

Liquor Control Act

R.S.O. 1990, CHAPTER L.18

Consolidation Period: From February 1, 2016 to the [e-Laws currency date](#).

Last amendment: 2015, c. 38, Sched. 14.

Legislative History: 1992, c. 28, s. 2; 1994, c. 9; 1996, c. 26, s. 2; 2004, c. 17, s. 32; 2006, c. 33, Sched. Q; 2008, c. 7, Sched. L; 2011, c. 9, Sched. 23; 2012, c. 8, Sched. 31; 2015, c. 20, Sched. 20; 2015, c. 38, Sched. 14.

CONTENTS

PART I DEFINITIONS

1. Definitions

PART II

LIQUOR CONTROL BOARD OF ONTARIO

2. Board continued
3. Power and purposes of Board
3.0.1 Revocation, suspension or refusal to renew authorization
3.0.2 Transfer, etc. of an authorization
3.0.3 Notice of proposal
3.0.4 Confidentiality
3.1 Agreement with federal government
3.2 Waste management programs
4. Duties of Chair, members
4.0.1 Chief executive officer
4.0.2 Staff
4.0.3 Status of Board
4.0.4 Delegation
4.0.5 Protection from personal liability
4.1 Inspectors
4.2 Entry without warrant
4.3 Entry with warrant
4.4 Return of things removed
4.5 Obstruction
5. Payment of costs from revenues
6. Audit
7. Annual reports
8. Regulations

PART III

BREWERS RETAIL INC.

9. Definitions
10. Agreements with Crown re sale of beer
11. Termination of June 2000 framework
12. Consequences of termination
13. Restriction on termination of September 2011 agreement
14. Consequences of restriction on termination

PART I DEFINITIONS

Definitions

1. In this Act,

“beer”, “liquor”, “spirits”, “wine” and “Ontario wine” have the same meaning as in the *Liquor Licence Act*; (“bière”, “boisson alcoolique”, “spiritueux”, “vin”, “vin de l’Ontario”)

“Board” means the Liquor Control Board of Ontario continued under section 2; (“Régie”)

“government store” means a store established or authorized under this Act by the Board for the sale of spirits, beer or wine; (“magasin du gouvernement”)

“manufacturer” means a person who produces liquor for sale; (“fabricant”)

“Minister” means the minister responsible for the administration of this Act; (“ministre”)

“Tribunal” means the Licence Appeal Tribunal established under the *Licence Appeal Tribunal Act, 1999* or whatever other tribunal is prescribed by the regulations. (“Tribunal”) R.S.O. 1990, c. L.18, s. 1; 1996, c. 26, s. 2 (1); 2006, c. 33, Sched. Q, s. 1; 2015, c. 38, Sched. 14, s. 1.

Section Amendments with date in force (d/m/y)

1996, c. 26, s. 2 (1) - 22/02/1998

2006, c. 33, Sched. Q, s. 1 - 20/12/2006

2015, c. 38, Sched. 14, s. 1 - 1/02/2016

PART II LIQUOR CONTROL BOARD OF ONTARIO

Board continued

2. (1) The Liquor Control Board of Ontario is continued under the name Liquor Control Board of Ontario in English and Régie des alcools de l’Ontario in French and shall consist of not more than 11 members appointed by the Lieutenant Governor in Council who shall form its board of directors. R.S.O. 1990, c. L.18, s. 2 (1); 1994, c. 9, s. 1 (1); 2006, c. 33, Sched. Q, s. 2.

Terms of office

(2) The members of the Board shall be appointed to hold office for a term not exceeding five years and may be reappointed for further succeeding terms not exceeding five years each. R.S.O. 1990, c. L.18, s. 2 (2).

Chair and Vice-Chair

(3) The Lieutenant Governor in Council shall designate one of the members to be Chair of the Board and may designate one of the members to be Vice-Chair of the Board. R.S.O. 1990, c. L.18, s. 2 (3).

Acting Chair

(4) In case of the absence or illness of the Chair or there being a vacancy in the Office of the Chair, the Vice-Chair or, if none, such member as the Board designates for such purpose shall act as and have all the duties and powers of the Chair. R.S.O. 1990, c. L.18, s. 2 (4); 1994, c. 9, s. 1 (2).

Remuneration of members

(5) The members of the Board shall be paid such remuneration as is fixed by the Lieutenant Governor in Council. R.S.O. 1990, c. L.18, s. 2 (5).

Seat in Assembly not vacated

(6) Despite anything in the *Legislative Assembly Act*, the appointment of the Chair or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or her or the acceptance by him or her of any salary or other remuneration under this Act, nor shall he or she thereby vacate or forfeit his or her seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. R.S.O. 1990, c. L.18, s. 2 (6).

Section Amendments with date in force (d/m/y)

1994, c. 9, s. 1 (1, 2) - 23/06/1994

2006, c. 33, Sched. Q, s. 2 - 20/12/2006

Power and purposes of Board

3. (1) The purposes of the Board are, and it has power,

- (a) to buy, import and have in its possession for sale, and to sell, liquor and other products containing alcohol and non-alcoholic beverages;
- (b) to control the sale, transportation and delivery of liquor;
- (c) to make provision for the maintenance of warehouses for liquor and to control the keeping in and delivery from any such warehouses;
- (d) to establish government stores for the sale of liquor to the public;
- (e) to authorize manufacturers of beer and spirits and wineries that manufacture Ontario wine to sell their beer, spirits or Ontario wine in stores owned and operated by the manufacturer or the winery and to authorize Brewers Retail Inc. to operate stores for the sale of beer to the public;
- (e.1) to authorize persons to operate government stores for the sale of liquor to the public;
- (f) to control and supervise the marketing methods and procedures of manufacturers and of wineries that manufacture Ontario wine including the operation of government stores by persons authorized under clause (e);
- (g) subject to the *Liquor Licence Act*, to determine the municipalities within which government stores shall be established or authorized and the location of such stores in such municipalities;
- (h) to determine the classes, varieties and brands of liquor to be kept for sale at government stores and maintain standards therefor;
- (i) REPEALED: 2015, c. 20, Sched. 20, s. 3 (2).
- (j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold and to administer or participate in such waste management programs for packaging as the Minister may direct;
- (k) to appoint one or more vendors of sacramental wines in any municipality and to control the keeping for sale, sale and delivery of sacramental wines;
- (l) to lease or, subject to the approval of the Lieutenant Governor in Council, to purchase such land and buildings and erect such buildings as are necessary for the purposes of the Board;
- (l.1) to sell, lease or otherwise dispose of land and buildings;
- (m) to require manufacturers of liquor and wineries that manufacture Ontario wine to furnish such samples of their products to the Board as the Board may require;
- (m.1) to establish fees, subject to the approval of the Minister, and provide for refunds under this Part and the regulations made under it;
- (n) to do all things necessary for the management and operation of the Board in the conduct of its business;
- (o) to do all things necessary or incidental to the attainment of any of the purposes set out in clauses (a) to (n). R.S.O. 1990, c. L.18, s. 3; 1994, c. 9, s. 2 (1); 1996, c. 26, s. 2 (2); 2006, c. 33, Sched. Q, s. 3; 2011, c. 9, Sched. 23, s. 1; 2012, c. 8, Sched. 31, s. 1; 2015, c. 20, Sched. 20, s. 3 (1-3).

Same, prices

(1.1) The Board's purposes and powers also include, and are deemed always to have included, the purpose and power to fix the prices at which the various classes, varieties and brands of liquor are to be sold, and such prices shall be the same at all government stores except,

- (a) liquor sold through an outlet designated by the Minister of National Revenue under the *Excise Act* (Canada) as a duty free sales outlet; and
- (b) liquor sold to holders of a licence under the *Liquor Licence Act*, which may be sold at a price that is different from the price at which it is sold to the general public. 2015, c. 20, Sched. 20, s. 3 (4).

Additional powers of Board

- (2) The Board has the power to establish conditions with respect to,
 - (a) subject to any regulation, authorizations for government stores under clause (1) (e) or (e.1);
 - (b) appointments of vendors of sacramental wines under clause (1) (k);
 - (c) authorizations granted by the Board with respect to the importation of liquor on the Board's behalf;

- (d) subject to any regulation, authorizations granted by the Board with respect to the transportation and delivery of liquor;
- (e) subject to any regulation, authorizations granted by the Board with respect to the maintenance of warehouses for liquor and the keeping in and delivery from any such warehouses; and
- (f) any other authorizations or appointments granted or made by the Board. 1994, c. 9, s. 2 (2); 2015, c. 20, Sched. 20, s. 3 (5).

Power of Board to borrow

(3) The Board has the power to borrow money on its credit, subject to the approval in writing of the Minister and the Minister of Finance. 2008, c. 7, Sched. L, s. 1 (1).

Terms and conditions

(4) An approval under subsection (3) may be subject to such terms and conditions as the Minister and the Minister of Finance consider advisable. 2008, c. 7, Sched. L, s. 1 (1).

Borrowing, capital expenditures

(5) Despite subsection 5 (1), if the Board proposes to undertake a major capital expenditure, it shall borrow the necessary funds in accordance with this section. 2008, c. 7, Sched. L, s. 1 (2).

Major capital expenditure

- (6) An expenditure is a major capital expenditure for the purposes of this section in either of the following circumstances:
 1. If it satisfies the prescribed criteria.
 2. If the Minister notifies the Board in writing that the expenditure is a major capital expenditure for the purposes of this Part. 2008, c. 7, Sched. L, s. 1 (2); 2015, c. 20, Sched. 20, s. 4.

Section Amendments with date in force (d/m/y)

1994, c. 9, s. 2 (1, 2) - 23/06/1994; 1996, c. 26, s. 2 (2) - 22/02/1998

2006, c. 33, Sched. Q, s. 3 - 20/12/2006

2008, c. 7, Sched. L, s. 1 (1) - 14/05/2008; 2008, c. 7, Sched. L, s. 1 (2) - 16/03/2009

2011, c. 9, Sched. 23, s. 1 - 12/05/2011

2012, c. 8, Sched. 31, s. 1 - 20/06/2012

2015, c. 20, Sched. 20, s. 3 (1-5) - 1/08/2015; 2015, c. 20, Sched. 20, s. 4 - 1/08/2015

Revocation, suspension or refusal to renew authorization

3.0.1 (1) The Board may issue a proposal to revoke or suspend an authorization for a government store under clause 3 (1) (e) or (e.1) or refuse to renew such an authorization for any ground under this Act or the regulations that would disentitle the authorized person to an authorization if the authorized person were an applicant or if the authorized person has contravened this Act, the regulations or a condition of the authorization. 2015, c. 38, Sched. 14, s. 2.

Interim suspension of authorization

(2) If a proposal is issued to revoke or suspend the authorization, the Board may by order suspend the authorization prior to a hearing if it considers it to be necessary in the public interest. 2015, c. 38, Sched. 14, s. 2.

Same

(3) An order to suspend an authorization under subsection (2) takes effect immediately and, if a hearing is required, expires 15 days after the date of the notice requiring the hearing unless the hearing is commenced, in which case the Tribunal may extend the time of expiration until the hearing is concluded. 2015, c. 38, Sched. 14, s. 2.

Section Amendments with date in force (d/m/y)

2015, c. 38, Sched. 14, s. 2 - 1/02/2016

Transfer, etc. of an authorization

3.0.2 (1) A person may apply to the Board for the transfer of an authorization for a government store under clause 3 (1) (e) or (e.1) or a change in the location of a government store to which such an authorization applies, and the Board shall approve the transfer or the change in location if,

- (a) the Board has not issued a proposal to revoke or suspend the authorization; and
- (b) the prescribed requirements, if any, are satisfied. 2015, c. 38, Sched. 14, s. 2.

Same

(2) If the Board proposes to refuse to approve the transfer or change in location, the Board shall issue a proposal with respect to the application. 2015, c. 38, Sched. 14, s. 2.

Section Amendments with date in force (d/m/y)

2015, c. 38, Sched. 14, s. 2 - 1/02/2016

Notice of proposal

3.0.3 (1) If the Board issues a proposal with respect to any of the following matters, the Board shall serve notice of the proposal together with written reasons on the applicant or authorization holder:

1. Suspend or revoke an authorization.
2. Refuse to renew an authorization.
3. Refuse to approve a transfer of an authorization.
4. Refuse to approve a change in store location to which an authorization applies. 2015, c. 38, Sched. 14, s. 2.

Notice requiring hearing

(2) A notice of a proposal shall inform the applicant or authorization holder that he, she or it is entitled to a hearing by the Tribunal if the person mails or delivers to the Tribunal and the Board, within 15 days after the notice is served on the person, notice in writing requiring a hearing by the Tribunal, and the person may so require such a hearing. 2015, c. 38, Sched. 14, s. 2.

No hearing

(3) If a person to whom a notice is sent under this section does not require a hearing by the Tribunal, the Board may carry out the proposal stated in the notice. 2015, c. 38, Sched. 14, s. 2.

Hearings

(4) The Tribunal shall fix a time and place for the hearing of the matter and shall at least 10 days before the day fixed cause notice of the hearing to be served upon the person who has required the hearing. 2015, c. 38, Sched. 14, s. 2.

Powers

- (5) Following a hearing to consider a proposal, the Tribunal may direct the Board to do the following:
1. If the proposal related to the suspension of an authorization, suspend or not suspend the authorization.
 2. If the proposal related to the revocation of an authorization, revoke or not revoke the authorization.
 3. If the proposal related to the renewal of an authorization, renew or not renew the authorization.
 4. If the proposal related to the transfer of an authorization, approve the transfer or not approve the transfer.
 5. If the proposal relates to the change in a store location to which an authorization applies, approve the change or not approve the change. 2015, c. 38, Sched. 14, s. 2.

Section Amendments with date in force (d/m/y)

2015, c. 38, Sched. 14, s. 2 - 1/02/2016

Confidentiality

3.0.4 (1) Every official or employee of the Government of Ontario, the Board, or the Alcohol and Gaming Commission of Ontario who, in the course of his or her duties, acquires sales information relating to stores to which an authorization under clause 3 (1) (e.1) applies, shall maintain the information in confidence, and shall not use or disclose the information except in the course of his or her duties. 2015, c. 38, Sched. 14, s. 3.

Exception, disclosure to other employee of government, etc.

(2) Despite subsection (1), an official or employee may disclose the information referred to in that subsection to another official or employee of the Government of Ontario, the Board, or the Alcohol and Gaming Commission who requires it in the course of his or her duties. 2015, c. 38, Sched. 14, s. 3.

Identifying information

(3) Information described in subsection (1) that would reveal the sales of an individual store shall not be disclosed except in accordance with subsections (1) and (2). 2015, c. 38, Sched. 14, s. 3.

FIPPA, third party information

(4) Information described in subsection (1) held by an institution is deemed, for the purposes of section 17 of the Freedom of Information and Protection of Privacy Act, to be financial and commercial information supplied in confidence to the institution. 2015, c. 38, Sched. 14, s. 3.

Prevails over FIPPA

(5) Subsection (3) prevails over the *Freedom of Information and Protection of Privacy Act*. 2015, c. 38, Sched. 14, s. 3.

Section Amendments with date in force (d/m/y)

2015, c. 38, Sched. 14, s. 3 - 10/12/2015

Agreement with federal government

3.1 The Board may enter into an agreement with the Government of Canada, as represented by the Minister of National Revenue, in relation to liquor referred to in that agreement that is brought into Ontario from any place outside Canada,

- (a) appointing officers, as defined in subsection 2 (1) of the *Customs Act* (Canada), employed at customs offices located in Ontario, as agents of the Board for the purposes of,
 - (i) accepting, on behalf of the Board, liquor brought into Ontario,
 - (ii) collecting, on behalf of the Board, the mark-up set by the Board from time to time in relation to that liquor,
 - (iii) selling and releasing, on behalf of the Board, to the person bringing the liquor into Ontario, on the payment of the mark-up, the liquor in relation to which the mark-up is paid, and
 - (iv) detaining the liquor on behalf of the Board and releasing it to the Board where the mark-up is not paid by the person bringing the liquor into Ontario;
- (b) authorizing, in such circumstances and on such conditions as may be specified in the agreement, the payment, on behalf of the Board, to a person who has paid the mark-up, of a refund of any or all of the mark-up collected in accordance with subclause (a) (ii) and the agreement;
- (c) requiring, in such manner and at such time or times as may be specified in the agreement, the remittance to the Board of the mark-up collected in accordance with subclause (a) (ii) and the agreement;
- (d) respecting forms to be used in relation to liquor brought into Ontario; and
- (e) respecting any other matter in relation to liquor brought into Ontario. 1992, c. 28, s. 2.

Section Amendments with date in force (d/m/y)

1992, c. 28, s. 2 - 1/02/1993

Waste management programs

3.2 (1) The Minister may direct the Board to administer or participate in waste management programs for packaging on such terms as the Minister may specify, and to perform such functions respecting a waste management program as the Minister may require. 2011, c. 9, Sched. 23, s. 2.

Same

(2) If the Minister directs the Board to participate in a waste management program for packaging that is administered in whole or in part by another person, the Minister may, in the direction, require the Board to make payments to that person for services provided and costs incurred by the person in connection with the program. 2011, c. 9, Sched. 23, s. 2.

Section Amendments with date in force (d/m/y)

2011, c. 9, Sched. 23, s. 2 - 12/05/2011

Duties of Chair, members

4. (1) The Chair shall preside at all meetings of the Board or, in his or her absence or if the office of Chair is vacant, the Vice-Chair has all the powers and shall perform all the duties of the Chair. 2006, c. 33, Sched. Q, s. 4.

Same

(2) The Chair and the other members of the Board shall devote such time as is necessary for the due performance of their duties as members of the Board. 2006, c. 33, Sched. Q, s. 4.

Section Amendments with date in force (d/m/y)

2006, c. 33, Sched. Q, s. 4 - 20/12/2006

Chief executive officer

4.0.1 (1) Subject to the approval of the Minister, the Board shall appoint a person to be the chief executive officer of the Board to be responsible for its operation and for the performance of such other functions as are assigned by the Board. 2006, c. 33, Sched. Q, s. 4.

Attend meetings

(2) The chief executive officer may attend and participate at any meeting of the Board but shall not have a vote with respect to any matter to be decided at the meeting. 2006, c. 33, Sched. Q, s. 4.

Exception

(3) Despite subsection (2), the Board may exclude the chief executive officer from attending any meeting if a matter to be discussed at the meeting involves the position, performance or functions and duties of the chief executive officer. 2006, c. 33, Sched. Q, s. 4.

Section Amendments with date in force (d/m/y)

2006, c. 33, Sched. Q, s. 4 - 20/12/2006

Staff

4.0.2 (1) The Board may appoint such officers, inspectors and employees and retain such assistance as is considered necessary and may, subject to the approval of the Lieutenant Governor in Council, establish job categories, salary ranges and conditions of employment. 2006, c. 33, Sched. Q, s. 4.

Approval by Minister

(2) Despite subsection (1), job categories, salary ranges and conditions of employment of officers, inspectors and employees appointed by the Board who are not members of a bargaining unit, as defined in the *Labour Relations Act, 1995*, must be approved by the Minister and not by the Lieutenant Governor in Council. 2006, c. 33, Sched. Q, s. 4.

Pension plan

(3) The Board shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act* as a board whose permanent and full time probationary staff are required to be members of the Public Service Pension Plan. 2006, c. 33, Sched. Q, s. 4.

Section Amendments with date in force (d/m/y)

2006, c. 33, Sched. Q, s. 4 - 20/12/2006

Status of Board

4.0.3 (1) The Board is a corporation to which the *Corporations Act* does not apply. 2006, c. 33, Sched. Q, s. 4.

Note: On the day subsection 4 (1) of the *Not-for-Profit Corporations Act, 2010* comes into force, subsection (1) is amended by striking out “the *Corporations Act*” and substituting “the *Not-for-Profit Corporations Act, 2010*”. See: 2011, c. 9, Sched. 23, ss. 3, 6 (2).

Crown agent

(2) The Board is for all purposes an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty. 2006, c. 33, Sched. Q, s. 4.

Section Amendments with date in force (d/m/y)

2006, c. 33, Sched. Q, s. 4 - 20/12/2006

2011, c. 9, Sched. 23, s. 3 - not in force

Delegation

4.0.4 (1) The Board may delegate its powers under this Part, as it considers appropriate, to a committee of the Board, to its chief executive officer or to any other person. 2006, c. 33, Sched. Q, s. 4; 2015, c. 20, Sched. 20, s. 4.

Further delegation

(2) The powers delegated to the chief executive officer or other person may be further delegated to an officer, employee or agent of the Board upon such terms as may be specified by the Board. 2006, c. 33, Sched. Q, s. 4.

Restriction

- (3) Despite subsection (1), the Board may not delegate the power to,
- (a) appoint or remove the chief executive officer or the internal auditor of the Board;
 - (b) make, amend or repeal a by-law of the Board; or
 - (c) approve the business plan, financial statements or annual report of the Board. 2006, c. 33, Sched. Q, s. 4.

Section Amendments with date in force (d/m/y)

2006, c. 33, Sched. Q, s. 4 - 20/12/2006

2015, c. 20, Sched. 20, s. 4 - 1/08/2015

Protection from personal liability

4.0.5 (1) No action or other proceeding may be instituted against any member of the Board or any officer or employee of the Board for any act done in good faith in the execution or intended execution of the person's duty or for any alleged neglect or default in the execution in good faith of the person's duty under this Act. 2006, c. 33, Sched. Q, s. 4.

Board liability

(2) Subsection (1) does not relieve the Board of any liability to which it would otherwise be subject in respect of a tort committed by a person referred to in subsection (1). 2006, c. 33, Sched. Q, s. 4.

Section Amendments with date in force (d/m/y)

2006, c. 33, Sched. Q, s. 4 - 20/12/2006

Inspectors

4.1 (1) The Chair of the Board may designate any person as an inspector to carry out inspections for the purpose of determining whether there is compliance with this Part, the *Liquor Licence Act*, the *Wine Content Act* and the regulations under those Acts. 1994, c. 9, s. 3; 2015, c. 20, Sched. 20, s. 4.

Proof of designation

(2) An inspector who exercises powers under this Part shall, on request, produce his or her certificate of designation. 1994, c. 9, s. 3; 2015, c. 20, Sched. 20, s. 4.

Section Amendments with date in force (d/m/y)

1994, c. 9, s. 3 - 23/06/1994

2015, c. 20, Sched. 20, s. 4 - 1/08/2015

Entry without warrant

4.2 (1) An inspector may enter any premises described in subsection (2) for the purposes of ensuring compliance with this Part, the *Liquor Licence Act*, the *Wine Content Act* or any regulation under those Acts. 1994, c. 9, s. 3; 2015, c. 20, Sched. 20, s. 4.

Premises

- (2) An inspector may only enter premises,
- (a) at which liquor is sold, served, manufactured, kept or stored; or
 - (b) at which books or records relating to the sale, service, manufacture or storage of liquor are kept or are required to be kept. 1994, c. 9, s. 3.

Powers of inspector

- (3) An inspector who enters premises under subsection (1) may,
- (a) inquire into negotiations, transactions, loans or borrowings of a licensee or permit holder under the *Liquor Licence Act*, a manufacturer, a person who imports liquor, a person authorized to operate a government store or any other person who is granted an authorization or is the subject of an appointment referred to in subsection 3 (2);

- (b) inquire into assets owned, held in trust, acquired or disposed of by a licensee or permit holder under the *Liquor Licence Act*, a manufacturer, a person who imports liquor, a person authorized to operate a government store or any other person who is granted an authorization or is the subject of an appointment referred to in subsection 3 (2);
- (c) request the production for inspection or audit of books, records, documents or other things that are relevant to the inspection;
- (d) remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (e) remove things relevant to the inspection that cannot be copied and may be evidence of the commission of an offence;
- (f) remove materials or substances for examination or test purposes if the licensee, permit holder, manufacturer, importer or other occupant of the premises is given notice of the removal; and
- (g) conduct such tests as are reasonably necessary for the inspection. 1994, c. 9, s. 3.

Time for exercising powers

(4) An inspector shall exercise the powers under this section only during normal business hours for the place the inspector has entered. 1994, c. 9, s. 3.

Section Amendments with date in force (d/m/y)

1994, c. 9, s. 3 - 23/06/1994

2015, c. 20, Sched. 20, s. 4 - 1/08/2015

Entry with warrant

4.3 (1) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to exercise any of the powers mentioned in subsection 4.2 (1) or clause 4.2 (3) (d), (e), (f) or (g) with respect to a place named in the warrant if the justice of the peace is satisfied on information under oath that,

- (a) the inspector has been denied entry to the place or has been obstructed in exercising any other of those powers with respect to the place; or
- (b) there are reasonable grounds to believe that the inspector will be denied entry to the place or obstructed in exercising any other of those powers with respect to the place. 1994, c. 9, s. 3.

Same, search and seizure

(2) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter premises named in the warrant and to search for and seize any document or thing relevant to the inspection and identified in the warrant if the justice of the peace is satisfied on information under oath that there are reasonable grounds to believe that the document or thing will afford evidence relevant to a contravention of this Part, the *Liquor Licence Act*, the *Wine Content Act* or of any regulation under those Acts. 1994, c. 9, s. 3; 2015, c. 20, Sched. 20, s. 4.

Same, search of dwelling

(3) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter and search a place used as a dwelling and identified in the warrant if the justice of the peace is satisfied on information under oath that,

- (a) it is necessary to enter and search the dwelling for the purpose of carrying out an inspection; or
- (b) a document or thing is in the dwelling and there are reasonable and probable grounds to believe the document or thing is relevant to an inspection under this Part. 1994, c. 9, s. 3; 2015, c. 20, Sched. 20, s. 4.

Time of execution

- (4) Unless otherwise ordered, a warrant issued under this section shall be executed only,
 - (a) during the normal business hours of the place named in the warrant, in the case of a place of business;
 - (b) in any other case, between the hours of 6 a.m. and 9 p.m. 1994, c. 9, s. 3.

Expiry of warrant

(5) A warrant expires no later than thirty days after the day on which it is made. 1994, c. 9, s. 3.

Renewal of warrant

(6) A warrant may be renewed upon application for renewal made before or after expiry. 1994, c. 9, s. 3.

Grounds for renewal

(7) A warrant may be renewed for any of the grounds mentioned in subsections (1) to (3). 1994, c. 9, s. 3.

Use of force

(8) An inspector named in a warrant may call upon police officers as necessary and use such force as is necessary to execute the warrant. 1994, c. 9, s. 3.

Section Amendments with date in force (d/m/y)

1994, c. 9, s. 3 - 23/06/1994

2015, c. 20, Sched. 20, s. 4 - 1/08/2015

Return of things removed

4.4 (1) An inspector under section 4.2 or 4.3 who removes documents, material or other things in order to copy shall make the copy with reasonable dispatch and shall promptly return the things taken. 1994, c. 9, s. 3.

Admissibility of copies

(2) Copies of or extracts from documents or things removed by an inspector and certified by the inspector as being true copies of or extracts from the original are admissible in evidence to the same extent, and have the same evidentiary value, as the documents or things of which they are copies or extracts. 1994, c. 9, s. 3.

Removal of things as evidence

(3) If an inspector removes things referred to in clause 4.2 (3) (e), the inspector shall bring the things before a justice of the peace and section 159 of the *Provincial Offences Act* applies. 1994, c. 9, s. 3.

Receipt upon removal

(4) An inspector shall issue a receipt for any document or thing removed during an inspection under section 4.2 or 4.3. 1994, c. 9, s. 3.

Written request

(5) A request for production referred to in clause 4.2 (3) (c) shall be in writing and shall include a statement of the nature of the things required. 1994, c. 9, s. 3.

Experts

(6) An inspector under section 4.2 or 4.3 is entitled to call upon such experts as are necessary to assist in carrying out the inspection. 1994, c. 9, s. 3.

Section Amendments with date in force (d/m/y)

1994, c. 9, s. 3 - 23/06/1994

Obstruction

4.5 (1) No person shall obstruct an inspector who is carrying out his or her duties under this Part. 1994, c. 9, s. 3; 2015, c. 20, Sched. 20, s. 4.

Duty to answer inquiries

(2) A licensee or permit holder under the *Liquor Licence Act*, a manufacturer, a person who imports liquor, a person authorized to operate a government store, or any other person who is granted an authorization or is the subject of an appointment referred to in subsection 3 (2) shall answer any inquiries made by the inspector that are relevant to the inspection. 1994, c. 9, s. 3.

Form of answer

(3) An answer given by a person mentioned in subsection (2) may be given orally or in writing and, if the inspector so requires, by statutory declaration. 1994, c. 9, s. 3.

Attendance required

(4) An inspector may require a person mentioned in subsection (2) to attend at the premises that are the object of the inspection for the purpose of answering inquiries and the person shall do so. 1994, c. 9, s. 3.

Section Amendments with date in force (d/m/y)

1994, c. 9, s. 3 - 23/06/1994

2015, c. 20, Sched. 20, s. 4 - 1/08/2015

Payment of costs from revenues

5. (1) All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of the revenues of the Board. R.S.O. 1990, c. L.18, s. 5 (1).

Payments into Consolidated Revenue Fund

(2) The net profits of the Board shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct. R.S.O. 1990, c. L.18, s. 5 (2).

Financial statements

(3) The accounts of the Board shall be made up to the 31st day of March in each year, and at such other times as is determined by the Lieutenant Governor in Council, and in every case the Board shall prepare a balance sheet and statement of profit and loss. R.S.O. 1990, c. L.18, s. 5 (3).

Reports to Minister of Finance

(4) The Board shall submit to the Minister of Finance, at such times as he or she may require, reports setting out the net profit and net profit forecasts of the Board and such reports shall contain such information as he or she may require. 2011, c. 9, Sched. 23, s. 4.

Section Amendments with date in force (d/m/y)

2011, c. 9, Sched. 23, s. 4 - 12/05/2011

Audit

6. The accounts and financial transactions of the Board shall be audited annually by the Auditor General. R.S.O. 1990, c. L.18, s. 6; 2004, c. 17, s. 32.

Section Amendments with date in force (d/m/y)

2004, c. 17, s. 32 - 30/11/2004

Annual reports

7. (1) The Board shall make a report annually to the Minister upon the affairs of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session. R.S.O. 1990, c. L.18, s. 7 (1).

Other reports

(2) The Board shall make such further reports to the Minister and provide him or her with such information as the Minister may from time to time require. R.S.O. 1990, c. L.18, s. 7 (2).

Regulations

8. (1) The Lieutenant Governor in Council may make regulations,
- (a) governing the purchase, distribution and sale of liquor;
 - (b) governing the keeping, storage or transportation of liquor;
 - (c) governing the operations of government stores or classes of government stores;
 - (d) governing the classes, varieties and brands of liquor to be kept for sale at government stores or classes of government stores;
 - (d.1) governing the prices at which the various classes, varieties and brands of liquor are to be sold at government stores or classes of government stores and may make regulations providing that liquor may be sold to holders of a licence under the *Liquor Licence Act* at a price that is different from the price sold to the general public;
 - (d.2) governing the prices at which the various classes, varieties and brands of liquor are to be sold by the Board to operators of government stores or classes of government stores;
 - (e) governing the issuance of authorizations for government stores by the Board;
 - (f) prescribing the conditions that apply to authorizations for government stores or to authorizations for classes of government stores;
 - (g) prescribing standards for liquor manufactured, purchased, distributed or sold in Ontario;
 - (h) prescribing criteria for the purposes of paragraph 1 of subsection 3 (6);

- (i) requiring manufacturers, wineries that manufacture Ontario wine, persons operating government stores and persons importing liquor to furnish the Board with such returns and information respecting the manufacture, purchase, distribution or sale of liquor as is prescribed;
- (j) governing the purchase of liquor under a permit issued under the *Liquor Licence Act*;
- (k) exempting any person, product or class of person or product from any provision of this Part or the regulations. 1994, c. 9, s. 4; 1996, c. 26, s. 2 (3); 2008, c. 7, Sched. L, s. 2; 2011, c. 9, Sched. 23, s. 5 (1, 2); 2015, c. 20, Sched. 20, s. 5 (1), (2).

Power to make regulations governing prices

(2) The authority to make regulations under clause 8 (1) (d) of the Act, as it read immediately before section 5 of Schedule 20 to the *Building Ontario Up Act (Budget Measures), 2015* came into force, is deemed always to have included the authority to make regulations governing the prices at which liquor is sold to various classes of licence holders under the *Liquor Licence Act*, including regulations providing that liquor may be sold to holders of a licence under the *Liquor Licence Act* at a price that is different from the price sold to the general public. 2015, c. 20, Sched. 20, s. 5 (3).

Same

(3) Any provision of a regulation may be subject to such conditions, qualifications or requirements as are specified in the regulation. 1994, c. 9, s. 4.

Section Amendments with date in force (d/m/y)

1994, c. 9, s. 4 - 23/06/1994; 1996, c. 26, s. 2 (3) - 22/02/1998

2008, c. 7, Sched. L, s. 2 - 14/05/2008

2011, c. 9, Sched. 23, s. 5 (1-3) - 12/05/2011

2015, c. 20, Sched. 20, s. 5 (1-3) - 1/08/2015

**PART III
BREWERS RETAIL INC.**

Definitions

9. In this Part,

“compensation” includes compensatory, consequential, special, aggravated and punitive damages, contribution and indemnity and any other payment to limit, make good or atone for the physical, economic or emotional losses of any person, and any order to require or stop the taking of any action, and “compensate” has a corresponding meaning; (“dédommagement”, “dédommager”)

“June 2000 framework” means the document entitled “Serving Ontario Beer Consumers: A Framework for Improved Co-operation and Planning Between the LCBO and BRI” and the document to which it is attached, dated June 1, 2000 signed by the Chairman of Brewers Retail Inc. and the Chair and Chief Executive Officer of the Board; (“accord-cadre de juin 2000”)

“September 2011 agreement” means the agreement dated September 1, 2011 between Brewers Retail Inc., the Board and Her Majesty the Queen in right of Ontario as represented by the Minister of Finance with respect to management of a province-wide deposit return program for certain beverage alcohol containers. (“accord de septembre 2011”) 2015, c. 20, Sched. 20, s. 7.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 20, s. 7 - 1/08/2015

Agreements with Crown re sale of beer

10. (1) One or more of the following may enter into agreements with the Crown in relation to the Crown’s or a Crown agent’s regulation and control of the sale of beer in Ontario:

1. Brewers Retail Inc.
2. One or more shareholders of Brewers Retail Inc., individually or jointly. 2015, c. 20, Sched. 20, s. 8.

Agreements with Crown agent re sale of beer

(2) One or more of the following may enter into agreements with a Crown agent in relation to the Crown's or a Crown agent's regulation and control of the sale of beer in Ontario, if the Lieutenant Governor in Council directs the Crown agent to enter into such an agreement:

1. Brewers Retail Inc.
2. One or more shareholders of Brewers Retail Inc., individually or jointly. 2015, c. 20, Sched. 20, s. 8.

June 2000 framework

(3) The Board is deemed to have been directed, and Brewers Retail Inc. is deemed to have been authorized, to enter into the June 2000 framework in relation to the Crown's or a Crown agent's regulation and control of the sale of beer in Ontario. 2015, c. 20, Sched. 20, s. 8.

Same, governance of Brewers Retail Inc.

(4) An agreement referred to in subsection (1) or (2) may provide for such matters relating to Brewers Retail Inc. as the Lieutenant Governor in Council considers advisable, including its governance, capital structure, share ownership, finances, operations and accountability and its marketing and retail practices. 2015, c. 20, Sched. 20, s. 8.

Same, sale of beer

- (5) An agreement may provide for the following matters relating to the sale of beer in Ontario:
1. A procedure for investigating and resolving complaints by beer manufacturers, consumers and others about their dealings with Brewers Retail Inc. about the sale of beer in stores operated by Brewers Retail Inc.
 2. The size of packaging to be used for beer sold by Brewers Retail Inc. and by the Board.
 3. Rules regarding the pricing of beer sold by Brewers Retail Inc., or by one or more of its shareholders, including beer sold to a holder of a licence issued under the *Liquor Licence Act* to sell liquor.
 4. Any matter addressed in the June 2000 framework.
 5. Such other matters as the Lieutenant Governor in Council considers advisable. 2015, c. 20, Sched. 20, s. 8.

Payments by the Board to beer manufacturers

(6) If an agreement under subsection (1) provides for payments by the Board to beer manufacturers, calculated with reference to the volume of beer sold through stores to which authorizations under clause 3 (1) (e.1) apply, the Board shall make the payments in accordance with the terms of the agreement. 2015, c. 38, Sched. 14, s. 4.

Same, collection from stores

(7) The Board shall collect from each store to which an authorization under clause 3 (1) (e.1) applies the store's proportionate share of any payment required under subsection (6), as determined in accordance with the terms of the supply agreement between the Board and the store operator, by including the amount payable in the wholesale price of the beer it sells to the store. 2015, c. 38, Sched. 14, s. 4.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 20, s. 8 - 01/08/2015; 2015, c. 38, Sched. 14, s. 4 - 1/11/2015

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2015, c. 20, Sched. 20, s. 9)

Termination of June 2000 framework

11. If the June 2000 framework is in effect immediately before this section comes into force, it is terminated on the day this section comes into force. 2015, c. 20, Sched. 20, s. 9.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 20, s. 9 - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2015, c. 20, Sched. 20, s. 10)

Consequences of termination

No cause of action

12. (1) No cause of action arises as a direct or indirect result of the termination of the June 2000 framework by section 11 or the termination of the framework in accordance with its terms. 2015, c. 20, Sched. 20, s. 10.

Not expropriation

(2) The termination of the framework does not constitute expropriation. 2015, c. 20, Sched. 20, s. 10.

No remedy

(3) No costs, compensation or damages are owing or payable to any person and no remedy, including a remedy in contract, restitution, tort or trust, is available to any person in connection with the termination of the framework. 2015, c. 20, Sched. 20, s. 10.

Same

(4) Without limiting the generality of subsection (3), no costs, compensation or damages are owing or payable for any past, present or future losses or expenses relating to or resulting from the termination of the framework. 2015, c. 20, Sched. 20, s. 10.

No proceeding

(5) No proceeding, including a proceeding in contract, restitution, tort or trust, may be brought or maintained for compensation for any past, present or future losses or expenses relating to or resulting from the termination of the framework or for an equitable remedy relating to or resulting from the termination. 2015, c. 20, Sched. 20, s. 10.

Same

(6) Subsection (5) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before or after the coming into force of this section. 2015, c. 20, Sched. 20, s. 10.

Proceedings set aside

(7) Any proceeding referred to in subsection (6) commenced before the day this section comes into force is deemed to have been dismissed, without costs, on the day this section comes into force and any decision in a proceeding referred to in subsection (6) is of no effect. 2015, c. 20, Sched. 20, s. 10.

Exception

(8) This section does not apply to a proceeding commenced by the Crown or its agents and nothing in this section precludes a proceeding commenced by the Crown or its agents. 2015, c. 20, Sched. 20, s. 10.

Same

(9) Without limiting the generality of subsections (4) and (5), the losses and expenses referred to in those subsections include the following:

1. A loss of profit or other benefit under the framework.
2. A loss of business opportunity.
3. A loss of business or costs consequential on a loss of business.
4. A loss of interest or of the use of capital or a reduction of capital.
5. A loss arising from the failure of any person to achieve a desired or anticipated rate of return on the person's business activities.
6. A loss arising from the reduction or cessation of business activity due to lost profits or benefits, real or anticipated, or the actions of creditors, suppliers or customers. 2015, c. 20, Sched. 20, s. 10.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 20, s. 10 - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following sections: (See: 2015, c. 20, Sched. 20, s. 11)

Restriction on termination of September 2011 agreement

13. (1) If, before February 5, 2017, Brewers Retail Inc. gives notice under section 6.5 of the September 2011 agreement that the agreement is being terminated immediately by virtue of a circumstance described in paragraph 6.5 (e) of the agreement, the termination takes effect on February 5, 2017 or on the day that is 90 days after the notice is given, whichever is later. 2015, c. 20, Sched. 20, s. 11.

Same

(2) The restriction imposed by subsection (1) on the termination date prevails over the terms of the agreement itself. 2015, c. 20, Sched. 20, s. 11.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 20, s. 11 - not in force

Consequences of restriction on termination

14. Section 12 applies, with necessary modifications, with respect to any delay in the termination of the September 2011 agreement that is caused by the operation of section 13. 2015, c. 20, Sched. 20, s. 11.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 20, s. 11 - not in force

Français

Back to top