



# Licence Line

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Grace Kerr

## Acting Chair...

I am very pleased to have this opportunity to serve as Acting Chair of the AGCO.

Since I first joined the Board of the AGCO from a private law practice some ten years ago, the challenge and experience of serving in the public sector has been extremely satisfying and fulfilling.

First of all, I would like to thank our retiring Chair, Eleanor Meslin, for her outstanding dedication and commitment to serving the Ontario public for more than thirty years, with seventeen years as a member of the Board of the AGCO. We wish her the very best in retirement.

### New members

At the same time, I want to welcome to the Board two new members, Jane Holmes and Linda Nagel. Both of these individuals bring to our organization

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## AGCO to launch online services!

In this edition of Licence Line we announce plans for launching a web-based portal (iAGCO) that will provide a broad range of online services to make it more convenient and easier for licensees and applicants to do business with the AGCO.

### Spring 2017

**PHASE 1** Special Occasion Permits | Liquor Manufacturers

### Fall 2017

**PHASE 2** Liquor Sales Licences | Other Liquor Licences (e.g. grocery stores, licensed representatives, Ferment on Premise, Liquor Delivery Service)  
Public Inquiries & Complaints

### Summer 2018

**PHASE 3** Lottery Sellers | Gaming Operators & Suppliers  
Gaming Assistants

### Winter 2019

**PHASE 4** Horse Racing Licences | Electronic Gaming Equipment  
Charitable Gaming Licences

Once online services are fully deployed, all those who are regulated by the AGCO will be able to apply for and manage their licences, registrations and permits anytime, from anywhere. Ontarians will also be able to submit liquor, gaming and horse racing-related inquiries and complaints online.

*Projected timelines are subject to change.*

More information on p. 4 See [Online Services](#)

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FENTANYL ENDS LIFE!

# Licenced establishments have a responsibility to ensure the safety of patrons

It has been called a scourge and insidious killer. And, overdose deaths from the drug fentanyl are alarmingly on the rise right across Canada. Ontario is no exception. Various police services, municipal leaders, and community agencies are playing an active role in sounding the alarm and urging vigilance.

As a licenced establishment, you have a responsibility to ensure the safety of your patrons.

In fact, one of the regulations under the *Liquor Licence Act* (LLA) states that a liquor licence holder may not permit a person “to have, use, distribute, or sell controlled substances” in their establishment.

### WHAT DO WE KNOW ABOUT THIS DRUG?

Fentanyl is a drug originally developed and prescribed for chronic pain management.

Research reveals it is extremely powerful and potentially lethal, 100 times more potent than morphine and 40 times stronger than heroin. The so-called high is deceiving because it can also stop the user from breathing. A dose of just two milligrams of pure fentanyl can end a life.

Overdose signs and symptoms

• Severe sleepiness

• Slow, shallow breathing

• Lips and nails turn blue

• Person is unresponsive

• Gurgling sounds or snoring

• Cold and clammy skin

• Tiny pupils

If you suspect an overdose, call 911 immediately.

Many fentanyl overdoses occurred in individuals who thought they were using heroin, oxycodone, cocaine or another substance, but mistakenly took fentanyl.

Between 2009 and 2015, there were at least 640 deaths in Ontario where fentanyl was determined to be a cause or a contributing cause. This figure is likely an underestimate.

One of the regulations under the *Liquor Licence Act* (LLA) states that a liquor licence holder may not permit a person “to have, use, distribute, or sell controlled substances” in their establishment.

In February of this year, the Ontario Provincial Police (OPP) announced the seizure of thousands of fentanyl-laced pills they described as “potential doses of death,” and nearly two dozen guns along with the arrests of 18 people in an international investigation into organized crime. “We must continue to work collaboratively with police leaders and community partners to tackle the issues created by the growing presence of fentanyl and similar substances,” said Deputy Commissioner Rick Barnum, OPP Investigations and Organized Crime.

### WHAT CAN LICENCED ESTABLISHMENTS DO?

You can get involved. There is an opportunity for bar owners, bartenders and servers to be on the front line, looking for signs of illegal drug activity. And especially for signs of an overdose.

Many establishments have already come together with local municipal and community agencies to stage workshops. The purpose is to help staff learn how to recognize drug overdoses in patrons, how to prevent overdoses, and how best to respond in the hopes of saving lives.

Naloxone is a drug that can temporarily reverse the effects of an opioid overdose. Naloxone wears off within 30 to 90 minutes, so it is important to seek further medical attention.

Check for similar efforts in your community. Or consider starting one, and reach out to local business associations, health units and police services.

Some bars are already being supplied Naloxone by local health authorities. This is a medicine that reverses overdoses due to opioids, such as fentanyl, and can save lives in overdose situations.

To combat the use of fentanyl, some local Crime Stoppers organizations in Ontario are offering a reward for information that leads to seizure of illicit forms of the drug. Check with Crime Stoppers in your area. Call 1 800 222-TIPS (8477)

### FOR MORE INFORMATION

Educate your staff to the dangers and warning signs. For a good source of information, see [facethefentanyl.ca](http://facethefentanyl.ca) - a website created by students at the Humber College Ad Centre in Toronto, and supported by the Ontario Association of Chiefs of Police. You can find helpful resources, including posters for display in your establishment.

**Note:** Information for this article has been provided by the OPP

Continued from p. 1 *Chair's Column*

a wealth of business experience, and join the members of the Board to ensure that we maintain a strong commitment and focus on serving our customers.

Online services

In this edition of Licence Line we announce plans for launching a web-based portal (iAGCO) that will provide a broad range of online services to make it more convenient and easier for licensees and applicants to do business with the AGCO.

Fentanyl

We also bring to the attention of licensees the increasing use of the dangerous drug fentanyl and the important responsibility for licensees to ensure that this drug and any other “controlled substances” are not sold, used or distributed on their premises.

Patio applications

Licensees who are interested in operating an outdoor patio this summer are urged to apply now for a patio liquor sales licence. Other stories of interest relate to wine sales at Farmers’ Markets, beer and cider sales at grocery stores and a reminder about illegal service to underage persons.

I look forward to continuing the work now in progress to modernize and streamline the operations of our organization, and to strive to continue to provide a high standard of service to our clients and stakeholders.

Grace Kerr, Acting Chair

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APPLY NOW !

# Get ready for patio season!

Licensees interested in applying for a licensed outdoor patio should consider submitting an application to the AGCO as soon as possible. The application process takes about six weeks. If an objection to the application is received from a member of the public this may lead to a hearing and the timeframe could take much longer. To obtain an application form for an additional licensed area, please download the form from the AGCO website at [www.agco.on.ca/pdf/forms/1221e.pdf](http://www.agco.on.ca/pdf/forms/1221e.pdf) or call our Licensing and Registration Branch at **416.326.8700** or **1.800.522.2876**.

## PATIO NOISE COMPLAINTS

Most noise complaints come from local residents who live beside or near licensed premises.

Regulation 719/90 of the *Liquor Licence Act* regulates noise that emanates from a liquor licensed patio that may disturb neighbours. Specifically, Section 46 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."*

If the AGCO receives a noise complaint, it will assign an inspector to the location. These complaints and any related information may result in disciplinary action being taken against a licensee. Licensees should familiarize themselves with local by-law regulations. Most municipalities have strict noise regulations that must be followed. It is in the licensee's best interest to be aware of how his or her licensed patio affects neighbours and the surrounding area. If there is (loud) noise from patrons, speakers, live bands, high volume TV sets, etc., necessary adjustments may be required to work harmoniously with neighbours.



A violation of noise regulations can lead to a monetary penalty of up to \$6,000, or a suspension/revocation of the liquor sales licence.

## OVERCROWDING

During the summer months patios become a favourite location for enjoying the warm weather. Often, this can lead to overcrowding. Licensees have an obligation to ensure that the number of persons on the licensed patio area does not exceed the capacity as stated on the liquor licence. This number includes employees of the licensee.

## REMOVING LIQUOR

Licensees must ensure that patrons do not remove liquor from the outdoor premises, or any licensed premises to which the licence applies. There can be a tendency for some patrons to want to take a drink with them to an adjacent parking lot, sidewalk or alleyway to smoke (this may become more prevalent with the recent no-smoking laws in place), or other purpose. Licensees must have proper monitoring practices and security in place to make sure these practices do not occur. It is a violation of liquor regulations to allow patrons to remove liquor from the licensed premises. This could lead to a monetary penalty of up to \$4,000 or a suspension of the liquor licence.

## REASONABLE MEASURES

Licensees have responsibility to establish measures, and make reasonable efforts, to deter disorderly conduct on property adjacent to and in the vicinity of their premises. This is meant to minimize damage, nuisance or other harm to adjacent property arising from disorderly conduct by patrons of the licence holder or persons waiting to enter or leaving the licensed premises.

## REMINDER

# The legal drinking age and photo identification

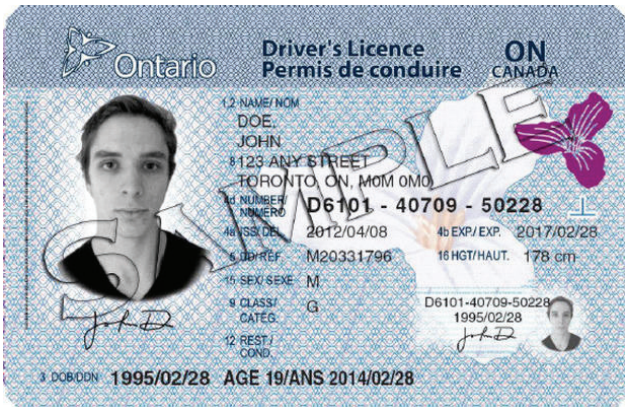
The legal drinking age in Ontario is 19 years of age. Serving people who are under the age of 19 is an offence under the LLA. Alcohol cannot be passed from a person of legal drinking age to a person (minor) who is not of the legal drinking age.

A conviction for serving minors may include a monetary penalty of up to \$20,000, a suspension of or revocation of a liquor sales licence.

The minimum age to work in a liquor sales licensed establishment depends on whether or not the employee handles alcohol.

To work in a licensed establishment and handle alcohol a person must be at least 18 years of age. Other staff that work at the establishment and do not handle alcohol may be younger than 18 years of age.

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



Some acceptable forms of photo ID include:

- Ontario driver's licence with a photo
- A Canadian passport
- A Canadian citizenship card with a photo
- A Canadian Armed Forces ID Card

No one can be required to produce the Ontario Health Card, nor can the health card number be collected.

For a full list of acceptable forms of photo ID, please refer to the AGCO website at [www.agco.on.ca](http://www.agco.on.ca) and click onto the LLA and regulations.



# Online services for liquor manufacturers and SOP applications coming this spring

Liquor manufacturers and Special Occasion Permit (SOP) applicants will be the first to benefit from AGCO’s online service delivery, starting in late spring 2017.

## SPECIAL OCCASION PERMIT

Through our soon-to-be launched online portal called iAGCO, which will be available through the AGCO’s Web site at [www.agco.on.ca](http://www.agco.on.ca), public and private event organizers will be able to apply for their SOP online, directly from the AGCO.

The LCBO will continue accepting and processing paper-based SOP applications, as it does today, until fall 2017. As of fall 2017, all applications for a SOP will have to be made online through the iAGCO portal. The LCBO will no longer accept or process applications for SOPs at that point.

## LIQUOR MANUFACTURERS

As of spring 2017, the process for applying for, renewing or modifying liquor manufacturer licences is moving exclusively online.

The following services will be available through the iAGCO portal as of spring 2017:

- Manufacturer’s licences (brewery, winery, distillery)
- On Site Retail Store Authorizations (brewery, winery, distillery)
- ("By the glass") Manufacturer's Limited Liquor Sales Licence
- Authorization to sell VQA Wine and/or Fruit Wine at a Farmers' Market
- Relocation of Off-Site Winery Retail Store Authorization

Please note that applications to transfer a manufacturer’s licence will not be offered online in the first phase of the iAGCO roll out. These will remain a paper-based process until further notice.

Once iAGCO has launched, the transactions listed above will only be available online. They will no longer be offered by mail or in-person at AGCO offices. However, manufacturers needing assistance with the online process should contact AGCO’s customer service at the number provided below.

**1-800-522-2876 / 416-326-8700**

# Beer and cider sales in Ontario grocery stores

On February 6, 2017, the Government of Ontario announced that beer and cider sales in grocery stores would be extended to up to 80 additional grocery stores in Ontario. Expected to be operational in early summer 2017, these stores will be the third rollout of alcohol in grocery stores since this initiative was launched in 2015. Currently, about 130 grocers are already authorized to sell beer and cider, while 70 of these are also authorized to sell wine.

## LCBO’S COMPETITIVE BIDDING PROCESS

By March 10, the Liquor Control Board of Ontario (LCBO) will have accepted bids from grocers operational in Ontario. This competitive bidding process is a mandatory requirement grocers must successfully complete in order to be included in the up to 80 wholesale supply agreements the LCBO will award to grocers to purchase beer and cider for this initiative. Only upon notification of their success in the RFB process are grocers then permitted to apply to the AGCO for an Authorization to Sell Beer and Cider.

## AGCO’S AUTHORIZATION PROCESS AND ONGOING COMPLIANCE

Grocers interested in selling beer and cider are also required to meet certain eligibility requirements that are set out in Ontario Regulation 232/16 – Sale of Liquor in Government Stores. As

the regulator of this retail distribution channel, the AGCO will be issuing up to 80 authorizations to large and independent grocers that meet the eligibility requirements. Once authorized, the AGCO will continue to work with grocers to ensure ongoing compliance with the regulation and all applicable Registrar policies.

Important regulatory requirements for beer and cider in grocery stores include:

- Sales only within prescribed AGCO hours
- Advertising and Sampling practices set out in Registrar's Guidelines
- Product types, sizes and alcohol contents that fall within set regulatory parameters
- Social responsibility training for staff that sell and provide samples of beer and cider.

In total, the Government of Ontario has committed to rolling out beer and cider sales in up to 450 Ontario grocery stores, including permitting 300 of those stores to also sell wine.

For more information on the regulatory requirements for selling wine, beer and cider in grocery stores, please see Ontario Regulation 232/16 Sale of Liquor in Government Stores or visit the AGCO’s website at [www.agco.on.ca](http://www.agco.on.ca).

# 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 program. The program was introduced as part of the province’s 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 is responsible for administering the VQA Wine at Farmers’ Market program.

As of February 2017, 98 wineries (including 14 fruit wineries) were authorized to sell their wine at approximately 252 Ontario Farmers’ Markets.

For more information on this program and how to apply for a Farmers’ Market wine sales licence, please visit our website at [www.agco.on.ca](http://www.agco.on.ca) or call our Customer Service Centre at **416-326-8700** or toll free in Ontario at **1-800- 522-2876**.



BACKGROUND

AGCO is nineteen years old

The Alcohol and Gaming Commission of Ontario came into operation nineteen years ago (1998). It was given responsibility for the licensing and enforcement of liquor regulation in Ontario, along with the registration activities and administration of the province’s gaming laws.

The AGCO replaced the Liquor Licence Board of Ontario (LLBO) and the Ontario Gaming Control Commission.

Since then, the AGCO assumed responsibility for providing oversight of lottery sellers (2007); and in 2016, became responsible for the regulation of horse racing in the Province.

The AGCO has a Board of Directors responsible for the overall governance of the Alcohol and Gaming Commission of Ontario.

The Board consists of a minimum of five members appointed by the Lieutenant Governor in Council through Order-in-Council. It meets on a monthly basis. The Board sets goals and develops policy and strategic directions for the AGCO to fulfill its mandate.

The AGCO’S mandate is to regulate the alcohol, gaming and horse racing sectors in accordance with the principles of honesty and integrity, and in the public interest.

- In 2016 there were in Ontario;
- 17, 431 liquor sales licensed establishments
  - 482 liquor manufacturers
  - 855 manufacturer’s representatives
  - 295 liquor delivery services
  - 62, 472 Special Occasion Permits issued
  - 10,000 lottery sellers in Ontario
  - 18,000 horse racing licences issued



Acting Chair

Grace Kerr (London, Ontario) has been appointed Acting Chair of the AGCO. She was originally appointed to the Board in July 2007 and has served as Vice Chair since December 2013. Ms. Kerr has extensive knowledge of the AGCO and the businesses it regulates. Previously, she was a Research Associate with the Lawson Health Research Foundation, a partner with Lerner LLP, Vice Chair with the Ontario Review Board and an Associate Lawyer with MacLeod, Knox, Watts. Ms. Kerr holds a Master of Law degree from the London School of Economics.

Eleanor Meslin retires



2013. Prior to joining the AGCO she was an Assistant Deputy Minister of the Ministry of Consumer and Commercial Relations.

Eleanor Meslin has retired as Chair of the AGCO. Ms. Meslin who joined the Board as a part time member in 2000, was appointed Chair in February

Following her graduation from law school, Ms. Meslin served in the public service of Ontario for more than thirty years, holding such senior positions as Executive Director of the Ontario Labour Relations Board, acting Ombudsman and Executive Director of the Ontario Women’s Directorate.

During her time on the Board, the AGCO has successfully transitioned from a focus largely on regulatory enforcement to a compliance and standards-based regulator.

APPOINTMENTS TO THE BOARD

Jane Holmes and Linda Nagel as part-time members for two year terms.



**JANE HOLMES (MISSISSAUGA)** brings to the AGCO extensive experience in government and public relations with a background that includes strategic planning, operational and policy development. She was previously VP Corporate Affairs at Woodbine Entertainment Group and was Executive Director of the Ontario Horse Racing Industry Association. Ms. Holmes holds a Bachelor of Environmental Studies from the University of Waterloo. She is currently Chair, Tourism Industry Association of Ontario.



**LINDA NAGEL (TORONTO)** has wide experience in organizational management, government relations and regulatory affairs in both Canada and the United States. She was President and CEO of Advertising Standards Canada for over 20 years. Ms. Nagel holds a Bachelor of

Science Degree from Boston University and a Master of Science in Administration from Case Western Reserve University. She currently serves as Chair of the International Council on Advertising Self-Regulation.

CONTINUING MEMBERS OF THE BOARD

The continuing members of the AGCO Board are Elmer Buchanan (Havelock) appointed in 2015 as a part-time member, and Tony Williams (Alton) appointed in 2015 as a part-time member.



Elmer Buchanan



Eric Anthony Clear (Tony) Williams

# Decision Summary

For the period November 16/16 to March 15/17. There were two revocations during this period.

## LICENCE REVOCATIONS

ESTABLISHMENT	INFRACTION	SANCTION
Four Stars Café, Toronto	Not financially responsible in conducting its business; past conduct	Licence Revoked
Thi Fusion Restaurant, Kanata	Past conduct	Licence Revoked

## SUSPENSIONS OF 14 DAYS OR MORE

ESTABLISHMENT	INFRACTION	SANCTION
UFO KTV, Markham	Serving minors; overcrowding; failure to inspect identification; failure to ensure sale and service of alcohol supervised by authorized employee; non-compliance with <i>Fire Protection and Prevention Act</i>	30 days
Ballet (The), Toronto	Breach of condition of the establishment's liquor license	15 days
Brigadoon Bar and Restaurant, Scarborough	Permitted drunkenness or riotous, quarrelsome, violent and disorderly conduct	14 days
Cheers Karaoke & Bar, Toronto	Failure to clear signs of service; failure to post licence in a conspicuous place; permitted drunkenness	47 days
My Father Place Jam-Can West Indian Restaurant, Scarborough	Failure to clear signs of service	15 days
Peniche Community Club of Toronto, Toronto	Permitted drunkenness; permitted unlawful gambling; permitted unauthorized persons behind bar	21 days
Santa Fe Southwestern Grill, Renfrew	Liquor sold to person who appears to be intoxicated; failure to clear signs of service; encouraged immoderate consumption; service outside prescribed hours; permitted drunkenness	25 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.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

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.

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