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Liquor Licence and Control Act, 2019

[S.o.](https://www.ontario.ca/laws/statute/s19015" \l "BK24) 2019, chapter 15  
Schedule 22

**Consolidation Period:** From January 1, 2023 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2022, c. 2, Sched. 9](http://www.ontario.ca/laws/statute/S22002" \l "sched9s1s1).

Legislative History: [2020, c. 36, Sched. 26, s. 1-10, 13](http://www.ontario.ca/laws/statute/S20036" \l "sched26s1s1);2021, c. 25, Sched. 13; [2021, c. 34, Sched. 11](http://www.ontario.ca/laws/statute/S21034" \l "sched11s1); [2022, c. 2, Sched. 9](http://www.ontario.ca/laws/statute/S22002" \l "sched9s1s1).

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Part I  
Interpretation

Interpretation

**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; (“alcool”)

“beer”, subject to the regulations, 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 continued under subsection 2 (1) of the Alcohol and Gaming Commission of Ontario Act, 2019; (“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 premises facility” means premises where equipment for the making of beer or wine on the premises is provided to individuals; (“centre de fermentation libre-service”)

“inspector” means an inspector designated under section 54 and, except in subsection 54 (1) or as provided by subsection 55 (1.2), includes a person who is acting under the authority of subsection 55 (1.1); (“inspecteur”)

“investigator” means an investigator appointed under section 56 and, except in subsection 56 (1), includes a person who is acting under the authority of subsection 56 (4); (“enquêteur”)

“LCBO” means the Liquor Control Board of Ontario continued under subsection 2 (1) of the Liquor Control Board of Ontario Act, 2019; (“Régie des alcools”)

“licence” means a licence issued under this Act; (“permis”)

“liquor” means spirits, wine and beer or any combination of them and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter; (“boisson alcoolisée”)

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

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

“municipality” means a local municipality; (“municipalité”)

“Ontario wine” means wine produced from agricultural products grown in Ontario, and may include agricultural products grown outside of Ontario in the prescribed amounts; (“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 as defined in subsection 1 (1) of the Alcohol and Gaming Commission of Ontario Act, 2019; (“registrateur”)

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

“residence” means a place used as a dwelling, including all premises used in conjunction with the place to which the general public is not invited or permitted access, and, if the place used as a dwelling is a tent, includes the land immediately adjacent to and used in conjunction with the tent; (“habitation”)

“retail store” means a store for the sale of liquor to the public that is established by the LCBO or operated under the authority of a licence, including a store that operates online or through a means other than at a fixed location; (“magasin de vente au détail”)

“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; (“vendre”)

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

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “spirits” in subsection 1 (1) of the Act is amended by striking out ““spirits” means” at the beginning and substituting ““spirits”, subject to the regulations, means”. (See: 2020, c. 36, Sched. 26, s. 1 (3))

“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; (“Tribunal”)

“wine”, subject to the regulations, means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of the natural sugar contents of,

(a) fruits, including grapes and apples, or

(b) other agricultural products containing sugar, including honey and milk. (“vin”) 2019, c. 15, Sched. 22, s. 1 (1); 2020, c. 36, Sched. 26, s. 1 (1, 2); 2021, c. 25, Sched. 13, s. 1; 2022, c. 2, Sched. 9, s. 1.

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 holding, directly or indirectly, 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. 2019, c. 15, Sched. 22, s. 1 (2).

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

[2020, c. 36, Sched. 26, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S20036" \l "sched26s1s1) - 29/11/2021; [2020, c. 36, Sched. 26, s. 1 (3)](http://www.ontario.ca/laws/statute/S20036" \l "sched26s1s1) - not in force; [2020, c. 36, Sched. 26, s. 1 (4)](http://www.ontario.ca/laws/statute/S20036" \l "sched26s1s4) - no effect - see [2021, c. 25, Sched. 13, s. 9](http://www.ontario.ca/laws/statute/S21025" \l "sched13s9) - 03/06/2021

[2021, c. 25, Sched. 13, s. 1](http://www.ontario.ca/laws/statute/S21025" \l "sched13s1) - 29/11/2021

[2022, c. 2, Sched. 9, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S22002" \l "sched9s1s1) - 03/03/2022

Part II  
Licences and Permits

Licence or Permit Required

Licence or permit required

**2** (1)  Except under the authority of a licence or permit, no person shall,

(a) keep for sale, offer for sale or sell liquor;

(b) permit individuals to possess or consume open liquor in a public place that has not been designated by a municipality under clause 41 (1) (d);

(c) serve or offer to serve liquor in a public place;

(d) take or solicit orders for the sale of liquor;

(e) deliver liquor for a fee; or

(f) operate a ferment on premises facility.

Exception

(2)  Subsection (1) does not apply to the LCBO or anything done under the authority of the LCBO.

Representing manufacturers

(3)  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 take or solicit an order for the sale of liquor by a manufacturer unless the person is the holder of a licence to represent the manufacturer.

Licences

Application for a licence

**3** (1)  A person may apply to the Registrar for the following categories of liquor licence:

1. A licence to operate a liquor consumption premises.

2. A licence to operate a retail store.

3. A licence to operate as a wholesaler.

4. A licence to deliver.

5. A licence to operate a ferment on premises facility.

6. A licence to represent a manufacturer.

7. A manufacturer’s licence to sell. 2019, c. 15, Sched. 22, s. 3 (1); 2021, c. 25, Sched. 13, s. 2 ( 1).

Endorsements

(2)  A licensee may request a prescribed endorsement on their licence, authorizing the licensee to take actions that are prohibited by subsection 2 (1) and not otherwise authorized by the licence. 2019, c. 15, Sched. 22, s. 3 (2).

Granting of endorsements

(3)  The Registrar may grant a prescribed endorsement in accordance with the regulations and subject to any prescribed conditions. 2019, c. 15, Sched. 22, s. 3 (3).

Same

(3.1)  If the Registrar proposes to refuse to grant an endorsement that is of a class of endorsement prescribed for the purposes of this subsection, the Registrar shall issue a proposal to refuse to grant the endorsement. 2020, c. 36, Sched. 26, s. 2.

Same

(3.2)  The Registrar shall grant an endorsement if the Tribunal directs the Registrar to grant the endorsement. 2020, c. 36, Sched. 26, s. 2.

Ineligibility

(4)  An applicant is not eligible for a licence 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) the past or present conduct of the persons described in subsection (5) affords reasonable grounds for belief that the applicant will not carry on business in accordance with the law and with integrity and honesty;

(c) the applicant or an employee or agent of the applicant makes a false statement or provides false information in an application under this Act;

(d) the applicant is carrying on activities that are, or if the applicant were licensed would be, in contravention of this Act or the regulations;

(e) the applicant is carrying on activities that are, or if the applicant were licensed would be, in contravention of a by-law of the City of Toronto passed under subsection 79 (1);

(f) the premises, accommodation, equipment and facilities in respect of which the licence would be issued are not, or if the licence were issued would not be, in compliance with this Act, the regulations or the standards and requirements established by the Registrar under section 24, or, in the opinion of the Registrar, the applicant does not, or if the licence were issued would not, exercise sufficient control, either directly or indirectly, over the premises, accommodation, equipment or facilities; or

(g) a prescribed circumstance exists in relation to the category or class of the category of licence. 2019, c. 15, Sched. 22, s. 3 (4); 2021, c. 25, Sched. 13, s. 2 (2).

Same

(5)  Clause (4) (b) applies to the following persons:

1. The applicant.

2. An officer or director of the applicant.

3. A person who is interested in the applicant, as described in subsection 1 (2).

4. A person having responsibility for the management or operation of the business of the applicant. 2019, c. 15, Sched. 22, s. 3 (5).

Prohibition, public interest

(6)  The Registrar shall not issue a licence to operate a liquor consumption premises or a licence of another prescribed category or prescribed class within a category if issuing 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 to be licensed are located. 2019, c. 15, Sched. 22, s. 3 (6).

Applying for licence after refusal or revocation

(7)  No person who is refused a licence to operate a liquor consumption premises or to operate a retail store or who is refused a renewal of such a licence or whose licence is revoked for any ground described in subsection (4) may apply to the Registrar for a licence to operate a liquor consumption premises or to operate a retail store until two years have passed since the refusal or revocation. 2019, c. 15, Sched. 22, s. 3 (7).

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

[2020, c. 36, Sched. 26, s. 2](http://www.ontario.ca/laws/statute/S20036" \l "sched26s2) - 29/11/2021

[2021, c. 25, Sched. 13, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S21025" \l "sched13s2s1) - 29/11/2021

Inquiries into applicant, etc.

**4** (1)  The Registrar may make inquiries and conduct investigations into the character, financial history and competence of the following persons as is necessary to determine whether the applicant for any licence or renewal of a licence meets the requirements of this Act, the regulations and the standards and requirements established by the Registrar under section 24:

1. The applicant or licensee.

2. Persons interested in the applicant or licensee.

3. Persons interested in the premises in respect of which the licence is or would be issued.

4. A director, officer or shareholder of any such person. 2019, c. 15, Sched. 22, s. 4 (1); 2021, c. 25, Sched. 13, s. 3.

Corporations or partnerships

(2)  If the applicant or licensee is a corporation or partnership, the Registrar may make inquiries into or conduct investigations of,

(a) the applicant or licensee or persons interested in the applicant or licensee;

(b) the directors, officers, shareholders or partners of the applicant or licensee; and

(c) the owner, or persons interested in the owner, of the premises in respect of which the licence is or would be issued. 2019, c. 15, Sched. 22, s. 4 (2).

Costs

(3)  The applicant or licensee shall pay all reasonable costs of the inquiries or investigations or provide security to the Registrar in a form acceptable to the Registrar for the payment. 2019, c. 15, Sched. 22, s. 4 (3).

Collection of information

(4)  The Registrar may,

(a) require information or material from any person who is the subject of the inquiries or investigations; and

(b) request information or material from any person who, in the Registrar’s opinion, may be able to provide information or material relevant to the inquiries or investigations. 2019, c. 15, Sched. 22, s. 4 (4).

Verification of information

(5)  The Registrar may require that any information provided under clause (4) (a) be verified by statutory declaration. 2019, c. 15, Sched. 22, s. 4 (5).

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 requests under clause (4) (b). 2019, c. 15, Sched. 22, s. 4 (6).

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

[2021, c. 25, Sched. 13, s. 3](http://www.ontario.ca/laws/statute/S21025" \l "sched13s3) - 29/11/2021

Registrar response, general

**5** In the case of an application for a licence other than a manufacturer’s licence, a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6), the Registrar shall consider the application and may,

(a) approve the application; or

(b) issue a proposal to refuse to issue the licence.

Registrar’s response, manufacturer’s licence

**6** (1)  In the case of an application for a manufacturer’s licence, the Registrar shall consider the application and may,

(a) approve the application; or

(b) refuse to issue the licence.

Decision final

(2)  For greater certainty, the Registrar’s refusal to issue the manufacturer’s licence is final.

Registrar’s response, licence to operate liquor consumption premises or prescribed category or class of licence

Public notice

**7** (1)  Upon receiving an application for a licence to operate a liquor consumption premises or licence of a category or class prescribed for the purposes of subsection 3 (6), the Registrar shall consider the application and give notice of the application to the residents of the municipality in which the premises to be licensed are located by,

(a) displaying a notice at the proposed location specified in the application; or

(b) any other manner the Registrar considers appropriate.

Public notice not required

(2)  Despite subsection (1), the Registrar is not required to give notice if,

(a) the Registrar determines that the issuance of the licence is in the public interest, having regard to the applicant, the location of the premises to be licensed and the needs and wishes of the residents of the municipality in which the premises are located;

(b) the Registrar determines that the applicant is not eligible for the licence under subsection 3 (4); or

(c) a prescribed circumstance exists.

Registrar’s response, notice not required

(3)  If the Registrar does not give notice of an application in accordance with subsection (2), the Registrar may,

(a) approve the application if the applicant is not ineligible for the licence under subsection 3 (4); or

(b) issue a proposal to refuse to issue the licence.

Request for objections

(4)  If the Registrar gives notice under subsection (1), the Registrar shall include in the notice a request for written objections from the residents of the municipality as to whether the issuance of the licence is in the public interest having regard to the needs and wishes of the residents.

Timelines for objections

(5)  The written objections shall be made in the prescribed manner and within the prescribed time.

No objections

(6)  The Registrar may issue the licence if the Registrar has received no written objections to the application from the residents of the municipality within the time for making written objections.

Objections

(7)  If the Registrar receives one or more written objections to the application from the residents of the municipality within the time for making written objections, the Registrar shall consider the objections and may,

(a) call a public meeting;

(b) issue a proposal to review whether issuing the licence is in the public interest;

(c) issue a proposal to refuse to issue the licence; or

(d) approve the application if the Registrar is of the opinion that the objections are frivolous or vexatious or the applicant is not otherwise ineligible for a licence under subsections 3 (4) and (6).

Public meeting

(8)  If the Registrar calls a public meeting under clause (7) (a), the Registrar shall give notice in the prescribed manner of a time and place for the meeting and shall conduct the meeting.

Representations by residents

(9)  The Registrar shall receive representations from the residents of the municipality in which the premises to be licensed 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.

Registrar to consider

(10)  The Registrar shall consider the representations of the residents in determining whether to approve the application.

Registrar’s response

(11)  After the meeting has been held, the Registrar shall consider the application and may,

(a) approve the application if the applicant is not ineligible under subsection 3 (4) or (6);

(b) issue a proposal to review whether issuing the licence is in the public interest; or

(c) issue a proposal to refuse to issue the licence.

(12), (13)  Repealed: 2021, c. 25, Sched. 13, s. 4.

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

[2021, c. 25, Sched. 13, s. 4](http://www.ontario.ca/laws/statute/S21025" \l "sched13s4) - 03/06/2021

Issuance of licence

**8** (1)  The Registrar shall issue a licence to an applicant who applies for a licence under section 3 if,

(a) the applicant complies with this Act, the regulations and the standards and requirements established by the Registrar under section 24, is not ineligible to be issued a licence and pays the required fee; and

(b) the Registrar approves the application or the Tribunal directs the Registrar to issue the licence. 2019, c. 15, Sched. 22, s. 8 (1).

Limit on further applications

(2)  If, for the reason described in subsection 3 (6), the issuance of a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) is refused, no further application may be made for such a licence for the same premises within two years after the date of the refusal. 2019, c. 15, Sched. 22, s. 8 (2); 2021, c. 25, Sched. 13, s. 5.

Exception

(3)  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 (2). 2019, c. 15, Sched. 22, s. 8 (3).

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

[2021, c. 25, Sched. 13, s. 5](http://www.ontario.ca/laws/statute/S21025" \l "sched13s5) - 29/11/2021

Risk based licensing

**9** (1)  The Board may establish criteria for licensees and licensed premises, based on factors related to risks to the public interest or the risk that the licensee will not comply with this Act, the regulations and the standards and requirements established by the Registrar under section 24.

Potential conditions

(2)  If it has established criteria under subsection (1), the Board may specify conditions that the Registrar may impose under subsection (3) on a licensee’s licence and on a licensed premises.

Designations

(3)  Based on the Registrar’s assessment of risk, the Registrar may designate a licensee and a licensed premises in accordance with the criteria established by the Board and may impose on the licensee’s licence one or more conditions from among those specified by the Board.

Redesignations

(4)  The Registrar may,

(a) redesignate a licensee or a premises if there is a change in circumstances that satisfies the Registrar that the licensee or the premises should be redesignated; and

(b) on redesignation, add, remove or otherwise change the conditions imposed on the licence and premises.

Conditions of licence

**10** (1)  A licence is subject to the conditions,

(a) that the Registrar attaches with the applicant’s consent;

(b) that the Registrar attaches under subsection (2);

(c) that the Registrar imposes under subsection 9 (3) or (4);

(d) that the Tribunal imposes; or

(e) that are prescribed.

Further conditions

(2)  The Registrar may, at any time, review a licence and may,

(a) attach any further conditions to which the licensee consents; or

(b) issue a proposal to attach any further conditions that the Registrar considers proper to give effect to the purposes of this Act.

Removal of conditions

**11** (1)  On the application of a licensee, the Registrar may remove a condition of the licence that the Registrar has attached or imposed on the licence, if there is a change in circumstances that satisfies the Registrar that the condition is no longer appropriate.

Registrar’s response

(2)  If the Registrar decides not to remove a condition, other than a condition imposed under subsection 9 (3) or (4), the Registrar shall issue a proposal to refuse to remove the condition.

Same, Tribunal decision

(3)  If the Tribunal, on considering a proposal mentioned in subsection (2), is satisfied that there is a change in circumstances justifying the removal of the condition, it may remove the condition; if it decides not to remove the condition, it shall direct that the condition not be removed.

Removal of conditions imposed by Tribunal

(4)  The Tribunal may, on the application of a licensee, remove a condition that the Tribunal has imposed if the Tribunal is satisfied that there is a change in circumstances justifying the removal of the condition, and, if it decides not to remove the condition, it shall direct the Registrar to issue a proposal to refuse to remove the condition.

Continuance pending renewal

**12** If, within the time prescribed or, if no time is prescribed, before the expiry of a licence, the licensee has applied for renewal of the licence and paid the required fee, the licence continues until,

(a) the renewal is granted;

(b) the time for giving notice requiring a hearing has expired, if the licensee receives a notice of proposal to refuse to grant the renewal and does not require such a hearing; or

(c) the Tribunal’s order has become final, if the licensee receives a notice of proposal to refuse to grant the renewal and does require such a hearing.

Revocation, suspension or refusal to renew licence

**13** (1)  The Registrar may issue a proposal to refuse to renew a licence or to suspend or revoke a licence if,

(a) the licensee would not be eligible for a licence under subsection 3 (4) or 3 (6) if the licensee were an applicant under section 3; or

(b) the licensee has contravened this Act, the regulations, the standards and requirements established by the Registrar under section 24 or a condition of the licence. 2019, c. 15, Sched. 22, s. 13 (1); 2021, c. 25, Sched. 13, s. 6 (1).

Suspension without proposal

(2)  The Registrar may suspend a licence issued under this Act without issuing a proposal if the Registrar considers it to be necessary in the public interest. 2021, c. 25, Sched. 13, s. 6 (2).

Notice and immediate effect

(3)  The Registrar shall serve notice of a suspension under subsection (2) on the licensee together with written reasons, and the suspension takes effect immediately on the licensee being served. 2021, c. 25, Sched. 13, s. 6 (2).

Notice requiring hearing

(4)  A notice served under subsection (3) shall inform the licensee 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, a notice in writing requiring a hearing by the Tribunal. 2021, c. 25, Sched. 13, s. 6 (2).

Hearing

(4.1)  Section 26 applies with respect to a notice served under subsection (3) in the same way as to a notice of a proposal issued under subsection (1), with necessary modifications. 2021, c. 25, Sched. 13, s. 6 (2).

Limit on further applications

(4.2)  If, for the reason described in subsection 3 (6), the Tribunal directs the Registrar to revoke a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6), the Registrar may propose, on notice to the owner of the property at which the 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. 2021, c. 25, Sched. 13, s. 6 (2).

Exception

(4.3)  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 operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) within the period specified by the Registrar under subsection (4.2). 2021, c. 25, Sched. 13, s. 6 (2).

Voluntary cancellation

(5)  The Registrar may cancel a licence if the licensee so requests in writing and surrenders the licence. 2019, c. 15, Sched. 22, s. 13 (5).

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

[2021, c. 25, Sched. 13, s. 6 (1, 2)](http://www.ontario.ca/laws/statute/S21025" \l "sched13s6s1) - 29/11/2021

Changes requiring transfer of licence

**14** Except as permitted by the regulations, if there is a prescribed change of ownership of a business carried on under a licence or if the licensee changes, no person shall carry on the business under the authority of the licence unless the Registrar transfers the licence in accordance with the regulations.

Transfers or consolidations of licence

Transfer

**15** (1)  If the regulations permit, a person may apply to the Registrar to transfer a prescribed licence to a different person or location in the prescribed circumstances and the Registrar may, in accordance with the regulations,

(a) approve the application; or

(b) issue a proposal to refuse to transfer the licence.

Consolidation

(2)  The Registrar may consolidate licences to operate a liquor consumption premises in accordance with the regulations.

Permits

Permits

**16** (1)  A person may apply to the Registrar for a permit authorizing the sale, service or consumption of liquor,

(a) on a prescribed special occasion; or

(b) for any other prescribed event or temporary activity, which may include an event or activity that takes place wholly or partly online. 2020, c. 36, Sched. 26, s. 3.

Requirements

(2)  An applicant is not eligible for a permit if,

(a) the applicant would not be eligible for a licence to operate a liquor consumption premises for any ground described in subsection 3 (4), except as provided by the regulations; or

(b) the premises in respect of which the permit would be issued is disqualified under section 18. 2021, c. 25, Sched. 13, s. 7 (1).

Response

(3)  The Registrar shall consider an application for a permit and may,

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

(b) issue a proposal to refuse to issue the permit. 2019, c. 15, Sched. 22, s. 16 (3); 2021, c. 25, Sched. 13, s. 7 (2).

Issuance of permit

(4)  The Registrar shall issue a permit to an applicant if,

(a) the applicant complies with this Act, the regulations and the standards and requirements established by the Registrar under section 24, is not ineligible for a permit and pays the required fee; and

(b) the Registrar approves the application or the Tribunal directs the Registrar to issue the permit. 2021, c. 25, Sched. 13, s. 7 (3).

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

[2020, c. 36, Sched. 26, s. 3](http://www.ontario.ca/laws/statute/S20036" \l "sched26s3) - 29/11/2021

[2021, c. 25, Sched. 13, s. 7 (1-3)](http://www.ontario.ca/laws/statute/S21025" \l "sched13s7s1) - 29/11/2021

Refusal of permit

**17** (1)  The Registrar shall not issue a permit with respect to premises if,

(a) the Registrar has refused to issue a licence to operate a liquor consumption premises on the premises for the reason described in subsection 3 (6) within the past two years or the Tribunal has directed the Registrar to do so within the past two years; or

(b) the Registrar has suspended or revoked a licence to operate a liquor consumption premises on the premises or the Tribunal has directed the Registrar to do so, and the suspension or revocation is still in effect. 2019, c. 15, Sched. 22, s. 17 (1); 2020, c. 36, Sched. 26, s. 4.

Exception

(2)  If the Tribunal is satisfied that there has been a significant change in the circumstances in respect of the premises since the licence was refused for the reason described in subsection 3 (6), the Tribunal may direct the Registrar to issue the permit, despite clause (1) (a). 2019, c. 15, Sched. 22, s. 17 (2).

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

[2020, c. 36, Sched. 26, s. 4](http://www.ontario.ca/laws/statute/S20036" \l "sched26s4) - 29/11/2021

Disqualification before hearing

**18** (1)  The Registrar may issue a proposal to disqualify premises for the purposes of issuing permits on the grounds that a contravention of the law has occurred at a previous event held on the premises.

Immediate disqualification

(2)  If the Registrar issues 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.

Time effective

(3)  An order under subsection (2) to disqualify premises takes effect immediately.

Duration of order

(4)  Subject to subsection (5), an order to disqualify premises shall remain in effect until at least two years have passed since the order and then until the Registrar is of the opinion that the order is no longer required.

Expiry of order if hearing, extension

(5)  If an applicant for a permit requires a hearing, an order to disqualify premises expires 15 days after the date of the notice requiring the hearing unless the hearing is commenced before the order expires, in which case the Tribunal may extend the time of expiration until the hearing is concluded.

Risk based permitting

**19** (1)  The Board may establish criteria for permit holders and for the premises in respect of which a permit is issued, based on factors related to risks to the public interest or the risk that the permit holder will not comply with this Act, the regulations and the standards and requirements established by the Registrar under section 24.

Potential conditions

(2)  If the Board has established criteria under subsection (1), the Board may specify conditions that the Registrar may impose under subsection (3) on a permit holder’s permit and on the premises in respect of which the permit is issued.

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 permit one or more conditions from among those specified by the Board.

Conditions of permit

**20** (1)  A permit is subject to the conditions that,

(a) the Registrar attaches with the applicant’s consent;

(b) the Registrar attaches under subsection (2);

(c) the Registrar imposes under subsection 19 (3);

(d) the Tribunal imposes; or

(e) are prescribed.

Further conditions

(2)  The Registrar may, at any time, review a permit and may,

(a) attach any further conditions to which the permit holder consents; or

(b) issue a proposal to attach any further conditions that the Registrar considers proper to give effect to the purposes of this Act.

Removal of conditions

**21** (1)  On the application of a permit holder, the Registrar may remove a condition of a permit that the Registrar has attached or imposed on the permit if there is a change in circumstances that satisfies the Registrar that the condition is no longer appropriate.

Registrar’s response

(2)  If the Registrar decides not to remove a condition, other than a condition imposed under subsection 19 (3), the Registrar shall issue a proposal to refuse to remove the condition.

Revocation of permit by Registrar

**22** (1)  The Registrar may issue a proposal to revoke a permit if,

(a) the permit holder would not be eligible for a permit if the permit holder were an applicant under section 16; or

(b) the permit holder has contravened this Act, the regulations, the standards and requirements established by the Registrar under section 24 or a condition of the permit.

Same

(2)  If the Registrar issues a proposal to revoke a permit under subsection (1), the Registrar may by order revoke the permit before a hearing if the Registrar considers it to be necessary in the public interest.

Time effective

(3)  An order to revoke a permit under subsection (2) takes effect immediately.

Revocation of permit by inspector or investigator

**23** (1)  An inspector or investigator who reasonably believes that this Act, the regulations or the standards and requirements established by the Registrar under section 24 are being contravened in connection with an event may, by giving a notice of revocation in accordance with subsection (2), revoke a permit issued for an event while the event is under way.

Notice of revocation

(2)  The notice of revocation may be given orally or in writing to the permit holder or to a person the permit holder designated in accordance with the regulations to attend the event in the permit holder’s place.

Time effective

(3)  A notice of revocation under subsection (2) takes effect immediately.

Standards and Requirements

Standards and requirements

**24** (1)  Subject to any prescribed limitations, the Registrar may establish standards and requirements respecting the following matters relating to the conduct of licensees or permit holders or to the operation of licensed or permitted premises:

1. Measures related to the responsible sale, wholesale, supply and delivery of liquor under a licence or permit and to the responsible consumption of liquor authorized under a licence or permit.

2. Measures related to licensed and permitted premises, accommodation, equipment and facilities.

3. Addressing unlawful activities in licensed or permitted premises.

4. Advertising and promotional activities.

5. Training relating to the responsible sale, wholesale, supply and delivery of liquor under a licence or permit and to the responsible consumption of liquor authorized under a licence or permit.

6. The keeping of records, including financial records.

7. Any other matter relating to the conduct of licensees and permit holders or to the operation of licensed or permitted premises that may be prescribed.

Conflict

(2)  In the event of a conflict or inconsistency, the regulations prevail over the standards and requirements established under subsection (1) to the extent of the conflict or inconsistency.

Publication

(3)  The Registrar shall publish the standards and requirements on the website of the Alcohol and Gaming Commission of Ontario or by any other method that may be prescribed.

Effective date

(4)  Standards and requirements established under subsection (1) take effect on the date they are published under subsection (3) or on such later date as the Registrar may specify, and the effective date shall be published together with the standards and requirements.

Not regulations

(5)  Part III (Regulations) of the Legislation Act, 2006 does not apply to standards and requirements established under subsection (1).

Duty to comply

(6)  Every licensee and permit holder shall comply with the standards and requirements established under subsection (1).

Proposals and Hearings

Notice of proposal

**25** (1)  If the Registrar issues a proposal to do any of the following, the Registrar shall serve notice of the proposal, together with written reasons, on the applicant or licensee:

1. Review whether issuing a licence to operate a liquor consumption premises or other licence of a category or class prescribed for the purposes of subsection 3 (6) is in the public interest.

2. Refuse to issue, renew or transfer a licence.

2.1 Refuse to grant an endorsement to which subsection 3 (3.1) applies.

3. Suspend or revoke a licence.

4. Attach a condition on a licence.

5. Review a condition of a licence.

6. Refuse to remove a condition of a licence.

7. Restrict further applications for a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) in respect of the same premises, as described in subsection 13 (4.2). 2019, c. 15, Sched. 22, s. 25 (1); 2020, c. 36, Sched. 26, s. 5; 2021, c. 25, Sched. 13, s. 8.

Same, re permits

(2)  If the Registrar issues a proposal to do any of the following, the Registrar shall serve notice of the proposal, together with written reasons, on the applicant or permit holder:

1. Refuse to issue a permit.

2. Revoke a permit.

3. Attach a condition on a permit.

4. Refuse to remove a condition of a permit. 2019, c. 15, Sched. 22, s. 25 (2).

Same, re premises

(3)  If the Registrar issues a proposal to disqualify premises under section 18, the Registrar shall serve notice of the proposal, together with written reasons, on the owner of the premises. 2019, c. 15, Sched. 22, s. 25 (3).

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, a notice in writing requiring a hearing by the Tribunal. 2019, c. 15, Sched. 22, s. 25 (4).

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

[2020, c. 36, Sched. 26, s. 5](http://www.ontario.ca/laws/statute/S20036" \l "sched26s5) - 29/11/2021

[2021, c. 25, Sched. 13, s. 8](http://www.ontario.ca/laws/statute/S21025" \l "sched13s8) - 29/11/2021

Hearing

**26** (1)  A person who has received a notice of proposal from the Registrar under subsection 25 (4) is entitled to a hearing by the Tribunal as described in that subsection. 2019, c. 15, Sched. 22, s. 26 (1).

Notice of hearing

(2)  If the person requires a hearing by the Tribunal, the Tribunal shall fix a time and place for the hearing and shall, at least 10 days before the day so fixed, cause notice of the hearing to be served upon the person. 2019, c. 15, Sched. 22, s. 26 (2).

Powers of Tribunal

(3)  After a hearing to consider a proposal to review whether issuing a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) is in the public interest, the Tribunal may direct the Registrar to issue the licence or to refuse to issue the licence. 2019, c. 15, Sched. 22, s. 26 (3).

Same

(4)  After a hearing to consider any other proposal described in subsection 25 (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 or to grant an endorsement to which the proposal relates. 2019, c. 15, Sched. 22, s. 26 (4); 2020, c. 36, Sched. 26, s. 6.

Conditions

(5)  After a hearing, the Tribunal may impose any condition on a licence or permit that the Tribunal considers proper to give effect to the purposes of this Act. 2019, c. 15, Sched. 22, s. 26 (5).

No hearing

(6)  If a person who has received a notice of proposal from the Registrar under subsection 25 (4) does not require a hearing by the Tribunal, the Registrar may,

(a) in the case of a notice of a proposal to review whether issuing a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) is in the public interest, refuse to issue the licence; or

(b) in any other case, carry out the proposal stated in the notice. 2019, c. 15, Sched. 22, s. 26 (6).

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

[2020, c. 36, Sched. 26, s. 6](http://www.ontario.ca/laws/statute/S20036" \l "sched26s6) - 29/11/2021

Reviewing decision

**27** The Tribunal shall not review a decision to refuse to issue a licence to operate a liquor consumption premises or a licence of a category or class prescribed for the purposes of subsection 3 (6) if the decision is based on the reason described in subsection 3 (6).

PART III  
Liquor Control

Application of federal legislation

**28** Liquor is deemed to be an intoxicating liquor for the purposes of the Importation of Intoxicating Liquors Act (Canada).

Advertising

**29** (1)  No person shall advertise liquor except in accordance with the regulations, if any, or the standards and requirements established by the Registrar under section 24.

Order of cessation

(2)  If the Registrar determines that an advertisement contravenes the regulations, if any, or the standards and requirements established by the Registrar under section 24, the Registrar may order the cessation of the use of the advertisement.

Notice of order

(3)  The Registrar shall serve notice of an order under subsection (2), together with reasons for it, on the person to whom the order is directed.

Notice requiring hearing

(4)  The notice of order shall inform the person to whom the order is directed that the person is entitled to a hearing by the Tribunal if, within 15 days after the notice is served on the person, the person mails or delivers to the Tribunal and the Registrar a notice in writing requiring a hearing by the Tribunal; if the person does so, the person has that right to a hearing.

Time effective

(5)  Unless otherwise provided in the order, an order under subsection (2) takes effect immediately.

Expiry of order if hearing, extension

(6)  If a person requires a hearing under subsection (4), an order under subsection (2) expires 15 days after the date of the notice requiring the hearing unless the hearing is commenced before the order expires, in which case the Tribunal may extend the time of expiration until the hearing is concluded.

Application of other provisions

(7)  If a person requires a hearing under subsection (4), subsections 26 (2), (4) and (5) of this Act apply with necessary modifications to the hearing, and, for greater certainty, section 5.1 of the Licence Appeal Tribunal Act, 1999 applies to the hearing.

Powers of Tribunal

(8)  Following a hearing to consider an order under subsection (2), the Tribunal may confirm, vary or rescind the order.

Unlawful inducements or promotions

**30** No manufacturer or employee, agent or licensed representative of a manufacturer shall give any liquor to any person, except in the circumstances that are prescribed or in accordance with the standards and requirements established by the Registrar under section 24.

Intoxication

**31** (1)  No person shall be in an intoxicated condition in,

(a) a place to which the general public is invited or permitted access; or

(b) any part of a residence that is used in common by persons occupying more than one dwelling in the residence.

Arrest without warrant

(2)  A police officer or conservation officer may arrest without warrant any person who is contravening subsection (1) if, in the opinion of the officer, it is necessary to do so for the safety of any person.

Sale to intoxicated person

**32** 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.

Sell, supply liquor, person under 19

**33** (1)  No person shall,

(a) knowingly sell or supply liquor to a person under 19 years of age; or

(b) sell or supply liquor to a person who appears to be under 19 years of age.

Permitting possession or consumption

(2)  No licensee or employee or agent of a licensee shall,

(a) knowingly permit a person under 19 years of age to have or consume liquor in the licensee’s licensed premises; or

(b) permit a person who appears to be under 19 years of age to have or consume liquor in the licensee’s licensed premises.

Exception

(3)  Subsection (2) does not prohibit a licensee or employee or agent of a licensee from permitting a person 18 years of age to be in possession of liquor during the course of the person’s employment on the licensee’s licensed premises.

Use of ferment on premises facility

(4)  No licensee of a ferment on premises 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; or

(b) permit a person who appears to be under 19 years of age to use the facility for the making of beer or wine.

Reliance on documentation

(5)  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 premises facility to make beer or wine on the basis of documentation of a prescribed type is not in contravention of clause (1) (b), (2) (b) or (4) (b) if there is no apparent reason to doubt the authenticity of the documentation or that it was issued to the person producing it.

Supply by parent

(6)  This section does not apply to the supplying of liquor to a person under 19 years of age in a residence or in a private place as prescribed by the regulations by a parent of the person or a person having lawful custody of the person.

Prohibitions on possession, etc., by persons under 19

Possession or consumption

**34** (1)  No person under 19 years of age shall have, consume, attempt to purchase, purchase or otherwise obtain liquor.

Exception

(2)  Subsection (1) does not prohibit a person 18 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.

Entering premises

(3)  No person under 19 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 19 years of age.

Exception

(4)  Subsection (3) does not apply to a person 18 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 the person’s employment.

Supply by parent

(5)  This section does not apply to the consumption of liquor by a person under 19 years of age who consumes liquor in a residence or in a private place as prescribed by the regulations, if the liquor was provided to the person at that residence or private place by a parent of the person or by a person having lawful custody of the person.

Prohibition, fake ID, etc.

**35** For the purpose of attempting to purchase, purchasing or otherwise obtaining liquor, no person shall present as evidence of the person’s age any documentation other than documentation that was lawfully issued to the person.

Warning sign — fetal alcohol spectrum disorder

**36** No person shall sell or supply liquor or offer to sell or supply liquor from prescribed premises unless a prescribed sign warning of the dangers of fetal alcohol spectrum disorder is displayed in accordance with the regulations.

Unlawful consumption or supply of other alcohol

**37** Subject to the regulations, 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.

Unlawful purchase

**38** No person shall purchase liquor except,

(a) from the LCBO or under its authority;

(b) from a person authorized to sell liquor under a licence or permit; or

(c) in accordance with the regulations.

Unlawful possession

**39** (1)  No person shall possess liquor unless,

(a) the liquor was purchased from a retail store for an individual’s personal use;

(b) the liquor is possessed under the authority of a licence or permit;

(c) the liquor was manufactured by an individual, in accordance with the law, for that individual’s personal use or for service at an event at which liquor may be served under the authority of a permit;

(d) the liquor was imported into Ontario in accordance with the regulations; or

(e) the liquor is possessed by or under the authority of the LCBO.

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 or at a private place as prescribed by the regulations; or

(c) giving the liquor to another individual as a gift.

By-law designating recreational area

**40** (1)  The council of a local or upper-tier 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.

Non-application of subs. (1)

(2)  A designation under subsection (1) does not prevent the Registrar from issuing a licence or permit.

Unlawful possession

(3)  No person shall have liquor in a place designated under subsection (1).

Exception

(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.

Place of possession or consumption

**41** (1)  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 that permits consumption is issued;

(c) a private place as prescribed by the regulations; or

(d) despite any designation of a place made under section 40 and subject to the regulations, a public place designated by a by-law made by the council of a municipality. 2019, c. 15, Sched. 22, s. 41 (1).

Exception

(2)  Subsection (1) does not apply to the possession of liquor that is in a closed container or to samples of liquor provided by a retail store. 2020, c. 36, Sched. 26, s. 7.

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

[2020, c. 36, Sched. 26, s. 7](http://www.ontario.ca/laws/statute/S20036" \l "sched26s7) - 29/11/2021

Conveying liquor in motor vehicle

**42** (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 or if the liquor is,

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

(b) packed in baggage that is fastened closed or not otherwise readily available to any person in the vehicle.

Search of vehicle

(2)  A police officer or conservation officer who reasonably believes that liquor is being unlawfully kept in a vehicle may at any time, without a warrant, enter and search the vehicle and search any person found in it.

Conveying liquor in boat

**43** (1)  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 or if the liquor is,

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

(b) stored in a closed compartment.

Search of boat

(2)  A police officer or conservation officer who reasonably believes that liquor is being unlawfully kept in a boat may at any time, without a warrant, enter and search the boat and search any person found in it.

Definition

(3)  In this section,

“boat” includes any vessel used or designed to be used in the navigation of water.

Removing persons from premises re unlawfulness

**44** (1)  A licensee that has been issued a licence to operate a liquor consumption premises or a permit holder shall ensure that a person does not remain on the premises in respect of which the licence or permit was issued if the licensee or permit holder reasonably believes that the person is,

(a) unlawfully on the premises;

(b) on the premises for an unlawful purpose; or

(c) contravening the law on the premises.

Same, use of force

(2)  The licensee or permit holder or an employee of the licensee or permit holder may require a person described in subsection (1) to leave the premises immediately and if the person does not comply, the licensee, permit holder or employee may remove the person or cause the person to be removed by the use of no more force than is necessary.

Compliance

(3)  If a licensee or permit holder or an employee of the licensee or permit holder requires a person to leave the premises under subsection (2), the person shall not,

(a) remain on the premises; or

(b) re-enter the premises on that day.

Removing persons from premises, other

**45** (1)  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) require the person to leave the premises; or

(b) forbid the person to enter the premises.

Compliance

(2)  If a licensee or employee of a licensee requires a person to leave the premises under subsection (1), the person shall not,

(a) remain on the premises; or

(b) re-enter the premises on that day.

Police removing persons from premises re public safety

**46** (1)  A police officer may order all persons to vacate premises in respect of which a licence to operate a liquor consumption premises or a permit is issued if the officer reasonably believes that a disturbance or breach of the peace sufficient to constitute a threat to public safety is being caused on the premises.

Compliance

(2)  If a police officer orders a person to vacate the premises under subsection (1), the person shall not,

(a) remain on the premises; or

(b) re-enter the premises on that day, unless authorized to re-enter by a police officer.

Same, licensee or permit holder

(3)  The licensee or permit holder in respect of premises that are ordered to be vacated under subsection (1) shall take all reasonable steps to ensure that the premises are vacated.

Police removing persons from premises re contraventions

**47** (1)  A police officer may order all persons to vacate any premises if the officer reasonably believes that this Act or a prescribed provision of the regulations is being contravened on the premises.

Exception

(2)  Subsection (1) does not apply in respect of persons actually residing in the premises.

Compliance

(3)  If a police officer orders a person to vacate the premises under subsection (1), the person shall not,

(a) remain on the premises; or

(b) re-enter the premises on that day, unless authorized to re-enter by a police officer.

Taking to hospital in lieu of intoxication charge

**48** (1)  A police officer who finds a person apparently in contravention of subsection 31 (1) may take the person into custody and, in lieu of commencing a proceeding under the Provincial Offences Act in respect of the contravention, may escort the person to a prescribed hospital or, if no hospitals are prescribed, to any hospital.

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).

Exception

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

Detention in institution

**49** (1)  If a court convicts a person of contravening subsection 31 (1) and it appears that it may be beneficial to the person, the court may order the person to be detained for treatment in an institution designated by the regulations for a period of 90 days or such lesser period that the court thinks advisable.

Consent to treatment

(2)  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.

Release

(3)  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.

Exception for drugs and medicines

**50** (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 1 (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 drug under the Food and Drugs Act (Canada), except a sale that contravenes clause 37 (b) of this Act; or

(d) the sale of a drug to a person allowed, under the Regulated Health Professions Act, 1991, to dispense or prescribe drugs.

Same

(2)  This Act does not prevent the purchase of a drug or medicine pursuant to a sale described in subsection (1).

Exception for research and education

**51** This Act does not prevent the possession, service or consumption of liquor for research or educational purposes as approved by the Registrar in the circumstances that are prescribed.

Part IV  
Civil Liability

Civil liability

**52** 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 the person would be in danger of causing injury to themselves 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.

Part V  
Compliance

Youth Compliance Monitors

Appointment of youth by Commission

**53** (1)  An individual who is a prescribed age under 19 years old may be appointed by the Registrar for the purposes of monitoring compliance with this Act, the regulations and the standards and requirements established by the Registrar under section 24.

Authorization to enter, purchase, etc.

(2)  Subsections 34 (1) and (3) do not apply to an individual referred to in subsection (1) of this section while the individual is performing his or her duties respecting this Act, except with respect to consumption.

Inspections

Inspectors

**54** (1)  The Registrar may designate persons employed by the Alcohol and Gaming Commission of Ontario, or other persons, as inspectors who may carry out inspections for the purpose of ensuring compliance with this Act, the regulations and the standards and requirements established by the Registrar under section 24. 2019, c. 15, Sched. 22, s. 54 (1).

Certificate

(2)  A person designated under subsection (1) who is acting as an inspector shall, on request, produce the certificate of designation. 2022, c. 2, Sched. 9, s. 3.

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

[2022, c. 2, Sched. 9, s. 3](http://www.ontario.ca/laws/statute/S22002" \l "sched9s3) - 03/03/2022

Inspections

**55** (1)  For the purpose of ensuring compliance with this Act, the regulations and the standards and requirements established by the Registrar under section 24, a person designated as an inspector may, at any reasonable time,

(a) enter any place, other than any place or any part of a place that is actually used as a dwelling, that is used by a licensee or permit holder in relation to the licence or permit;

(b) examine records or anything else that is relevant to the inspection;

(c) conduct such tests as are reasonably necessary;

(d) demand the production of a record or any other thing that is relevant to the inspection;

(e) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for review, examination or testing;

(f) on issuing a written receipt for it, remove a record or any other thing that is relevant to the inspection for copying;

(g) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;

(h) take photographs or make any other kind of recording; and

(i) inquire into all financial transactions, records and other matters that are relevant to the inspection. 2019, c. 15, Sched. 22, s. 55 (1); 2022, c. 2, Sched. 9, s. 4 (1).

Police officer powers

(1.1)  Every police officer has the powers set out in clauses (1) (a), (b), (d) and (f). 2022, c. 2, Sched. 9, s. 4 (2).

Same, limitations

(1.2)  Subsections (2), (5), (6) and (6.1) do not apply with respect to inspections conducted by a person under subsection (1.1). 2022, c. 2, Sched. 9, s. 4 (2).

Written demand

(2)  A demand under this section that a record or any other thing be produced must be in writing and must include a statement of the nature of the record or thing required. 2019, c. 15, Sched. 22, s. 55 (2).

Obligation to produce and assist

(3)  If an inspector demands that a record or any other thing be produced under this section, the person who has custody of the record or thing shall produce it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form. 2019, c. 15, Sched. 22, s. 55 (3).

Records and things removed from place

(4)  A record or other thing that has been removed for review, examination, testing or copying,

(a) shall be made available on request to the person from whom it was removed and at a time and place that are convenient for the person and for the inspector; and

(b) shall be returned to the person within a reasonable time, unless, in the case of a thing that has been subject to testing, the thing has been made unsuitable for return as a result of the testing. 2019, c. 15, Sched. 22, s. 55 (4).

Seizure

(5)  An inspector conducting an inspection may seize anything the inspector discovers that the inspector reasonably believes not to be in compliance with this Act, the regulations or the standards and requirements established by the Registrar under section 24. 2019, c. 15, Sched. 22, s. 55 (5).

Same

(6)  Subject to section 64, an inspector who seizes a thing under subsection (5) of this section, shall, in accordance with the direction of the Registrar, either return it within a reasonable time or dispose of it. 2019, c. 15, Sched. 22, s. 55 (6).

Evidence of a person’s age

(6.1)  If an inspector believes that a person on a premises in respect of which a licence or permit is issued may be less than 19 years of age, the inspector may direct the licensee, an employee of the licensee or the permit holder, as the case may be, to request that the person provide for inspection a document specified by the regulations as evidence of the person’s age. 2020, c. 36, Sched. 26, s. 8.

Experts

(7)  An inspector is entitled to call upon such experts as are necessary to assist in an inspection. 2019, c. 15, Sched. 22, s. 55 (7).

Condition of licence

(8)  It is a condition of every licence and permit that the licensee and permit holder must facilitate inspections under this Act. 2019, c. 15, Sched. 22, s. 55 (8).

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

[2020, c. 36, Sched. 26, s. 8](http://www.ontario.ca/laws/statute/S20036" \l "sched26s8) - 29/11/2021

[2022, c. 2, Sched. 9, s. 4 (1, 2)](http://www.ontario.ca/laws/statute/S22002" \l "sched9s4s1) - 03/03/2022

Investigations

Investigators

**56** (1)  The Registrar may appoint any person to be an investigator who may carry out investigations for the purpose of determining whether there has been a contravention of this Act or the regulations. 2019, c. 15, Sched. 22, s. 56 (1).

Certificate

(2)  The Registrar shall issue a certificate of appointment to every person appointed under subsection (1). 2022, c. 2, Sched. 9, s. 6.

Proof of appointment

(3)  A person appointed under subsection (1) who is acting as an investigator shall, on request, produce the certificate of appointment. 2022, c. 2, Sched. 9, s. 6.

Police officer powers

(4)  Every police officer has the powers of an investigator set out in sections 57, 58 and 60. 2022, c. 2, Sched. 9, s. 6.

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

[2022, c. 2, Sched. 9, s. 6](http://www.ontario.ca/laws/statute/S22002" \l "sched9s6) - 03/03/2022

Search warrant

**57** (1)  On application made without notice by an investigator, a justice of the peace may issue a warrant if satisfied on information under oath that there are reasonable grounds to believe that,

(a) there has been or is likely to be a contravention of this Act or the regulations; or

(b) there is, in any place or conveyance, anything relating to the contravention of this Act or the regulations.

Powers under warrant

(2)  Subject to any conditions contained in it, a warrant obtained under subsection (1) authorizes an investigator to,

(a) enter or access the place or conveyance specified in the warrant and examine and seize anything described in the warrant;

(b) use any data storage, information processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form;

(c) require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, information processing or retrieval device or system to produce the information or evidence described in the warrant, in any form; and

(d) use any investigative technique or procedure or do anything described in the warrant.

Obligation to produce and assist

(3)  If an investigator demands that a person produce information or evidence described in the warrant or provide assistance under clause (2) (c), the person shall produce the information or evidence or provide the assistance.

Entry of dwelling

(4)  Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place or conveyance used as a dwelling, unless,

(a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and

(b) the justice of the peace authorizes the entry into the dwelling.

Conditions on warrant

(5)  A warrant obtained under subsection (1) shall contain the conditions that the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances.

Execution of warrant

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

Expiry

(7)  Unless renewed, a warrant issued under this section expires not later than 30 days after the day on which it is made.

Renewal of warrant

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

Assistance of police and experts

(9)  An investigator acting under the authority of a warrant issued under this section is authorized to call on police officers and experts to assist in the execution of the warrant and to use such force as is necessary in the execution of the warrant.

Searches in exigent circumstances

**58** (1)  An investigator may exercise any of the powers described in subsection 57 (2) without a warrant if the conditions for obtaining the warrant exist but by reason of exigent circumstances it would be impracticable to obtain the warrant.

Dwellings

(2)  Subsection (1) does not apply to a place or conveyance or part of a place or conveyance that is actually being used as a dwelling.

Use of force

(3)  The investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary.

Applicability of s. 57

(4)  Subsections 57 (3) and (9) apply with necessary modifications to a search under this section.

Warrantless search of conveyances

**59** (1)  For any purpose relating to the administration and enforcement of this Act and the regulations, an investigator designated for this section by the Registrar who reasonably believes that a vehicle, a vessel, railway equipment on rails or an aircraft contains evidence of a contravention of this Act or the regulations may,

(a) without warrant, stop and detain it;

(b) examine its contents, including any cargo, manifests, records, accounts, vouchers, papers or other documents that may afford evidence of the contravention; and

(c) subject to subsection (2), 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.

Application for retention of documents

(2)  Where documents are seized under subsection (1), the Registrar shall, within 14 days, make an 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 reasonably believes that the documents afford evidence of the commission of an offence under this Act or the regulations.

Seizure and disposal of liquor

(3)  Where, during a detention under subsection (1), liquor is found in a person’s possession contrary to subsection 39 (1), an investigator designated for this section by the Registrar may, subject to subsections (4) and (5), seize, impound and hold and dispose of the liquor.

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.

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 39 (1).

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.

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.

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.

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.

Definition

(10)  For the 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.

Seizure of things in plain view

**60** An investigator who is lawfully present in a place or conveyance pursuant to a warrant or otherwise in the execution of the investigator’s duties may, without a warrant, seize anything in plain view that the investigator reasonably believes will afford evidence relating to a contravention of this Act or the regulations.

Other seizure without warrant

Evidence, illegal use, proceeds

**61** (1)  A police officer or conservation officer may seize anything, including liquor, if he or she reasonably believes,

(a) that the thing will afford evidence of the commission of an offence under this Act;

(b) 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) that the thing is proceeds from the commission of an offence under this Act.

Liquor in presence of offence

(2)  If an offence appears to have been committed under this Act, and a police officer or conservation 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 officer may seize the liquor and the packages in which it is kept.

Arrest without warrant

**62** If a police officer or conservation 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 the officer reasonably believes that the name or address given is false, the officer may arrest the person without a warrant.

Forfeiture or Restoration

Return of documents

**63** A record or other document seized under this Part may be copied and shall be returned within a reasonable time, except if the regulations provide otherwise.

Restoration, forfeiture, relief

Order for restoration

**64** (1)  The Ontario Court of Justice may, on the application of any person made within 30 days of a seizure under section 61, order that the things seized be restored without delay 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 (4).

Same

(2)  If the court is satisfied that an applicant under subsection (1) is entitled to possession of the things seized but is not satisfied as to all of the matters mentioned in clauses (1) (b), (c) and (d), it shall order that the things seized be restored to the applicant,

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

(b) on the final conclusion of any such proceeding.

Forfeiture without conviction

(3)  If no application has been made under subsection (1) for the return of a thing seized, or an application has been made but upon the hearing of the application no order for restoration has been made, the thing seized is forfeited to the Crown.

Forfeiture upon conviction

(4)  If a person is convicted of an offence under this Act, the court shall order that anything seized under this Act in connection with the offence be forfeited to the Crown, unless the court considers that the forfeiture would be unjust in the circumstances.

Relief against forfeiture

(5)  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.

Where relief is unavailable

(6)  The court shall not order any relief under subsection (5) 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.

Forfeiture of illegal liquor

**65** Liquor kept or offered for sale in contravention of subsection 2 (1) and liquor purchased in contravention of section 38 is forfeited to the Crown.

Obstruction

Obstruction

Inspections

**66** (1)  No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection under this Act, refuse to answer questions on matters relevant to the inspection or provide the inspector with false information on matters relevant to the inspection.

Investigations

(2)  No person shall hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an investigator executing a warrant under this Act or withhold from the investigator or conceal, alter or destroy anything relevant to the investigation being conducted pursuant to the warrant.

Part VI  
Offences

Offences

**67** (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 29 (2);

(c) contravenes any provision of this Act or the regulations; or

(d) knowingly possesses the proceeds of an offence under this Act.

Director or officer

(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.

Penalties, general

**68** (1)  Upon conviction for an offence under this Act, other than a contravention of subsection 33 (1), (2) or (4),

(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.

Exception

(2)  An individual who is convicted of an offence under subsection 31 (1) or 41 (1) is not liable to imprisonment.

Penalties, sale, etc., to a minor

**69** Upon conviction for contravening subsection 33 (1), (2) or (4),

(a) a corporation that is not a licensee is liable to a fine of not less than $200 and not more than $500,000;

(b) an individual that is not a licensee is liable to a fine of not less than $200 and not more than $200,000 or imprisonment for a term of not more than one year, or both;

(c) a corporation that is a licensee is liable to a fine of not less than $1,000 and not more than $500,000, and in addition, in the case of a contravention of subsection 33 (1), the licence shall be suspended for a period of not less than seven days; and

(d) an individual that is a licensee is liable to a fine of not less than $1,000 and not more than $200,000 or to imprisonment for a term of not more than one year, or both, and in addition, in the case of a contravention of subsection 33 (1), the licence shall be suspended for a period of not less than seven days.

Further penalty and forfeiture without exception, s. 39 illegal liquor

**70** Despite subsection 64 (4), if a person is convicted of an offence under section 39, all liquor seized from the person under a search warrant in relation to that section is forfeited to the Crown and the court shall impose a penalty, payable to the Consolidated Revenue Fund, of not more than $100 for each litre of liquor forfeited.

Note: PART VII (ss. 71-73) OF THIS ACT IS NOT YET IN FORCE. It comes into force on a day to be named by proclamation of the Lieutenant Governor.

Part VII  
Youth Education, Prevention Programs

Youth education, prevention programs

**71** (1)  The Minister may approve education or prevention programs pertaining to the use of liquor, health and wellbeing, or any other matter that the Minister considers appropriate.

Publication

(2)  The Minister shall maintain a list of the programs on a website of the Government of Ontario.

Youth education, prevention program referrals

**72** (1)  A police officer who has reasonable grounds to believe that a person who is under 19 years of age has contravened subsection 34 (1) or (3) may refer the person to a youth education or prevention program approved under this Part instead of commencing a proceeding under the Provincial Offences Act.

Same

(2)  A prosecutor may, in exercising a power to stay a proceeding under subsection 32 (1) of the Provincial Offences Act or a right to withdraw a charge, refer a person who is charged with a contravention of subsection 34 (1) or (3) of this Act to a youth education or prevention program approved under this Part.

Youth education, prevention program as alternative to penalty

**73** (1)  If an individual is convicted of an offence under subsection 34 (1) or (3), the court may suspend the passing of sentence and, as a condition in a probation order, direct that the individual participate in one or more approved youth education or prevention programs, subject to any conditions or restrictions the court may specify.

(2)  A condition imposed in a probation order under subsection (1) is in addition to any other condition the court may impose in a probation order under the Provincial Offences Act.

Part VIII  
Evidence

Copies admissible in evidence

**74** A copy of a record or other thing that purports to be certified by an inspector, investigator or conservation officer as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value.

Analyst’s certificate or report

**75** A certificate or report that purports to be signed by a chemist designated by the LCBO as to the composition of any liquor or other substance is admissible in evidence 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.

Apparent age, person under 19

**76** In a prosecution for a contravention of clause 33 (1) (b), (2) (b) or (4) (b), 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 premises facility to make beer or wine appears to be under 19 years of age.

Part IX  
Miscellaneous

Confidentiality

**77** (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 or any proceeding under this Act;

(b) to an official or employee of the Crown in right of Ontario, the LCBO or the Alcohol and Gaming Commission of Ontario who required it in the course of their duties;

(c) to his or her counsel; or

(d) with the consent of the person to whom the matter relates.

FIPPA, third party information

(2)  Information described in subsection (1) that would reveal the sales of an individual retail store and that is held by an institution is deemed, for the purposes of section 17 of the Freedom of Information and Protection of Privacy Act, to be financial and commercial information supplied in confidence to the institution, and this subsection prevails over the Freedom of Information and Protection of Privacy Act.

Testimony in civil proceeding

(3)  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.

Part X  
Regulations and City of Toronto By-Laws

Regulations

**78** (1)  The Lieutenant Governor in Council may make regulations,

1. prescribing anything that is required or permitted under this Act to be prescribed or to be done by or in accordance with the regulations;

2. exempting any person, place or thing from any provision of this Act or providing that this Act or any provision of this Act does not apply in respect of any person, place, thing or circumstance, and specifying conditions or restrictions for any such exemption or non-application;

3. governing the purchase, wholesale, sale, delivery or storage of liquor;

4. governing the prices at which liquor is to be sold at retail stores or by wholesalers including the LCBO;

5. prescribing standards for liquor manufactured, purchased, distributed or sold in Ontario;

6. providing for and governing waste-management programs applicable to licensees, the LCBO or retail stores operated by agents of the LCBO, including,

i. providing for the administration of a waste-management program by the LCBO or any other person, and prescribing their powers and duties,

ii. requiring participation in waste-management programs and governing compliance with the programs;

7. prohibiting or governing the possession of liquor in provincial parks, in parks managed or controlled by the Niagara Parks Commission or the St. Lawrence Parks Commission or on lands owned or controlled by a conservation authority established or continued under the Conservation Authorities Act;

8. establishing standards and requirements respecting any matter referred to in section 24 that is not otherwise provided for by this subsection;

9. governing designations made under clause 41 (1) (d), including imposing conditions and limitations on the power to make the designations;

10. governing the transfer and admission of persons to institutions under section 49 and the detention of persons in such institutions;

11. governing licences and permits and their issuance, including,

i. establishing classes within categories of licences or classes of permit, and

ii. providing that, despite a person’s eligibility for the issuance of a licence or permit under this Act, licences, permits or any classes of them shall not be issued in prescribed circumstances, or that they are issuable only to the prescribed extent and governing their allocation;

12. prescribing conditions that are imposed on licences and permits;

12.1 governing endorsements and the granting of endorsements under section 3, including providing that any provision of this Act or of the regulations made under this section relating to any category or class of category of licence applies with respect to endorsements or any prescribed endorsement, and specifying modifications, if any, to the application of the provision for the purpose;

13. requiring licensees, permit holders and persons importing liquor to provide the Registrar or the LCBO with information and returns;

14. governing the information that may or must appear on containers of liquor sold or kept for sale at retail stores;

15. prescribing standards for licensed premises, ferment on premises facilities and premises used by permit holders for the sale and service of liquor;

16. authorizing the Board to approve training courses or programs;

17. governing physical extensions and other prescribed physical changes to licensed premises, which may be temporary or permanent and indoor or outdoor extensions or changes, including,

i. authorizing the Registrar to approve, or restricting the Registrar from approving, extensions or prescribed changes,

ii. authorizing a municipality or other prescribed person or entity to approve extensions or prescribed changes,

iii. providing for, or authorizing the Registrar or a municipality or prescribed person or entity to provide for,

A. circumstances in which an extension or prescribed change may be sought,

B. conditions to which the approval of an extension or prescribed change is subject, and

iv. providing for, or authorizing the Registrar or a municipality or prescribed person or entity to provide for, processes governing approvals, including processes for obtaining an approval, reviews of approval decisions and withdrawals of approvals, and otherwise governing approvals;

17.1 clarifying the meaning of “beer”, “spirits” and “wine” as defined in subsection 1 (1), including providing that a specified type or combination or mixture of types of liquor shall be considered to be a beer, spirit or wine for the purposes of the applicable definition;

18. clarifying the meaning of any term or phrase used in this Act that is not defined in this Act;

19. providing for other matters to carry out the purpose of this Act. 2019, c. 15, Sched. 22, s. 78 (1); 2020, c. 36, Sched. 26, s. 9 (1, 2); 2021, c. 34, Sched. 11, s. 1.

Local option

(2)  The Lieutenant Governor in Council may make regulations governing a local option system, including,

(a) prohibiting the issuance of licences in a municipality or part thereof and prescribing licenses that may be issued despite the prohibition;

(b) permitting municipalities to, by by-law, prohibit the issuance in the municipality or part thereof of licences, categories of licences or prescribed classes within categories of licences;

(c) providing that provisions of this Act do not apply or are varied;

(d) respecting any matters addressed under sections 52 to 60 of the Liquor Licence Act, as it read immediately before it was repealed; and

(e) providing for transitional matters. 2019, c. 15, Sched. 22, s. 78 (2).

Incorporation by reference

(3)  A regulation 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. 2019, c. 15, Sched. 22, s. 78 (3).

Subdelegation

(4)  A regulation may authorize the Registrar or the LCBO to require, authorize or otherwise determine any matter that may be required, authorized or otherwise determined by the Lieutenant Governor in Council by regulation under this section. 2020, c. 36, Sched. 26, s. 9 (3).

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

[2020, c. 36, Sched. 26, s. 9 (1-3)](http://www.ontario.ca/laws/statute/S20036" \l "sched26s9s1) - 29/11/2021

[2021, c. 34, Sched. 11, s. 1](http://www.ontario.ca/laws/statute/S21034" \l "sched11s1) - 01/01/2023

City of Toronto by-laws

**79** (1)  The City of Toronto may pass by-laws extending the hours of sale of liquor in all or part of the City by licensees of a licence to operate a liquor consumption premises 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.

Effect of by-law

(2)  A by-law passed under subsection (1) prevails over a regulation.

Exception

(3)  A by-law passed under subsection (1) does not prevail over a condition of a licence or permit.

Part XI  
Transition

Licence, permit, authorization

**80** A licence or permit issued under the Liquor Licence Act, as it read immediately before it was repealed, or an authorization under the Liquor Control Act, as it read immediately before subsection 20 (2) of Schedule 21 to the Plan to Build Ontario Together Act, 2019 came into force, continues in force in accordance with the regulations.

Designation

**81** A designation under subsection 43 (1) of the Liquor Licence Act, as it read immediately before it was repealed, continues as a designation under subsection 54 (1) of this Act until it expires or is revoked.

Prohibited areas

**82** (1)  A prohibition on the issuance of a licence to sell liquor in a municipality or part of a municipality under the Liquor Licence Act, as it read immediately before it was repealed, continues as a prohibition on the issuance of a licence to operate a liquor consumption premises in the municipality or part of a municipality until the prohibition is lifted. 2020, c. 36, Sched. 26, s. 10.

Same

(1.1)  A prohibition on the establishment of a government store in a municipality or part of a municipality under the Liquor Licence Act, as it read immediately before it was repealed, continues as a prohibition on the operation of a retail store at a premises in the municipality or part of a municipality until the prohibition is lifted. 2020, c. 36, Sched. 26, s. 10.

Same

(2)  A prohibition on the sale of liquor other than beer and wine in licensed premises located in a municipality or part of a municipality under the Liquor Licence Act, as it read immediately before it was repealed, and a deemed condition on a licence that permits only beer and wine to be sold in such a licensed premises, continues until the prohibition is lifted. 2019, c. 15, Sched. 22, s. 82 (2).

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

[2020, c. 36, Sched. 26, s. 10](http://www.ontario.ca/laws/statute/S20036" \l "sched26s10) - 29/11/2021

City of Toronto by-laws

**83** A by-law passed under subsection 62.1 (1) of the Liquor Licence Act, as it read immediately before it was repealed, continues in force as a by-law under subsection 79 (1) of this Act until it is revoked.

Minister’s regulations re transitional matters

**84** 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 Schedule 22 to the Plan to Build Ontario Together Act, 2019; and

(c) delegate to the LCBO any powers exercised by the LCBO before subsection 20 (2) of Schedule 21 to the Plan to Build Ontario Together Act, 2019 came into force.

**85**-**89** Omitted (amends, repeals or revokes other legislation).

**90** (1) Repealed: 2020, c. 36, Sched. 26, s. 13.

(2) Omitted (amends, repeals or revokes other legislation).

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

[2020, c. 36, Sched. 26, s. 13](http://www.ontario.ca/laws/statute/S20036" \l "sched26s13) - 08/12/2020

**91**-**98** Omitted (amends, repeals or revokes other legislation).

**99** Repealed: 2020, c. 36, Sched. 26, s. 13.

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

[2020, c. 36, Sched. 26, s. 13](http://www.ontario.ca/laws/statute/S20036" \l "sched26s13) - 08/12/2020

**100, 101** Omitted (amends, repeals or revokes other legislation).

**102** Repealed: 2020, c. 36, Sched. 26, s. 13.

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

[2020, c. 36, Sched. 26, s. 13](http://www.ontario.ca/laws/statute/S20036" \l "sched26s13) - 08/12/2020

**103**-**106** Omitted (amends, repeals or revokes other legislation).

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

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

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