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ELEANOR MESLIN

### FROM THE CHAIR...

*The Alcohol and Gaming Commission of Ontario continues to move forward in modernizing the province's liquor regulations. After consultations, roundtable discussions, written submissions*

*and one-on-one meetings with private, public and non-profit industry stakeholders, a number of changes to the liquor laws came into effect on July 1, 2016. Some of these revisions are reported in this edition of Licence Line. The changes will have a positive impact on licensees, liquor manufacturers and others, such as liquor delivery services and ferment-on-premise operators.*

#### Best Bar None

*We congratulate the winners of the Best Bar None awards who received recognition for upholding the highest standards of serving liquor responsibly and safely. This industry-led award program, which*

*began in 2012, is focused on the Toronto Downtown area and Ottawa's ByWard Market.*

#### New Attorney General

*We welcome Attorney General of Ontario The Hon. Yasir Naqvi to whom our agency reports. We look forward to working with him as we continue supporting the regulatory modernization of Ontario's beverage alcohol sector.*

#### Appointments

*Some significant appointments have recently been made within the AGCO.*

*I am pleased to announce that Grace Kerr of London has been reappointed as Vice Chair; and that Elmer Buchanan of Havelock and Eric Anthony Clear Williams of Alton have been reappointed as part-time members of the AGCO Board of Directors, for a term of one year.*

*A new OPP Chief Superintendent, Bill Price, has been appointed to head up the AGCO's Investigation*

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

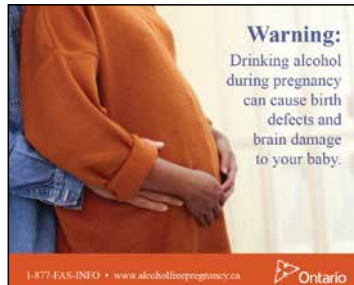
### Effective July 1, 2016

## A number of regulatory changes have been made to the *Liquor Licence Act* (LLA)

Changes to the LLA have been introduced to reduce the administrative burden on businesses and to strengthen the province's approach to ensuring the responsible sale and service of alcohol. The changes were the result of consultations with industry stakeholders and will impact liquor sales licensees, alcohol manufacturers, special occasion permit (SOPs) holders, liquor delivery services and ferment-on-premise operators.

The following changes have been made:

- Requiring all stores that sell liquor to post signs warning of the dangers of consuming alcohol while pregnant



- Allowing manufacturers of beverage alcohol to have a bar or restaurant at each of their licensed manufacturing sites
- Allowing patrons at a beverage alcohol manufacturing site (e.g., a winery or brewery) with an open serving of liquor (e.g., a glass of wine) to travel from one licensed area (e.g., an on-site store, restaurant or tour area) to another while holding that same serving of liquor

**Continued on p. 3 See Regulatory changes**

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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, 2016 ending July 31, 2016. 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](http://www.lat.gov.on.ca).

Establishment	Infraction	Sanction
Boston Pizza, Oshawa	Liquor sold to a person who appears to be intoxicated; permitted drunkenness	55 days
Ooraa Lounge, Toronto	Past conduct; permitted drunkenness; permitted narcotics on premises; licensee failed to ensure control of premises was maintained; failure to clear signs of service	Licence Revoked

## Other Suspension/Revocations

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

Establishment	Infraction	Sanction
916 Henry's Bar, Toronto	Not financially responsible in conducting its business; past conduct	Licence Revoked
Atlantide Café Sport, Thornhill	Breach of condition of the establishment's liquor licence	Licence Revoked
Cheers Karaoke & Bar, Toronto	Permitted drunkenness, quarrelsome, violent and disorderly conduct; failure to clear signs of service; obstructing an inspection; breach of condition of the establishment's liquor licence	14 days
Four Stars Café, Toronto	Sale not under licence; permitted unlawful gambling	25 days
La Porte Resto & Bar, Toronto	Overcrowding	21 days
University Pub & Grub, Windsor	Carried on business under a name other than the name set out on the licence; operated business without licence transferred by the Registrar	Licence Revoked
Westwood Place Burgers Restaurant, Toronto	Obstructing an inspection	16 days (July)
Westwood Place Burgers Restaurant, Toronto	Failure to clear signs of service	14 days (April)

## Sale of VQA wine and/or fruit wine at Ontario Farmers' Markets

In May 2014, the Government of Ontario launched the Vintners' Quality Alliance (VQA) Wine Sales at Farmers' Market pilot program. The two-year pilot program was introduced as part of the province's renewed Wine and Grape Strategy and Local Food Strategy. In support of these initiatives, the program was designed to:

- make it easier for consumers to purchase local food and local wine;
- create economic opportunities for Ontario wineries; and
- celebrate the VQA wines that are crafted entirely from Ontario grown grapes.

The AGCO has been responsible for administering the VQA Wine at Farmers' Market pilot project since its launch on May 1, 2014. Earlier this year, the Government approved a number of amendments to Ontario Regulation 720 (Regulation) under the *Liquor Licence Act* (LLA) impacting this initiative and confirming its continuation.

### Changes made

Effective May 1, 2016, AGCO authorized manufacturers of fruit wine (including cider made from 100% Ontario apples) were permitted to begin selling their products at Ontario Farmers' Markets along with VQA wine. In addition, several other regulatory amendments were made which were aimed at reducing the administrative burden on businesses while continuing to ensure the responsible sale and service of alcohol. For example, after consulting with industry stakeholders, the Government approved an amendment to the



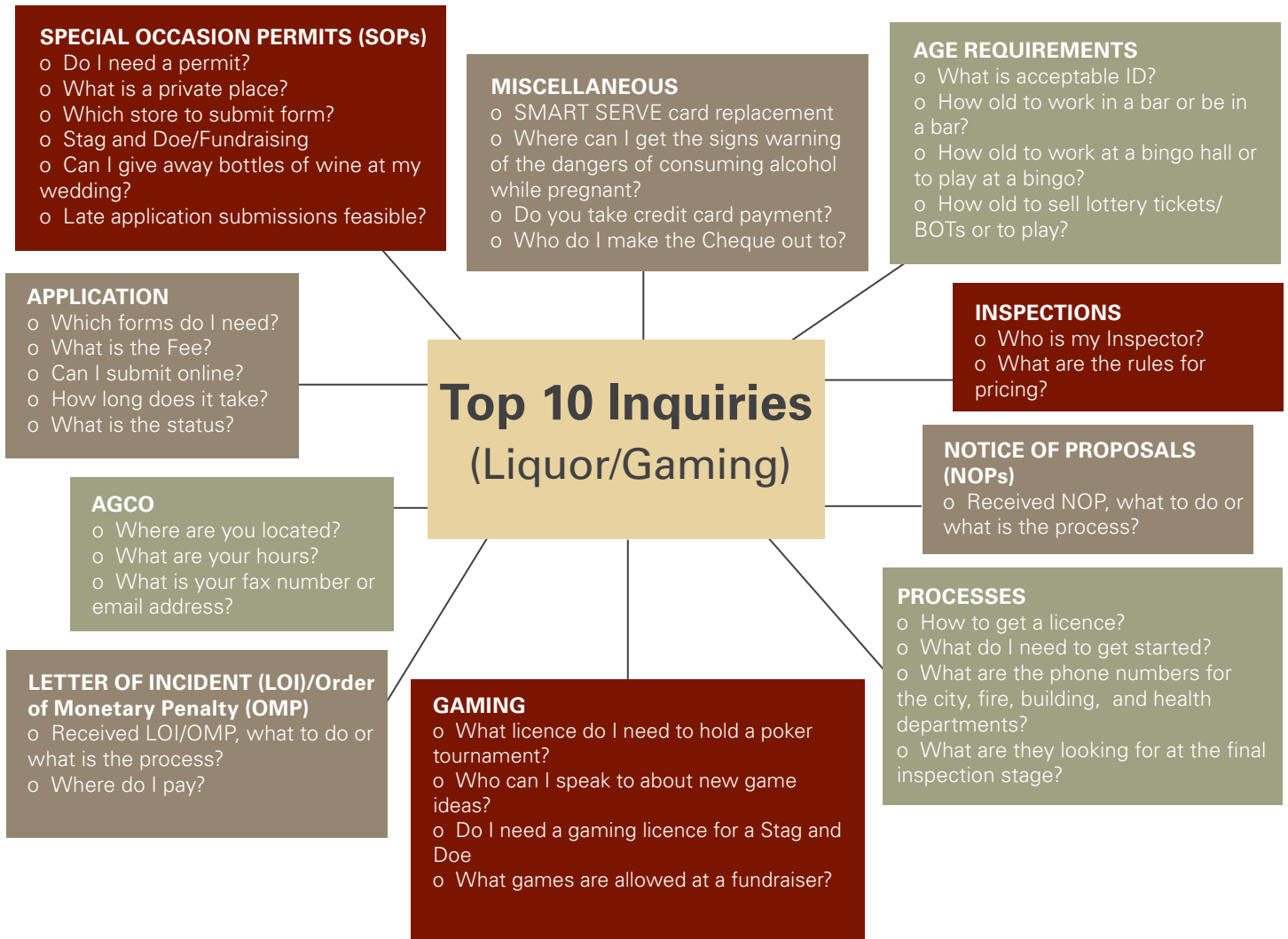
regulation that allows manufacturers to return unsold product from a Farmers' Market to their on-site retail store within 24 hours of the time it leaves the manufacturer's store. Previously, manufacturers were required to return any unsold product they intended to sell at a Farmers' Market by the end of the day.

***As of June 2016, 97 wineries (including 13 fruit wineries) were authorized to sell their wine at approximately 240 Ontario Farmers' Markets.***

## Top Inquiries received by the AGCO Customer Service Department

Last year, the AGCO Customer Service Department responded to 161,089 inquiries relating to liquor licensing and gaming registration issues. This included:

- 109,291 customer contacts received by telephone
- 16,780 walk-in customers at head office customer service desk
- 26,265 customers who received information via AGCO’s automated voice messaging system, and
- 8,393 email inquiries



Continued from page 1 *Regulatory changes*

## A number of regulatory changes have been made to the *Liquor Licence Act (LLA)*

- Allowing patrons at a beverage alcohol manufacturing site (e.g., a winery, brewery or distillery) to purchase liquor from the manufacturer’s on-site store when they are at an on-site restaurant
- Increasing the amount of liquor that a beverage alcohol manufacturer’s representative can have on hand from 180 to 360 litres
- Allowing liquor to be auctioned for charity at special occasions, and expanding the ability to serve homemade wine and beer at religious occasions and weddings, including any special family occasion at a location requiring a special occasion permit, such as an event hall
- Allowing employees of beer- and wine-making shops to move large containers used to make beer or wine to other premises, if, for example, the business



- changes its location; the changes will also allow a designate to complete a customer’s batch of beer or wine in the event the customer is not able to attend in person (e.g., injury)
- Requiring that every person who provides samples of liquor for licensed manufacturers, such as a winery or brewery, receive training in responsible service
- Eliminating the requirement that the Alcohol and Gaming Commission of Ontario must approve advertising by licensed manufacturers, to be consistent with other liquor licences

For a complete list of changes and a detailed outline of the regulatory reforms, please refer to the AGCO Alcohol Licensing Information Bulletin No. 041 on our website [www.agco.on.ca](http://www.agco.on.ca) or call our AGCO Customer Service Department at 416.326.8700 (GTA) or 1.800.522.2876 (toll-free in Ontario).

## New Minister appointed with responsibility for AGCO

*[The Alcohol and Gaming Commission of Ontario reports to the The Honourable Yasir Naqvi who is the Attorney General of Ontario. He is also Government House Leader.]*

Yasir Naqvi was first elected to the Ontario Legislature in 2007 and reelected in 2011 and 2014. He represents the Riding of Ottawa Centre.

Minister Naqvi was previously Minister of Community Safety and Correctional Services (2014-2016) and has served as Minister of Labour.

He has a B.A and M.Sc. from McMaster University and holds an LL.B from the University of Ottawa. He has been called to the bars of Ontario, England and Wales.

*The AGCO is responsible for the administration and enforcing of the rules set by the Ontario government relating to the sale and service of beverage alcohol in the province. The AGCO also has regulatory responsibility for gaming and horse racing in Ontario.*



The Honourable Yasir Naqvi

## New Chief Superintendent appointed



Bill Price

William (Bill) Price has returned to the AGCO as the new Chief Superintendent of the OPP to oversee the Investigation and Enforcement Bureau (IEB). He had previously spent six years with the AGCO in a variety of roles, including Director of the Inspection and Investigation Branch and Director of Strategic Management. Over the past 18 months, he was the OPP Chief Firearms Officer. He is a 32-year career police officer.

He will be taking over from Chief Superintendent Fred Bertucca, who has been appointed to the new position of Deputy Chief Operating Officer, responsible for AGCO compliance activities (see separate story below).

The IEB works closely with local law enforcement agencies to pursue the responsible sale and service of alcohol across the province and enforce provisions of the province’s liquor and gaming laws.

The IEB conducted more than 25,000 inspections of licensed premises in the fiscal year 2014/15. There were about 8,300 contraventions cited of Ontario’s liquor laws during this period - a reduction of some 15% from the previous two years. There are approximately 18,000 licensed establishments in the province. About 61,000 Special Occasion Permits (SOPs) are issued annually.

## New position at AGCO

After a distinguished career in policing spanning over 34 years, Chief Superintendent Fred Bertucca has retired from the OPP and has joined the AGCO as Deputy Chief Operating Officer, responsible for AGCO compliance activities. As head of this new area, reporting to the Chief Operating Officer, he will be responsible for audit, financial investigations, liquor inspections and gaming compliance. During his police career, Mr. Bertucca held service postings in many Ontario communities including Toronto, London, Barrie, Orillia, Midland and Thunder Bay.



Fred Bertucca

## 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 licences 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**. ■

**Licensed to Sell and Serve Alcohol**

[www.agco.on.ca](http://www.agco.on.ca)

AGCO | Alcohol and Gaming Commission of Ontario

CAJO | Commission des alcools et des jeux de l'Ontario

## 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 amongst 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), and is supported by the AGCO, government and community partners. Best Bar None programs have been credited with increasing levels of public safety and reducing crime in downtown entertainment districts.

### Role models for industry

"I congratulate the winners for serving their community and for being role models for the industry. In order to enter the competition, a licensed establishment must first be accredited by BBN. This is a rigorous process and it is very gratifying to see more restaurants and clubs choosing to participate in the program," said Tony Elenis, the President and CEO the Ontario Restaurant, Hotel and Motel Association, which leads BBN Ontario.

### BBN Award winners in Toronto:

- **Best Bar/Lounge:** Real Sports Bar & Grill
- **Best Restaurant:** Jack Astor's Bar and Grill (John Street)

- **Best Club:** Crocodile Rock
- **Best Pub:** Fionn MacCool's (Front Street)
- **Best Members Club:** The Spoke Club
- **Best Hotel:** Hyatt Regency Toronto on King
- **Best Venue:** BMO Field
- **People's Choice:** The Bier Markt (King Street)

### BBN Award Winners in Ottawa's ByWard Market:

- **Best Bar/Lounge:** Real Sports Bar & Grill
- **Best Restaurant:** Fatboys Southern Smokehouse
- **Best Club:** Kavali
- **Best Pub:** Pub 101
- **Best Hotel:** Courtyard Marriott
- **People's Choice:** Kavali

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.

A key component of the accreditation and awards process is an independent third party review to verify that an establishment is in compliance with its own processes and the provincial regulations administered by the AGCO.

For more information, visit the BBN Ontario website at: [www.bbnontario.ca](http://www.bbnontario.ca)



Toronto Best Bar None Ceremony photo (left to right)

JALE FERLAND (*The Spoke Club*), ANTONIO VIEGAS (*Hyatt Regency Toronto*), BARRY MCLEOD (*Crocodile Rock*), ROD BEATTIE (*Crocodile Rock*), ANAT LEDERMAN (*Jack Astor's -John Street*), JEN BRITTON (*Real Sports Bar & Grill*), TONY ELENIS, President & CEO (*ORHMA*), PAUL COLICCHIO (*Air Canada Centre*), NEVILLE LOWE (*Fionn MacCool's -Front Street*), BEVERLY SAMUEL-LOWE (*Fionn MacCool's -Front Street*), MICHAEL FAGAN (*Air Canada Centre*), TOM MUNGHAM, COO (*AGCO*), DAN MORROW (*BMO Field & Ricoh Coliseum*), JEAN MAJOR, CEO (*AGCO*)

Continued from page 1 *From the Chair...*

and Enforcement Bureau (IEB). He has previously been with the AGCO (see story on page 4).

And OPP Chief Superintendent Fred Bertucca, who was in charge of the IEB for the past five years, has retired from the OPP to become the Deputy Chief Operating Officer, a new position within the AGCO.

Welcome back Chief Price. And, on behalf of the Board, many thanks to former Chief Bertucca for all of his outstanding contribution to the AGCO and policing service to the province. We look forward to continuing to work with both as we move forward to implement the AGCO's ongoing mandate of regulating the beverage alcohol sector in accordance with the principles of honesty and integrity, and in the public interest.

Stories about both of these appointments appear elsewhere in this edition of *Licence Line*.

We also include articles regarding selling wine at Ontario's Farmers' Markets and new legal requirements for employee tips.

#### **A safe summer**

To our staff and their families and all of our stakeholders and customers, please have a safe and happy summertime.



Eleanor Meslin, Chair

## New legal requirements for employee tips

New legal requirements related to employee tips and gratuities came into effect on June 10, 2016. Bill 12, *Protecting Employees' Tips Act*, which amends the *Employment Standards Act, 2000 (ESA)*, limits employers from taking a share of tips and other gratuities from employees except under specific circumstances. Except as specifically authorized under the ESA, employers are prohibited from:

- Withholding tips or other gratuities from employees,
- Making deductions from an employee's tips or other gratuities, and
- Causing the employee to return or give his or her tips or other gratuities to the employer.

Employers can still "pool" tips amongst eligible employees. However, employers are generally not eligible to share in a portion of the pooled tips or other gratuities except under specific circumstances. If employers withhold tips or other gratuities contrary to the ESA, the amounts will be considered a debt owing to the employee and are enforceable under

the ESA as if they were wages owing to the employee. For more information, see Ministry of Labour **Bill 12, *Protecting Employees' Tips Act, 2015***.

#### **Summary**

- Bill 12, *Protecting Employees' Tips Act*, which amends the *Employment Standards Act, 2000 (ESA)* was passed late last year and will take effect in June 2016.
- The primary effect of the amendment to the ESA is to limit employers from taking a share of tips and other gratuities from employees except under specific circumstances.
- Tips and other gratuities are considered to be a voluntary payment left by a customer or made by a customer to an employer where a reasonable person would conclude that the customer would intend that the payment would be kept by the employee or shared by the employee with other employees.

### **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

## **Licence Line**