licence Revoked
Second Beer Bar and Restaurant, Toronto	Permitted drunkenness violent and disorderly conduct; service outside prescribed hours; failure to clear signs of service; permitted removal of liquor from premises; licensee failed to ensure control of premises was maintained; failure to facilitate inspection	60 days ¹
Silver Dollar Restaurant, Nepean	Past conduct; permitted narcotics on premises	Licence Revoked
Whitecaps at the Bend, Grand Bend	Permitted narcotics on premises	21 days

¹ Suspension started on January 16, 2015

New Director of Inspection and Investigation Branch



Inspector Dave Taylor, a 28 year member of the Ontario Provincial Police (OPP) has been appointed the new Director of the AGCO's Inspection and Investigation Branch.

Insp. Taylor began his police career as a cadet with York Regional Police Service, moving to the

OPP in 1987 and served in Millbrook and Kanata detachments. In 1996 he was transferred to the OPP Intelligence Section and in 2000 was promoted to Sgt. in the Organized Crime Enforcement Bureau. During his tenure in this position he gained extensive experience investigating illegal gambling and technological crime. In 2010 Insp. Taylor was transferred to the Investigation and Enforcement Bureau, AGCO and promoted to S/Sgt to oversee investigations. On May 11, 2015, he was confirmed at the rank of Inspector and assigned as the Director of the Ontario Provincial Police - Inspection and Investigation Branch, Investigation and Enforcement Bureau, AGCO.

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is recommended. Full details regarding registration information is available on our website at www.agco.on.ca

Best Bar None

The Best Bar None (BBN) program, an industry-led awards event, has completed its third successful year and the awards winners in a number of categories are published on pages 3 and 4 of this edition of Licence Line. I am very pleased to congratulate all of the winners in both Toronto and Ottawa and to thank all of the establishments that took part. This year there were 65 accredited establishments in Toronto and 24 in Ottawa. The BBN program rewards excellence among responsible liquor sales licensees and encourages improvement of operations.

Advise changes in ownership

We remind holders of a liquor sales licence of the requirement to advise the AGCO of any changes to the ownership of a licensed establishment. If you are applying for the transfer of a liquor licence make certain to fully complete all questions on the transfer application. This will ensure that your request is processed in a timely manner.

Other items

There are also items on the Last Drink Program, illegal gaming machines in licensed premises and an update on wine sales at Farmers' Markets.

After a long and rather cold winter, we are now experiencing some very nice vacation-type weather that encourages the exploration of new places of interest, attending local festivals and taking part in the many outdoor activities organized across Ontario during the summer months. We recommend to all Ontarians and visitors to visit the excellent wineries and farmers' markets available throughout our province.

So to all of our licensees, stakeholders and customers, have a great fun-filled summer and enjoy the good weather—and good times!

Eleanor Meslin

Chair

Industry-led awards program

Ottawa and Toronto establishments recognized with Best Bar None Awards

Best Bar None (BBN) Ontario celebrated another successful year by recognizing Toronto and Ottawa establishments that uphold the highest standards in serving liquor responsibly and safely.

Launched in Ontario in October 2012, BBN Ontario is an industry-led accreditation and awards program that rewards excellence among responsible liquor sales licensees and encourages everyone to improve their operations. The program is offered in downtown Toronto and Ottawa’s ByWard Market.

Based on a similar program started in 2003 in the United Kingdom, BBN Ontario is led by the Ontario Restaurant, Hotel & Motel Association (ORHMA), in partnership with the AGCO and industry, government and community partners.

BBN Award winners in Toronto:

- Best Bar/Lounge: Real Sports Bar & Grill
- Best Members Club: The Spoke Club
- Best Restaurant: Turf Lounge
- Best Hotel: Hyatt Regency Toronto on King
- Best Club: Crocodile Rock

- Best Venue: Air Canada Centre
- Best Pub: Fionn MacCool’s (Front Street)
- People’s Choice: Real Sports Bar & Grill

“By developing positive relationships with neighbors, patrons, the city, law enforcement and industry partners, the winners are helping make the community safer and the experience for patrons more enjoyable,” said Tony Elenis, President and CEO of ORHMA.

BBN Award Winners in Ottawa’s ByWard Market:

- Best Bar/Lounge: Real Sports Bar & Grill
- Best Pub: Pub 101
- Best Restaurant: Fatboys Southern Smokehouse
- Best Hotel: Courtyard Marriott
- Best Club: Kavali
- People’s Choice: The Liquor Store Party Bar/Green Room

There is no cost to apply for BBN accreditation. Upon meeting the criteria, establishments receive marketing materials they can display to publicly indicate that they’re an accredited venue. When people see the Best Bar None Ontario decal at a bar, pub, restaurant or club, they can be assured that the establishment has met the highest standards for responsible service of alcohol and operates with the safety and well-being of its patrons and the community in mind.

For more information, visit the BBN Ontario website at: www.bbnontario.ca



Best Restaurant Ottawa:

Fatboys Southern Smokehouse award winner
(Left to right)

BRIAN FORD Board Member (AGCO);
LEIGH MORGAN Bar Manager (Fatboys Southern Smokehouse);
TONY ELENIS President & CEO (ORHMA)



Best Bar/Lounge - Toronto: Real Sports Bar & Grill award winner (left to right)

JEAN MAJOR CEO (AGCO); IAN MALCOLM Senior Manager (Air Canada Centre); MATTHEW VALENTINE Director (Real Sports Bar & Grill); DOUG PORT Director of Sales (Labatt Breweries of Canada); TONY ELENIS President & CEO (ORHMA)

“Last Drink” program designed to reduce impaired driving on roads and highways

The “Last Drink” program, now in use by Ontario Provincial Police detachments and 28 municipal and regional police services, is a collaborative project that provides the opportunity for the AGCO, police services and licensees to share information in an effort to educate owners of licenced establishments on the dangers of drinking and driving.

Under the program, people charged with alcohol related driving offences are asked the name of the licensed establishment where they had their last drink. If the driver is willing to provide the information, the police document the information and pass it along to the AGCO. An AGCO inspector will visit the licensee and discuss with them their obligations under the *Liquor Licence Act*, and the importance for the licensee to stay in compliance with the liquor laws relating to such areas as over service, serving minors, hours of operation, etc.

Driving under the influence

In 2014, AGCO inspectors visited 450 licensed establishments across the province that had been identified under the Last Drink Program.

The overall objective of the Last Drink Program is to ensure licensees and their staff are aware that impaired driving is

one of the biggest killers on Ontario’s highways. Serving intoxicated patrons, who may end up driving their motor vehicles, is a major violation of the provinces liquor laws that can lead to severe legal and disciplinary action. Penalties for over service may include a warning, a monetary penalty, suspension or revocation of the liquor licence.



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.



Selling a business/change of ownership

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 establishment(s).

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 from that currently approved with the AGCO. This includes any changes to officers, directors, partners and shareholders.

Note: Any time a change in the ownership (unless less than 10% share transfer) of a licensed establishment occurs, the AGCO must be advised.

A transfer application form (Form 1203) can be downloaded from our website at agco.on.ca

Be sure to answer all questions on the Transfer Application Form. Incomplete, 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 liquor licence back to the Registrar of Alcohol and Gaming when you stop operating your business. To do this you must complete a Voluntary Surrender Form 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)

Continued from page 1 *Tips for Licensees*

Reminders-Keeping your liquor licence in good standing



Responsible service

All servers must successfully complete a server training program approved by the Board of the AGCO.

Licensees must allow access by inspectors/police

Allow AGCO inspectors and/or police unobstructed access to the licensed premises. Licensees are expected to facilitate liquor inspections on the premises.



Hours of sale

Sell and serve liquor only within allowed hours. In Ontario, hours of operation for the sale and service of alcohol are: 11.00 am to 2.00 am-except New Year's Eve when the hours are 11.00 am to 3.00 am.

Disorderly conduct

Liquor sales licensed establishments must be operated in an orderly fashion. Drunken, quarrelsome, violent, or disorderly conduct is not permitted in licensed premises.



*** These are just some reminders to licensees of their responsibilities to keep in compliance with Ontario's liquor laws. Licensees are required to comply with the *Liquor Licence Act* and regulations and a failure to do so could lead to a monetary penalty, suspension and/or revocation of the liquor licence.**

VQA Wine sales at Ontario Farmers' Markets

More than 170 Farmers' Markets and close to 80 wineries have participated in the provincial government's pilot program that allows Ontario wineries to sell Vintner's Quality Alliance (VQA) wine at Farmers' Markets across the province.

Since the program was launched in May 2014, more than 73,000 bottles of VQA wine have been sold at farmers markets throughout Ontario.

VQA wines

The program allows wineries to sell their VQA wine at temporary extensions of their on-site winery retail stores at Farmers' Markets throughout Ontario, provided they manufacture VQA wines and apply to the AGCO for an authorization to sell at Farmers' Markets. Authorized wineries must notify the AGCO in advance of the dates and locations where they will be selling their VQA wine.

Participating wineries must ensure they do not sell to anyone who is intoxicated or under the age of 19. The Registrar's Sampling Guidelines for Liquor Manufacturers must also be followed and require that all sampling must take place at the winery's temporary extension (i.e. booth).

Municipalities must approve

Under this program, wineries are able to conduct sales during the same hours that a Farmers' Market is open, even if they fall outside of the on-site winery retail store's permitted hours of sale. Wineries must transport their VQA wine to each Farmers' Market from their retail location on the same day that sales occur and must return any unsold wine back to the on-site retail store at the end of each day. No winery is allowed to sell for more than 3 days a week at any individual Farmers' Market, but there is no limitation on the number of Farmers' Markets at which wineries can sell.

Municipalities have the right to refuse to allow sales of VQA wine at Farmers' Markets.

For more information on VQA wine sales at Farmers' Markets, visit our website at www.agco.on.ca or contact Customer Service at **416.326-8700** or (toll free in Ontario) at **1-800-522-2876**

Licensed areas on golf courses



The *Liquor Licence Act* and regulations provide that liquor can only be sold and served in licensed areas which have been approved by the AGCO through a liquor sales licence application process.

For a golf course, there are two elements to a liquor sales licence:

- 1. The liquor sales licence itself:** this permits the club to sell and serve liquor in licensed areas including the clubhouse, restaurant, outdoor patio, etc.
- 2. A golf course endorsement:** this permits the club to sell and serve alcohol on the playing area of the golf course.

Licensed playing areas

A golf course endorsement is an addition to a liquor sales licence and permits the sale and service of beverage alcohol to patrons for consumption on the playing area of the golf course. The "playing area" includes:

- All eighteen holes
- Fringe areas along the golf course
- Practice putting greens
- Practice chipping areas
- Driving range
- The grassy area generally surrounding the clubhouse

Liquor is permitted in these areas, but not in parking lots, public walkways or roadways that may separate these licensed areas.

Signs should be put up advising patrons which areas are licensed and which are not. All clubs have different layouts when it comes to public areas intersecting the grounds and licensed areas. Golf club owners should seek advice to have their course assessed individually.

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 2 ½ 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

over **80%** of **10,000+** participants found the information useful and would recommend attending

"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" — Hamilton

Educational Seminars Calendar

JULY 2015

Dryden..... Wednesday, July 15
 Thunder Bay Thursday, July 16
 Toronto (West)..... Wednesday, July 29

AUGUST 2015

Timmins Wednesday, August 12
 Kincardine..... Tuesday, August 25
 Owen Sound Wednesday, August 26
 Barrie Thursday, August 27

SEPTEMBER 2015

Brockville Tuesday, September 15
 Ottawa/Kanata..... Wed, September 16
 Belleville Thursday, September 17
 Toronto (East) Wed, September 30

OCTOBER 2015

London Tuesday, October 6
 Windsor..... Wednesday, October 7
 Toronto (Central)..... Wed, October 28

NOVEMBER 2015

Cambridge..... Tuesday, November 17
 St. Catharines..... Wed, November 18
 Niagara Falls Thursday, November 19

DECEMBER 2015

BramptonWed, December 10

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

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.



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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