

You and the Liquor Laws Plus

A Guide for Owners and Managers of
Liquor Sales Licensed Establishments

Spring 2010



AGCO

Alcohol and Gaming
Commission of Ontario



Ontario

NOTICE

This guide is intended to be used solely as a learning and teaching aid for liquor sales licensees and their staff. The information in this guide is not intended to be an exhaustive or definitive examination of the *Liquor Licence Act* and its Regulations.

It is the liquor sales licensee's responsibility to ensure they and their staff are informed of the laws, regulations, and any conditions affecting their liquor sales licence.



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AGCO Mandate and Mission Statement

AGCO Mandate

To regulate the alcohol and gaming sectors in accordance with the principles of honesty and integrity, and in the public interest

Mission Statement

The AGCO commits to conducting business in a manner that will:

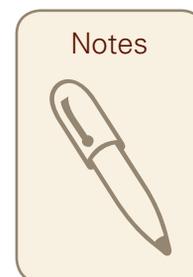
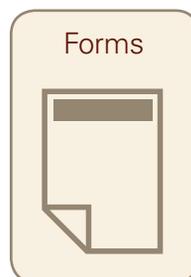
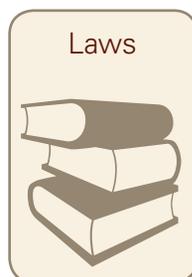
- *Develop, implement and enforce fair policies and procedures*
- *Establish a framework of critical regulatory controls in the public interest that are sensitive to the economic viability of the alcohol and gaming industries*
- *Be client focused in the way we respond to and manage client and stakeholder needs*
- *Educate clients and stakeholders and develop partnerships*
- *Create a supportive work environment that respects and values AGCO staff contributions and provides them with opportunities for growth and professional achievement*



Introduction

This booklet is a reference guide for new and existing liquor sales licence holders and their employees. It has been developed by the Alcohol and Gaming Commission of Ontario (AGCO) to increase awareness and inform licensees and their employees about some of the liquor laws.

Throughout the guide, symbols have been placed beside key information to identify reminders, laws, application forms and additional notes.



For more information on the contents of this guide, or any other matters relating to the sale or service of alcohol in Ontario, please contact us:

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90 Sheppard Ave. East, Suite 200
Toronto, ON M2N 0A4

General Information:	416.326.8700
Toll Free in Ontario:	1.800.522.2876
Liquor Enforcement:	416.326.0330
Advertising & Special Licensing:	416.326.0404
Hearings:	416.326.0366
Website:	www.agco.on.ca

You can obtain the *Liquor Licence Act* and Regulations through ServiceOntario Publications at www.publications.serviceontario.ca or by calling toll free: 1.800.668.9938, and through the Government of Ontario e-Laws at www.e-laws.gov.on.ca

About the AGCO

The Alcohol and Gaming Commission of Ontario (AGCO) is a regulatory agency of the Government of Ontario. The AGCO consists of the Office of the Registrar of Alcohol and Gaming (the Registrar) and the Board.

The Registrar's office is responsible for liquor licensing, inspection and enforcement, while the Board conducts hearings and makes decisions based on the *Liquor Licence Act* and its Regulations. The Board also conducts public interest hearings in matters dealing with liquor sales licence applications.



The *Liquor Licence Act*

The *Liquor Licence Act* (LLA) and its Regulations provide the Registrar of Alcohol and Gaming with the authority for regulating and licensing the following areas relating to liquor: liquor sales licences, ferment-on-premise licences, liquor delivery licences, manufacturer's licences, manufacturer's representative licences, and special occasion permits.

The LLA and its Regulations give the Registrar the authority to regulate and license an establishment that provides for the sale and service of liquor.

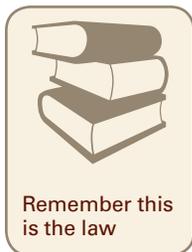


Liquor Inspections and Your Obligations

An AGCO inspector or a police officer can enforce the LLA and its Regulations. An AGCO inspector or police officer has the authority to do the following:

- Enter and inspect your establishment
- Ask to see your liquor sales licence and require that it be prominently displayed
- Ask to see records of liquor purchases and sales for the past 12 months including cash register tapes and purchase invoices (if the records are on the premises, you must produce them; if the records are not on the premises, you need to provide information regarding where they are located, and produce them within a reasonable time frame)
- Remove documents and liquor for examination
- Ask about negotiations, loans, and transactions of a liquor sales licence holder and inquire about how assets are owned or held
- Bring forward information to the Registrar to consider for compliance action including risk-based licensing, monetary penalties, suspension or revocation
- Lay charges in provincial court up to two years after a visit or an inspection of the premises

The AGCO inspector or police officer will provide a receipt for any documents or liquor removed from the premises.



As a licence holder and/or manager you must:

- Allow access to police officers or AGCO inspectors acting in the course of their duties during or after hours of operation
- Ensure police officers or AGCO inspectors acting in the course of their duties are given unobstructed access to the premises including adjacent areas
- Ensure that the premises are vacated when police officers, acting in the course of their duties, have ordered you to do so

Complying with the Liquor Laws – Risk-Based Licensing

A variety of tools are used by the AGCO to help liquor licensees to comply with liquor laws. These include educating licensees on the laws and determining the risk that some establishments have based on their location, type of business, past history and experience. Risk-based licensing focuses resources on those establishments that pose greater risks to the public, while at the same time recognizing those establishments that pose relatively little risk to the public, public safety and public interest.

For more information, please refer to the AGCO website at www.agco.on.ca



Liability

Your responsibility under the LLA and its Regulations is to operate your establishment as per the law. A failure to comply with the Act and its Regulations may result in a prosecution or a notice of proposal to suspend or revoke the licence. You must also uphold all other federal, provincial and municipal laws and by-laws including, but not limited to, the *Income Tax Act* and *Retail Sales Tax Act*.

The law requires that liquor sales licensees do not serve anyone to the point of intoxication. If there is an intoxicated person on the licensed premises, licensees may be held civilly responsible for the person's conduct.

In notable lawsuits, licensees have been ordered to pay:

- \$1.75 million when the licensee served an already intoxicated patron whose subsequent car crash rendered his passenger a quadriplegic (damages were divided between the licensee and the drunk driver)
- \$124,000 to a professional hockey player who lost income after a bar brawl damaged his arm
- \$400,000 when a customer drank 10 bottles of beer then killed three people and injured two others in a car accident
- \$93,000 to a car-leasing firm whose automobile was destroyed after the man who leased the car was served too much alcohol in a tavern
- \$88,000 to the relatives of a man who became intoxicated at two establishments and died after falling down a flight of stairs

The Ontario Courts have ruled that, "...a tavern owes a twofold duty of care to its patrons. It must ensure that it does not serve alcohol which would apparently intoxicate or increase the patron's intoxication. As well, it must take positive steps to protect patrons and others from the dangers of intoxication."

Responsible Alcohol Service

Staff or the liquor sales licence holder cannot serve a person who has had too much to drink or serve a person to the point of intoxication. When providing alcohol service, ensure that:

- A person who is intoxicated does not enter the licensed establishment
- A person who becomes intoxicated does not remain in the licensed establishment. The licensee may be liable if any person who is intoxicated and who is or was on the premises causes or suffers any injuries or damages
- A 12 oz. beer, 5 oz. glass of wine, or a drink containing 1 oz. of spirits is not sold for less than \$2, including taxes
- The minimum price for a liquor serving changes with the size of the serving of liquor provided, based on the set minimum (see page 25 for further details)
- Patrons or staff are not given free drinks
- All serving staff and licensed security personnel have completed an AGCO approved server training program to recognize the signs of intoxication

Signs of Intoxication

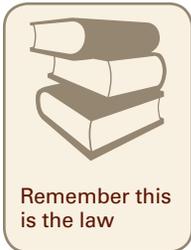
There are many signs of intoxication. These may vary from person to person, and include:

- Inappropriate speech volume
- Increase or decrease in the pace of speech
- Slurred words or poor enunciation
- Deterioration of gross motor control, a person may stumble, stagger, trip or fall
- Deterioration of fine motor control, a person may have trouble picking up small items such as coins
- Tiredness
- A decrease in alertness, a person can take a longer time to respond to a question
- Red or glossy eyes and/or heavy eyelids
- Excessive sweating
- Noticeably shallow breathing
- Strong smell of alcohol from the person

All managers, licensed security personnel and employees handling liquor must be certified in an AGCO approved server training course. (For more information on training for servers, please refer to the AGCO website at www.agco.on.ca)

All new employees have 60 days from their start of employment to obtain the certification. Staff should carry a copy of their certification card while they are working.

The Legal Drinking Age and Photo Identification



The legal drinking age in a liquor sales licensed establishment in the province of Ontario is 19 years of age.

- Serving people who are under 19 years of age is an offence under the LLA
- 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, 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.

Acceptable forms of photo identification include:

- Ontario Driver's Licence with a photo of the person to whom the licence is issued
- Canadian Passport
- Canadian Citizenship Card with a photo of the person to whom the card is issued
- Canadian Armed Forces Identification Card
- A photo card issued by the Liquor Control Board of Ontario (LCBO), entitled Bring Your ID (BYID)

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

Monitoring Capacity

The number of people permitted in any liquor sales licensed establishment is recorded on the liquor sales licence. You cannot exceed the number of people noted on the licence. Exceeding this can put the public in danger and is an offence.

The number of people on the premises must be monitored. Where you might not have seating that easily identifies the number of people on your premises, you must monitor the number of people entering and leaving so you don't exceed the capacity.

The number of people permitted as stated on the liquor sales licence includes the staff present in addition to the customers.



Maintaining Order

Liquor sales licensed establishments must be operated in an orderly fashion. You cannot allow disorderly or unruly behaviour on the premises, or allow illegal activities. This also includes monitoring for any illegal substances and weapons. Ensure that your staff members are knowledgeable, create house policies, and consider including staff training that will help them recognize the signs of trouble and prevent violence before it occurs.

You have a responsibility to deter disorderly conduct on property adjacent to and in the vicinity of the premises. This includes controlling and monitoring line ups and minimizing damage, nuisance or other harm to property that may be caused by disorderly conduct by persons attempting or waiting to enter the premises or leaving the premises. Ensure the area outside of your establishment is well lit, and order is maintained in parking lots and on sidewalks around the establishment.

To assist in keeping an orderly business:

- Do not allow illegal gambling
- Do not allow illegal drugs
- Do not allow weapons
- Do not allow fighting
- Address problems before they occur
- Report incidents of violence to the local police
- Maintain a log of incidents to have an accurate record if something does happen
- Ensure that a person does not remain on the premises if you have reason to believe he/she is breaking the law
- Ensure the area outside of your establishment is well lit, and order is maintained in parking lots and on sidewalks around the establishment

Hours of Alcohol Sale and Service

Hours for the sale and service of alcohol are:

- Monday to Sunday 11 a.m. to 2 a.m.
- New Year's Eve (December 31st) 11 a.m. to 3 a.m.

All orders for liquor must be served before 2 a.m. (3 a.m. on New Year's Eve). Many establishments have last call at 1:45 a.m. to ensure all orders are delivered or served before 2 a.m. All signs of liquor must be cleared 45 minutes after the end time on the licence; for most this is by 2:45 a.m. (3:45 a.m. on New Year's Eve). This includes the clearing of all glasses and bottles off the tables.

Some liquor sales licence holders may have conditions on the liquor sales licence that further limit the above-noted hours.

Clock Changes

SPRING TIME CHANGE

In the spring the clocks move forward one hour at 2 a.m. moving to 3 a.m. on the clock. At this time the sale of liquor must stop. The liquor sales licence holder has 45 minutes after this stop service time to clear all signs of service, even though the clock has gone forward one hour.

AUTUMN TIME CHANGE

In the autumn the clocks move back one hour at 2 a.m. to show 1 a.m. The liquor sales licence holder may turn the clock back one hour and continue to sell until 2 a.m. (new autumn time) at which time the sale of liquor must stop. The liquor sales licence holder has 45 minutes after they have stopped service to clear all signs of service.

Did You Know?



Warning Signs for Pregnant Women

The LLA requires liquor sales licensed establishments to post signs warning women that drinking alcohol during pregnancy can cause Fetal Alcohol Spectrum Disorder (FASD).

The FASD warning sign can be downloaded from the AGCO website by going to www.agco.on.ca/en/b.alcohol/warningsign.html

- The warning sign must be 8 x 10 inches in size and prominently displayed in the licensed establishment in either black and white or colour

Operating Other Businesses

The primary business of your licensed establishment must be the sale and service of food and liquor for consumption on the premises. The sale of incidental articles associated with liquor and food (candy bars, t-shirts with your establishment's name, etc.) is also permitted in your licensed establishment. Entertainment may also be offered. However, no other business may be operated as the primary business, unless exempt under the Regulation (e.g. bowling alleys and movie theatres).

Paying Retail Sales Tax

As a licence holder, you are responsible for paying Retail Sales Tax (RST) and keeping payments up to date. If payments are not made on time and fully paid, your liquor sales licence may be revoked, or may not be renewed or transferred.



A liquor sales licence cannot be renewed if Retail Sales Tax is owed.

Educating Your Staff

Mandatory Server Training

All managers, licensed security personnel and employees handling liquor must complete a server training course approved by the AGCO. All new employees have 60 days from their start of employment to obtain the certification. Staff should carry a copy of their certification card while they are working. An AGCO inspector may ask to see any staff member's certification.

Developing House Policies

House policies create a framework in which staff can work and deal with problem situations if they occur and remind staff of the need to comply with the law and maintain order. House policies help protect the liquor sales licence holder and the business.

House policies may include:

- Setting limits to the number of drinks you sell to an individual
- Advising staff that infractions could result in the suspension of the establishment's liquor sales licence
- Advising staff of the liability of serving patrons to the point of intoxication – it is against the law
- Monitoring the door so that intoxicated or unruly patrons don't enter the establishment
- Posting signs informing people that the liquor sales licence holder reserves the right to deny entrance to the establishment if they appear to be intoxicated
- Keeping a running count of the number of patrons in the establishment
- Stocking low alcoholic beer and non-alcoholic beer and cocktails to create an interesting mocktail list
- Maintaining an accurate incident log, entering all pertinent information at the time of any incident, to keep all facts and information clear if you are ever questioned regarding the incident
- Posting a list of emergency telephone numbers in a prominent place
- Advising staff of the authority of the police and AGCO inspectors, to allow them access at all times
- Not permitting people under the legal drinking age on the premises after a particular time such as 9 p.m.

Where Liquor May Be Sold, Served and Consumed

There are specific areas of a licensed establishment where the sale, service and consumption of liquor are permitted. These are areas that are approved by the AGCO as licensed areas and are noted on the licence. Any area that is not on the licence cannot be used for the sale, service and consumption of alcohol.



Please visit www.agco.on.ca for Form 1200 – Application for Washrooms, Hallways, Stairwells, and other Similar Areas

Carry Your Drink With You – Washrooms, Hallways, Stairwells and Other Similar Areas (WHS)

WHS allows liquor sales licence holders to apply to the AGCO for the limited licensing of certain areas of the establishment such as washrooms, hallways and stairwells. The areas must be under the control of the licensee. Liquor can be transported and consumed in those areas. Sale and service of liquor in those areas is strictly prohibited. An application must be filed with and approved by the Registrar, prior to allowing patrons to carry liquor into these areas. WHS is not mandatory.

Bring Your Own Wine (BYOW)

A licensee may apply for a BYOW endorsement that allows patrons to bring commercially-made wine into an establishment for their own consumption. This applies only to wine, but not to spirits or beer. The bottle must be sealed when presented to an employee, and employees must open the wine and monitor service and consumption as they would if it had been purchased there.

Take Home the Rest (THTR)

THTR allows all licensed establishments the option of allowing patrons to remove an unfinished bottle of wine. THTR only applies to commercially-made wine ordered from the establishment or brought onto the premises under the BYOW program. The wine cork must be flush with the partially consumed bottle prior to it being removed from the establishment. Customers are not allowed to remove unopened bottles of wine unless it was brought by the customer under the BYOW endorsement.

Changes to Licensed Areas



Please visit www.agco.on.ca for Form 1221 – Application for Changes or Additions to Existing Licensed Areas

Renovations or Alterations to Your Establishment

A liquor sales licence holder with a valid liquor sales licence may apply to the Registrar to alter the licensed areas on an existing licence, such as expanding a room, relocating an area, or adding a patio or additional areas.

Any changes in capacity must also be submitted to the Registrar for approval.

You can make the following changes to licensed premises without approval from the Registrar:

- Changes to décor
- Installation or relocation of doors
- Installation of windows



Please visit www.agco.on.ca for Form 3098 – Temporary Extension Application

Temporary Extensions to Licensed Areas

A temporary extension allows a liquor sales licence holder to extend the licensed area indoors or outdoors for events with the Registrar's approval.

- A temporary extension permits a licensee to sell and serve food and alcohol for a period up to 14 days as approved by the Registrar
- An application must be submitted for approval 30 days in advance
- The extension must be adjacent to existing licensed areas



Maintaining a Liquor Sales Licence



Please visit
www.agco.on.ca
for Form 1202 –
Liquor Sales
Licence
Application and
Guide

Renewal of a Liquor Sales Licence

A licensee must monitor the date the liquor sales licence expires and send in the renewal application and fee in advance of that expiry date. The expiry date of a licence is printed on the face of the licence. As a courtesy, a renewal notice and application form will be mailed to the licensee by the AGCO 60 days prior to the expiry of the licence. It is the licence holder's responsibility to apply for a renewal of a licence in a timely manner.

If there has been a change of ownership at the establishment and the Registrar has not been notified, the liquor sales licence cannot be renewed.



Please visit
www.agco.on.ca
for Form 3175 –
Change of
Establishment
Name

Keeping the AGCO Informed

The AGCO relies on the liquor sales licence holder to update licensee information. If there has been a change to the phone number, or if the mailing address changes, please contact the AGCO so records can be updated accordingly.

Change of Business Name

If the name of a liquor sales licensed establishment or licensee changes, the Registrar must be notified before the name change. A revised liquor sales licence is issued reflecting the new name.



Please visit
www.agco.on.ca
for Form 2026 –
Voluntary
Surrender of
Licence

Closing Your Business – Voluntary Surrender of a Liquor Sales Licence

If a business with a liquor sales licence closes, the liquor sales licence must be surrendered to the AGCO.

If the closure is temporary, notify the AGCO:

- If a business is closing for more than 30 days for renovation
- If the business is seasonal when the business will be closed during the year

Change of Ownership



Please visit www.agco.on.ca for Form 1202 – Liquor Sales Licence Application and Guide

Anytime the ownership of a liquor licensed establishment changes, the AGCO must be kept informed.

Licensees have two options to deal with full changes of ownership. The first is to continue to operate the premises while the new owner awaits his/her liquor licence (at which point the existing licence would have to be surrendered). This can be the most prudent and certain approach for all parties involved as it allows the full licensing and review process to take place.



The existing expiry date of the licence when transferred stays the same, so you may need to renew soon after the licence is issued

The other option is to have the new owner apply for the transfer of the liquor sales licence to the new licence holder. With the consent of the existing licence holder, this option allows for the “contracting out” of the operations of the business while the transfer application is being considered.

The licence holder selling the business can agree to allow the purchaser to operate the business under his/her liquor sales licence while the transfer application is being processed. Both the existing licence holder and the applicant would be responsible for the sale and service of liquor during the “contracting out” period. To do this, an **Authorization to Contract Out** must be submitted with the transfer application.



Please visit www.agco.on.ca for Form 1213 – Application for Authorization to Contract Out (Liquor Sales Licence)

AGCO Approval Needed for Contracting Out

The applicant cannot operate under the previous owner’s liquor sales licence unless the Authorization to Contract Out has been received, processed, approved by the Registrar and a copy of the approval has been received by the applicant. Once a copy of the certificate has been received by the applicant, it must be displayed next to the liquor sales licence.

A transfer application may still be processed without an Authorization to Contract Out, however liquor cannot be sold by the purchaser while the transfer is being processed. While operating under an **Authorization to Contract Out**, both the applicant and the licensee are liable for any infractions or charges.

Change of Ownership [continued]



Please visit
www.agco.on.ca
for Form 1203 –
Application
and Guide for
Transfer of a
Liquor Sales
Licence

Transfer of a Liquor Sales Licence

A transfer of a liquor sales licence is required under the following circumstances:

- Someone new is taking over a licensed premises and the current licence holder has agreed to transfer the licence to the new owner
- A licence holder changes his/her business structure (sole proprietor, partnership or corporation)
- A new person becomes an officer or director of a licence holder that is a corporation
- A new person becomes a partner in a partnership that holds a licence
- A new person acquires 10% or more of the shares of a corporation that holds a licence
- A new person or partnership other than the licence holder becomes entitled to profits or liable for obligations from the sale of liquor at the licensed premises
- The will of a deceased licensee is being probated and the licensed establishment will be operated by the beneficiary or a new purchaser

You must notify the AGCO within 30 days if:

- A partner withdraws from a partnership that holds a licence
- A person ceases to be an officer or director of a corporation that holds a licence
- A person ceases to be a shareholder of a company that holds a controlling interest in a corporation that holds a licence



Please visit
www.agco.on.ca
for Form 0067 –
Application
Guide for a
Temporary
Transfer of a
Liquor Licence

Interim Operator

A **Temporary Transfer** of a liquor sales licence may be granted when a landlord, trustee in bankruptcy, court-appointed receiver, mortgagee, franchisor, or an executor or administrator of an estate takes over the operation of a licensed establishment while dealing with closing or transferring the business. The interim operator must apply to the AGCO for a temporary transfer of a licence, which is valid for a maximum of one year and is not renewable. The consent of the licence holder is not required.

Advertising Requirements for Licensed Establishments



A licence holder may advertise or promote the name of the establishment, that there is a liquor sales licence, a general brand or types of liquor and not the consumption of liquor in general.

It is the responsibility of the licence holder to ensure that any advertising falls within the regulations and specific guidelines. Please refer to the AGCO's Advertising Guidelines for details.

Pricing and Promotion of Liquor

Liquor pricing is the decision of the licensee, however the price of liquor cannot be less than the minimum price of \$2 for a set size (see below), as required in the Regulation. The following points provide guidelines for liquor pricing:

1. A 12 oz beer, 5 oz glass of wine, or a drink containing 1 oz of spirits may not be sold or supplied for less than \$2, including taxes whether the liquor is sold separately or as part of a package that includes food.
2. If a liquor sales licence holder offers for sale a serving of liquor that differs in size from those listed above, the minimum price for that serving shall increase or decrease in direct proportion to the difference in volume of liquor contained in that serving.

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

Beer		Wine		Spirits	
Size	Minimum Price	Size	Minimum Price	Size	Minimum Price
284 ml (10 oz)	\$1.67	142 ml (5 oz)	\$2.00	14 ml (0.5 oz)	\$1.00
341 ml (12 oz)	\$2.00	170 ml (6 oz)	\$2.40	29 ml (1 oz)	\$2.00
455 ml (16 oz)	\$2.67	500 ml (18 oz)	\$7.20	43 ml (1.5 oz)	\$3.00
568 ml (20 oz)	\$3.33	750 ml (26 oz)	\$10.40	57 ml (2 oz)	\$4.00
1.7 l (60 oz)	\$10.00	1 l (35 oz)	\$14.00	85 ml (3 oz)	\$6.00

Relationships with Manufacturer's Representatives/Licensed Representatives



Please visit
www.agco.on.ca
for Form 1224 –
Sampling
Guidelines
for Liquor
Manufacturers

Licensees often deal with manufacturer's representatives. The role of a representative is to create a market for the manufacturer's products possibly through samplings and tastings as well as conducting promotional activities. Licensed representatives cannot sell their products directly to a licensee. They can solicit and obtain orders and submit the correct purchase order forms to the manufacturer's retail store or LCBO on behalf of the licensee.

Manufacturers or their representatives cannot give a licensee anything of significant financial or material benefit in return for ordering their product. A licensee cannot ask for cash or price discounts. Anything considered essential to the licensee's business such as staff uniforms, draught beer equipment, kitchen equipment, menu printing, decorating, televisions and electronic equipment cannot be accepted. Examples of non-essential items may include coasters, posters and tent cards.

Manufacturers or their representatives may offer to host theme nights or contests to raise the profile of their products. There is no limit to the number of events a representative may have in any one establishment. A theme night or contest must be for the benefit of the customer, and not for the benefit of the licensee or staff. The contest cannot require a patron to purchase the product in order to win a prize, and a licensee must ensure that buying a drink does not improve a customer's chance of winning. As well, the licensee cannot make a customer stay in the establishment to receive a prize.

Sampling at a Licensed Establishment for Customers

Licensed representatives are allowed to offer samples to customers if the liquor is part of the licensee's stock. The representative is required to purchase the product from the licensee at the usual price. Samples cannot be discounted.

The sample must be served by the licensee or their staff, and the licensed representative must speak with the customer about the product being sampled on a one-to-one basis.

Sampling at a Licensed Establishment for Licensees

A licensed representative may give a limited number of samples to a liquor sales licence holder, if the licensee has not stocked the product for at least one year.

A representative may provide the following per year, per product:

- 48 bottles of beer (355 ml)
- 10 bottles of wine (750 ml)
- 3 bottles of spirits (750 ml)

The sample product is for the licensee or staff. Samples cannot be offered to customers and the product cannot be sold or stored with other alcoholic products bought on the liquor sales licence.

Classes of Licences to Sell Liquor

The AGCO issues two classes of licences to sell liquor:

1. Liquor Sales Licence: The holder of a liquor sales licence may sell and serve food and alcohol for consumption on the premises in a designated area where the primary business of the area is the sale of food and alcohol.
2. Mini Bar Licence: The holder of a mini bar licence may sell and serve liquor from a dispenser in a room that is rented for overnight accommodations on the premises.

Endorsements



Please visit
www.agco.on.ca
Form 1212 –
Application
and Guide
for a Liquor
Sales Licence
Endorsement

The AGCO allows for seven types of endorsements that can be added to a liquor sales licence. A licence holder may apply for more than one type of endorsement. A liquor sales licence must be in place in order to apply for an endorsement.

For more information on endorsements and fees, please refer to the AGCO website at www.agco.on.ca

Brew/Wine Pub Endorsements

The holder of a brew or wine pub endorsement may sell and serve beer or wine that is manufactured by the licensee at the licensee's premises for consumption on the premises. The licensee must own and operate both the licensed establishment and the manufacturing facilities.

Bring Your Own Wine Endorsement (BYOW)

A BYOW endorsement authorizes the holder of a liquor sales licence for a restaurant, or a banquet room located at a motel or hotel, to allow customers to bring unopened bottles of commercially made wine into the restaurant or banquet room for their own consumption. The licensee must serve the product in the same way they would other product and monitor consumption.

Caterer's Endorsement

The holder of a caterer's endorsement may sell and serve alcohol in unlicensed areas of licensed premises or at a catered event away from the premise. A catered event must be sponsored by someone other than the licence holder (you cannot hold your own events), light meals must be available, the event cannot be more than 10 days in duration, and liquor cannot be offered at a series of events by the same sponsor (appear to be running an ongoing business).

A liquor sales licence holder with a caterer's endorsement must notify the AGCO Liquor Enforcement Branch at least 10 days prior to each event.

Endorsements [continued]

Golf Course Endorsement

The holder of a golf course endorsement may sell and serve liquor to persons to consume on the playing area of the golf course.

Mini-Bar Endorsement

The holder of a mini bar endorsement may sell and serve liquor from a dispenser (mini bar) in a room that is rented for overnight accommodation in a facility adjacent to the licensed establishment. The mini bar must be located in the guest room and must be secured with a key, magnetic card or other device that is separate from the room key.

Room Service Endorsement

The holder of a room service endorsement may sell and serve liquor to people registered as guests in a room that is rented for overnight accommodation in a facility adjacent to the licensed establishment. Food must also be made available.

Stadium Endorsement

A stadium endorsement may be applied for by a licensee in a facility that has fixed tiered seating and is used primarily for live entertainment or professional sporting events. The seating area, including the tiered seating, can be approved for sale, service and consumption of liquor during live entertainment or live sporting events.

The holder of a stadium endorsement must receive approval from the AGCO to sell and serve liquor in tiered seating, on an event-by-event basis. An application must be submitted requesting approval at least 30 days prior to an event.



Please visit
www.agco.on.ca
Form 1210 –
Request for
Approval for
Stadium Events

Quick Tips At a Glance

This brief chart lists some of the key “Do’s and Don’ts” to help ensure the responsible sale and service of alcohol. To keep these topics top-of-mind with your staff, you may wish to post this chart in a common area for easy reference.

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

