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Liquor Control Board of Ontario Act, 2019

[S.o.](https://www.ontario.ca/laws/statute/S19015" \l "BK23) 2019, chapter 15  
Schedule 21

**Consolidation Period:** From November 29, 2021 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendments: [2019, c. 15, Sched. 21, s. 19](http://www.ontario.ca/laws/statute/S19015" \l "sched21s19).

Legislative History: [2019, c. 15, Sched. 21, s. 19](http://www.ontario.ca/laws/statute/S19015" \l "sched21s19).

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Interpretation

Definitions

**1** In this Act,

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

“liquor” has the same meaning as in the Liquor Licence and Control Act, 2019; (“boisson alcoolisée”)

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

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

Continuation, Objects, Powers

LCBO continued

**2** (1)  The Liquor Control Board of Ontario is continued as a corporation without share capital that is composed of the members of its board of directors. 2019, c. 15, Sched. 21, s. 2 (1).

Crown agent

(2)  The LCBO is an agent of the Crown in right of Ontario. 2019, c. 15, Sched. 21, s. 2 (2).

Same

(3)  The regulations may specify provisions of the Business Corporations Act that apply to the LCBO, with or without any modifications prescribed by the regulations. 2019, c. 15, Sched. 21, s. 2 (3).

Same

(4)  The Not-for-Profit Corporations Act, 2010 and Corporations Information Act do not apply to the LCBO. 2019, c. 15, Sched. 21, s. 2 (4), 19.

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

[2019, c. 15, Sched. 21, s. 19](http://www.ontario.ca/laws/statute/S19015" \l "sched21s19) - 29/11/2021

Objects

**3** The LCBO has the following objects:

1. To establish retail stores in Ontario for the sale of liquor to the public, including online stores and stores operated by its agents.

2. To buy and sell liquor, both as a wholesaler and as a retailer.

3. To import liquor and control the importation of liquor.

4. To promote social responsibility in connection with liquor.

5. To perform such other functions as may be assigned to the LCBO by this Act or any other Act.

6. To engage in any other activities that are prescribed by the regulations.

7. To engage in any other activity that is incidental to carrying out its other objects.

General powers

**4** (1)  Except as limited by this Act, the LCBO has the capacity, rights and powers of a natural person for the purposes of carrying out its objects.

Subsidiaries

(2)  The LCBO shall not create or acquire a subsidiary.

Importation of liquor

**5** (1)  Subject to any limitations prescribed by the regulations, the LCBO may, by resolution of its board of directors, make rules respecting liquor brought into Ontario from outside of Canada that is to be consigned to the LCBO pursuant to subsection 3 (1) of the Importation of Intoxicating Liquors Act (Canada) or any other applicable law.

Agreement with Canada

(2)  The LCBO may enter into an agreement with the Government of Canada respecting any matter relating to liquor brought into Ontario from outside of Canada that is to be consigned to the LCBO.

Same

(3)  Without limiting the generality of subsection (2), the agreement may provide for the appointment of officers, as defined in subsection 2 (1) of the Customs Act (Canada), employed at customs offices located in Ontario as agents of the LCBO for the purposes of,

(a) accepting liquor to be consigned to the LCBO;

(b) selling and releasing liquor back to persons bringing the liquor into Ontario on payment of any mark-up imposed by the LCBO; and

(c) releasing to the LCBO liquor on which any mark-up imposed by the LCBO is not paid by the person bringing the liquor into Ontario.

Board of Directors, Chief Executive Officer, employees

Board of Directors

**6** (1)  The board of directors of the LCBO consists of not more than 11 members appointed by the Lieutenant Governor in Council.

Remuneration

(2)  Members are entitled to be paid remuneration and reimbursement for reasonable expenses as determined by the Lieutenant Governor in Council.

Chair and Vice Chair

(3)  The Lieutenant Governor in Council shall designate a member as the chair of the board and may designate another member as the vice-chair.

Acting Chair

(4)  If the chair is absent or unable to act, or if the office of the chair is vacant, the vice-chair shall act as chair.

Same

(5)  If the chair and vice-chair are absent, the members present shall appoint an acting chair from among themselves.

Quorum

(6)  A majority of the members constitutes a quorum of the board of directors.

Powers and Duties of the Board of Directors

**7** (1)  The board of directors shall manage and supervise the activities and affairs of the LCBO.

By-Laws

(2)  The board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the LCBO.

Delegation

(3)  The board may delegate to a committee of the board or to an officer or employee of the LCBO any of the board of director’s powers other than the power to,

(a) make, amend or repeal by-laws of the LCBO;

(b) approve the LCBO’s budget, including the budget for capital expenditures and staffing;

(c) approve the LCBO’s business plan, annual reports and financial statements;

(d) appoint or remove the chief executive officer and set his or her remuneration;

(e) establish committees of the board of directors and fill vacancies on those committees; or

(f) do any other thing that may be prescribed by the regulations.

Conditions

(4)  A delegation made under subsection (3) is subject to any conditions set out in the delegation.

Further Delegation

(5)  Any power delegated under subsection (3) may be further delegated to an officer, employee or agent of the LCBO on such terms as may be specified by the board of directors.

Chief Executive Officer

**8** (1)  Subject to the approval of the Minister, the board of directors shall appoint a chief executive officer of the LCBO.

Responsibilities

(2)  The chief executive officer is responsible for the operations of the LCBO, subject to the supervision and direction of the board of directors, and for such other functions as may be assigned by the board of directors.

Board Meetings

(3)  The chief executive officer is entitled to attend and participate at any board meeting but cannot vote.

Exception

(4)  Despite subsection (3), the board of directors may exclude the chief executive officer from attending any meeting if a matter to be discussed at the meeting involves the position, performance or functions and duties of the chief executive officer.

Minister’s directives

**9** (1)  The Minister may issue directives in writing to the LCBO in respect of its operations.

Implementation

(2)  The board of directors of the LCBO shall ensure that the directives are implemented promptly and efficiently.

Directive not a regulation

(3)  Part III (Regulations) of the Legislation Act, 2006 does not apply to a directive.

Employees

**10** (1)  The LCBO may appoint such officers and employees and retain such assistance as it considers necessary.

Same

(2)  The LCBO may establish job categories, salary ranges and conditions of employment for its officers and employees, subject to the approval of,

(a) the Lieutenant Governor in Council, in the case of officers and employees who are members of a bargaining unit; or

(b) the Minister, in the case of officers and employees who are not members of a bargaining unit.

Definition

(3)  In this section,

“bargaining unit” has the same meaning as in the Labour Relations Act, 1995.

Financial Matters

Consolidated Revenue Fund

**11** (1)  Despite Part I of the Financial Administration Act, the revenue and assets of the LCBO do not form part of the Consolidated Revenue Fund.

Payments into the Consolidated Revenue Fund

(2)  The net profits of the LCBO shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct.

Expenses, expenditures and borrowing

**12** (1)  The LCBO may borrow money with the approval, in writing, of the Minister and, if the Minister is not the Minister of Finance, the Minister of Finance.

Same

(2)  An approval under subsection (1) may be subject to such conditions as any minister granting the approval considers advisable.

Major Capital Expenditures

(3)  If the LCBO proposes to undertake a major capital expenditure, it shall borrow the necessary funds in accordance with subsection (1).

Same

(4)  An expenditure is a major capital expenditure for the purposes of this section in either of the following circumstances:

1. The major capital expenditure satisfies the criteria prescribed by the regulations.

2. The Minister notifies the LCBO in writing that the expenditure is a major capital expenditure.

Fiscal year

**13** (1)  The fiscal year of the LCBO begins on April 1 in a year and ends on March 31 in the following year.

Audit

(2)  The accounts and financial transactions of the LCBO shall be audited each year by the Auditor General.

Financial Reports

(3)  The LCBO shall give the Minister of Finance, at the times required by the Minister of Finance, reports setting out the LCBO’s net profit, net profit forecasts and such additional information as the Minister of Finance may require.

Same

(4)  If the Minister is not the Minister of Finance, the LCBO shall also give copies of any reports referred to in subsection (3) to the Minister.

Annual and Other Reports

Annual Report

**14** (1)  The LCBO shall prepare an annual report, provide it to the Minister and make it available to the public.

Same

(2)  The LCBO shall comply with such directives as may be issued by the Management Board of Cabinet with respect to,

(a) the form and content of the annual report;

(b) when to provide it to the Minister; and

(c) when and how to make it available to the public.

Same

(3)  The LCBO shall include such additional content in the annual report as the Minister may require.

Tabling of annual report

(4)  The Minister shall table the LCBO’s annual report in the Assembly and shall comply with such directives as may be issued by the Management Board of Cabinet with respect to when to table it.

Other Reports

**15** The LCBO shall promptly give the Minister such other reports and information as the Minister may require.

Miscellaneous and Regulations

Pension Plan

**16** The LCBO is deemed to have been designated by the Lieutenant Governor in Council under the Public Service Pension Act as a corporation whose permanent and full-time probationary staff are required to be members of the Public Service Pension Plan.

Immunity of employees and others

**17** (1)  No cause of action arises against,

(a) a director, officer or employee of the LCBO as a result of any act done in good faith in the performance or intended performance of their duties or any alleged neglect or default in the performance in good faith of their duties; or

(b) the Crown, a minister of the Crown, or an employee of the Crown as a result of any act or omission of a person who is not a minister of the Crown or a Crown employee, if the act or omission is related, directly or indirectly, to the LCBO’s affairs or to the administration of this Act.

No proceeding

(2)  No proceeding shall be instituted against,

(a) a director, officer or employee of the LCBO by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (a); or

(b) the Crown, a minister of the Crown or an employee of the Crown by a person who has suffered any damages, injury or other loss based on or related to any cause of action described in clause (1) (b);

Liability of LCBO preserved

(3)  Subsections (1) and (2) do not relieve the LCBO of any liability to which it would otherwise be subject.

Regulations

**18** (1)  The Lieutenant Governor in Council may make regulations prescribing anything that is required or permitted under this Act to be prescribed or to be done by or in accordance with the regulations.

Minister’s regulations re transitional matters

(2)  The Minister may make regulations governing such transitional matters as the Minister considers necessary or advisable to,

(a) facilitate the implementation of this Act;

(b) deal with any problems or issues arising as a result of the repeal, amendment, enactment or re-enactment of a provision of any Act by this Act.

**19**-**22** Omitted (amends, repeals or revokes other legislation).

**23** Omitted (provides for coming into force of provisions of this Act).

**24** Omitted (enacts short title of this Act).

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