Advocacy for Paralegals, 3rd edition

# Liquor Licence Act Update

*To accompany Chapters 1, 5, 6, 7, 9, 11, and 14 and the index and credit sections of Advocacy for Paralegals, 3rd edition, ISBN 9781774620786.*

**September 16, 2022**

**On November 29, 2021, the *Liquor Licence Act*, RSO 1990, c L.19 was repealed and the *Liquor Licence and Control Act, 2019*, SO 2019, c 15, Schedule 22 and its respective regulations came into effect. The following updates to the book refeclt that change. The mock trial scenario videos that accompany this text have been updated to reflect the new law and regulations.**

**Chapter 1**

* On p. 5, first paragraph in Fact Situation 2,

*Liquor Licence Act*, RSO 1990, c L 19

should now read:

*Liquor Licence and Control Act, 2019*, SO 2019, c 15, Sch 22

* On p. 5, end of first paragraph in Fact Sitaution 2,

RRO 1990, Regulation 719 of the *Liquor Licence Act*

should now read:

SO 2019, Regulation 746/21 of the *Liquor Licence and Control Act, 2019*

**Chapter 5**

* On p. 57, question two of Discussion Questions,

*Liquor Licence Act*, RSO 1990, c L.19

should now read:

*Liquor Licence and Control Act*, 2019, SO 2019, c 15, Sch 22

* On p. 58, question four of Discussion Questions,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act*, 2019, SO 2019, c 15, Sch 22

**Chapter 6**

* On p. 72,

*Liquor Licence Act*, RSO 1990, c L.19

should now read:

*Liquor Licence and Control Act, 2019*, SO 2019, c 15, Sch 22

* On p. 73, in the last paragraph,

section 34 of the Ontario *Licences to Sell Liquor* Regulation, RRO  1990, regulation 719, contrary to section 61(1)(c) of the *Liquor Licence Act*, RSO 1990, chapter L.19.

should now read:

section 39 of the *Licensing* Ontario Regulation 746/21, contrary to section 67, subsection (1), paragraph (c) of the *Liquor Licence and Control Act, 2019*, SO 2019, c 15, Sch 22.

**\*\*Pages 74 to 76 have extensive changes due to the frequency with which they refer to the *Liquor Licence Act* (now *Liquor Licence and Control Act, 2019*). For your convenience, these pages have been provided, revised, as a downloadable PDF. \*\* See the end of this document for specific changes to pp 74-76.**

* On p. 78, in the second paragraph in the box,

section 34 of the Ontario Licences to Sell Liquor Regulation, RRO 1990, regulation 719, contrary to section 61(1)(c) of the Liquor Licence Act, RSO 1990, c L.19.

should now read:

section 39 of the *Licensing* Ontario Regulation 746/21, contrary to section 67, subsection (1), paragraph (c) of the *Liquor Licence and Control Act, 2019*, SO 2019, c 15, Sch 22.

* On p. 79, the first paragraph under the subheading “Step 2: Identify the Legal Issues Raised by the Facts,”

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 79, the second paragraph under the subheading “Step 2: Identify the Legal Issues Raised by the Facts,”

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 79, the text under the subheading “Step 3: Research and Find the Relevant Law” should now have the same revisions as p. 75, “Step 3: Research and Find the Relevant Law.”

**Chapter 7**

* On p. 104, in Box 7.3,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 105, in Box 7.3,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

**Chapter 9**

* On p. 127, in the fourth paragraph of Box 9.2,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 127, in the fifth paragraph of Box 9.2,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

**Chapter 11**

* On p. 158, in the first paragraph under “Sample Direct Examinations in the Liquor Licence Case”

*Liquor Licence Act*, RSO 1990 c L.19.

should now read:

*Liquor Licence and Control Act, 2019*, SO 2019, c 15, Sch 22

**Chapter 14**

* On p. 221, in the first paragraph of Box 14.2,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 221, in the second paragraph of Box 14.2,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 221, in the fourth paragraph of Box 14.2,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 221, in the second last paragraph of Box 14.2,

*Liquor Licence Act*, RSO 1990, c L.19.

should now read:

*Liquor Licence and Control Act, 2019, SO 2019, c 15, Sch 22.*

* On p. 221, following the second last paragraph of Box 14.2,

Section 61(1)(c) provides as follows:

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

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

should now read:

*Section 67(1)(c) provides as follows:*

*67 (1) A person is guilty of an offence if the person,*

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

*Section 67(2) provides as follows:*

*67(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.*

* On pp. 221-222, in the last paragraph of p. 221 and the top of p. 222,

The applicable regulation is RRO 1990, Regulation 719: Licences to Sell Liquor. The relevant sections are as follows:

8(1) The following classes of licences to sell liquor are established:

* + 1. A liquor sales licence authorizing the sale and service of liquor

for consumption on the premises to which the licence applies.

should now read:

The applicable regulation is Ontario Regulation 746/21: Licensing

The relevant sections are as follows:

39.(1) The licensee shall not permit a patron to remove liquor from the licensed premises except in accordance with this section or section 40 (Liquor takeout).

15.The following classes are established for a licence to operate a liquor consumption premises:

1. Liquor sales licence.

16.The following are prescribed as endorsements on liquor sales licences:

3. Caterer’s endorsement.

17. (4) A caterer’s endorsement authorizes the licensee to perform the actions set out in paragraphs 1 to 3 of subsection (1), in accordance with this Regulation, at premises other than the licensed premises.

**Index**

* On p. 287, under “L,”

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act*

**Credits**

* On p. 291,

*Liquor Licence Act*, RSO 1990, c L.19. © Queen’s Printer for Ontario, 1990.

should now read:

*Liquor Licence and Control Act, 2019*, SO 2019, c 15, Sch 22.

[source: <https://www.canlii.org/en/on/laws/stat/so-2019-c-15-sch-22/latest/so-2019-c-15-sch-22.html>]

**Appendix: Changes to pages 74-76 (available as a downloadable PDF)**

* On p. 74, at the top of the page,

section 34 of the Ontario *Licences to Sell Liquor* Regulation, RRO 1990, regulation 719, contrary to section 61(1)(c) of the *Liquor Licence Act*, RSO 1990, chapter L.19.

should now read:

section 39 of the *Liquor Licence and Control Act, 2019,* SO 2019, c 15, Schedule 22, O Reg 746/21 (*Licensing*), contrary to section 67(2) of the *Liquor Licence and Control Act, 2019*, SO 2019, c 15, Schedule 22.

* On p. 74, in the third last paragraph,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 74, in the second last paragraph,

*Liquor Licence Act*

should now read:

*Liquor Licence and Control Act, 2019*

* On p. 74, in the last paragraph,

*Liquor Licence Act*, RSO 1990, c L.19.

should now read:

*Liquor Licence and Control Act, 2019*, SO 2019, c 15, Sch 22.

* On p. 74, in the last paragraph,

Section 61(1)(c) provides as follows:

should now read:

Sections 67(1)(c) and 67(2) provide as follows:

* On p. 75, the first point,

61(1)

should now read:

67(1)

* On p. 75, a second point was added,

67(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.

* On p. 75, in the second paragraph,

RRO 1990, regulation 719: Licences to Sell Liquor.

should now read:

O Reg 746/21: *Licensing*

* On p. 75, following the second paragraph,

8(1) The following classes of licences to sell liquor are established:

1. A liquor sales licence authorizing the sale and service of liquor for consumption on the premises to which the licence applies.

should now read:

15. The following classes are established for a licence to operate a liquor consumption premises:

1. Liquor sales licence.
* On p. 75, following the second paragraph,

(2) The following endorsements to liquor sales licences are established: …

3. A caterer’s endorsement authorizing the applicant to sell and serve liquor for an event held on promises other than the premises to which the liquor sales licence applies.

should now read:

16. The following are prescribed as endorsements on liquor sales licences: ...

3. Caterer’s endorsement.

* On, p. 75, the following was added after the second paragraph,

17. (1) A liquor sales licence authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Keep for sale, offer for sale or sell liquor for consumption at the licensed premises.

2. Permit individuals to possess or consume open liquor at the licensed premises.

3. Serve or offer to serve liquor in the licensed premises.

4. Deliver liquor for a fee from the licensed premises...

(4) A caterer’s endorsement authorizes the licensee to perform the actions set out in paragraphs 1 to 3 of subsection (1), in accordance with this Regulation, at premises other than the licensed premises…

* On p. 75, following the second paragraph,

34(1) The licence holder shall not permit a patron to remove liquor from the premises to which the licence applies.

63.1(1) At least 10 days before a catered event begins, a holder of a liquor sales licence with a caterer’s endorsement shall provide to the Registrar and the local police, fire, health and building departments details concerning,

(a) the nature of the event and the name of the sponsor;

(b) the address at which the event will be held;

(c) the dates on which and the hours during which the event will be held;

(d) the estimated attendance for the event; and

(e) the boundaries of the area within which liquor will be sold and served and the location of any tiered seating in the area.

should now read:

39. (1) The licensee shall not permit a patron to remove liquor from the licensed premises except in accordance with this section or section 40 (Liquor takeout).

(2) A licensee may permit a patron to remove liquor from the licensed premises if,

(a) the licensee has securely closed an opened and unfinished container of commercially-made wine that was either purchased from the licensee or that the patron brought into the restaurant or banquet room; or

(b) the liquor is in a sealed, unopened container and,

(i) is commercially-made wine that the patron brought into a restaurant or banquet room and which the patron wishes to remove from that place, or

(ii) was brought onto the licensed premises by a patron that purchased the liquor from a retail store in accordance with subsection 35 (8) (Prohibitions on sale, storage, etc.).

(3) Despite clause (2) (a) and subclause (2) (b) (i), the licensee shall not permit a patron who is or appears to be intoxicated to remove wine from the licensed premises.

* On p. 75, the following was added after the second paragraph,

The Alcohol and Gaming Commission of Ontario's Liquor Sales Licence (Including Tied House) and Mini Bar Licence Guide requires the following:

Section 3: Liquor Sales Licence Endorsements:

At least ten (10) days before a catered event begins, the licence holder with a Caterer’s Endorsement must provide the AGCO, the local police, fire, health and building departments with details concerning:

-The nature of the event and the name of the sponsor

-The address where the event will be held

-The dates and hours during which the event will be held

-The estimated attendance for the event

-The boundaries of the area where liquor will be sold and served.