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ELEANOR MESLIN

FROM THE CHAIR...

On behalf of the Alcohol and Gaming Commission of Ontario, it is a pleasure for me to extend to all of our clients and stakeholders best wishes for a happy, healthy and successful New Year.

For us at the AGCO, it has been a very busy year as we pressed forward with initiatives that focus primarily on licensee education, and on a risk-based approach to liquor licensing and compliance oriented inspection and enforcement strategies.

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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 service). For those who may hold Special Occasion Permits (SOPs), the eligible hours for New Year's Eve have also been 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.

While New Year's Eve is a traditional time to celebrate, licensees and staff are reminded

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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.



Continued on p. 4 See *All-you-can-drink package*

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Decision Summary

The following establishments requested a hearing before the Board of the Alcohol and Gaming Commission of Ontario regarding compliance issues and received suspensions of 14 days or more and revocations for the period beginning August 1, 2012 ending October 31, 2012. Sanctions for similar infractions may vary in length according to the specifics of each case. Details about all Board decisions are now available on QUICKLAW.

ESTABLISHMENT	INFRACTION	SANCTION
Shooters Sports Bar, Brampton	Permitted drunkenness	14 days
Suspensions of 14 days or more and revocations where the licensee did not request a hearing		
Café Thuy Ky Karaoke & Bar, Toronto	Permitted removal of liquor from premises; liquor not purchased under licence; failure to clear signs of service; failure to post Fetal Alcohol Spectrum Disorder warning sign; failure to post sign concerning suspension; breach of condition of the establishment's liquor licence	18 days
Liquid Lounge Bar, Etobicoke	Permitted drunkenness; service outside prescribed hours; failure to clear signs of service; permitted removal of liquor from premises	30 days
New Smart Shooters, Brampton	Overcrowding; failure to clear signs of service; breach of condition of the establishment's liquor licence	18 days
Panafest Bar & Grill, Toronto	Service outside prescribed hours; overcrowding; failure to post licence in a conspicuous place	21 days
Rodeo Saloon, Whitby	Overcrowding; failure to post sign concerning suspension	21 days

Continued from p. 1 Chair's column

During the year, we continued our popular and well-attended free Educational Seminars for licensees and their staff. We are pleased to report that since launching this province-wide program in 2010, approximately 8,000 owners, managers, bartenders, servers and security staff have attended. We will continue these sessions in 2013, and urge those who have not yet had the opportunity to attend one to register for a seminar coming to your community. For more information on upcoming dates and locations for the Educational Seminars, please refer to page 6 of this edition of Licence Line or visit our website at www.agco.on.ca.

Holiday season

In this edition of Licence Line, we highlight a series of stories relating to the holiday season. These items cover New Year's Eve hours of operation, holiday decorating safety tips, food and drink packages and changing drink prices during the day. We hope this information will be helpful as you prepare for a busy and successful end of the year activity.



Members of the AGCO Board

Front: Beryl Ford, Eleanor Meslin, Kirsti Hunt Back: Brian Ford, S. Grace Kerr, Bruce Miller

Finally, I would like to take this opportunity to thank the Members of the AGCO Board, the Management Team, led by our CEO Jean Major and all members of the staff at the AGCO for another year of dedicated and excellent service to our clients and stakeholders, and to the people of Ontario.

To all, season's greetings and have a safe, happy holiday!

Eleanor Meslin, Interim Chair

AGCO website has lots of information!

If you are looking for general information on beverage alcohol, how to apply for a liquor sales licence or other liquor licensing matters, please visit our website at www.agco.on.ca. You can download and fill out on screen liquor-related forms such as liquor licence applications, renewals, transfers, etc. ■



HOLIDAY SAFETY DECORATING TIPS

Many licensees like to take part in the holiday season by decorating their establishments. As the holiday season draws near, following these simple but effective fire prevention tips approved by the Ontario Fire Marshal's Office can minimize the possibility of a fire:

- Make sure your tree doesn't block any exits.
- Instead of a live tree, consider using an artificial tree which has been tested to show that it is noncombustible.
- If using a real tree, always choose a freshly cut tree and don't keep it indoors for any longer than necessary.
- Make a fresh diagonal cut at least 2" from the original cut on the bottom before setting the tree up indoors.
- Stand the tree in a container that holds plenty of water and be sure to refill it daily.
- Remove the tree within 10 to 14 days. After that amount of time in a heated building, even the freshest tree can start to dry out.
- Make sure that the tree is securely anchored to ensure that it will not tip over.
- Make sure the tree is away from heat producing devices such as heaters or heat ducts, and avoid direct sunlight through windows which can accelerate drying of the tree.
- Never place lit candles on or near a tree.
- Only use lights that are CSA approved and always check for damaged or frayed cords and plugs.
- Use the proper lights for the environment. Indoor light strings/sets should not be used outdoors because they lack weatherproof connections. Some outdoor light strings/sets burn too hotly indoors.
- Use only a 15 amp power source for your decorations. If you blow the fuse or trip the breaker, never use a higher amp fuse.
- If the establishment is located in a communal building, check with the building manager to ensure electrical circuits will not be overloaded by additional use.
- Unplug decorations when the establishment is closed.
- All decorations should be made from flame-retardant or non-combustible materials.
- Keep decorations that produce heat away from other combustibles.
- If placing presents under the tree, make sure that they are kept away from dangling tree lights.



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 cost of the liquor itself 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 change 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.
- 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 board) may include information such as the time periods prices are in effect, food or other goods or services included in a promotion, and brands and generic categories like "domestic beers" or "margaritas".
- 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.

New and updated liquor information materials now available

The AGCO has a wide range of new and updated liquor information materials available, designed to help inform and educate liquor sales licensees and their staff about the province's liquor laws. The materials include:

- **You and the Liquor Laws:** A short booklet for employees of liquor sales licensed establishments.
- **You and the Liquor Laws-Plus:** A guide for owners and managers focusing on the operational aspects of maintaining a liquor licence in good standing.
- **Know the Liquor Laws:** A CD containing complete copies of the *Liquor Licence Act* and regulations.
- **Responsible Service Tip Sheets:** A series of topic specific information bulletins covering important requirements of the *Liquor Licence Act* and regulations.
- **Annual Reports:** These cover the AGCO yearly operational activities and related liquor information.
- **Licence Line:** A publication regularly distributed free to all liquor sales licensees and others interested in liquor matters. It covers changes to the province's liquor laws and other information of interest to the beverage alcohol industry.
- **Sandy's Law Poster:** A colour poster (8" x 10") relating to fetal alcohol spectrum disorder (FASD) that is to be prominently displayed in liquor licensed establishments.
- **AGCO window decals:** Indicating the establishment is licensed to sell and serve beverage alcohol.
- **And don't forget to visit our website at www.agco.on.ca.** Here you will find many new features like "mini sites" for key stakeholders, application forms, licensing requirements, decision summaries, how to request a hearing and a lot of general and specific information pertaining to the sale and service of beverage alcohol in Ontario.

Continued from p. 1 *All-you-can-drink 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 to the general public and is not 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.

Service by the bottle

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.

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, such promotion may be cited for several violations under the *Liquor Licence Act* and Regulations.

Continued from p. 1 *New Year's Eve hours*

that permitting intoxication and promoting immoderate consumption are contrary to the *Liquor Licence Act* and can lead to serious administrative sanctions against your licence.



Check capacity

The capacity of a 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 is a serious infraction.

With the busy holiday season underway, licensees should take extra care to ensure that the number of persons in the licensed premises does not exceed the capacity stated on the liquor licence. This number includes all staff and management.

AGCO window decals

Licensees may place the decal on the inside of a clean window to advertise that they are licensed to sell and serve beverage alcohol to prospective patrons passing by your establishment.



To order decals in English or French please contact AGCO Customer Service at 1.800.522.2876 or 416.326.8700.

AGCO partners with OACP on province-wide liquor licence inspection/education program

On August 23, 2012, the AGCO and the **Ontario Association of Chiefs of Police** launched the **Community Alcohol Safety and Enforcement Program (C.A.S.E.)**, which will see police officers across the province team up with AGCO inspectors and OPP members in two annual, high profile inspection campaigns of licensed establishments: one in the fall as post-secondary students return to school, and one in the spring to coincide with the beginning of patio and boating season. Specifically, the key components of C.A.S.E. include:

- Promoting public safety in licensed establishments;
- Increasing inspection and enforcement activities by uniform police officers;



- Carrying out joint inspections of licensed establishments, focusing on the Big 5 infractions which are most likely to impact public safety: serving minors, intoxication, permitting disorderly conduct on the premises, overcrowding, and after hours service;
- Ensuring reporting by police to the AGCO of any and all enforcement and relevant information in a timely manner; and
- Promoting accountability to all licensees to operate in a legal and safe manner.

While C.A.S.E. is a highly visible, “media intense” program focusing on educating licensees and other Ontarians about public safety issues related to *Liquor Licence Act* infractions, these types of **joint forces operations** are carried out year-round by the members of the AGCO Inspection and Investigation Branch.

There are about 16, 500 licensed establishments in Ontario. In 2010/2011, the AGCO made 26,066 inspections of liquor licensed establishments including 2,383 **joint force** projects. ■

Poker events in licensed establishments

The **Ontario Provincial Police Organized Crime Enforcement Bureau** is advising charitable organizations, clubs, lounges and bars that are holding poker events that they may be breaking the law.

Poker events, including those for charitable or non-profit purposes, taking place at liquor licensed establishments are not licensed by the **Alcohol and Gaming Commission of Ontario**.

Liquor licensed establishments are considered “a place kept for gain” and gambling taking place from a **poker event** in these establishments may be considered illegal under the *Criminal Code*.

An establishment wherein directly or indirectly a fee is charged to or paid by the players for the privilege of playing or participating in a **poker game** (including donations) in order to win a prize may also be considered illegal under the *Criminal Code*. The fact that all entry fees for these poker events are returned to the players as prizes does not necessarily make the event legal.

Liquor licensed establishments found contravening the illegal gambling provisions of the *Criminal Code* may also be subject to administrative sanctions under Ontario’s *Liquor Licence Act*, including monetary penalties and/or suspension of the licence.

The OPP Organized Crime Enforcement Bureau is a law enforcement body responsible for province-wide illegal gambling investigations relating to the Criminal Code. The AGCO cautions and encourages all licensees to consult with their legal counsel prior to embarking on any poker gaming events on their premises to ensure that any such activity does not contravene the Criminal Code and/or the Liquor Licence Act.

Illegal gaming machines

Licensees are also reminded that it is against the law to operate illegal gaming machines on their premises. The illegal use of a gaming machine may occur if there is potential for the player to win money, prizes or other valuable consideration from the playing of the machine, or from any person based on the results of a game played on or through the machine. ■



Know the Liquor Laws

Register Now for Fall 2012 and Spring 2013 –
Guarantee your spot early



FREE seminars for liquor sales licensees, management and staff; and delivered by AGCO staff.

This 2 ½ hour seminar includes:

Part 1 (for owners, managers and staff)

- Liquor laws that apply in the day-to-day sale and service of alcohol including new opportunities
- Understanding liability
- Where liquor can be sold, served and consumed
- Handling an inspector’s visit smoothly
- Open Question and Answer period

Break

Part 2 (for owners and managers)

- Advertising, pricing and promotion flexibility
- Relationships with manufacturers and their licensed representatives
- Keeping your liquor licence in good standing
- Open Question and Answer period

“Very good session – long overdue”

— London

“Should be mandatory for anyone involved in the liquor industry”

— Manager, Kenora

“Very informative and interesting questions”

— Hamilton

+ 80% of the approximately **7,000+** participants said they would recommend attending because they found the information useful and learned something

? Have Questions Answered

One of the most popular and worthwhile aspects of these seminars is the opportunity to seek clarification during the open Question and Answer portions of the seminar.

NOVEMBER 2012	
London.....	Tuesday, November 20
Sarnia.....	Wednesday, November 21
Windsor.....	Thursday, November 22
Toronto (North).....	Thursday, November 29

JANUARY 2013	
Kitchener.....	Tuesday, January 15
Hamilton.....	Wednesday, January 16
Niagara Falls.....	Thursday, January 17
Toronto Central.....	Wednesday, January 30

FEBRUARY 2013	
Whitby.....	Tuesday, February 5
Gananoque.....	Wednesday, February 6
Ottawa (Central).....	Thursday, February 7

MARCH 2013	
Markham.....	Tuesday, March 19
Barrie.....	Wednesday, March 20
Toronto East.....	Thursday, March 21

APRIL 2013	
Timmins.....	Wednesday, April 10
London.....	Tuesday, April 16
Chatham.....	Wednesday, April 17
Windsor.....	Thursday, April 18
Brampton.....	Tuesday, April 30

FREE Know the Liquor Laws seminar near you!

Information to include with registration:

- Seminar you wish to attend
- Name of your establishment and Liquor Licence Number
- Your name and contract information
- Number of people attending and their names

To register:

Email: agco.invitation@agco.ca
 Phone: 416-326-0376 or 1-800-522-2876 toll free (ask for Elizabeth Rice)
 Fax: 416-326-0387

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

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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