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**“...to all of our clients and stakeholders, the very best wishes for a healthy, happy and successful New Year.”**

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ELEANOR MESLIN

## FROM THE CHAIR...

*In this edition of Licence Line we publish a number of articles relating to the Holiday Season. These stories include hours of operation for New Year's Eve, the importance of maintaining vigilant attention to ensure all the requirements of the Liquor Licence Act are enforced, including issues such as overcrowding and monitoring for conduct both inside and outside the licensed premises. We provide*

*information on "all you can drink" packages, changing drink prices during the day and the policy around bring your own wine-take home the rest.*

### Sandy's Law

*We once again urge all holders of a liquor sales licence to make certain that "Sandy's Law" posters are prominently displayed in their premises. This is a requirement of the LLA relating to the sale and service of*

**Continued on page 2 See Chair's Column**

## Holiday Season

### New Year's Eve hours of operation



Licensed establishments can serve alcohol until 3:00 a.m. on New Year's Eve (December 31), one hour later

than normal service time (this does not apply to licensees who have a condition on their licence restricting the hours of alcohol sales service). For those who may hold Special Occasion Permits (SOPs), the eligible hours for New Year's Eve service is also extended to 3:00 a.m.

Licensees and SOP holders are reminded they must remove all signs of alcohol service (including all glasses and bottles, whether empty or only partially consumed) within 45 minutes of closing time. On New Year's Eve this means 3:45 a.m. Failure to adhere to this regulation may lead to a monetary penalty of up to \$4,000.

### Traditional Time

While New Year's Eve is a traditional time to celebrate and have fun, licensees and staff are reminded that permitting intoxication and promoting immoderate consumption are contrary to the *Liquor Licence Act* and can lead to a monetary penalty of up to \$6,000 or administrative sanctions against your establishment, such as a suspension or revocation of the liquor sales licence. ■

### Holiday season crowds: check capacity

The capacity of a liquor licensed establishment has been set for the safety and health of staff and patrons. Exceeding that limit can jeopardize the safety of everyone inside, especially if there is an emergency, and can also jeopardize your liquor licence.

With the busy holiday season underway, licensees should take extra care to ensure that the number of persons on the licensed premises does not exceed the capacity as stated on the liquor licence. This number includes all staff and management. Overcrowding infractions may lead to a monetary penalty of up to \$10,000 and /or suspension or revocation of the liquor licence. ■



Alcohol and Gaming Commission of Ontario  
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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/or revocations for the period beginning October 1, 2015 ending December 2, 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](http://www.lat.gov.on.ca)

Establishment	Infraction	Sanction
None for this period		

### Other Suspension/Revocations

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

Establishment	Infraction	Sanction
All Star Wings & Ribs, Kitchener	Liquor sold to person who appears to be intoxicated; serving minors; failure to inspect identification; permitted drunkenness	21 days
Café Mondiale & Bar, Downsview	Liquor not purchased under licence; permitted unlawful gambling; non-compliance with "Fire Protection and Prevention Act"	21 days
Europa, Toronto	Failure to facilitate inspection; obstructing an inspection	14 days
Mint Lounge & Karaoke, Toronto	Permitted drunkenness; failure to facilitate inspection; failure to clear signs of service; permitted unauthorized persons behind bar	23 days
Moe's Tap & Wings, Orillia	Licensee failed to ensure control of premises was maintained	18 days
Sweetz Café & Bistro Lounge, Woodbridge	Past conduct	Licence Revoked

## AGCO Window Decals: "Licensed to Sell and Serve Alcohol"

The Alcohol and Gaming Commission of Ontario (AGCO) is the provincial agency responsible for regulating the sale and service of beverage alcohol across the province.

As part of this mandate, the AGCO issues liquor sales licenses to establishments in order that they may sell and serve wine, beer and spirits to their patrons.

To assist licensees in communicating to the public that their establishments are licensed, the AGCO has produced a full colour, cling vinyl decal that clearly indicates the premises are "Licensed to Sell and Serve Alcohol".

To order decals in English or French please contact AGCO Customer Service at **1 800 522 2876** or **416 326-8700**. ■

### Continued from page 1 *Chair's column*

beverage alcohol to pregnant women. A copy of this poster is included in this issue of Licence Line.

#### Educational seminars

We have published the dates and locations for our next series of Educational Seminars in 2016. These seminars have been held in more than 230 communities across the province during the past five years. They are very popular, so licensees and their staff should sign up early to attend.

#### Another year ends

As we close out another period of substantial change and activity, it is with a real pleasure that I sincerely thank all of our stakeholders and clients who together have helped make this year both rewarding and satisfying.

At the same time, I would like to acknowledge and thank my Board Members, the management, and the staff of the AGCO, for their outstanding efforts in providing a very high level of commitment and excellence in the application and administration of the province's liquor laws.

To all our friends and associates, may each of you and your families have a healthy, happy and successful New Year.

Season's Greetings to all!!!

Eleanor Meslin

Chair

## Reminder

### Bring Your Own Wine / Take Home The Rest



Licensees are reminded that they may choose to participate in the “Bring Your Own Wine” (BYOW) and “Take Home The Rest” (THTR) programs.

These policies allow patrons to bring commercially-made wine to participating licensed establishments and to remove partially consumed wine from a licensed premise.

Licensed establishments wishing to offer BYOW service to their patrons must first obtain a BYOW Endorsement from the

Registrar of Alcohol and Gaming. There is no charge for this requirement.

Licensees participating in BYOW are subject to all the rules, regulations and policies governing the sale and service of liquor. Commercially-made wine brought in by a patron would be served in the same manner as wine selected from the menu. Although not a requirement, eligible licensed establishments that choose to provide BYOW may charge a “corkage fee” for this service.

#### No fee required

Under the THTR policy, liquor sales licensees are permitted to reseal a partially consumed bottle of commercially-made wine so that patrons can take home the undrunk portion to enjoy later. This policy applies only to wine. It does not apply to liquor or beer. A liquor licence endorsement is not required. There is no fee for this program.

**For additional information on Bring Your Own Wine and Take Home the Rest, please refer to the Responsible Service tip sheets available on our web site [www.agco.on.ca](http://www.agco.on.ca) or contact our Customer Service Branch at 1 800 522-2876 or 416 326-8700. ■**

### Service by the bottle and beer buckets

Licensees are permitted to serve liquor by the bottle on New Year’s Eve as well as any other time during regular licensed operating hours.

Also, the sale of “beer buckets” is permitted provided that the liquor licence holder does not allow drunkenness or disorderly behaviour on the licensed premises.

The prohibition against engaging in practices that may tend to encourage immoderate consumption remains in place at all times.

Should a licensee be found advertising or holding an “all you can drink” function, on New Year’s Eve, or any other time during regular operating hours, such promotion may be cited for several violations under the *Liquor Licence Act* and Regulations. ■



### Limited circumstances

#### Planning to offer an “all you can drink” package on New Year’s Eve?

Many licensees assume they are permitted to offer “all you can drink” packages on New Year’s Eve. This is not the case. The legislation only allows packages under limited circumstances. For example, a licensee may offer a package of food and liquor at a fixed price when:

- a) the licence holder and event organizer have entered into a written contract that sets out separately the price of the food component and the price of the liquor component of the package;
- b) the price of the food component is the fair market price and represents more than 50 per cent of the total price of the package;
- c) the event is intended only for the invited guests of the event organizer, is not advertised or open to the general public;
- d) attendees are not charged a fee for admission to the event or for liquor or food;
- e) the event organizer or the organizer’s delegate remains on the premises at all times during the event;
- f) the time for which alcoholic drinks may be provided to attendees without charge to the attendee does not exceed eight hours;
- g) the licence holder, the employees and managers of the licence holder and the security personnel other than paid duty police officers acting as security personnel at the event have completed a server training course approved by the Board of the AGCO; and
- h) the licence holder keeps all contracts relating to the event for at least one year after the event takes place. ■



## Minimum price is required

### Changing drink prices during the day



Licensees have a lot of flexibility when it comes to being able to change drink prices throughout the business day. There is no limit on the number of times licensees can change drink prices in their establishments, however there are some important things to remember:

The price of the drink must remain at or above the minimum price of \$2 per serving, including taxes. This minimum price is required whether the drink is offered at a specific time of the day or in combination with food or other goods or services, such as “beer with wings”, “wine with dinner” or “a cocktail with a spa treatment”.

The size of the serving of liquor will affect the minimum price. A serving is defined as: 341 ml (12 oz) of beer, cider or cooler; 29 ml (1 oz) of spirits; 142 ml (5 oz) of regular wine; or 85 ml (3 oz) of fortified wine. If the drink contains more than a serving, the price must be adjusted upwards accordingly. If the drink contains less than a serving of alcohol, the price can be adjusted downwards accordingly.

#### Price changes must be posted

Temporary drink price changes must be posted. Whether served alone or in combination with food or other goods or services, licensees must post or provide a notice specifying the change and make it visible or available to all patrons attending the premises while the change is in effect.

Posting and advertising of prices and promotions must be responsible in nature. Postings or ads that may promote immoderate consumption are not permitted. For example, the use of the terms “Happy Hour” or “Cheap Drinks”, or something similar, is prohibited.

Drink prices must be the same for all patrons. Promotions that target certain parts of the population, such as women or students, are not permitted. All customers must be treated equally.

Prices may not be based on the purchase of other drinks. Promotions such as “2 for 1 drinks”, “2nd drink is ½ off” or “every 3rd drink is \$2” are not permitted.

Prices and promotions may be advertised outside of the establishment. Ads (including on sandwich boards) may include information such as the time period prices are in effect, food or other goods or services included in a promotion, and brands and generic categories like “domestic beers” or “margaritas”.

#### Indoor/outdoor pricing

Different drink prices can be offered in different locations of an establishment. For example, licensees may offer drink prices to patrons in a patio area that are different from those offered in an indoor area.

Complimentary drinks are only permitted under certain circumstances. Licensees and/or their employees may

purchase liquor for a patron at the established listed price for purposes such as recognizing regular patronage, celebrating special events, expressing friendship, or acknowledging poor service. Liquor may not be purchased for patrons as part of a promotion or at regular intervals, or indiscriminately for patrons at the establishment.

Minimum liquor pricing in Ontario is intended to provide licensees with the ability to offer responsible drink price flexibility through the setting of a floor price for liquor sold in licensed establishments.

For easy reference, the following chart provides some examples of the minimum price for various common sizes in which liquor is served.

Beer	284ml (10 oz)	455ml (16 oz)	568ml (20 oz)	1.7l (60 oz)
Minimum Price	\$1.67	\$2.67	\$3.33	\$10

Regular Wine	170ml (6 oz)	500ml (18 oz)	750ml (26 oz)	1l (35 oz)
Minimum Price	\$2.40	\$7.20	\$10.40	\$14

Spirits	14ml (0.5 oz)	43ml (1.5 oz)	57ml (2 oz)	85ml (3 oz)
Minimum Price	\$1	\$3	\$4	\$6

#### In summary

You may change your drink prices multiple times a day.

Revised drink prices must always be posted or provided to patrons.

Liquor prices must be the same for all patrons.

Drink prices may not be based on the purchase of other drinks.

Prices and promotions may be advertised outside of the establishment.

The posting and advertising of prices and promotions must be responsible in nature.

**Liquor sales licensees are under the general obligations not to serve intoxicated individuals or minors, permit drunkenness on their premises and/or promote immoderate consumption.**

**For more detailed information on pricing and promotion of liquor sales in licensed establishments, please refer to our Information Bulletin No. 014 on the AGCO website ([www.agco.on.ca](http://www.agco.on.ca)) or contact AGCO Customer Service at (416) 326-8700 or toll free in Ontario at 1-800-522-2876.**

### Smart Serve Training Program

Regulatory requirements under the *Liquor Licence Act* state that all liquor sales licensees and liquor delivery services must ensure that persons involved in the sale and service of liquor, including security staff, hold a certificate demonstrating the successful completion of a server training course approved by the Board of the AGCO.

**The current approved server training course is Smart Serve. For more information about the Smart Serve Training Program, please visit the Smart Serve Ontario website at [www.smartserve.ca](http://www.smartserve.ca)**

## 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](http://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](http://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**



Over the past five years, some **12,000** licensees, their staff and others interested in the liquor industry, have attended these seminars that have been held in more than 230 communities across the province. 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

JANUARY 2016	
Newmarket .....	Tuesday, January 19
Oshawa .....	Wednesday, January 20

FEBRUARY 2016	
Mississauga .....	Tuesday, February 9
Hamilton .....	Wednesday, February 10
Niagara Falls .....	Thursday, February 11
Toronto (East) .....	Wednesday, February 24

MARCH 2016	
Visit us at the Restaurants Canada Show Feb. 28, 29 and March 1	
<b>Direct Energy Centre, Toronto, Booth #800</b>	

Detailed information on these Educational Seminars is available on our website at [www.agco.on.ca](http://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](http://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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# AGCO

Alcohol and Gaming  
Commission of Ontario

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