

Liquor Licence Act

R.S.O. 1990, CHAPTER L.19

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Definitions

1. (1) In this Act,

- “alcohol” means a product of fermentation or distillation of grains, fruits or other agricultural products, and includes synthetic ethyl alcohol; (“éthanol”)
- “beer” means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water; (“bière”)
- “Board” means the board of the Alcohol and Gaming Commission of Ontario established under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*; (“conseil”)
- “conservation officer” means a conservation officer appointed under subsection 87 (1) of the *Fish and Wildlife Conservation Act, 1997* who is engaged in carrying out his or her duties; (“agent de protection de la nature”)
- “ferment on premise facility” means premises where equipment for the making of beer or wine on the premises is provided to individuals; (“centre de fermentation libre-service”)
- “government store” means a government store established under the *Liquor Control Act*; (“magasin du gouvernement”)
- “licence” means a licence issued under this Act; (“permis”)
- “liquor” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter; (“alcool”)
- “manufacturer” means a person who produces liquor for sale; (“fabricant”)
- “municipality” means a local municipality; (“municipalité”)
- “Ontario wine” means,

- (a) wine produced in Ontario from grapes, cherries, apples or other fruits grown in Ontario, the concentrated juice of those fruits or other agricultural products containing sugar or starch and includes Ontario wine to which is added herbs, water, honey, sugar or the distillate of Ontario wine or cereal grains grown in Ontario,
- (b) wine produced by the alcoholic fermentation of Ontario honey, with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine, or
- (c) wine produced from a combination of,
 - (i) apples grown in Ontario or the concentrated juice thereof to which is added herbs, water, honey, sugar or the distillate of Ontario wine or cereal grains grown in Ontario, and
 - (ii) the concentrated juice of apples grown outside of Ontario,
 in such proportion as is prescribed; (“vin de l’Ontario”)

“permit” means a permit issued under this Act; (“permis de circonstance”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“Registrar” means the Registrar of Alcohol, Gaming and Racing within the meaning of the *Alcohol and Gaming Regulation and Public Protection Act, 1996*; (“registrateur”)

“regulations” means the regulations made under this Act; (“règlements”)

“sell” means to supply for remuneration, directly or indirectly, in any manner by which the cost is recovered from the person supplied, alone or in combination with others, and “sale” has a corresponding meaning; (“vendre”, “vente”)

“spirits” means any beverage containing alcohol obtained by distillation; (“spiritueux”)

“supply” includes a licensee’s permitting the consumption on licensed premises of wine that a patron has brought onto the premises, in accordance with the regulations, for the patron’s consumption, alone or in the company of others; (“fournir”)

“Tribunal” means the Licence Appeal Tribunal established under the *Licence Appeal Tribunal Act, 1999* or whatever other tribunal is prescribed by the regulations; (“Tribunal”)

“wine” means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, and including honey and milk. (“vin”) R.S.O. 1990, c. L.19, s. 1; 1996, c. 26, s. 3 (1); 1998, c. 18, Sched. E, s. 166; 1998, c. 24, s. 1; 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. E, s. 7 (1, 2); 2004, c. 28, s. 1; 2006, c. 34, s. 16 (1, 2); 2011, c. 1, Sched. 1, s. 6 (1).

Interpretation of “interested person”

- (2) For the purposes of this Act, a person is deemed to be interested in another person if,
 - (a) the first person has, or may have in the opinion of the Registrar based on reasonable grounds, a beneficial interest of any kind, either directly or indirectly, in the other person’s business, including but not limited to a holder, directly or indirectly, of shares or other securities;
 - (b) the first person exercises, or may exercise in the opinion of the Registrar based on reasonable grounds, direct or indirect control over the other person’s business; or
 - (c) the first person has provided, or may have provided in the opinion of the Registrar based on reasonable grounds, direct or indirect financing to the other person’s business. 2006, c. 34, s. 16 (3).

2. REPEALED: 1996, c. 26, s. 3 (2).

3. REPEALED: 1996, c. 26, s. 3 (3).

4. REPEALED: 1993, c. 38, s. 68.

LICENCES AND PERMITS

Licence or permit required

5. (1) No person shall keep for sale, offer for sale or sell liquor except under the authority of a licence or permit to sell liquor or under the authority of a manufacturer’s licence.

Soliciting orders

(2) No person shall canvass for, receive or solicit orders for the sale of liquor unless the person is the holder of a licence or permit to sell liquor or unless the person is the holder of a licence to represent a manufacturer.

Delivery for fee

(3) No person shall deliver liquor for a fee except under the authority of a licence to deliver liquor.

Exception

(4) Subsections (1), (2) and (3) do not apply to the sale or delivery of liquor by or under the authority of the Liquor Control Board of Ontario under the *Liquor Control Act*. R.S.O. 1990, c. L.19, s. 5.

Licence required, ferment on premise facility

5.1 No person shall operate a ferment on premise facility except under the authority of a licence to operate such a facility. 2006, c. 34, s. 16 (4).

Licence to sell

6. (1) A person may apply to the Registrar for a licence to sell liquor. R.S.O. 1990, c. L.19, s. 6 (1); 2002, c. 18, Sched. E, s. 7 (3).

Requirements

- (2) Subject to subsection (4) or (4.1), an applicant is entitled to be issued a licence to sell liquor except if,
- (a) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the applicant's business;
 - (b), (c) REPEALED: 1998, c. 18, Sched. E, s. 167 (1).
 - (d) the past or present conduct of the persons referred to in subsection (3) affords reasonable grounds for belief that the applicant will not carry on business in accordance with the law and with integrity and honesty;
 - (e) the applicant or an employee or agent of the applicant makes a false statement or provides false information in an application under this Act;
 - (f) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations;
 - (f.1) the applicant is carrying on activities that contravene, or will contravene if the applicant is licensed, a by-law of the City of Toronto passed under subsection 62.1 (1);
 - (g) the premises, accommodation, equipment and facilities in respect of which the licence is to be issued are not, or will not be, if the applicant is licensed, in compliance with this Act and the regulations;
 - (g.1) the applicant is not able to demonstrate to the satisfaction of the Registrar that he, she or it will exercise sufficient control, either directly or indirectly, over the business, including the premises, accommodation, equipment and facilities in respect of which the licence is to be issued; or
 - (h) the licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located. R.S.O. 1990, c. L.19, s. 6 (2); 1998, c. 18, Sched. E, s. 167 (1, 2); 2006, c. 11, Sched. B, s. 8 (1); 2006, c. 34, s. 16 (5).

Idem

(3) Clause (2) (d) applies to the following persons:

1. The applicant.
2. An officer or director of the applicant.
3. A person who is interested in another person, as described in subsection 1 (2).
4. A person having responsibility for the management or operation of the business of the applicant.
5. REPEALED: 2006, c. 34, s. 16 (6).

R.S.O. 1990, c. L.19, s. 6 (3); 2006, c. 34, s. 16 (6).

Prohibition

- (4) A licence to sell liquor shall not be issued,
- (a) to a manufacturer; or

- (b) to a person who by reason of an agreement, arrangement or understanding with any person is likely to promote the sale of liquor or to sell the liquor of a manufacturer exclusive of any other manufacturer. 1998, c. 18, Sched. E, s. 167 (3).

Same

- (4.1) Subject to subsection (4.2), a licence to sell liquor shall not be issued,
 - (a) to a person who is under agreement with any person to sell the liquor of any manufacturer;
 - (b) to a person who is associated or connected with a manufacturer or financially interested in a manufacturer as to be likely to promote the sale of liquor of that manufacturer;
 - (c) to a person who by reason of an agreement, arrangement or understanding with any person is likely to promote the sale of liquor of any manufacturer;
 - (d) to a person for premises in which a manufacturer has an interest, whether freehold or leasehold, or by way of mortgage or charge or other encumbrance, or by way of mortgage, lien or charge upon any personal property in the premises and whether the interest is direct or indirect or contingent or by way of suretyship or guarantee; or
 - (e) to a person in respect of a business in which a manufacturer has an interest by way of a franchise agreement. 1998, c. 18, Sched. E, s. 167 (3).

Exception

(4.2) The Registrar may issue a licence to sell liquor to an applicant mentioned in subsection (4.1) even if there is a financial relationship between the applicant and a manufacturer after having considered the nature and extent of the financial relationship and it is not contrary to the public interest to issue the licence. 1998, c. 18, Sched. E, s. 167 (3); 2002, c. 18, Sched. E, s. 7 (5); 2006, c. 34, s. 16 (7).

- (5) REPEALED: 2006, c. 34, s. 16 (8).

Effect of default under tax statute

(6) Despite any other provision of this Act, the Registrar shall not renew or transfer a licence to sell liquor or a licence to operate a ferment on premises facility and no person is entitled to the renewal or transfer of either of those licences if the holder of the licence is in default of filing a return or paying any tax, interest or penalty assessed under the *Retail Sales Tax Act* or Part II of the *Alcohol and Gaming Regulation and Public Protection Act, 1996*. 2009, c. 34, Sched. A, s. 11 (1).

Two-year prohibition on applying for licence after refusal or revocation

(7) No person who is refused a licence to sell liquor or who is refused a renewal of a licence to sell liquor or whose licence to sell liquor is revoked for any ground set out in clauses (2) (a) to (f.1) may apply to the Registrar for a licence to sell liquor until two years have passed since the refusal or revocation. 2006, c. 34, s. 16 (10).

Inquiries

6.1 (1) The Registrar may make such inquiries and conduct such investigations into the character, financial history and competence of an applicant for any licence under this Act, or a renewal of a licence, the holder of a licence, or persons interested in the holder of the licence or interested in the premises to which the licence relates, or a director, officer or shareholder of any such person, as are necessary to determine whether the applicant or licensee meets the requirements of this Act and the regulations. 2006, c. 34, s. 16 (11).

Corporations or partnerships

(2) If the applicant or holder of the licence is a corporation or partnership, the Registrar may make inquiries into or conduct investigations of the directors, officers, shareholders or partners of the applicant, the holder of the licence or persons interested in the holder, the owner, or persons interested in the owner, of the premises to which the licence relates or would relate if the licence were issued. 2006, c. 34, s. 16 (11).

Costs

(3) The applicant or licensee shall pay the reasonable costs of the inquiries or investigations or provide security to the Registrar in a form acceptable to the Registrar for the payment. 2006, c. 34, s. 16 (11).

Collection of information

(4) The Registrar may require information or material from any person who is the subject of the inquiries or investigations and may request information or material from any person who the Registrar has reason to believe can provide information or material relevant to the inquiries or investigations. 2006, c. 34, s. 16 (11).

Verification of information

(5) The Registrar may require that any information provided under subsection (4) be verified by statutory declaration. 2006, c. 34, s. 16 (11).

Disclosure

(6) Despite section 17 of the *Freedom of Information and Protection of Privacy Act* and section 10 of the *Municipal Freedom of Information and Protection of Privacy Act*, the head of an institution within the meaning of those Acts shall disclose to the Registrar the information or material that the Registrar requires under subsection (4). 2006, c. 34, s. 16 (11).

Public notice of application

7. (1) Subject to subsection (2), the Registrar shall give notice of an application for a licence to sell liquor to the residents of the municipality in which the premises are located by giving notice,

- (a) in the prescribed manner in a newspaper having general circulation in the municipality; or
- (b) in any other manner that the Registrar considers desirable. 2002, c. 18, Sched. E, s. 7 (6); 2006, c. 34, s. 16 (12).

Exception

(2) The Registrar is not required to give notice under subsection (1) if the applicant for the licence is disentitled under clauses 6 (2) (a) to (g) or subsection 6 (4) or (4.1) or if the Registrar is satisfied that, having regard to the applicant for the licence, the location of the premises to which the licence will apply and the needs and wishes of the residents of the municipality in which the premises are located, the issuance of the licence is in the public interest. R.S.O. 1990, c. L.19, s. 7 (2); 1998, c. 18, Sched. E, s. 168 (2); 2002, c. 18, Sched. E, s. 7 (3); 2006, c. 34, s. 16 (13).

Submissions

(3) In a notice given under subsection (1), the Registrar shall request from the residents of the municipality written submissions as to whether the issuance of the licence is in the public interest having regard to the needs and wishes of the residents. R.S.O. 1990, c. L.19, s. 7 (3); 2002, c. 18, Sched. E, s. 7 (3).

Idem

(4) Written submissions concerning an application shall be made in the prescribed manner and within the prescribed time. R.S.O. 1990, c. L.19, s. 7 (4).

Registrar to consider application

8. (1) The Registrar shall consider an application for a licence to sell liquor. 2002, c. 18, Sched. E, s. 7 (7).

No objections

(2) If, after giving notice of an application under subsection 7 (1), the Registrar receives no written objections to the application from the residents of the municipality within the time for making submissions, the Registrar may,

- (a) approve the application if the applicant is not disentitled under subsection 6 (2), (4) or (4.1);
- (b) issue a proposal to review the application; or
- (c) issue a proposal to refuse the application. 2002, c. 18, Sched. E, s. 7 (7); 2006, c. 34, s. 16 (14).

Conditions on consent

(3) Where the Registrar approves an application under clause (2) (a), the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence. 2002, c. 18, Sched. E, s. 7 (7).

Objections

(4) If, after giving notice of an application under subsection 7 (1), the Registrar receives one or more written objections to the application from the residents of the municipality within the time for making submissions, the Registrar shall consider the objections and may,

- (a) call a public meeting;
- (b) issue a proposal to review the application;
- (b.1) issue a proposal to refuse the application;
- (c) approve the application if the Registrar is of the opinion that the objections are frivolous or vexatious; or
- (d) approve the application if the applicant is not otherwise disentitled under this Act. 2002, c. 18, Sched. E, s. 7 (7); 2006, c. 34, s. 16 (15); 2011, c. 1, Sched. 1, s. 6 (2).

No notice

(5) If no notice of an application is given under subsection 7 (1) because the applicant is disentitled under clauses 6 (2) (a) to (g.1) or subsection 6 (4) or (4.1), the Registrar shall issue a proposal to refuse to issue the licence. 2006, c. 34, s. 16 (16).

Risk based licensing

8.1 (1) The Board may establish criteria for holders of licences to sell liquor and for premises in respect of which a licence to sell liquor is issued based on factors related to public safety, the public interest, the risk to the public and the risk of non-compliance with the Act and the regulations by the holder of a licence. 2006, c. 34, s. 16 (17); 2010, c. 16, Sched. 5, s. 3 (1); 2011, c. 1, Sched. 1, s. 6 (3).

Conditions

(2) The Board, where it has established criteria under subsection (1), may specify conditions that may be imposed on a holder's licence to sell liquor and on the premises in respect of which the licence is issued. 2006, c. 34, s. 16 (17).

Designations

(3) Based on the Registrar's assessment of risk, he or she may designate holders of licences and premises in respect of which a licence to sell liquor is issued in accordance with the criteria established by the Board and may impose on the holder's licence one or more conditions from among those specified by the Board. 2006, c. 34, s. 16 (17).

Redesignations

(4) The Registrar may redesignate a holder of a licence or the premises if there is a change in circumstances that satisfies the Registrar that the holder of the licence or the premises should be redesignated and, on redesignation, the Registrar may add, remove or otherwise change the conditions imposed on the licence and premises. 2006, c. 34, s. 16 (17).

Consolidation of licences to sell liquor

(5) The Registrar may consolidate two or more licences to sell liquor into one licence to sell liquor where the premises in respect of which the licences have been or are to be issued are contiguous, adjacent to or reasonably related to each other and,

- (a) the holder of each licence is the same person; or
- (b) the holders of the licences are related parties or interested persons as described in subsection 1 (2). 2006, c. 34, s. 16 (17).

Public meeting

9. (1) If a public meeting is called under clause 8 (4) (a), the Registrar shall give notice in the prescribed manner of a time and place for the meeting. R.S.O. 1990, c. L.19, s. 9 (1); 2002, c. 18, Sched. E, s. 7 (3).

Registrar to conduct meeting

(2) The Registrar shall conduct the public meeting. R.S.O. 1990, c. L.19, s. 9 (2); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (4).

Representations by residents

(3) The Registrar shall receive representations from the residents of the municipality in which the premises are located as to whether the issuance of the licence is in the public interest having regard to the needs and wishes of the residents. R.S.O. 1990, c. L.19, s. 9 (3); 2011, c. 1, Sched. 1, s. 6 (5).

Idem

(4) The Registrar shall consider the representations of the residents in determining whether to approve the application. R.S.O. 1990, c. L.19, s. 9 (4); 2011, c. 1, Sched. 1, s. 6 (5).

Registrar to consider application

- (5) After the meeting has been held, the Registrar shall consider the application and may,
- (a) approve the application if the applicant is not disentitled under subsection 6 (2), (4) or (4.1); or
 - (b) issue a notice of proposal to review the application or to refuse the application. R.S.O. 1990, c. L.19, s. 9 (5); 1998, c. 18, Sched. E, s. 170; 2011, c. 1, Sched. 1, s. 6 (5, 6).

Conditions on consent

(6) Upon approving an application under clause (5) (a), the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence. 2011, c. 1, Sched. 1, s. 6 (7).

(7) REPEALED: 2011, c. 1, Sched. 1, s. 6 (8).

Licence to deliver

10. (1) A person may apply to the Registrar for a licence to deliver liquor. R.S.O. 1990, c. L.19, s. 10 (1); 2002, c. 18, Sched. E, s. 7 (3).

Requirements

(2) Subject to subsection (5), an applicant for a licence to deliver liquor is entitled to the issuance of the licence unless the applicant is disentitled for any ground under clauses 6 (2) (a) to (g). R.S.O. 1990, c. L.19, s. 10 (2).

Registrar to consider application

(3) An application for a licence shall be considered by the Registrar, and the Registrar may,

(a) approve the application if the applicant is not disentitled under subsection (2); or

(b) issue a proposal to refuse to issue the licence. 2002, c. 18, Sched. E, s. 7 (8).

Conditions on consent

(4) Where the Registrar approves an application for a licence under clause (3) (a), the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence. 2002, c. 18, Sched. E, s. 7 (8).

Prohibition

(5) A licence to deliver liquor shall not be issued,

(a) to a person who is under agreement with any person to sell or deliver the liquor of any manufacturer;

(b) to a manufacturer or to a person who is so associated or connected therewith or financially interested therein as to be likely to promote the sale or delivery of liquor of that manufacturer; or

(c) to a person who by reason of an agreement, arrangement or understanding with any person is likely to promote the sale or delivery of liquor of any manufacturer. R.S.O. 1990, c. L.19, s. 10 (5).

Licence to represent manufacturer

11. (1) No person shall directly or indirectly act as or purport to be an agent or representative of a manufacturer in respect of the sale of liquor or canvass for, receive, take or solicit an order for the sale of liquor by a manufacturer unless the person is the holder of a licence to represent that manufacturer. R.S.O. 1990, c. L.19, s. 11 (1).

Applying for licence

(2) A person may apply to the Registrar for a licence to represent a manufacturer. R.S.O. 1990, c. L.19, s. 11 (2); 2002, c. 18, Sched. E, s. 7 (3).

Requirements

(3) An applicant for a licence to represent a manufacturer is entitled to the issuance of the licence unless the applicant is disentitled for any ground under clause 6 (2) (d), (e) or (f). R.S.O. 1990, c. L.19, s. 11 (3).

Registrar to consider application

(4) An application for a licence shall be considered by the Registrar, and the Registrar may,

(a) approve the application if the applicant is not disentitled under subsection (3); or

(b) issue a proposal to refuse to issue the licence. 2002, c. 18, Sched. E, s. 7 (9).

Conditions on consent

(5) Where the Registrar approves an application for a licence under clause (4) (a), the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence. 2002, c. 18, Sched. E, s. 7 (9).

(6) REPEALED: 2010, c. 16, Sched. 5, s. 3 (2).

Licence to operate ferment on premise facility

11.1 (1) A person may apply to the Registrar for a licence to operate a ferment on premise facility. 1998, c. 24, s. 4; 2002, c. 18, Sched. E, s. 7 (3); 2006, c. 34, s. 16 (19).

Requirements

(2) An applicant for a licence to operate a ferment on premise facility is entitled to the issuance of the licence unless the applicant is disentitled for any ground under clause 6 (2) (a), (d), (e), (f) or (g). 1998, c. 24, s. 4; 2006, c. 34, s. 16 (19).

Registrar to consider application

- (3) An application for a licence shall be considered by the Registrar, and the Registrar may,
- (a) approve the application if the applicant is not disentitled under subsection (2); or
 - (b) issue a proposal to refuse to issue the licence. 2002, c. 18, Sched. E, s. 7 (10).

Conditions on consent

(4) Where the Registrar approves an application for a licence under clause (3) (a), the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence. 2002, c. 18, Sched. E, s. 7 (10).

Issuance of licence

12. (1) The Registrar shall issue a licence to sell liquor, a licence to deliver liquor, a licence to represent a manufacturer or a licence to operate a ferment on premise facility to an applicant if,

- (a) the applicant complies with this Act and the regulations and pays the required fee; and
- (b) the Registrar approves the applicant's application or the Tribunal directs the Registrar to issue the licence. 2011, c. 1, Sched. 1, s. 6 (9).

Conditions of licence

(2) A licence is subject to such conditions as may be consented to by the applicant or licensee, imposed by the Tribunal or prescribed. R.S.O. 1990, c. L.19, s. 12 (2); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (10).

Limit on further applications

(3) If the issuance of a licence to sell liquor is refused on the ground under clause 6 (2) (h), no further application may be made for a licence for the same premises within two years after the date of the refusal. R.S.O. 1990, c. L.19, s. 12 (3).

Exception

(4) If the Registrar is satisfied that there has been a significant change in the circumstances that pertained at the time the application was refused, the Registrar may permit a reapplication within the two-year period mentioned in subsection (3). 2011, c. 1, Sched. 1, s. 6 (11).

Continuance pending renewal

13. (1) If, within the time prescribed therefor or, if no time is prescribed, before expiry of a licence, the licensee has applied for renewal of the licence and paid the required fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) if the licensee is served with notice of a proposal to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, if a hearing is required, until the order has become final. R.S.O. 1990, c. L.19, s. 13 (1); 1996, c. 26, s. 3 (5).

Exception, default under tax statute

(2) Subsection (1) does not apply in respect of a licence to sell liquor or to operate a ferment on premises facility if the holder of the licence is in default of filing a return or of paying any tax, interest or penalty assessed under the *Retail Sales Tax Act* or Part II of the *Alcohol and Gaming Regulation and Public Protection Act, 1996*. 2009, c. 34, Sched. A, s. 11 (2).

Conditions on licence

- 14.** (1) The Registrar may at any time review a licence and may,
- (a) attach to the licence any further conditions consented to by the licensee; or
 - (b) issue a proposal to attach to the licence any further conditions that the Registrar considers proper to give effect to the purposes of this Act. 2002, c. 18, Sched. E, s. 7 (12).

Removal of conditions

(2) The Tribunal may, on the application of a licensee, remove a condition of a licence, other than a prescribed condition or a condition attached pursuant to section 8.1, subsection 10 (4), 11 (5), 11.1 (4) or clause (1) (a), if there is a change in circumstances. 2006, c. 34, s. 16 (22); 2011, c. 1, Sched. 1, s. 6 (12).

Same

(3) If the Tribunal, on considering an application for the removal of a condition, decides not to remove the condition, the Tribunal shall direct that a proposal be issued to refuse to remove the condition. 2002, c. 18, Sched. E, s. 7 (12); 2011, c. 1, Sched. 1, s. 6 (13).

Removal of condition

14.1 The Registrar may, on the application of a licensee, remove a condition that was attached pursuant to subsection 10 (4), 11 (5), 11.1 (4) or clause 14 (1) (a), if there is a change in circumstances that satisfies the Registrar that the condition is no longer appropriate. 2006, c. 34, s. 16 (23).

Revocation, suspension or refusal to renew licence

15. (1) The Registrar may issue a proposal to revoke or suspend a licence to sell liquor or refuse to renew such a licence for any ground under subsection 6 (2), (4) or (4.1) that would disentitle the licensee to a licence if the licensee were an applicant or if the licensee has contravened this Act, the regulations or a condition of the licence. 2002, c. 18, Sched. E, s. 7 (13).

Same, licence to deliver liquor

(2) The Registrar may issue a proposal to revoke or suspend a licence to deliver liquor or refuse to renew such a licence for any ground under clauses 6 (2) (a) to (g) or subsection 10 (5) that would disentitle the licensee to a licence if the licensee were an applicant or if the licensee has contravened this Act, the regulations or a condition of the licence. 2002, c. 18, Sched. E, s. 7 (13).

Same, licence to represent manufacturer

(3) The Registrar may issue a proposal to revoke or suspend a licence to represent a manufacturer or refuse to renew such a licence for any ground under clause 6 (2) (d), (e) or (f) that would disentitle the licensee to a licence if the licensee were an applicant or if the licensee has contravened this Act, the regulations or a condition of the licence. 2002, c. 18, Sched. E, s. 7 (13).

Same, manufacturer's licence

(4) The Registrar may issue a proposal to revoke or suspend a manufacturer's licence or refuse to renew such a licence for any ground under clause 6 (2) (a), (d), (e), (f) or (g), or if the licensee has failed to pay any fees, charges or levies or the licensee has contravened this Act, the regulations or a condition of the licence. 2006, c. 34, s. 16 (24).

Same, licence to operate ferment on premise facility

(5) The Registrar may issue a proposal to revoke or suspend a licence to operate a ferment on premise facility or refuse to renew such a licence for any ground under clause 6 (2) (a), (d), (e), (f) or (g) that would disentitle the licensee to a licence if the licensee were an applicant or if the licensee has contravened this Act, the regulations or a condition of the licence. 2002, c. 18, Sched. E, s. 7 (13); 2006, c. 34, s. 16 (25).

Interim suspension of licence

(6) If a proposal is issued to revoke or suspend a licence, the Registrar may by order suspend the licence prior to a hearing if he or she considers it to be necessary in the public interest. 2004, c. 28, s. 2.

Same

(7) An order to suspend a licence under subsection (6) 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. 2002, c. 18, Sched. E, s. 7 (13); 2011, c. 1, Sched. 1, s. 6 (14).

Limit on further applications

(8) If the Tribunal directs the Registrar to revoke a licence to sell liquor for the ground under clause 6 (2) (h), the Registrar may propose, upon notice to the owner of the property at which the licensed premises is located, that no person may apply for a licence in respect of the same premises within the period of time after the date of the revocation that the Registrar specifies, up to a maximum of two years, if, in the Registrar's opinion, it is necessary to do so in the public interest. 2011, c. 1, Sched. 1, s. 6 (15).

(9) REPEALED: 2011, c. 1, Sched. 1, s. 6 (15).

Exception

(10) If the Tribunal is satisfied that there has been a significant change in the circumstances in respect of the premises since the licence was revoked, the Tribunal may permit an application for a licence to sell liquor within the period specified by the Tribunal under subsection (8). 2002, c. 18, Sched. E, s. 7 (13); 2011, c. 1, Sched. 1, s. 6 (16).

Voluntary cancellation

(11) The Registrar may cancel a licence upon the request in writing of the licensee and the surrender of the licence by the licensee. 2002, c. 18, Sched. E, s. 7 (13).

Change of ownership of business or change of licensee

16. Except as permitted by the regulations, if there is a prescribed change of ownership of a business carried on under a licence or a change of licensee, no person shall carry on the business under the authority of the licence unless the licence is transferred by the Registrar in accordance with this Act and the regulations. 2010, c. 16, Sched. 5, s. 3 (3).

Transfer of licence

17. (1) A person may apply to the Registrar for the transfer of a licence to sell liquor, a licence to deliver liquor, a licence to represent a manufacturer or a licence to operate a ferment on premise facility unless a proposal to revoke or suspend the licence has been issued. 2000, c. 26, Sched. B, s. 13; 2002, c. 18, Sched. E, s. 7 (3); 2006, c. 34, s. 16 (27); 2010, c. 16, Sched. 5, s. 3 (4).

Requirements, licence to sell liquor

- (2) An applicant for the transfer of a licence to sell liquor is entitled to the transfer except if,
- (a) the applicant would not be entitled to the issuance of a licence for any ground under clauses 6 (2) (a) to (g.1) or subsection 6 (4) or (4.1); or
 - (b) the Registrar has issued a notice of proposal in respect of the holder of the licence or the premises. 2006, c. 34, s. 16 (28).
- (2.1) REPEALED: 2010, c. 16, Sched. 5, s. 3 (5).

Idem, licence to deliver liquor

(3) An applicant for the transfer of a licence to deliver liquor is entitled to the transfer except if the applicant would not be entitled to the issuance of a licence for any ground under clauses 6 (2) (a) to (g.1) or subsection 10 (5). R.S.O. 1990, c. L.19, s. 17 (3); 2006, c. 34, s. 16 (30).

Same, licence to represent a manufacturer

- (3.1) An applicant for the transfer of a licence to represent a manufacturer is entitled to the transfer except if,
- (a) the applicant would not be entitled to the issuance of a licence for any ground under clause 6 (2) (d), (e) or (f); or
 - (b) the Registrar has issued a notice of proposal in respect of the licence. 2010, c. 16, Sched. 5, s. 3 (6).

Same, licence to operate ferment on premise facility

(3.2) An applicant for the transfer of a licence to operate a ferment on premise facility is entitled to the transfer except if the applicant would not be entitled to the issuance of a licence for any ground under clauses 6 (2) (a) to (f), (g) and (g.1). 2010, c. 16, Sched. 5, s. 3 (6).

Registrar to consider application

- (4) The Registrar shall consider an application for a transfer of a licence and may,
- (a) approve the application if the applicant is not disentitled under the applicable one of subsections (2) to (3.2); or
 - (b) issue a proposal to refuse to transfer the licence. 2010, c. 16, Sched. 5, s. 3 (7).

Conditions on consent

(5) Where the Registrar approves an application under clause (4) (a), the Registrar may specify any conditions consented to by the applicant that are to be attached to the licence. 2002, c. 18, Sched. E, s. 7 (14).

Transfer

- (6) The Registrar shall transfer a licence to an applicant if,
- (a) the applicant complies with this Act and the regulations and pays the required fee; and

- (b) the Registrar approves the applicant's application or the Tribunal directs the Registrar to transfer the licence. 2011, c. 1, Sched. 1, s. 6 (17).

Conditions of licence

(7) A licence transferred under this section is subject to such conditions as may be consented to by the applicant, imposed by the Tribunal or prescribed. R.S.O. 1990, c. L.19, s. 17 (7); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (18).

Temporary transfer

18. (1) The Registrar, in accordance with the regulations, may transfer a licence to sell liquor and a licence to operate a ferment on premise facility for a period of not more than one year to permit the orderly disposition of the business carried on under the licence. 1998, c. 24, s. 10; 2002, c. 18, Sched. E, s. 7 (3); 2006, c. 34, s. 16 (31).

Idem

- (2) Subsection 17 (2) does not apply to a temporary transfer under this section. R.S.O. 1990, c. L.19, s. 18 (2).

Special occasion permit

19. (1) A person may apply to the Registrar for a permit authorizing the holder thereof to sell or serve liquor on a prescribed special occasion. R.S.O. 1990, c. L.19, s. 19 (1); 2002, c. 18, Sched. E, s. 7 (3).

Requirements

- (2) An applicant for a permit for a special occasion is entitled to be issued the permit except if,
- (a) the applicant would not be entitled to the issuance of a licence to sell liquor for any ground under clauses 6 (2) (d) to (g) or subsection 6 (4) or (4.1); or
 - (b) the premises for which the permit is applied are disqualified under section 20. R.S.O. 1990, c. L.19, s. 19 (2); 1998, c. 18, Sched. E, s. 173.

Definition

- (3) In this section,

“authorized person” means a person within a class of persons designated by the regulations. R.S.O. 1990, c. L.19, s. 19 (3).

Consideration of application

(4) An application for a permit shall be considered by the Registrar or an authorized person, and the Registrar or authorized person may,

- (a) approve the application if the applicant is not disentitled under subsection (2); or
- (b) issue a proposal to refuse to issue the permit. 2002, c. 18, Sched. E, s. 7 (15).

Conditions on consent

(5) Where the Registrar or an authorized person approves an application for a permit, the Registrar or authorized person may specify any conditions consented to by the applicant that are to be attached to the permit. 2002, c. 18, Sched. E, s. 7 (15).

Issuance of permit

- (6) The Registrar shall issue a permit to an applicant if,
- (a) the applicant complies with this Act and the regulations and pays the required fee; and
 - (b) the Registrar or an authorized person approves the applicant's application or the Tribunal directs the Registrar to issue the permit. 2011, c. 1, Sched. 1, s. 6 (19).

Conditions of permit

(7) A permit is subject to such conditions as may be consented to by the applicant or permit holder, imposed by the Tribunal or prescribed. R.S.O. 1990, c. L.19, s. 19 (7); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (20).

Imposition of new conditions on permit

- (8) The Registrar may at any time review a permit and may,
- (a) attach to the permit any further conditions consented to by the permit holder; or

(b) issue a proposal to attach to the permit any further conditions that the Registrar considers proper to give effect to the purposes of this Act. 2002, c. 18, Sched. E, s. 7 (16).

Removal of conditions

(9) The Registrar may, on the application of a permit holder, remove a condition of a permit, other than a prescribed condition or a condition imposed by the Tribunal. 2011, c. 1, Sched. 1, s. 6 (21).

Registrar's response

(10) Subject to subsection (10.1), if the Registrar, upon considering an application for removal of a condition, decides not to remove the condition, the Registrar shall issue a proposal to refuse to remove the condition. 2011, c. 1, Sched. 1, s. 6 (21).

Removal of condition

(10.1) The Registrar may, on the application of a permit holder, remove a condition that was attached pursuant to subsection (5) or clause (8) (a), if there is a change in circumstances that satisfies the Registrar that the condition is no longer appropriate. 2006, c. 34, s. 16 (33).

Revocation of permit

(11) The Registrar may revoke a permit for any ground that would disentitle the holder to a permit if the holder were an applicant under subsection (2), or if the holder has contravened this Act, the regulations or a condition of the permit. 2002, c. 18, Sched. E, s. 7 (16); 2006, c. 34, s. 16 (34).

(12) REPEALED: 2006, c. 34, s. 16 (35).

Idem

(13) An order to revoke a permit under subsection (11) takes effect immediately. R.S.O. 1990, c. L.19, s. 19 (13); 2006, c. 34, s. 16 (36).

Same

(14) A police officer or a person designated under subsection 43 (1) may, by giving a notice of revocation in accordance with subsection (15), revoke a special occasion permit issued for an event while the event is under way if he or she reasonably believes that this Act or a prescribed provision of the regulations is being contravened in connection with the event. 1994, c. 37, s. 13.

Same

(15) The notice of revocation may be given orally or in writing to the permit holder or to a person designated under the regulations by the permit holder to attend the event in the permit holder's place. 1994, c. 37, s. 13.

Same

(16) A notice of revocation under subsection (14) takes effect immediately. 1994, c. 37, s. 13.

Risk based permit

19.1 (1) The Board may establish criteria for holders of permits and for premises in respect of which a permit is issued based on factors related to the risk to the public, public safety, the public interest and the risk of non-compliance with this Act and the regulations by the holder of a permit. 2010, c. 16, Sched. 5, s. 3 (8).

Potential conditions

(2) If the Board has established criteria under subsection (1), the Board may specify conditions that may be imposed on a holder's permit and on the premises in respect of which the permit is issued. 2010, c. 16, Sched. 5, s. 3 (8).

Imposition of conditions

(3) Based on the Registrar's assessment of risk, the Registrar may, in accordance with the criteria established by the Board, impose on the holder's permit one or more conditions from among those specified by the Board. 2010, c. 16, Sched. 5, s. 3 (8).

Disqualification of premises

20. (1) The Registrar may issue a proposal to disqualify premises for purposes of issuing permits under section 19 on the grounds of a contravention of the law that has occurred at a previous event held on the premises. 2002, c. 18, Sched. E, s. 7 (17).

Interim disqualification of premises

(2) Upon issuing a proposal to disqualify premises, the Registrar may by order disqualify the premises before a hearing, if the Registrar considers it to be necessary in the public interest. 2011, c. 1, Sched. 1, s. 6 (22).

Idem

(3) An order to disqualify premises under subsection (2) takes effect immediately and, if a hearing is required, expires fifteen 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. R.S.O. 1990, c. L.19, s. 20 (3); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (23).

Exception

(4) An order to disqualify premises shall remain in effect until at least two years have passed since the order and shall remain in effect until the Registrar is of the opinion that the order is no longer required. 2006, c. 34, s. 16 (37).

Refusal of special occasion permit or caterer's endorsement

Definitions

20.1 (1) In this section,

“caterer's endorsement” means an endorsement to a licence to sell liquor, made under the regulations, authorizing an applicant to sell and serve liquor for an event held on premises other than premises to which the licence applies; (“avenant relatif au traiteur”)

“special occasion permit” means a permit issued under section 19. (“permis de circonstance”) 1999, c. 12, Sched. F, s. 29.

Restriction

(2) The Registrar shall not grant a special occasion permit or a caterer's endorsement with respect to a premises if,

- (a) the Registrar has refused an application for a licence to sell liquor on the premises on the ground described in clause 6 (2) (h) within the past two years or the Tribunal has directed the Registrar to so refuse within the past two years;
- (b) both of the following conditions are met:
 - (i) the Registrar has revoked or suspended the licence to sell liquor on the premises or the Tribunal has directed the Registrar to so revoke or suspend the licence,
 - (ii) the revocation or suspension is still in effect; or
- (c) a disqualification under section 20 is still in effect concerning the premises. 2002, c. 18, Sched. E, s. 7 (18); 2011, c. 1, Sched. 1, s. 6 (24).

Saving

(3) Despite clause (2) (a), the Tribunal may authorize the sale or service of liquor at a premises under a special occasion permit or a caterer's endorsement if it is satisfied that a significant change in circumstances has occurred since the time the Tribunal or Registrar refused to issue a licence on the basis of clause 6 (2) (h). 2002, c. 18, Sched. E, s. 7 (18); 2011, c. 1, Sched. 1, s. 6 (25).

Notice of proposal

21. (1) If the Registrar issues a proposal with respect to any of the following matters, the Registrar shall serve notice of the proposal together with written reasons on the applicant or licensee:

- 1. Review an application for a licence to sell liquor.
 - 1.1 Refuse an application for a licence to sell liquor.
- 2. Refuse to issue a licence to deliver liquor or a licence to represent a manufacturer.
- 3. Refuse to issue a licence to operate a ferment on premise facility.
- 4. Refuse to renew a licence.
- 5. Refuse to transfer a licence.
- 6. Suspend or revoke a licence.
- 7. Attach a condition to a licence.
- 8. Refuse to remove a condition of a licence.

9. Restrict further applications for a licence to sell liquor in respect of the same premises, as described in subsection 15 (8). 2002, c. 18, Sched. E, s. 7 (19); 2006, c. 34, s. 16 (38-40); 2011, c. 1, Sched. 1, s. 6 (26).

Same

(2) If the Registrar or an authorized person under section 19 issues a proposal with respect to any of the following matters, the Registrar shall serve notice of the proposal together with written reasons on the applicant or permit holder:

1. Refusing to issue a permit.
2. Revoking a permit.
3. Attaching a condition to a permit.
4. Refusing to remove a condition of a permit. 2002, c. 18, Sched. E, s. 7 (19).

Same

(3) If the Registrar issues a proposal to disqualify premises under section 20, the Registrar shall serve notice of the proposal together with written reasons on the owner of the premises. 2002, c. 18, Sched. E, s. 7 (19).

Notice requiring hearing

(4) A notice of a proposal shall inform the applicant, licensee, permit holder or owner that the person is entitled to a hearing by the Tribunal if the person mails or delivers to the Tribunal and the Registrar, 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. 2011, c. 1, Sched. 1, s. 6 (27).

No hearing

(5) If a person to whom a notice is sent under this section does not require a hearing by the Tribunal, the Registrar may,

- (a) in the case of a notice of a proposal to review an application for a licence to sell liquor, refuse to issue the licence; or
- (b) in any case other than that referred to in clause (a), carry out the proposal stated in the notice. 2002, c. 18, Sched. E, s. 7 (19); 2011, c. 1, Sched. 1, s. 6 (28).

Manufacturer's licence to sell to L.C.B.O.

22. (1) A manufacturer of spirits, beer or Ontario wine may apply to the Registrar for a licence to sell the spirits, beer or Ontario wine to the Liquor Control Board of Ontario under the *Liquor Control Act*. R.S.O. 1990, c. L.19, s. 22 (1); 2002, c. 18, Sched. E, s. 7 (3).

Issuance

(2) The Registrar may issue a manufacturer's licence to an applicant under this section. R.S.O. 1990, c. L.19, s. 22 (2); 2002, c. 18, Sched. E, s. 7 (4); 2006, c. 34, s. 16 (41).

Conditions

(3) A manufacturer's licence is subject to such conditions as may be imposed by the Registrar or prescribed. R.S.O. 1990, c. L.19, s. 22 (3); 2002, c. 18, Sched. E, s. 7 (4); 2006, c. 34, s. 16 (41).

Transfer

(4) The Registrar, in accordance with the regulations, may transfer a manufacturer's licence. R.S.O. 1990, c. L.19, s. 22 (4); 2002, c. 18, Sched. E, s. 7 (4); 2006, c. 34, s. 16 (41).

Decision final

(5) The Registrar's decision to issue or transfer or to refuse to issue or transfer a manufacturer's licence is final. R.S.O. 1990, c. L.19, s. 22 (5); 2002, c. 18, Sched. E, s. 7 (4); 2006, c. 34, s. 16 (41).

(6) REPEALED: 1996, c. 26, s. 3 (9).

HEARINGS

Hearing

23. (1) REPEALED: 1996, c. 26, s. 3 (10).

(2) REPEALED: 1994, c. 27, s. 88 (1).

(3), (4) REPEALED: 1996, c. 26, s. 3 (11).

Notice

(5) The Tribunal shall fix a time and place for the hearing of the matter and shall at least ten days before the day fixed cause notice of the hearing to be served upon the person who has required the hearing. R.S.O. 1990, c. L.19, s. 23 (5); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (28).

(6)-(8) REPEALED: 1996, c. 26, s. 3 (11).

(9) REPEALED: 1994, c. 27, s. 88 (2).

Powers

(10) Following a hearing to consider a proposal to review an application for a licence to sell liquor, the Tribunal may direct the Registrar to issue the licence or to refuse to issue the licence. 2011, c. 1, Sched. 1, s. 6 (29).

Same

(11) Following a hearing to consider any other proposal referred to in subsection 21 (1), (2) or (3), the Tribunal may direct the Registrar not to carry out the proposal or to carry out the proposal, in whole or in part, and with any changes that the Tribunal considers appropriate, and the Tribunal may direct the Registrar to approve an application to which the proposal relates. 2011, c. 1, Sched. 1, s. 6 (29).

Conditions

(12) Following a hearing, the Tribunal may attach to a licence or permit any condition that the Tribunal considers proper to give effect to the purposes of this Act. R.S.O. 1990, c. L.19, s. 23 (12); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (30).

Transition

(13) If a person has requested a hearing under this Act, as it read before the day section 6 of Schedule 1 to the *Good Government Act, 2011* comes into force, but the hearing has not commenced by that day, the Tribunal shall hold the hearing. 2011, c. 1, Sched. 1, s. 6 (31).

Same

(14) If a hearing before the Board under this section has not concluded by the day section 6 of Schedule 1 to the *Good Government Act, 2011* comes into force, then despite subsection (5), the Board shall continue to hold the hearing. 2011, c. 1, Sched. 1, s. 6 (31).

(15) REPEALED: 1996, c. 26, s. 3 (11).

Reviewing decision or order

24. The Tribunal shall not review a decision or order refusing the issuance of a licence to sell liquor or revoking, suspending or refusing to renew such a licence if the decision or order is based on the ground under clause 6 (2) (h). 1996, c. 26, s. 3 (12); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (32).

25., 26. REPEALED: 1996, c. 26, s. 3 (13).

RESPONSIBLE USE

Unlawful purchase

27. No person shall purchase liquor except from a government store or from a person authorized by licence or permit to sell liquor. R.S.O. 1990, c. L.19, s. 27.

Unlawful gift

28. No manufacturer or employee, agent or licensed representative of a manufacturer shall give any liquor to any person, except as permitted by the regulations. R.S.O. 1990, c. L.19, s. 28.

Sale to intoxicated person

29. No person shall sell or supply liquor or permit liquor to be sold or supplied to any person who is or appears to be intoxicated. R.S.O. 1990, c. L.19, s. 29.

Rules, persons under 19

30. (1) No person shall knowingly sell or supply liquor to a person under nineteen years of age. R.S.O. 1990, c. L.19, s. 30 (1).

Idem

(2) No person shall sell or supply liquor to a person who appears to be under nineteen years of age. R.S.O. 1990, c. L.19, s. 30 (2).

Permitting possession or consumption

(3) No licensee or employee or agent of a licensee shall knowingly permit a person under nineteen years of age to have or consume liquor in the licensee's licensed premises. R.S.O. 1990, c. L.19, s. 30 (3).

Idem

(4) No licensee or employee or agent of a licensee shall permit a person who appears to be under nineteen years of age to have or consume liquor in the licensee's licensed premises. R.S.O. 1990, c. L.19, s. 30 (4).

Person under 19, use of ferment on premise facility

(4.1) No licensee of a ferment on premise facility or employee or agent of such a licensee shall,

(a) knowingly permit a person under 19 years of age to use the facility for the making of beer or wine;

(b) permit a person who appears to be under 19 years of age to use the facility for the making of beer or wine. 1998, c. 24, s. 12 (1); 2006, c. 34, s. 16 (42).

Exception to subss. (3) and (4)

(5) Subsections (3) and (4) do not prohibit a licensee or employee or agent of a licensee from permitting a person eighteen years of age to be in possession of liquor during the course of the person's employment on the licensee's licensed premises. R.S.O. 1990, c. L.19, s. 30 (5).

Reliance on documentation

(6) A person who sells or supplies liquor to another person, permits another person to have or consume liquor in licensed premises or permits a person to use a ferment on premise facility to make beer or wine on the basis of documentation of a prescribed type is not in contravention of subsection (2), (4) or (4.1) if there is no apparent reason to doubt the authenticity of the documentation or that it was issued to the person producing it. 1998, c. 24, s. 12 (2); 2006, c. 34, s. 16 (42).

Court may determine apparent age

(7) In a prosecution for a contravention of subsection (2), (4) or (4.1), the court may determine, from the appearance of the person and from other relevant circumstances, whether a person to whom liquor was served or supplied, a person who was permitted to have or consume liquor or a person who was permitted to use a ferment on premise facility to make beer or wine appears to be under 19 years of age. 1998, c. 24, s. 12 (2); 2006, c. 34, s. 16 (42).

Possession or consumption

(8) No person under nineteen years of age shall have, consume, attempt to purchase, purchase or otherwise obtain liquor. R.S.O. 1990, c. L.19, s. 30 (8).

Exception to subs. (8)

(9) Subsection (8) does not prohibit a person eighteen years of age from being in possession of liquor during the course of the person's employment on premises in which the sale or service of liquor is authorized. R.S.O. 1990, c. L.19, s. 30 (9); 2006, c. 34, s. 16 (43).

Entering premises

(10) No person under nineteen years of age shall enter or remain on premises in which the sale of liquor is authorized if the person knows that a condition of the licence or permit for the premises prohibits the entry of persons under nineteen years of age. R.S.O. 1990, c. L.19, s. 30 (10).

Exception to subs. (10)

(11) Subsection (10) does not apply to a person eighteen years of age who is employed on premises in which the sale or service of liquor is authorized while the person is on the premises during the course of his or her employment. R.S.O. 1990, c. L.19, s. 30 (11); 2006, c. 34, s. 16 (44).

Improper documentation

(12) No person shall present as evidence of his or her age any documentation other than documentation that was lawfully issued to him or her. R.S.O. 1990, c. L.19, s. 30 (12).

Supply by parent

(13) This section does not apply,

- (a) to the supplying of liquor to a person under nineteen years of age in a residence as defined in section 31 or in a private place as defined in the regulations by a parent of the person or a person having lawful custody of the person; or
- (b) to the consumption of liquor by a person who is supplied liquor in a manner described in clause (a), if the liquor is consumed at the place where it is supplied. R.S.O. 1990, c. L.19, s. 30 (13).

Requirement to display sign

30.1 (1) No person shall sell or supply liquor or offer to sell or supply liquor from a prescribed premises unless,

- (a) the premises prominently displays a warning sign containing the prescribed information that cautions women who are pregnant that the consumption of alcohol during pregnancy is the cause of Fetal Alcohol Spectrum Disorder;
- (b) the sign is posted at the premises in accordance with the prescribed criteria; and
- (c) the sign satisfies any other criteria that are prescribed. 2004, c. 12, s. 1.

Language of sign

(2) A sign under subsection (1) shall be in English and may be in any other language that is prescribed. 2004, c. 12, s. 1.

Regulations

- (3) The Lieutenant Governor in Council may make regulations,
 - (a) prescribing premises and types of premises that are required to display a sign under subsection (1);
 - (b) governing signs for the purposes of subsection (1);
 - (c) prescribing languages, other than English, which may be used in a sign for the purposes of subsection (2) and specifying areas of the Province where a sign in a prescribed language may be displayed. 2004, c. 12, s. 1.

Binds the Crown

(4) This section binds the Crown. 2004, c. 12, s. 1.

Unlawful possession or consumption

Definition

31. (1) In this section,

“residence” means a place that is actually occupied and used as a dwelling, whether or not in common with other persons, including all premises used in conjunction with the place to which the general public is not invited or permitted access, and, if the place occupied and used as a dwelling is a tent, includes the land immediately adjacent to and used in conjunction with the tent. R.S.O. 1990, c. L.19, s. 31 (1).

Unlawful possession or consumption

- (2) No person shall have or consume liquor in any place other than,
 - (a) a residence;
 - (b) premises in respect of which a licence or permit is issued; or
 - (c) a private place as defined in the regulations. R.S.O. 1990, c. L.19, s. 31 (2).

Exception

(3) Subsection (2) does not apply to the possession of liquor that is in a closed container. R.S.O. 1990, c. L.19, s. 31 (3).

Same

(3.1) Despite clause (2) (b), no person shall consume beer or wine in a licensed ferment on premise facility except as permitted by the regulations. 1998, c. 24, s. 13; 2006, c. 34, s. 16 (45).

Intoxication

- (4) No person shall be in an intoxicated condition,
 - (a) in a place to which the general public is invited or permitted access; or
 - (b) in any part of a residence that is used in common by persons occupying more than one dwelling in the residence. R.S.O. 1990, c. L.19, s. 31 (4).

Arrest without warrant

(5) A police officer may arrest without warrant any person whom he or she finds contravening subsection (4) if, in the opinion of the police officer, to do so is necessary for the safety of any person. R.S.O. 1990, c. L.19, s. 31 (5).

Interpretation

(6) In this section, a reference to a police officer includes a conservation officer. 2006, c. 34, s. 16 (46).

Conveying liquor in vehicle, boat

32. (1) No person shall drive or have the care or control of a motor vehicle as defined in the *Highway Traffic Act* or a motorized snow vehicle, whether it is in motion or not, while there is contained in the vehicle any liquor, except under the authority of a licence or permit. R.S.O. 1990, c. L.19, s. 32 (1).

Exception

(2) Subsection (1) does not apply if the liquor in the vehicle,

(a) is in a container that is unopened and the seal unbroken; or

(b) is packed in baggage that is fastened closed or is not otherwise readily available to any person in the vehicle. R.S.O. 1990, c. L.19, s. 32 (2).

Conveying liquor in boat

(3) No person shall operate or have the care or control of a boat that is underway while there is contained in the boat any liquor, except under the authority of a licence or permit. R.S.O. 1990, c. L.19, s. 32 (3).

Exception

(4) Subsection (3) does not apply if the liquor in the boat,

(a) is in a container that is unopened and the seal unbroken; or

(b) is stored in a closed compartment. R.S.O. 1990, c. L.19, s. 32 (4).

Search of vehicle or boat

(5) A police officer who has reasonable grounds to believe that liquor is being unlawfully kept in a vehicle or boat may at any time, without a warrant, enter and search the vehicle or boat and search any person found in it. R.S.O. 1990, c. L.19, s. 32 (5).

Definitions

(6) In this section,

“boat” includes any ship or boat or any other description of vessel used or designed to be used in the navigation of water; (“bateau”)

“police officer” includes a conservation officer. (“agent de police”) R.S.O. 1990, c. L.19, s. 32 (6); 2006, c. 34, s. 16 (47).

Unlawful consumption or supply of alcohol

33. No person shall,

(a) drink alcohol in a form that is not a liquor; or

(b) supply alcohol in a form that is not a liquor to another person, if the person supplying the alcohol knows or ought to know that the other person intends it to be used as a drink. R.S.O. 1990, c. L.19, s. 33.

Prohibition, possession of liquor

33.1 (1) No person shall possess liquor in excess of the prescribed quantity unless,

(a) the liquor was purchased by an individual from a government store for his or her personal use;

(b) the liquor was manufactured by an individual in accordance with the law for his or her personal use or for service at an event at which liquor may be served under the authority of a permit;

(c) the liquor was legally imported into Ontario;

(d) the liquor is possessed by or under the authority of the Liquor Control Board of Ontario under the *Liquor Control Act*; or

(e) the liquor is possessed by or under the authority of a licence or permit issued by the Registrar under this Act. 1994, c. 18, s. 5 (4); 2002, c. 18, Sched. E, s. 7 (3).

Personal use

- (2) In this section, references to an individual's personal use of liquor refer to,
- (a) consuming the liquor;
 - (b) serving the liquor to other individuals at a residence as defined in section 31 or at a private place as defined in the regulations;
 - (c) giving the liquor to another individual as a gift. 1994, c. 18, s. 5 (4); 2006, c. 34, s. 16 (48).

Removing person from premises

34. (1) The holder of a licence or permit issued in respect of premises shall ensure that a person does not remain on the premises if the holder has reasonable grounds to believe that the person,

- (a) is unlawfully on the premises;
- (b) is on the premises for an unlawful purpose; or
- (c) is contravening the law on the premises. R.S.O. 1990, c. L.19, s. 34 (1).

Idem

(2) The holder of a licence or permit may request a person referred to in subsection (1) to leave the premises immediately and if the request is not forthwith complied with may remove the person or cause the person to be removed by the use of no more force than is necessary. R.S.O. 1990, c. L.19, s. 34 (2).

Order to vacate premises

(3) If there are reasonable grounds to believe that a disturbance or breach of the peace sufficient to constitute a threat to the public safety is being caused on premises for which a licence or permit is issued, a police officer may require that all persons vacate the premises. R.S.O. 1990, c. L.19, s. 34 (3).

Not to remain after being required to leave

(3.1) No person shall remain on licensed premises after being required to vacate the premises by a police officer under subsection (3). 2004, c. 28, s. 3.

No re-entry

(3.2) No person shall re-enter the licensed premises on the same day he or she is required to vacate unless authorized to re-enter by a police officer. 2004, c. 28, s. 3.

Duty to ensure premises vacated

(4) The holder of the licence or permit for premises that are required to be vacated under subsection (3) shall take all reasonable steps to ensure that the premises are vacated. R.S.O. 1990, c. L.19, s. 34 (4).

Right to refuse entry

(5) A licensee or employee of a licensee who has reason to believe that the presence of a person on the licensee's licensed premises is undesirable may,

- (a) request the person to leave; or
- (b) forbid the person to enter the licensed premises. R.S.O. 1990, c. L.19, s. 34 (5).

Not to remain after request to leave

- (6) No person shall,
- (a) remain on licensed premises after he or she is requested to leave by the licensee or an employee of the licensee; or
 - (b) re-enter the licensed premises on the same day he or she is requested to leave. R.S.O. 1990, c. L.19, s. 34 (6).

Removing persons from premises where contravention suspected

34.1 (1) If there are reasonable grounds to believe that this Act or a prescribed provision of the regulations is being contravened on any premises, a police officer may require that all persons vacate the premises. 1994, c. 37, s. 14.

Not to remain after being required to leave

- (1.1) No person shall,
- (a) remain on the premises after being required to vacate the premises by a police officer under subsection (1);

(b) re-enter the premises on the same day he or she is required to vacate unless authorized to re-enter by a police officer. 2004, c. 28, s. 4.

Non-application of subs. (1)

(2) Subsection (1) does not apply in respect of persons actually residing in the premises. 1994, c. 37, s. 14.

By-law designating recreational area

35. (1) The council of a municipality may by by-law designate a recreational area within the municipality that is owned or controlled by the municipality as a place where the possession of liquor is prohibited. R.S.O. 1990, c. L.19, s. 35 (1).

Non-application of subs. (1)

(2) A designation under subsection (1) does not prevent the Registrar from issuing any licence or permit under this Act. R.S.O. 1990, c. L.19, s. 35 (2); 2002, c. 18, Sched. E, s. 7 (3).

Unlawful possession

(3) No person shall have liquor in a place designated under subsection (1). R.S.O. 1990, c. L.19, s. 35 (3).

Exception to subs. (3)

(4) Subsection (3) does not apply to a person in possession of liquor under the authority of a licence or permit or in possession of liquor purchased on premises in respect of which a licence or permit is issued. R.S.O. 1990, c. L.19, s. 35 (4).

Definition

(5) In this section,

“municipality” includes an upper-tier municipality. 2002, c. 17, Sched. F, Table.

Taking to hospital in lieu of charge

36. (1) A police officer who finds a person apparently in contravention of subsection 31 (4) may take the person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a hospital designated by the regulations.

Protection from liability

(2) No action or other proceeding for damages shall be instituted against any physician or any hospital or officer or employee of a hospital on the grounds only that the person examines or treats without consent a person who is brought to the hospital under subsection (1). R.S.O. 1990, c. L.19, s. 36.

Exception

(3) Subsection (2) does not apply if consent to the examination or treatment is required under the *Health Care Consent Act, 1996*. 1996, c. 2, s. 69 (1).

Detention in institution

37. (1) If it appears that a person in contravention of subsection 31 (4) may benefit therefrom, the court making the conviction may order the person to be detained for treatment for a period of ninety days or such lesser period as the court thinks advisable in an institution designated by the regulations.

Idem

(2) If, at any time during a person’s period of detention ordered under subsection (1), the superintendent of the institution is of the opinion that further detention in the institution will not benefit the person, the superintendent may release the person. R.S.O. 1990, c. L.19, s. 37.

Consent to treatment

(3) An order under subsection (1) does not authorize the administration of a treatment without consent, if consent to the treatment is required under the *Health Care Consent Act, 1996*. 1996, c. 2, s. 69 (2).

Advertising

38. (1) No person shall advertise liquor except in accordance with the regulations. R.S.O. 1990, c. L.19, s. 38 (1).

Order of cessation

(2) If the Registrar is of the opinion that an advertisement contravenes this Act or the regulations, the Registrar may order the cessation of the use of the advertisement. 2006, c. 34, s. 16 (49).

Notice of order

(3) The Registrar shall serve notice of an order under subsection (2), together with reasons therefor, on the person to whom the order is directed. R.S.O. 1990, c. L.19, s. 38 (3); 2002, c. 18, Sched. E, s. 7 (4); 2006, c. 34, s. 16 (50).

Notice requiring hearing

(4) A notice of an order shall inform the person to whom the order is directed that the person is entitled to a hearing by the Tribunal if the person mails or delivers to the Tribunal and the Registrar, 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. 2011, c. 1, Sched. 1, s. 6 (33).

Commencement of order

(5) Unless otherwise provided in the order, an order under subsection (2) takes effect immediately. R.S.O. 1990, c. L.19, s. 38 (5).

Expiry of order

(6) If a hearing is required, an order under subsection (2) expires fifteen 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. R.S.O. 1990, c. L.19, s. 38 (6); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (34).

Application

(7) If the Tribunal is required to hold a hearing under subsection (4), subsections 23 (5), (11) and (12) of this Act and section 5.1 of the *Licence Appeal Tribunal Act, 1999* apply with necessary modifications to the hearing. 2011, c. 1, Sched. 1, s. 6 (35).

Powers

(8) Following a hearing to consider an order under subsection (2), the Tribunal may confirm, vary or rescind the order. R.S.O. 1990, c. L.19, s. 38 (8); 2002, c. 18, Sched. E, s. 7 (4); 2011, c. 1, Sched. 1, s. 6 (36).

Civil liability

39. The following rules apply if a person or an agent or employee of a person sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate the person or increase the person's intoxication so that he or she would be in danger of causing injury to himself or herself or injury or damage to another person or the property of another person:

1. If the person to or for whom the liquor is sold commits suicide or meets death by accident while so intoxicated, an action under Part V of the *Family Law Act* lies against the person who or whose employee or agent sold the liquor.
2. If the person to or for whom the liquor is sold causes injury or damage to another person or the property of another person while so intoxicated, the other person is entitled to recover an amount as compensation for the injury or damage from the person who or whose employee or agent sold the liquor. R.S.O. 1990, c. L.19, s. 39.

Exception for drugs and medicines

40. (1) This Act does not prevent,

- (a) the sale of a drug dispensed as a medicine by a person allowed to do so under the *Regulated Health Professions Act, 1991*;
- (b) the sale of a drug compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber as defined in subsection 117 (1) of the *Drug and Pharmacies Regulation Act* for a person under health care provided by the hospital or institution;
- (c) the sale of a medicine registered under the *Food and Drugs Act* (Canada), except a sale that contravenes clause 33 (b);
or
- (d) the sale of a drug to a person allowed, under the *Regulated Health Professions Act, 1991*, to dispense or prescribe drugs. R.S.O. 1990, c. L.19, s. 40 (1); 1998, c. 18, Sched. G, s. 63.

Idem

(2) This Act does not prevent the purchase of a drug or medicine pursuant to a sale described in subsection (1). R.S.O. 1990, c. L.19, s. 40 (2).

Exception for research and education

41. This Act does not prevent the possession, service or consumption of liquor for research or educational purposes as approved by the Registrar in accordance with the regulations. R.S.O. 1990, c. L.19, s. 41; 2002, c. 18, Sched. E, s. 7 (4); 2006, c. 34, s. 16 (51).

Intoxicating liquor

42. Liquor shall be deemed to be an intoxicating liquor for purposes of the *Importation of Intoxicating Liquors Act* (Canada). R.S.O. 1990, c. L.19, s. 42.

COMPLIANCE

Persons designated by Registrar

43. (1) The Registrar may designate persons employed by the Alcohol and Gaming Commission of Ontario as persons who may carry out inspections for the purpose of determining whether there is compliance with this Act and the regulations. 2002, c. 18, Sched. E, s. 7 (20).

Certificate of designation

(2) A person designated under subsection (1) who is exercising a power under this Act shall, on request, produce his or her certificate of designation. R.S.O. 1990, c. L.19, s. 43 (2).

Inspections

44. (1) For the purpose of ensuring compliance with this Act and the regulations, a person designated under subsection 43 (1) may,

- (a) enter any place at any reasonable time;
- (b) request the production for inspection of documents or things that may be relevant to the inspection;
- (c) inspect and, upon giving a receipt therefor, remove, for the purpose of making copies or extracts, documents or things relevant to the inspection;
- (d) inquire into negotiations, transactions, loans or borrowings of a licensee or permit holder and into assets owned, held in trust, acquired or disposed of by a licensee or permit holder that are relevant to an inspection;
- (e) conduct such tests as are reasonably necessary; and
- (f) remove materials or substances for examination or test purposes subject to the licensee, permit holder or other occupant of the premises being notified thereof.

Entry to dwellings

(2) Subsection (1) does not apply to confer a power of entry to a room actually used as a dwelling without the consent of the occupier.

Warrant

- (3) A justice of the peace may issue a warrant authorizing the person named in the warrant,
 - (a) to do anything set out in clause (1) (a), (c), (e) or (f);
 - (b) to search for and seize any document or thing relevant to the inspection; or
 - (c) to enter and search a room actually used as a dwelling. R.S.O. 1990, c. L.19, s. 44 (1-3).

Requirements for warrant to issue

- (4) A warrant may be issued under subsection (3) if the justice of the peace is satisfied on information under oath that,
 - (a) in the case of a warrant to be issued under clause (3) (a),
 - (i) a person designated under subsection 43 (1) has been prevented from doing anything permitted under clause (1) (a), (c), (e) or (f),
 - (ii) there are reasonable grounds to believe that such a person may be prevented from doing any of those things, or
 - (iii) there are reasonable grounds to believe that there has been or is likely to be a contravention of this Act or the regulations;
 - (b) in the case of a warrant to be issued under clause (3) (b), it is necessary to search for and seize a document or thing that there are reasonable grounds to believe will afford evidence relevant to a contravention of this Act or the regulations; or

- (c) in the case of a warrant to be issued under clause (3) (c), it is necessary that a room actually used as a dwelling be entered for the purposes of carrying out an inspection or there is, in such a room, a document or thing that there are reasonable grounds to believe is relevant to an inspection under this Act. R.S.O. 1990, c. L.19, s. 44 (4); 1994, c. 37, s. 15 (1).

Execution of warrant

- (5) A warrant issued under this section shall specify the hours and days during which it may be executed.

Expiry

- (6) Unless renewed, a warrant under this section expires not later than thirty days after the date on which it is made.

Notice not required

- (7) A warrant under this section may be issued or renewed before or after expiry upon application without notice.

Renewal of warrant

- (8) A warrant under this section may be renewed for any reason for which it may be issued.

Experts

- (9) A person carrying out an inspection under this Act is entitled to call upon such experts as are necessary to assist the person in carrying out the inspection.

Assistance

- (10) A person doing anything under the authority of a warrant issued under this section is authorized to call on such police officers to assist and to use such force as is necessary in the execution of the warrant.

Copies

- (11) A person carrying out an inspection under this Act who takes material in order to copy it shall make the copy with reasonable dispatch and shall promptly return the material taken.

Admissibility of copies

- (12) Copies of, or extracts from, documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts. R.S.O. 1990, c. L.19, s. 44 (5-12).

Police officers

- (13) Every police officer has the powers set out in clauses (1) (a), (b) and (c) and subsections (2) to (12) apply with necessary modifications to police officers as if they were persons designated under subsection 43 (1). 1994, c. 37, s. 15 (2).

Detention of vehicles, etc.

44.1 (1) For any purpose relating to the administration and enforcement of this Act, the *Liquor Control Act* and their regulations, any person authorized by the Registrar who has reasonable and probable grounds to believe that a vehicle, a vessel, railway equipment on rails or an aircraft contains evidence of a contravention of any of those Acts and regulations,

- (a) may, without warrant, stop and detain the vehicle, vessel, equipment or aircraft;
- (b) may examine its contents, including any cargo, manifests, records, accounts, vouchers, papers or other documents that may afford evidence as to the contravention; and
- (c) subject to subsection (2), may seize and take away any of the manifests, records, accounts, vouchers, papers or other documents and retain them until they are produced in a court proceeding. 1994, c. 18, s. 5 (4); 2006, c. 34, s. 16 (52).

Application for retention of documents

(2) Where documents are seized under subsection (1), the Registrar shall, within 14 days, make application to a justice, as defined in the *Provincial Offences Act*, for an order to permit the retention of the documents until they are produced in a court proceeding, and the application may be heard and the order may be made, both without notice, upon receipt of information under oath from a person who believes on reasonable and probable grounds that the documents afford evidence of the commission of an offence under any of the Acts and regulations referred to in subsection (1). 1994, c. 18, s. 5 (4); 2006, c. 34, s. 16 (52).

Seizure and disposal of liquor

(3) Where, following a detention under subsection (1), liquor is found in a person's possession contrary to subsection 33.1 (1), any person authorized for the purpose by the Registrar may, subject to subsections (4) and (5), seize, impound, hold and dispose of the liquor. 1994, c. 18, s. 5 (4); 2006, c. 34, s. 16 (52).

Application

(4) Liquor seized under subsection (3) is forfeited to the Crown to be disposed of as the Registrar directs unless, within 30 days following the seizure, the person from whom the liquor was seized, or the owner of the liquor, applies to the Superior Court of Justice to establish the right to possess the liquor. 1994, c. 18, s. 5 (4); 2001, c. 9, Sched. D, s. 9 (1); 2006, c. 34, s. 16 (52).

Right to possession of liquor

(5) For the purpose of an application under subsection (4), the applicant has the right to possession of the liquor if the possession did not, at the time the seizure was made, constitute a contravention of subsection 33.1 (1). 1994, c. 18, s. 5 (4).

Order

(6) Where, on application under subsection (4), the court is satisfied that the applicant has the right to possession of the liquor, the court may order that the liquor be returned to the applicant or that the proceeds of sale of the liquor be paid to the applicant. 1994, c. 18, s. 5 (4).

Disposal pending final determination by court

(7) Where a final order has not been made under subsection (6) within 60 days after the filing of the application under subsection (4), the Registrar may dispose of the liquor and retain the proceeds pending the determination of the application. 1994, c. 18, s. 5 (4); 2006, c. 34, s. 16 (52).

Forfeiture after dismissal of application

(8) Upon dismissal of an application under subsection (4) and the expiry of the appeal period provided therefor, the liquor is forfeited to the Crown to be disposed of as the Registrar directs. 1994, c. 18, s. 5 (4); 2006, c. 34, s. 16 (52).

Proceeds of sale

(9) Where a sale of liquor is directed under subsection (4) or (8), or where the proceeds of a sale are retained under subsection (7) and the application is dismissed, the proceeds of the sale remaining after payment of costs incurred by the Registrar in seizing, storing and disposing of the liquor shall be paid into the Consolidated Revenue Fund. 1994, c. 18, s. 5 (4); 2006, c. 34, s. 16 (52).

Definition

(10) For purposes of this section,

“vehicle” means a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle or motorized snow vehicle, other than a street car, and includes anything attached to the vehicle. 1994, c. 18, s. 5 (4).

Obstruction

45. (1) No person shall obstruct a person carrying out an inspection under this Act or withhold, destroy, conceal or refuse to provide any relevant information or thing required for the purpose of the inspection.

Facilitating inspection

(2) It is a condition of each licence and permit issued under this Act that the licensee or permit holder facilitate an inspection relevant to the licence or permit. R.S.O. 1990, c. L.19, s. 45.

Forfeiture of liquor

46. Liquor kept for sale or offered for sale in contravention of subsection 5 (1) and liquor purchased in contravention of section 27 is forfeited to the Crown. R.S.O. 1990, c. L.19, s. 46.

Possession of proceeds

Definition

46.1 (1) In this section and in section 47,

“proceeds”, in relation to an offence under this Act, means,

- (a) personal property, other than money, derived in whole or in part, directly or indirectly, from the commission of the offence, and
- (b) money derived directly or indirectly from the commission of the offence.

Possession of proceeds

(2) No person shall knowingly possess the proceeds of an offence under this Act. 1994, c. 37, s. 17.

Seizure**Definition**

47. (0.1) In this section and in section 48,

“police officer” includes a conservation officer. 2006, c. 34, s. 16 (53).

Seizure

(1) A police officer may seize any thing, including liquor, if,

(a) he or she reasonably believes that the thing will afford evidence of an offence under this Act;

(b) he or she reasonably believes that,

(i) the thing was used or is being used in connection with the commission of an offence under this Act, and

(ii) unless the thing is seized it is likely that it would continue to be used or would be used again in the commission of an offence under this Act; or

(c) he or she reasonably believes that the thing is proceeds from the commission of an offence under this Act. 1994, c. 37, s. 18 (1).

Same

(1.1) If an offence appears to have been committed under this Act and a police officer reasonably believes, in view of the offence apparently committed and the presence of liquor, that a further offence is likely to be committed, the police officer may seize the liquor and the packages in which it is kept. 1994, c. 37, s. 18 (1).

Order of restoration

(2) The Ontario Court of Justice may, upon the application of any person made within thirty days of a seizure under subsection (1) or (1.1), order that the things seized be restored forthwith to the applicant if the court is satisfied that,

(a) the applicant is entitled to possession of the things seized;

(b) the things seized are not required as evidence in any proceeding;

(c) continued detention of the things seized is not necessary to prevent the commission of an offence; and

(d) it is unlikely that the things will be forfeited on conviction under subsection (5). R.S.O. 1990, c. L.19, s. 47 (2); 1994, c. 37, s. 18 (2); 2001, c. 9, Sched. D, s. 9 (2).

Idem

(3) If the court is satisfied that an applicant under subsection (2) is entitled to possession of the things seized but is not satisfied as to all of the matters mentioned in clauses (2) (b), (c) and (d), it shall order that the things seized be restored to the applicant,

(a) upon the expiration of three months from the date of the seizure, if no proceeding in respect of an offence has been commenced; or

(b) upon the final conclusion of any such proceeding. R.S.O. 1990, c. L.19, s. 47 (3); 1994, c. 37, s. 18 (3).

Forfeiture

(4) If no application has been made for the return of a thing seized under subsection (1) or (1.1) or an application has been made but upon the hearing of the application no order of restoration has been made, the thing seized is forfeited to the Crown. R.S.O. 1990, c. L.19, s. 47 (4); 1994, c. 37, s. 18 (4).

Same

(5) If a person is convicted of an offence under this Act, the court shall order that any thing seized under subsection (1) or (1.1) in connection with the offence be forfeited to the Crown, unless the court considers that the forfeiture would be unjust in the circumstances. 1994, c. 37, s. 18 (5).

Relief against forfeiture

(6) Any person with an interest in a thing forfeited under this section may apply to the Superior Court of Justice for relief against the forfeiture and the court may make an order providing for any relief that it considers just, including, but not limited to, one or more of the following orders:

1. An order directing that the thing or any part of the thing be returned to the applicant.
2. An order directing that any interest in the thing be vested in the applicant.
3. An order directing that an amount be paid by the Crown to the applicant by way of compensation for the forfeiture. 1994, c. 37, s. 18 (6); 2001, c. 9, Sched. D, s. 9 (3).

Same

(7) The court shall not order any relief under subsection (6) unless the court is satisfied that the applicant did not, directly or indirectly, participate in, or benefit from, any offence in connection with which the thing was seized. 1994, c. 37, s. 18 (6).

Arrest without warrant

48. If a police officer finds a person apparently in contravention of this Act or apparently in contravention of a prescribed provision of the regulations and the person refuses to give his or her name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest the person without warrant. R.S.O. 1990, c. L.19, s. 48; 1994, c. 37, s. 16.

Confidentiality

49. (1) Every person engaged in the administration of this Act shall preserve confidentiality in respect of all matters that come to his or her knowledge in the course of his or her duties and shall not communicate any such matter to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act;
- (b) to his or her counsel; or
- (c) with the consent of the person to whom the matter relates.

Testimony in civil proceeding

(2) No person engaged in the administration of this Act shall be required to give testimony in any civil proceeding with regard to information obtained by the person in the course of the person's duties except in a proceeding under this Act. R.S.O. 1990, c. L.19, s. 49.

50. REPEALED: 1996, c. 26, s. 3 (15).

Analyst's certificate or report

51. A certificate or report purporting to be signed by a federal or provincial analyst as to the composition of any liquor or any other substance is admissible in evidence in any proceeding under this Act, and in the absence of evidence to the contrary, is proof of the information set out in the certificate or report and of the authority of the person giving it or making it, without proof of the appointment or signature of the person. 1998, c. 18, Sched. E, s. 175.

LOCAL OPTION

Prohibited areas

52. (1) Subject to section 53 and the regulations, no licence to sell liquor may be issued for premises in a municipality or part thereof in which the sale of liquor under a licence was prohibited under the law as it existed immediately before the 15th day of September, 1990.

Idem

(2) Subject to section 53 and the regulations, no government store may be established in a municipality or part thereof in which the sale of liquor in a government store was prohibited under the law as it existed immediately before the 15th day of September, 1990.

Exception

(3) Despite subsection (2), government stores may be established in a municipality or part thereof in which it is lawful to issue licences to sell liquor.

Idem

(4) Despite subsections (1) and (2),

- (a) a government store established before the 1st day of January, 1990 shall be deemed to have been lawfully established; and
- (b) a licence to sell liquor issued before the 1st day of January, 1990 shall be deemed to have been lawfully issued.

Sale of beer and wine only

(5) Subject to section 53 and the regulations, in a municipality or part thereof in which, under the law as it existed immediately before the 15th day of September, 1990, the sale of beer and wine only was permitted in licensed premises, a licence to sell liquor shall be deemed to contain a condition that beer and wine only may be sold in the licensed premises. R.S.O. 1990, c. L.19, s. 52.

Local option to authorize sale

53. (1) The council of a municipality may submit to a vote one or more of the prescribed questions respecting the authorization of the sale of liquor in the municipality.

Idem

(2) The council of a municipality shall submit to a vote such prescribed questions respecting the authorization of the sale of liquor in the municipality as are requested by a petition signed by at least 25 per cent of the persons appearing on the list of electors, as revised, prepared for the previous municipal election.

Establishing stores

(3) Government stores may be established in a municipality in which 60 per cent of the electors voting on a question vote in favour of the sale of liquor in government stores.

Issuing licences

(4) Licences to sell liquor may be issued for premises in a municipality in which 60 per cent of the electors voting on a question vote in favour of the sale of liquor in licensed premises. R.S.O. 1990, c. L.19, s. 53.

Local option to cease sale

54. (1) The council of a municipality in which a government store is established or liquor is authorized to be sold under a licence may submit to a vote one or more of the prescribed questions respecting the prohibition of the sale of liquor in the municipality.

Idem

(2) The council of a municipality shall submit to a vote such prescribed questions respecting the prohibition of the sale of liquor in the municipality as are requested by a petition signed by at least 25 per cent of the persons appearing on the list of electors, as revised, prepared for the previous municipal election.

Closing stores

(3) If 60 per cent of the electors voting on a question vote in favour of prohibiting the sale of liquor in government stores, all government stores established in the municipality shall be closed as of the 31st day of March in the following year.

Revoking licences

(4) If 60 per cent of the electors voting on a question vote in favour of prohibiting the sale of liquor in licensed premises, all licences to sell liquor issued for premises in the municipality shall be deemed to be revoked as of the 31st day of March in the following year.

No right to a hearing

(5) Sections 15 and 21 do not apply where a licence is deemed to be revoked under subsection (4). R.S.O. 1990, c. L.19, s. 54.

Voting day

55. (1) Subject to subsection (2), the day fixed for taking a vote on any question under section 53 or 54 shall be voting day in the next regular election under the *Municipal Elections Act, 1996*, unless the council, with the approval of the Board, fixes another day and notifies the clerk of the municipality. 1996, c. 32, s. 73 (1); 2002, c. 18, Sched. E, s. 7 (4).

Idem

- (2) A vote shall not be held on any question until after sixty days from,
 - (a) the filing of the petition requiring the question to be submitted; or

- (b) the date the council approves the submission of the question, if the council submits the question without a petition. R.S.O. 1990, c. L.19, s. 55 (2); 1996, c. 32, s. 73 (2).

Eligible voters

56. The persons eligible to vote on a question under section 53 or 54 are the persons who would be eligible to vote at an election held under the *Municipal Elections Act, 1996* on the day fixed for taking the vote on the question. R.S.O. 1990, c. L.19, s. 56; 2002, c. 17, Sched. F, Table.

***Municipal Elections Act, 1996* applies**

57. The provisions of the *Municipal Elections Act, 1996* apply to the taking of a vote under this Act. R.S.O. 1990, c. L.19, s. 57; 2002, c. 17, Sched. F, Table.

Return to Registrar

58. (1) The returning officer shall make a return to the Registrar showing the number of votes polled for the affirmative and negative on each question submitted. R.S.O. 1990, c. L.19, s. 58 (1); 2002, c. 18, Sched. E, s. 7 (3).

Idem

(2) Upon receiving the return, the Registrar shall give notice of the return in *The Ontario Gazette*, showing the total number of votes polled in the municipality for the affirmative and negative on each question. R.S.O. 1990, c. L.19, s. 58 (2); 2002, c. 18, Sched. E, s. 7 (3).

Resubmitting questions

59. If a question under section 53 or 54 is submitted for a vote in a municipality or part thereof, no further vote may be held in the municipality or part on any question under section 53 or 54 until after thirty-five months from the date of the vote on the question. R.S.O. 1990, c. L.19, s. 59.

Municipal restructuring

Amalgamation does not affect status

60. (1) The status under this Act of a municipality that is amalgamated with another municipality that has a different status,

- (a) is not affected by the amalgamation; and
- (b) may be changed only by a vote under this Act in the municipality amalgamated. R.S.O. 1990, c. L.19, s. 60 (1); 1996, c. 26, s. 3 (16).

Annexation does not affect status

(2) The status under this Act of a municipality or part of a municipality that is annexed to another municipality that has a different status,

- (a) is not affected by the annexation; and
- (b) may be changed only by a vote under this Act in the municipality or part annexed. R.S.O. 1990, c. L.19, s. 60 (2).

Who may sign petition

(3) In a municipality amalgamated or municipality or part annexed to which subsection (1) or (2) applies, the persons qualified to sign a petition under section 53 or 54 are the persons whose names appear on the list of electors, as revised, prepared for the previous municipal election held in the municipality amalgamated or municipality or part annexed, as the case may be. R.S.O. 1990, c. L.19, s. 60 (3); 1996, c. 26, s. 3 (16).

Who may vote

(4) In a municipality amalgamated or municipality or part annexed to which subsection (1) or (2) applies, the persons eligible to vote on a question under section 53 or 54 are the persons who would be eligible to vote at an election held under the *Municipal Elections Act, 1996* in the municipality amalgamated or municipality or part annexed, as the case may be. R.S.O. 1990, c. L.19, s. 60 (4); 1996, c. 26, s. 3 (16); 2002, c. 17, Sched. F, Table.

OFFENCES

Offences

61. (1) A person is guilty of an offence if the person,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act;
- (b) knowingly fails to comply with an order under subsection 38 (2); or
- (c) contravenes any provision of this Act or the regulations. R.S.O. 1990, c. L.19, s. 61 (1).

Derivative

(2) A director or officer of a corporation who caused, authorized, permitted or participated in an offence under this Act by the corporation is guilty of an offence. R.S.O. 1990, c. L.19, s. 61 (2).

Penalties

- (3) Upon conviction for an offence under this Act, other than a contravention of subsection 30 (1), (2), (3), (4) or (4.1),
 - (a) a corporation is liable to a fine of not more than \$250,000; and
 - (b) an individual is liable to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year or both. 1997, c. 10, s. 24; 1998, c. 24, s. 14 (1).

Same, sale, etc., to a minor

- (3.0.1) Upon conviction for contravening subsection 30 (1), (2), (3), (4) or (4.1),
 - (a) a corporation is liable to a fine of not more than \$500,000; and
 - (b) an individual is liable to a fine of not more than \$200,000 or to imprisonment for a term of not more than one year or both. 1997, c. 10, s. 24; 1998, c. 24, s. 14 (2).

Exception

- (3.1) An individual who is convicted of an offence under subsection 31 (2) or (4) is not liable to imprisonment. 1993, c. 31, s. 4.
- (4) REPEALED: 1997, c. 10, s. 24.

Forfeiture upon conviction

(4.1) Where a person is convicted of a contravention of section 33.1, all liquor found in the person's possession and seized under the search warrant is forfeited to the Crown. 1994, c. 18, s. 5 (5).

Additional penalty

(5) In addition to any other penalty or action under this Act, the licence of a licensee who contravenes subsection 30 (1) or (2) shall be suspended for a period of not less than seven days. R.S.O. 1990, c. L.19, s. 61 (5).

Minimum fine

(6) If a licensee contravenes subsection 30 (1), (2), (3), (4) or (4.1), the fine imposed under this section shall be not less than \$1,000. R.S.O. 1990, c. L.19, s. 61 (6); 1998, c. 24, s. 14 (3); 2004, c. 28, s. 5 (1).

Idem

(7) If a person who is not a licensee contravenes subsection 30 (1), (2), (3), (4) or (4.1), the fine imposed under this section shall be not less than \$200. R.S.O. 1990, c. L.19, s. 61 (7); 1998, c. 24, s. 14 (4); 2004, c. 28, s. 5 (2).

Limitation

(8) Subject to subsection (9), no proceeding under this section shall be commenced more than two years after the offence was committed. R.S.O. 1990, c. L.19, s. 61 (8).

Idem

(9) No proceeding under clause (1) (a) and no proceeding under subsection (2) that relates to a matter referred to in clause (1) (a) shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar. R.S.O. 1990, c. L.19, s. 61 (9); 2002, c. 18, Sched. E, s. 7 (3).

Additional penalty

(10) In addition to any other penalty, where a person is convicted of a contravention of section 33.1, the court shall impose a penalty, payable to the Board, of not more than \$100 for each litre of liquor that was forfeited under subsection (4.1). 1994, c. 18, s. 5 (8); 2002, c. 18, Sched. E, s. 7 (4).

REGULATIONS

Regulations

- 62.** (1) The Lieutenant Governor in Council may make regulations,
1. prescribing anything that is referred to in this Act as being prescribed;
 2. governing the issuance, renewal, transfer and expiry of licences;
 3. governing the issuance and expiry of permits;
 4. prescribing conditions that attach to licences and permits;
 5. prescribing the special occasions for which permits may be issued;
- 6., 7. REPEALED: 1996, c. 26, s. 3 (17).
8. exempting any person, product or premises from any provision of this Act or the regulations;
 9. requiring licensees and permit holders to provide the Registrar with such information and returns respecting the sale of liquor and the premises, methods and practices connected therewith as is prescribed and requiring any information provided to be verified by oath;
 - 9.1 requiring licensees operating a ferment on premise facility to provide the Registrar with such information and returns respecting the operation of the facility as is prescribed and requiring any information provided to be verified on oath;
 10. controlling the advertising of liquor or its availability for sale and requiring that advertisements be subject to the approval of the Registrar;
 - 10.1 controlling the advertising of goods and services provided in connection with the making of beer and wine at a ferment on premise facility and requiring that advertisements be subject to the approval of the Registrar;
 - 10.2 governing the information that may or must appear on labels and containers of liquor sold or kept for sale at a government store;
 11. prescribing standards for licensed premises and premises used by permit holders for the sale and service of liquor;
 - 11.1 prescribing standards for ferment on premise facilities;
 12. prescribing or prohibiting methods and practices in connection with the serving of liquor;
 - 12.1 prescribing or prohibiting methods and practices in connection with the making of beer or wine at ferment on premise facilities;
 13. prohibiting licensees and permit holders from permitting any person to engage in prescribed activities on their premises;
 14. governing the sale and service of liquor by a holder of a licence to sell liquor in a place other than licensed premises;
 15. prescribing classes of premises on which a person under the age of nineteen years may not enter;
 16. REPEALED: 2011, c. 1, Sched. 1, s. 6 (37).
 17. governing the issuance of documentation for proof of age;
 18. prescribing hours of sale of liquor;
 19. authorizing the Registrar to extend the hours of sale of liquor during events of municipal, provincial, national or international significance;
 20. prohibiting manufacturers and employees, agents and licensed representatives of manufacturers from offering or giving inducements or engaging in prescribed practices with respect to the sale or promotion of liquor;
 - 20.1 prohibiting operators of ferment on premise facilities and their employees and agents from offering or giving inducements or engaging in prescribed practices with respect to the provision of any service provided at such a facility;
 21. prescribing the circumstances in which a manufacturer or employee, agent or licensed representative of a manufacturer may give liquor as a gift;
 22. prescribing the circumstances in which a manufacturer may obtain a licence to sell liquor despite subsection 6 (4);
 23. regulating and controlling the possession and delivery of liquor sold under a licence or permit;

- 23.1 regulating and controlling the possession, storage, removal and consumption of beer and wine at a ferment on premise facility;
- 24. authorizing the Board to approve training courses or programs;
- 25. authorizing the Registrar to approve a temporary physical extension of licensed premises;
- 26. authorizing the Registrar to exempt any person from the requirement to provide information in respect of an application for a licence or permit;
- 27. governing the approval by the Registrar of the possession, service or consumption of liquor for research or educational purposes;
- 28. prescribing the circumstances in which, following a prescribed change of ownership in respect of a licence, liquor may be kept for sale, offered for sale or sold or delivered for a fee under the authority of the licence despite subsection 16 (1) or (2);
- 29. designating classes of persons for the purpose of section 19;
- 30. defining “private place” for purposes of sections 30 and 31;
- 30.1 prescribing quantities of spirits, wine and beer for the purposes of section 33.1;
- 31. designating hospitals for purposes of section 36;
- 32. designating institutions for purposes of section 37, governing the transfer and admission of persons to and detention of persons in such institutions and providing for the management of such institutions;
- 33. prescribing licences that may be issued in a municipality despite section 52;
- 34. prohibiting or regulating and controlling the possession of liquor in provincial parks, in a park managed or controlled by The Niagara Parks Commission, The St. Lawrence Parks Commission, The St. Clair Parkway Commission or on lands owned or controlled by a conservation authority established or continued under the *Conservation Authorities Act*. R.S.O. 1990, c. L.19, s. 62 (1); 1994, c. 18, s. 5 (9); 1996, c. 26, s. 3 (17); 1998, c. 24, s. 15; 2002, c. 18, Sched. E, s. 7 (3, 4); 2006, c. 34, s. 16 (54-58); 2011, c. 1, Sched. 1, s. 6 (37).

Scope of regulations

(2) A regulation may be general or particular in its application. R.S.O. 1990, c. L.19, s. 62 (2).

Conditions, qualifications, requirements

(3) Any provision of a regulation may be subject to such conditions, qualifications or requirements as are specified in the regulation. R.S.O. 1990, c. L.19, s. 62 (3).

Incorporation by reference

(4) A regulation under this Act that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made. 2002, c. 18, Sched. E, s. 7 (21).

CITY OF TORONTO BY-LAWS

Toronto by-law extending hours of sale

62.1 (1) The City of Toronto may pass by-laws extending the hours of sale of liquor in all or part of the City by the holders of a licence and a by-law may authorize a specified officer or employee of the City to extend the hours of sale during events of municipal, provincial, national or international significance. 2006, c. 11, Sched. B, s. 8 (2).

Effect of by-law

(2) A by-law passed under subsection (1) prevails over a regulation made under paragraph 18 or 19 of subsection 62 (1). 2006, c. 11, Sched. B, s. 8 (2).

Exceptions

(3) A by-law passed under subsection (1) does not prevail over a condition that is imposed by the Registrar under subsection 8 (3), 14 (1) or 17 (5), a condition that is imposed under subsection 9 (6), 12 (2), 17 (7) or 23 (11) or (12) or a condition that is consented to by an applicant or licensee under subsection 12 (2) or 17 (7). 2011, c. 1, Sched. 1, s. 6 (38).

MISCELLANEOUS

Transition, licence

63. (1) A licence under a predecessor to this Act continues in force until it expires or is earlier revoked or suspended.

Idem, permit

(2) A permit under a predecessor to this Act continues in force until it expires or is earlier revoked.

Idem, registration

(3) A registration as an agent or representative of a manufacturer under a predecessor to this Act continues in force until it expires or is earlier revoked or suspended. R.S.O. 1990, c. L.19, s. 63 (1-3).

(4) REPEALED: 1996, c. 26, s. 3 (18).

Français

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