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This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

LIQUOR LICENCE AND CONTROL ACT, 2019

LICENSING

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PART I INTERPRETATION

Interpretation

1. (1) In this Regulation,

“auction permit” has the same meaning as in Ontario Regulation [***/**] (Permits) made under the Act;

“banquet room” means either a self-contained licensed premises or a specific area within a licensed premises whose primary use is for private social functions booked in advance;

“boat” means a ship, vessel or boat designed and used to carry passengers for hire on short trips but does not include a seaplane;

“carboy” means a fermentation vessel where enzymes or yeast may be added to cause fermentation of beer wort, wine juice, wine juice concentrate or other juices or juice concentrates;

“casino” means premises maintained for the purpose of playing or operating a lottery scheme as defined in subsection 207 (4) of the *Criminal Code* (Canada) that is conducted and managed by the Ontario Lottery and Gaming Corporation, except if the Corporation shares any portion of the profits from the lottery scheme with charitable organizations;

“cider” means wine produced from apples or pears, or from the concentrated juice of apples or pears, to which herbs, water, honey or sugar is added;

“commercially-made wine” means wine made by a manufacturer but does not include wine made at a ferment on premises facility, wine made at an establishment with a wine pub endorsement, fortified wine or homemade wine;

“cream wine” means an alcoholic beverage made from wine and added milk ingredients;

“deliver” means the supply of liquor to customers for consumption and does not include the distribution of liquor to the LCBO or to licensees;

“distribute” means to warehouse and transport liquor, other than providing it to consumers for consumption;

“eligible grocery store” means a store that satisfies all of the following criteria:

1. The store offers for retail sale a variety of each of the following types of food products: canned food, dry food, frozen food, fresh fruit, fresh vegetables, fresh meats, prepared meats, fish, poultry, dairy products, baked goods and snack foods.
2. Food products occupy at least 10,000 square feet of retail floor space in the store.
3. The store is not primarily identified to the public as a pharmacy, even if a pharmacy as defined in the *Drug and Pharmacies Regulation Act* is located within the store;

“farmers’ market” means a central location at which a group of persons who operate stalls or other food premises meet to sell or offer for sale to consumers products that include, without being restricted to, farm products, baked goods and preserved foods, and at which a substantial number of the persons operating the stalls or other food premises are producers of farm products who are primarily selling or offering for sale their own products;

“fortified wine” means wine to which an alcoholic distillate has been added and that contains no more than 20 per cent alcohol by volume;

“geographic region” means the North Region, the East Region, the West Region or the GTA Region as they are defined in section 6;

“grape product” means grape concentrate, grape juice, grape must or grape wine;

“licensed premises” means a premises to which a licence applies, and includes an area to which a by-the-glass endorsement, brewery retail store endorsement, winery retail store endorsement or distillery retail store endorsement applies;

“malt-based beverage” means an alcoholic beverage that is produced from a base of malt blended with juice, water, carbon dioxide or flavouring and that does not have the aroma or taste commonly attributed to beer;

“production site” means property that is used by the holder of a manufacturer’s licence to sell for the distillation and production of spirits, the fermentation and production of beer or the alcoholic fermentation and production of wine and includes a vineyard owned by the manufacturer if a significant amount of the grapes is used in the production of the wine;

“private place” has the same meaning as in section 19 of Ontario Regulation [***/**] (General) made under the Act;

“production year” means the 12-month period that ends on December 31 immediately before the beginning of a sales year;

“quality assurance wine” means wine, excluding cider, that is designated as meeting the quality control standards of a statutory appellation of origin regime that certifies, in the aggregate, less than 50 million litres of wine, excluding cider, annually;

“railway car” means the rolling stock of a railway company used for the transport of passengers but does not include rolling stock used as a street car, a subway or a similar transit vehicle;

“restaurant” means a premises or portion of a premises to which a liquor sales licence applies that is primarily used for the sale and service of meals for consumption by patrons seated at tables but does not include,

- (a) a banquet room,
- (b) premises where liquor is served under a caterer’s endorsement,
- (c) premises located on the property of a post-secondary educational institution, or
- (d) premises where adult entertainment is provided, where,
 - (i) the entertainment features the nudity or partial nudity of a person, or
 - (ii) the word “nude”, “naked”, “topless”, “bottomless”, “sexy” or “nu” or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement for the entertainment;

“sales year” means the period of approximately 12 months,

- (a) that begins on March 1 in a year or, if March 1 is a Saturday or Sunday, that begins on the following Monday, and
- (b) that ends on the last day of February in the following year or, if the last day of February is a Friday or Saturday, that ends on the following Sunday;

“small brewery” means a small brewery within the meaning of section 3;

“small cidery” means a small cidery within the meaning of section 5;

“small winery” means a small winery within the meaning of section 4;

“stadium” means a premises whose seating is in fixed tiers and in which live sporting and entertainment events take place before an audience;

“tied house” means the licensed premises of the holder of a liquor sales licence located at the municipal or property address of a production site;

“VQA wine” means Vintners Quality Alliance wine as defined in the *Vintners Quality Alliance Act, 1999*;

“wine beverage” means a wine-based cocktail or an alcoholic beverage that is produced from a base of wine that may have added to it flavouring or flavouring preparations, juices, colour and sugar, that does not have the aroma or taste commonly attributed to wine and that is available in a spirits-based version;

“wine boutique” means a winery retail store that is located inside the shopping area of an eligible grocery store;

“winemaking year” means the 12-month period from September 1 to August 31.

(2) In this Regulation, expressions relating to franchises have the same meaning as in the *Arthur Wishart Act (Franchise Disclosure), 2000*.

Affiliated and related persons and entities

2. (1) For the purposes of this Regulation, two or more persons or entities are affiliated if they are affiliates within the meaning of the *Liquor Tax Act, 1996*, if they are partners in the same partnership or if they are members of the same joint venture.

(2) For the purposes of this Regulation, an eligible grocery store is related to another retail store if both stores are operated by the same person, if the operators of both stores are affiliated or if both stores are part of the same franchise system.

Small breweries: criteria

3. (1) For the purposes of this Regulation, a manufacturer of beer is a small brewery for a sales year if both of the following criteria are satisfied:

1. In the preceding production year, the manufacturer's worldwide production did not exceed 400,000 hectolitres of beer or, if the manufacturer has been manufacturing beer for less than one year, its worldwide production is not expected to exceed 400,000 hectolitres of beer in the year.
2. Every affiliate of the manufacturer that manufactured beer in the preceding production year was a small brewery.

(2) In determining the amount of a manufacturer's worldwide production of beer for a production year, the following are included:

1. All beer manufactured during the year by the manufacturer, including beer that is manufactured under contract for another beer manufacturer.
2. All beer manufactured during the year by an affiliate of the manufacturer, including beer manufactured by the affiliate under contract for another beer manufacturer.
3. All beer manufactured during the year by another beer manufacturer under contract for the manufacturer or for an affiliate of the manufacturer.

(3) A contract referred to in subsection (2) does not include a contract, agreement or arrangement that provides only for the final bottling or other packaging of beer, including any incidental processes such as final filtration and final carbonation or the addition of any substance to the beer that, if added, must be added at the time of final filtration.

Small wineries: criteria

4. (1) For the purposes of this Regulation, a manufacturer of wine is a small winery if both of the following criteria are satisfied:

1. In the most recent 12-month period for which data is available, the manufacturer's worldwide sales did not exceed 375,000 litres of wine or, if the manufacturer has been selling wine for less than one year, its worldwide sales are not expected to exceed 375,000 litres of wine in the year.
2. Every affiliate of the manufacturer that manufactures wine is a small winery.

(2) In determining the amount of a manufacturer's worldwide sales of wine, the following are included:

1. All wine (other than cider) sold by the manufacturer.
2. All wine (other than cider) sold by an affiliate of the manufacturer.

Small cideries: criteria

5. (1) For the purposes of this Regulation, a manufacturer of wine is a small cidery for a sales year if both of the following criteria are satisfied:

1. In the preceding production year, the manufacturer's worldwide production did not exceed 25,000 hectolitres of cider or, if the manufacturer has been manufacturing cider for less than one year, its worldwide production is not expected to exceed 25,000 hectolitres of cider in the year.
2. Every affiliate of the manufacturer that manufactured cider in the preceding production year was a small cidery.

(2) In determining the amount of a manufacturer's worldwide production of cider for a production year, the following are included:

1. All cider manufactured during the year by the manufacturer, including cider that is manufactured under contract for another cider manufacturer.
2. All cider manufactured during the year by an affiliate of the manufacturer, including cider manufactured by the affiliate under contract for another cider manufacturer.
3. All cider manufactured during the year by another cider manufacturer under contract for the manufacturer or for an affiliate of the manufacturer.

(3) A contract referred to in subsection (2) does not include a contract, agreement or arrangement that provides only for the final bottling or other packaging of cider, including any incidental processes such as final filtration and final carbonation or the addition of any substance to the cider that, if added, must be added at the time of final filtration.

Geographic regions

6. In this Regulation,

“census division” means a census division as identified in the 2011 Census of Canada, as reported by Statistics Canada under the Statistics Act (Canada);

“East Region” means the following census divisions: Stormont, Dundas and Glengarry; Prescott and Russell; Ottawa; Leeds and Grenville; Lanark; Frontenac; Lennox and Addington; Hastings; Prince Edward; Northumberland; Peterborough; Kawartha Lakes; Simcoe; Muskoka; Haliburton; Renfrew;

“GTA Region” means the following census divisions: Durham; York; Toronto; Peel; Halton;

“North Region” means the following census divisions: Nipissing; Parry Sound; Sudbury; Greater Sudbury; Timiskaming; Cochrane; Algoma; Thunder Bay; Rainy River; Kenora;

“West Region” means the following census divisions: Dufferin; Wellington; Hamilton; Niagara; Haldimand-Norfolk; Brant; Waterloo; Perth; Oxford; Elgin; Chatham-Kent; Essex; Lambton; Middlesex; Huron; Bruce; Grey; Manitoulin.

(2) The LCBO shall, on request, provide a person with information about the boundaries of the census divisions.

PART II GENERAL RULES AND CONDITIONS

Application

7. It is a condition of every licence that the licensee comply with sections 8 to 14.

Identification on sale, service or delivery

8. (1) The licensee shall ensure that the identification of a person who appears to be under 19 years of age is inspected before,

- (a) liquor is sold or served to the person;
- (b) liquor is delivered to the person;
- (c) the person is admitted to the premises, in the case of a licence that is subject to a condition prohibiting the entry of persons under the age of 19 years of age at the licensed premises, or
- (d) the licensee permits the person to make beer or wine on the licensed premises, in the case of a licence to operate a ferment on premises facility.

(2) The identification required by subsection (1) must,

- (a) include a photograph of the person,
- (b) state the person's date of birth, and
- (c) reasonably appear to have been issued by a government or the LCBO.

General conditions, delivery of liquor

9. (1) Liquor may be sold for delivery and delivered only in accordance with this section.

(2) Liquor may be delivered only between 9 a.m. and 11 p.m. on any day.

(3) Liquor may be sold for delivery only to a residence or a private place.

(4) The licensee shall ensure that the following requirements are met in the delivery of liquor:

(a) the liquor is not opened or tampered with during the delivery;

(b) the liquor is only delivered to a residence or private place;

(c) the liquor may not be delivered to a patient in a facility listed in the Table to section 22 of Ontario Regulation [***/**] (General) made under the Act, or to a patient in a facility for the treatment of alcohol addiction; and

(d) the liquor must be delivered to a person who,

(i) is at least 19 years of age,

(ii) is located at the address provided with the order, and

(iii) does not appear to be intoxicated.

(5) For greater certainty, the identification requirements set out in section 8 must be complied with if the person who is receiving the liquor appears to be under 19 years of age.

(6) If liquor is delivered by a holder of a licence to deliver from another licensee, the conditions set out in subsections (4) and (5) apply only to the licence to deliver.

Age of employees, agents or contractors

10. (1) The licensee shall ensure that any employee, agent or contractor who, on behalf of the licensee, sells, offers for sale, serves, delivers or handles liquor or who provides samples of liquor is at least 18 years of age.

(2) A person who is 18 years of age is exempt from subsection 34 (1) of the Act if they have or are in possession of liquor during the course of their employment by, or while acting as an agent or contractor of,

- (a) the holder of a liquor sales licence;
- (b) the holder of a licence to deliver liquor;
- (c) the holder of a licence to represent a manufacturer; or
- (d) the holder of a licence to operate a ferment on premises facility.

(3) For greater certainty, subsection (2) of this section applies in addition to the exceptions set out in subsections 33 (3) and 34 (2) and (4) of the Act for employees who are 18 years of age.

No contracting out the operations of the business

11. (1) The licensee shall not contract out the operations of the licensed business.

(2) For greater certainty, subsection (1) does not prevent a licensee from,

- (a) using contractors to perform certain activities authorized under their licence, unless otherwise prohibited by this Regulation; and
- (b) transferring a licence in accordance with Part X (Licence Transfers).

No sale of cannabis infused beverages

12. The licensee shall not serve or sell any liquor that contains cannabis to which the *Cannabis Control Act, 2017* applies.

Tax compliance verification

13. (1) Despite any other provision of the Act or this regulation, the Registrar shall not renew or transfer a licence to sell liquor or a licence to operate a ferment on premises facility

and no person is entitled to the renewal or transfer of either of those licences if the holder of the licence is in default of filing a return or paying any tax, interest or penalty assessed under the *Retail Sales Tax Act* or the *Liquor Tax Act, 1996*.

(2) Section 12 of the Act does not apply in respect of a licence to sell liquor or to operate a ferment on premises facility if the holder of the licence is in default of filing a return or of paying any tax, interest or penalty assessed under the *Retail Sales Tax Act* or Part II of the *Liquor Tax Act, 1996*.

Tax compliance verification

14. (1) This section applies to applications for the issuance or renewal of a licence that are submitted on or after July 1, 2023.

(2) No licence shall be issued or renewed unless the applicant or licensee provides an attestation in the form required by the Registrar along with their application stating that the person,

- (a) has verified their tax compliance status with the Ministry of Finance,
- (b) is not in default of filing a return under a tax statute administered and enforced by the government of Ontario, or of paying any tax, penalty or interest assessed under any such statute for which payment arrangements have not been made; and
- (c) either,
 - (i) does not have a business number with the Canada Revenue Agency, or
 - (ii) is not in default of filing a return under the *Taxation Act, 2007*, the *Income Tax Act (Canada)*, Part IX of the *Excise Tax Act (Canada)* or an Act of another province or territory that imposes a tax on corporations and is administered and enforced by the Canada Revenue Agency.

(3) The Registrar may require a person who made an attestation described in subsection (2) to provide any additional information required to demonstrate that the attestation is true and accurate.

PART III
LICENCES TO OPERATE A LIQUOR CONSUMPTION PREMISES

CLASSES, ENDORSEMENTS AND AUTHORIZED ACTIONS

Classes of liquor consumption premises licences

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

1. Liquor sales licence.
2. Mini bar licence.

Liquor sales licence endorsements

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

1. Brew pub endorsement.
2. Wine pub endorsement.
3. Caterer's endorsement.
4. Room service endorsement.
5. Mini bar endorsement.
6. Golf course endorsement.
7. Bring-your-own wine endorsement.

Authorized actions for liquor sales licence

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.

(2) A brew pub endorsement authorizes the licensee to perform the actions set out in subsection (1) with respect to beer manufactured by the licensee in accordance with this Regulation.

(3) A wine pub endorsement authorizes the licensee to perform the actions set out in subsection (1) with respect to wine manufactured by the licensee in accordance with this Regulation.

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

(5) A room service endorsement authorizes the licensee to perform the actions set out in paragraphs 1 to 3 of subsection (1) at a room rented as overnight accommodation that is adjacent to the licensed premises in accordance with this Regulation.

(6) A mini bar endorsement authorizes the licensee to keep for sale, offer for sale or sell liquor from a dispenser in a room rented as overnight accommodation that is adjacent to the licensed premises in accordance with this Regulation.

(7) A golf course endorsement authorizes the licensee to perform the actions set out in paragraphs 1 to 3 of subsection (1) on the playing area of a golf course in accordance with this Regulation.

(8) A bring-your-own wine endorsement authorizes the licensee to permit patrons to bring sealed, unopened containers of commercially-made wine for their own consumption into a

restaurant or banquet room for their own consumption and consume the wine there in accordance with this Regulation.

Authorized actions for mini bar licence

18. A mini bar licence authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Keep for sale, offer for sale or sell liquor from a dispenser in a room rented as overnight accommodation on the licensed premises.

NOTICE EXCEPTIONS

Notice exceptions

19. (1) For the purposes of clause 7 (2) (c) of the Act, the Registrar is not required to give notice in respect of an application for a licence to operate a liquor consumption premises if,

- (a) a previous licence with respect to the premises was in force less than six months before the application was made, and the previous licence was not revoked for the reason described in subsection 3 (6) of the Act;
- (b) notice of a previous application in respect of the premises was first given under subsection 7 (1) of the Act within seven months before the current application was made, and the Registrar did not refuse the previous application for the reason described in subsection 3 (6) of the Act;
- (c) a licensee applies to add facilities to the premises to which the licence applies, to increase the capacity of the premises or to alter the boundaries of the premises and,
 - (i) with respect to indoor premises, the capacity of the premises is decreased or is increased,
 - (A) by less than 25 per cent, if the capacity of the premises is eighty or more persons, or
 - (B) by less than twenty persons, if the capacity of the premises is less than eighty persons, or

- (ii) with respect to outdoor premises, the capacity of the premises is decreased or is increased by less than 25 per cent;
- (d) the application is made by the Canadian Armed Forces for a licence to sell liquor; or
- (e) the application is for a mini bar licence.

(2) For the purpose of clause (1) (c), a change in the capacity of premises is measured in relation to the maximum capacity of the premises set out on the licence that was issued after the most recent notice given under subsection 7 (1) of the Act.

INELIGIBILITY CRITERIA

Ineligibility for liquor sales licence

20. (1) For the purposes of this section, “manufacturer” does not include the holder of a liquor sales licence with a wine pub endorsement or brew pub endorsement.

(2) A person is not eligible for a licence to operate a liquor consumption premises if the person is,

- (a) a manufacturer; or
- (b) a person who by reason of an agreement, arrangement or understanding with any person is likely to promote the sale of liquor or to sell the liquor of a manufacturer exclusive of any other manufacturer.

(3) Subsection (2) does not apply if the application is for a liquor sales licence that would apply to a tied house.

(4) No more than one liquor sales licence may be issued with respect to a single production site.

(5) Subject to subsection (6), an applicant is not eligible for a licence to operate a liquor consumption premises if the applicant is,

- (a) a person who is under agreement with any person to sell the liquor of any manufacturer;
- (b) a person who is associated or connected with a manufacturer or financially interested in a manufacturer as to be likely to promote the sale of liquor of that manufacturer;
- (c) a person who by reason of an agreement, arrangement or understanding with any person is likely to promote the sale of liquor of any manufacturer;
- (d) applying for a licence in respect of premises in which a manufacturer has an interest, whether freehold or leasehold, or by way of mortgage or charge or other encumbrance, or by way of mortgage, lien or charge upon any personal property in the premises and whether the interest is direct or indirect or contingent or by way of suretyship or guarantee; or
- (e) a person applying for a licence in respect of a business in which a manufacturer has an interest by way of a franchise agreement.

(6) An applicant described in subsection (5) is not ineligible if the Registrar determines that it would not be contrary to the public interest to issue the licence, having considered the nature and extent of the financial relationship between the applicant and the manufacturer.

LICENCE CONDITIONS

Conditions that Apply to Licences to Operate a Liquor Consumption Premises

Application

21. It is a condition of every licence to operate a liquor consumption premises that the licensee comply with sections 22 to 26.

No benefits from manufacturers

22. (1) The licensee shall not directly or indirectly request, demand or receive any material financial or other benefit from a manufacturer of liquor or a representative or an employee of the manufacturer.

(2) Subsection (1) does not apply if the licence applies to a tied house and the benefit is provided by the manufacturer whose production site is located at the same municipal or property address as the tied house.

Supply of liquor

23. (1) The licensee shall not supply liquor to a person except in accordance with this Regulation or the standards and requirements established by the Registrar.

(2) The licensee shall ensure that liquor is sold, offered for sale and served only under the supervision of an employee authorized by the licensee for that purpose.

Adulteration of liquor

24. (1) Subject to subsection (2), the licensee shall not adulterate liquor by adding any substance to it or keep for sale, sell or serve adulterated liquor.

(2) The licensee may add a substance to liquor or otherwise modify the flavour of liquor, and keep for sale, sell and serve that liquor, to a patron who is informed of the modifications at the time of the sale or service.

Minimum price

25. (1) The licensee shall not offer for sale a serving of liquor for less than the following amount, including all applicable taxes:

1. In the case of spirits containing more than 14.8 per cent alcohol by volume, \$1.34.
2. In every other case, \$2.00.

(2) If the licensee offers for sale a serving of liquor that differs from a standard serving of liquor, the minimum price for that serving shall increase or decrease in direct proportion to the difference in volume of liquor contained in that serving.

(3) In this section,

“serving of liquor” means,

- (a) 341 mL (12 oz.) of beer, cider or cooler,

- (b) 29 mL (1 oz.) of spirits,
- (c) 142 mL (5 oz.) of wine, or
- (d) 85 mL (3 oz.) of fortified wine.

No dwellings

26. (1) The licensee shall not use a premises used as a dwelling for the sale of liquor.

(2) The licensee shall not use outdoor premises for the sale of liquor if the premises are used in conjunction with a dwelling.

Liquor Sales Licences

Application

27. It is a condition of every liquor sales licence that the licensee comply with sections 28 to 42.

Multiple premises in licence

28. (1) If the licensee holds a liquor sales licence that applies to more than one premises, the service bar at one premises may only be used to service a second premises if the requirements of subsection (2) are met.

(2) The licensee shall ensure that the licensee or the licensee’s employees are the only persons permitted to carry the liquor across any area not under the exclusive control of the licensee in order to reach the second premises.

Hours

29. (1) Subject to subsections (2) to (4) and section 9 (General conditions, delivery of liquor), the licensee may permit liquor to be sold and served only between 9 a.m. on any day and 2 a.m. on the following day.

(2) On December 31, the licensee may permit liquor to be sold and served only between 9 a.m. and 3 a.m. on the following day.

(3) Liquor may be sold and served at any time at licensed premises located in a sterile area of an airport that is designated under section 5 of the *Customs Act* (Canada) as an Airport of Entry or Airport of Entry/15.

(4) For the purposes of subsection (3),

“sterile area” has the same meaning as in the *Canadian Aviation Security Regulations, 2012* (Canada).

Events of significance

30. (1) Despite section 29, the Registrar may extend the hours of sale and service for a liquor sales licence during,

- (a) events of provincial, national or international significance; and
- (b) events of municipal significance that have been designated as such by the council of the municipality or its delegate.

(2) In subsection (1),

“municipality” includes an upper-tier municipality.

Maximum capacity

31. A holder of a liquor sales licence shall ensure that the number of persons on the licensed premises, including employees of the licensee, does not exceed the capacity of the licensed premises as stated on the licence.

Prohibitions on sale, storage, etc.

32. (1) The licensee may not keep for sale, sell or serve liquor unless the liquor was,

- (a) purchased from the LCBO or from the holder of the Brewers Retail Inc. licence; or
- (b) transferred to the licensed premises from another licensed premises in accordance with the conditions set out in subsection (3).

(2) The licensee shall provide their licence number to the LCBO or to the holder of the Brewers Retail Inc. licence before purchasing any liquor from them.

(3) The conditions for the transfer of liquor referred to in clause (1) (b) are as follows:

1. The licences for both premises must be held by the same licensee, or by a licensee and an affiliate of the licensee, and the transfer of the liquor must only be carried out or supervised by the licensee or, if applicable, the affiliate.
2. Neither of the licences may be under suspension, and no proposal to revoke or suspend either licence may have been issued.
3. The licensed premises from which the liquor is to be transferred must no longer be in operation or must be scheduled to imminently cease to operate on either a temporary or permanent basis.
4. The liquor that is to be transferred must have been previously purchased or transferred in accordance with subsection (1).
5. Before the liquor is transferred, the licensee or, if applicable, affiliate must give written notice of the transfer to the Registrar containing the information listed in the standards established by the Registrar within the time and in the form and manner specified by the Registrar.
6. No remuneration may be provided for the transferred liquor.
7. The liquor must be transferred in securely closed containers.

(4) The licensee shall not possess liquor or permit any person to possess liquor at the licensed premises or in any place used in connection with the sale and service of liquor by the licensee, including the food preparation and storage areas, other than liquor that the licensee purchased or transferred in accordance with subsection (1).

(5) Despite subsection (4), the licensee may permit a manufacturer of liquor or a representative or employee of a manufacturer to possess liquor on the licensed premises for the

purpose of having the licensee or the licensee's employees sample the liquor in the presence of the manufacturer or a representative or employee of the manufacturer.

(6) If sampling occurs under subsection (5), the licensee shall ensure that,

- (a) the sampling is conducted in accordance with the standards and requirements for the sampling of liquor established by the Registrar under section 24 of the Act; and
- (b) any sampled liquor remaining at the conclusion of the sampling is immediately removed from the licensed premises.

(7) Despite subsections (1) to (4), a licensee with a bring-your-own wine endorsement may permit patrons to possess sealed, unopened containers of commercially-made wine that the patrons brought into the restaurant or banquet room to which the licence applies for their own consumption and may serve the wine if,

- (a) the wine is served to the patrons who brought the wine onto the premises; and
- (b) in the case of an endorsement that applies to a banquet room, the wine is served while the patrons are seated at tables in the banquet room consuming a meal.

(8) Despite subsection (4), the licensee may permit sealed, unopened liquor purchased from a retail store, from the holder of a licence to operate a liquor consumption premises or from the holder of a by-the-glass endorsement to be possessed on the premises if the liquor is intended for personal use elsewhere than on or adjacent to the licensed premises.

(9) Despite subsection (4), liquor may be possessed on licensed premises for the purpose of being awarded as a prize at a lottery event conducted in accordance with paragraph 207 (1) (b) of the *Criminal Code* (Canada).

(10) Despite subsection (4), the licensee may permit sealed, unopened liquor, other than liquor referred to in subsection (1), to be possessed on the premises for the purpose of an auction held under an auction permit.

Storage and dispensing of liquor

33. (1) The licensee shall not store liquor in, or dispense liquor from, a container other than the container in which it was purchased or transferred in accordance with subsection 32 (1).

(2) Despite subsection (1), a licensee may,

- (a) use automatic dispensing equipment to serve liquor if all the liquor contained in the automatic dispensing equipment comes from a single container of liquor that the licensee purchased or transferred in accordance with subsection 32 (1); or
- (b) store liquor in, and dispense liquor from, a container other than the container in which it was purchased or transferred if the liquor is stored in a different container because it is being modified in accordance with subsection 24 (2) (Adulteration of liquor).

Removal of liquor from licensed premises

34. (1) The licensee shall not permit a patron to remove liquor from the licensed premises except in accordance with this section or section 35 (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 premises by a patron that purchased the liquor from a retail store in accordance with subsection 32 (8).

(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.

- (4) A licensee may permit liquor to be removed from the premises if,
- (a) it is removed by a person who was awarded the liquor as a prize at a lottery event conducted in accordance with paragraph 207 (1) (b) of the *Criminal Code* (Canada); or
 - (b) it is removed by a successful bidder for the liquor at an auction held under an auction permit on the premises.

Liquor takeout

35. (1) Despite subsection 34 (1), and subject to subsection (2), liquor in a securely closed container may be removed by a patron from the licensed premises if the licensee ensures that,

- (a) the liquor is purchased together with food sold by the licensee at the licensed premises;
- (b) the food and liquor are removed from the premises together;
- (c) the patron to whom the liquor is provided is the same patron who purchased the liquor; and
- (d) the liquor is removed from the premises by the patron between 9 a.m. and 11 p.m. on any day.

(2) Subsection (1) does not apply with respect to a licensee in the following circumstances:

1. The licensed premises is, or is located within, a convenience store, grocery store, department store or big-box store.
2. In the case of a licensee to whom a licence is issued or transferred with respect to a premises on or after December 9, 2020,
 - i. the primary purpose of the premises is a purpose other than the sale and service of food or liquor for consumption on the premises, or

- ii. the premises is located within a commercial establishment that is not a shopping mall.

Delivery of liquor

36. (1) For greater certainty, the conditions set out in this section apply in addition to the general conditions for the delivery of liquor set out in section 9 (General conditions, delivery of liquor).

(2) The licensee shall ensure that liquor is sold for delivery only in accordance with this section.

(3) The sale of liquor for delivery is subject to the following requirements:

1. The liquor must be in a securely closed container.
2. Food sold by the licensee at the licensed premises must be purchased together with the liquor.

(4) Despite subsection 23 (1) (Supply of liquor), the offer for sale and sale of liquor for delivery may be supervised by a holder of a licence to deliver with whom the holder of the liquor sales licence has entered into an arrangement for the purpose, or by an employee or contractor of the holder of a licence to deliver who is authorized by that holder to do so.

(5) Nothing in section 26 (No dwellings) affects the operation of this section.

(6) Despite anything in this section, liquor shall not be sold for delivery by a licensee in the following circumstances:

1. The licensed premises is, or is located within, a convenience store, grocery store, department store or big-box store.
2. In the case of a licensee to whom a licence is issued or transferred with respect to a premises on or after December 9, 2020,

- i. the primary purpose of the premises is a purpose other than the sale and service of food or liquor for consumption on the premises, or
- ii. the premises is located within a commercial establishment that is not a shopping mall.

Preventing unlawful behaviour or nuisance

37. (1) The licensee shall not permit intoxication, unlawful gambling or disorderly conduct to occur on the premises or in adjacent areas under the exclusive control of the licensee.

(2) The licensee shall not permit a person to hold, offer for sale, sell, distribute or consume a controlled substance as defined in the *Controlled Drugs and Substances Act* (Canada) on the premises or in adjacent areas under the exclusive control of the licensee.

Disorderly conduct

38. The licensee shall ensure that reasonable measures are in place and reasonable efforts are made to,

- (a) deter disorderly conduct on property adjacent to and in the vicinity of the licensed premises; and
- (b) minimize harm to the property described in clause (a) arising out of disorderly conduct engaged in by patrons of the licensee or persons attempting or waiting to enter the licensed premises or to leave the licensed premises.

Outdoor noise

39. The holder of a licence that applies to outdoor premises shall not permit noise that arises directly or indirectly from entertainment on the premises or from the sale and service of liquor to disturb persons who reside near the premises.

By-laws and other statutes

40. (1) The licensee shall ensure that the licensed premises comply with the applicable requirements in the following:

1. Any applicable zoning by-laws respecting the use of the premises.

2. The *Building Code Act, 1992*.
3. The *Fire Protection and Prevention Act, 1997*.
4. The *Health Protection and Promotion Act*.

(2) This section does not apply with respect to premises that are a railway car or boat.

Exception: special occasion permit

41. Despite subsections 32 (4) (Prohibitions on sale, storage, etc.) and 34 (1) (Removal of liquor from licensed premises), the licensee may permit a patron at a public event for which a permit has been issued to bring a serving of liquor onto the licensed premises and to remove all or part of that liquor from the premises if,

- (a) the event is an outdoor event taking place on both the licensed premises and premises to which the licence does not apply;
- (b) the Registrar has approved a request from the applicant for the permit to authorize patrons to bring a serving of liquor onto the licensed premises specified in the request and to remove all or part of that liquor from the licensed premises;
- (c) the council of the municipality, or its delegate, has designated the event as one of municipal significance;
- (d) the liquor is not removed from the premises to which the permit applies;
- (e) the licensee and the permit holder have entered into an agreement with each other to ensure that there is no unreasonable risk to the public interest and no unreasonable risk of non-compliance with the Act and the regulations by either of the parties; and
- (f) the parties to the agreement described in clause (e) have provided it to the Registrar at least 30 days before the event.

Special rules for tied houses and by-the-glass areas

42. (1) Despite subsections 32 (1) to (4) (Prohibitions on sale, storage, etc.) and 34 (1) (Removal of liquor from licensed premises), the holder of a liquor sales licence that applies to a tied house or the holder of a manufacturer's licence to sell with a by-the-glass endorsement may,

- (a) in the case of a tied house, possess sealed, unopened liquor in the tied house that the licensee purchased on behalf of a patron from a retail store that is located at the same municipal or property address as the tied house;
- (b) if the licensee also holds a manufacturer's licence to sell, possess sealed, unopened liquor in the tied house or by-the-glass area that,
 - (i) is possessed for the purposes of selling the liquor to a patron; and
 - (ii) was purchased from a retail store that is located at the same municipal or property address as the tied house.
- (c) permit a patron to remove sealed, unopened liquor from the tied house or by-the-glass area if the liquor was brought into the tied house or by-the-glass area in accordance with clause (a) or (b).

(2) Despite subsections 32 (1) to (4) and 34 (1), a licensee described in subsection (1) may permit patrons to remove a serving of liquor from the licensed premises and be in possession of the liquor on licensed premises elsewhere on the production site and in immediately adjacent licensed premises.

(3) Section 28 (Multiple premises in licence) applies, with necessary modifications, to service bars located at the licensed premises of a tied house or by-the-glass endorsement.

Mini Bar Licences and Endorsements

Application

43. It is a condition of every mini bar licence, or a liquor sales licence to which a mini bar endorsement applies, that the licensee comply with sections 44 to 46.

Dispenser required

44. (1) A room rented as overnight accommodation that has mini bar service must be equipped with a dispenser for the storage of liquor and non-alcoholic beverages.

(2) Access to the contents of the dispenser must be controlled by the licence holder or restricted by means of a locking device.

Access by persons

45. (1) The licensee shall ensure that a key or other security device for access to the contents of a dispenser in a room with mini bar service is not given to a person who is under 19 years of age.

(2) The licensee shall ensure that the key or other security device for access to the contents of the dispenser is kept separate from the room key.

Acquisition of liquor for dispenser

46. (1) The licensee may not keep for sale, sell or serve liquor unless that liquor was purchased from the LCBO or from the holder of the Brewers Retail Inc. licence.

(2) The licensee must provide the licence number to the seller in respect of any purchase of liquor intended for sale or service from the dispenser.

Brew Pub Endorsements

Application

47. It is a condition of every liquor sales licence with a brew pub endorsement that the licensee comply with sections 48 to 49.

Beer sales and consumption

48. The beer manufactured by the licensee must be sold and consumed only,

(a) on the licensed premises;

(b) on one premises other than the premises where the beer is manufactured if,

- (i) the licensee has at least a 51 per cent interest in the business carried on at the other premises, and
- (ii) a liquor sales licence applies to the other premises;
- (c) in accordance with any caterer's endorsement attached to the licence containing the brew pub endorsement;
- (d) in accordance with the takeout rules in section 35 (Liquor takeout); or
- (e) in accordance with the delivery rules in section 36 (Delivery of liquor).

Manufacture at premises

49. The licensee shall ensure that the beer the licensee manufactures is manufactured at the licensed premises.

Wine Pub Endorsements

Application

50. It is a condition of every liquor sales licence with a wine pub endorsement that the licensee comply with sections 51 to 52.

Wine sales and consumption

51. The wine manufactured by the licensee must be sold and consumed only,

- (a) on the licensed premises;
- (b) in accordance with the takeout rules in section 35 (Liquor takeout); or
- (c) in accordance with the delivery rules in section 36 (Delivery of liquor).

Manufacture at premises

52. The licensee shall ensure that the wine the licensee manufactures is manufactured at the licensed premises.

Caterer's Endorsements

Application

53. It is a condition of every liquor sales licence with a caterer's endorsement that the licensee comply with sections 54 to 55.

Event

54. (1) The licensee shall ensure that liquor is offered for sale only at events which,

- (a) do not exceed ten consecutive days in duration and which are sponsored by a person other than the licensee; and
- (b) are not held in a residence.

(2) The licensee shall not offer liquor for sale at a series of events sponsored by the same person if, as a result of doing so, the licensee is or appears to be operating an ongoing business with the sponsor.

Return of unsold liquor to inventory

55. The licensee shall ensure that liquor that is not sold during an event is returned to the licensee's inventory.

Exemption, transport between premises and location of catered event

56. The holder of a liquor sales licence with a caterer's endorsement and any employee of the licence holder are exempt from subsection 42 (1) of the Act (Conveying liquor in a vehicle) when transporting liquor purchased under the licence between the premises to which the liquor sales licence applies and the location of a catered event.

Golf Course Endorsements

Application

57. It is a condition of every liquor sales licence with a golf course endorsement that the licensee comply with sections 58 to 59.

Drinking or holding liquor

58. The licensee shall ensure that no person drinks or holds any liquor while driving a golf cart on the golf course.

Exception, motorized vending cart on playing area

59. Any person who obtained liquor at any licensed area of a golf course operated by a licensee with a golf course endorsement is exempt from subsection 42 (1) of the Act (Conveying liquor in a vehicle) while driving or having the care or control of a motorized vending cart on the playing area of the golf course.

Bring-Your-Own Wine Endorsements**Application**

60. It is a condition of every liquor sales licence with a bring-your-own wine endorsement that the licensee comply with section 61.

Wine

61. (1) The licensee shall ensure that,

- (a) patrons bring only sealed, unopened containers of commercially-made wine into the restaurant or banquet room;
- (b) only the licensee or one of the licensee's employees opens a container of wine brought into the restaurant or banquet room by a patron; and
- (c) the wine is served only to the patron or patrons who brought the wine into the restaurant or banquet room.

(2) If the endorsement is for a banquet room, the licensee shall ensure that the wine is served while the patrons are seated at tables in the banquet room consuming a meal.

(3) If any of the wine in a bottle brought into the restaurant or banquet room by the patron remains at the end of the patron's visit, the licensee shall dispose of it unless the patron is permitted to remove the container containing the wine in accordance with subsection 34 (2) (Removal of liquor from licensed premises).

PART IV
LICENCES TO OPERATE A RETAIL STORE

CLASSES, ENDORSEMENTS AND AUTHORIZED ACTIONS

Classes of retail store licences

62. The following classes are established for a licence to operate a retail store:

1. Beer and cider grocery store licence.
2. Beer and wine grocery store licence.
3. Offsite winery retail store licence.
4. Brewers Retail Inc. licence.

Endorsements on retail store licences

63. (1) The following are prescribed as endorsements on beer and cider grocery store licences:

1. Wine boutique sales agent endorsement.

(2) The following is prescribed as endorsements on offsite winery retail store licences:

1. Wine boutique endorsement.

Authorized actions for beer and cider grocery store licence

64. (1) A beer and cider grocery store licence authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Keep for sale, offer for sale or sell beer or cider in an eligible grocery store operated by the licensee.
2. Serve or offer to serve beer or cider in the eligible grocery store for the purposes of providing samples.
3. Permit individuals to possess or consume samples of beer or cider provided by the licensee in the retail store

(2) A wine boutique sales agent endorsement authorizes the licensee to keep for sale, offer for sale or sell wine as an agent of another licensee that operates an offsite winery retail store inside the shopping area of the eligible grocery store in accordance with this Regulation.

(3) A licensee is not eligible for a wine boutique sales agent endorsement unless the licensee has entered into a wine boutique agreement that meets the requirements of section 72 (Wine boutique agreement) with respect to an offsite winery retail store to be located in the shopping area of an eligible grocery store

(4) A licensee is not eligible for a wine boutique sales agent endorsement if the issuance would cause the licensee to hold more than,

(a) an overall maximum of 36 wine boutique sales agent endorsements that apply to eligible grocery stores in all geographic regions; and

(b) within the maximum described in clause (a), a maximum of 23 wine boutique sales agent endorsements that apply to eligible grocery stores in the GTA region and 23 wine boutique sales agent endorsements that apply to eligible grocery stores in all other regions.

Authorized actions for beer and wine grocery store licence

65. A beer and wine grocery store licence authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Keep for sale, offer for sale or sell beer or wine in an eligible grocery store operated by the licensee.
2. Serve or offer to serve beer or wine in the eligible grocery store for the purposes of providing samples.
3. Permit individuals to possess or consume samples of beer or wine provided by the licensee in the retail store

Authorized actions for offsite winery retail store licence

66. (1) An offsite winery retail store licence authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Keep for sale, offer for sale or sell wine manufactured by the licensee in a retail store that is not required to be located at the production site for the wine.
2. Serve or offer to serve beer or wine in the eligible grocery store for the purposes of providing samples.
3. Permit individuals to possess or consume samples of beer or wine provided by the licensee in the retail store

(2) In addition to the authorization described in subsection (1), a wine boutique endorsement authorizes the licensee to, in accordance with this Regulation,

- (a) keep for sale, offer for sale or sell wine described in subsection (3) at an offsite winery retail store inside the shopping area of an eligible grocery store; and
- (b) for the purpose of offering samples, serve or offer to serve and permit individuals to possess and consume wine described in subsection (3) at an offsite winery retail store inside the shopping area of an eligible grocery store.

(3) The actions described in subsection (2) are permitted for VQA wine produced by a different licensee that does not have an offsite winery retail store licence or that has no more than two offsite winery retail store licences.

Authorized actions for Brewers Retail Inc. licence

67. The Brewers Retail Inc. licence authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Keep for sale, offer for sale or sell beer at wholesale and at retail stores approved by the Registrar.
2. Serve or offer to serve beer at retail stores for the purpose of providing samples.
3. Permit individuals to possess or consume samples of beer provided by the licensee in a retail store.

4. Deliver beer for a fee.

LIMITATIONS ON ISSUANCE OF LICENCES AND INELIGIBILITY CRITERIA

Limitation on issuance of offsite winery retail store licences

68. (1) No more than 292 offsite winery retail store licences may be in effect at any given time.

(2) No new offsite winery retail store licences may be issued after the day this subsection comes into force.

Ineligibility criteria

69. (1) An applicant is not eligible for an offsite winery retail store licence unless they hold a winery licence.

(2) A licensee is not eligible for a wine boutique endorsement unless,

- (a) the licensee has at least three offsite winery retail store licences;
- (b) the licensee has entered into a wine boutique agreement that meets the requirements of section 72 (Wine boutique agreement) with respect to an offsite winery retail store to be located in the shopping area of the eligible grocery store; and
- (c) the operator of the eligible grocery store holds a beer and cider grocery store licence with a wine boutique sales agent endorsement for the eligible grocery store.

(3) A licensee is not eligible for a wine boutique endorsement if the issuance would cause the licensee to hold more than the maximum number of wine boutique endorsements permitted under the following rules:

1. A licensee with at least 160 offsite winery retail store licences may hold no more than,
 - i. an overall maximum of 38 wine boutique endorsements that apply to retail stores in all geographic regions, and

- ii. within the maximum described in subparagraph i, a maximum of 25 wine boutique endorsements that apply to retail stores in the GTA region and a maximum of 25 wine boutique endorsements that apply to retail stores outside of the GTA region.
2. A licensee with at least 100 offsite winery retail store licences and fewer than 160 winery retail store licences may hold no more than,
 - i. an overall maximum of 28 wine boutique endorsements that apply to retail stores in all geographic regions, and
 - ii. within the maximum described in subparagraph i, a maximum of 18 wine boutique endorsements that apply to retail stores in the GTA region and a maximum of 18 wine boutique endorsements that apply to retail stores outside of the GTA region.
3. A licensee with at least 10 offsite winery retail store licences and fewer than 100 winery retail store licences may hold no more than,
 - i. an overall maximum of three wine boutique endorsements that apply to retail stores in all geographic regions, and
 - ii. within the maximum described in subparagraph i, a maximum of two wine boutique endorsements that apply to retail stores in the GTA region and a maximum of two wine boutique endorsements that apply to retail stores outside of the GTA region.
4. A licensee with fewer than 10 offsite winery retail store licences may hold a maximum of one wine boutique endorsement.

Limitation on issuance of beer and cider grocery store licences and beer and wine grocery store licences

70. (1) No more than 450 total beer and cider grocery store licences and beer and wine grocery store licences may be in effect at one time.

(2) The Registrar shall not issue a new beer and wine or beer and cider grocery store licence unless the applicant is a party to a supply agreement with the LCBO for beer and wine or

beer and cider, respectively, in respect of the eligible grocery store to which the licence would apply.

Limitation on issuance of Brewers Retail Inc licence

71. No more than one Brewers Retail Inc licence may be in effect at any given time.

WINE BOUTIQUE AGREEMENT

Wine boutique agreement

72. For the purposes of subsection 64 (3) (Authorized actions for beer and cider grocery store licence) and clause 69 (2) (b) (Ineligibility criteria), a wine boutique agreement is an agreement between the holder of an offsite winery retail store licence and the holder of a beer and cider grocery store licence that includes the following terms:

1. The holder of the offsite winery retail store licence agrees to lease or license space in the shopping area of the eligible grocery store in which to operate its retail store.
2. The holder of the beer and cider grocery store licence agrees to sell, as an agent of the winery, wine that is available for sale to the public in that space.
3. The term of the lease or licence must be at least three years.

LICENCE CONDITIONS

Licences to Operate a Retail Store

Application

73. It is a condition of every licence to operate a retail store that the licensee comply with section 74.

Availability of liquor

74. The licensee shall ensure that liquor is only available to customers between the hours of 7 a.m. and 11 p.m. on any day.

Beer and Wine Grocery Store Licences and Beer and Cider Grocery Store Licences

Application

75. It is a condition of every beer and cider grocery store licence and every beer and wine grocery store licence that the licensee complies with sections 76 to 82.

Financial relationships

76. (1) The licensee shall not offer a brand of beer or wine for sale at the eligible grocery store if the licensee or any of its affiliates has a direct or indirect financial interest in the brand or in a trademark under which the brand is marketed.

(2) The licensee shall not enter into an agreement with a beer or wine manufacturer that restricts the manufacturer's ability to sell its beer or wine in other stores.

(3) The licensee shall not enter into an agreement with a beer or wine manufacturer that guarantees the provision of shelf space at the eligible grocery store or a product listing for the manufacturer's beer or wine or that guarantees any merchandising, marketing or promotional opportunities.

(4) The licensee and its agents and employees shall not directly or indirectly request, demand or receive a financial or non-monetary benefit in Ontario or in any other jurisdiction from a beer or wine manufacturer or from a representative or employee of the manufacturer, including,

(a) a benefit for the provision of shelf space at the eligible grocery store;

(b) a product listing for the manufacturer's beer or wine, or;

(c) any merchandising, marketing or promotional opportunity.

(5) If the licensee charges a fee to a manufacturer for providing warehousing or distribution services for beer or wine, the fee must be calculated in the same manner for all manufacturers and the fee schedule must be available to the public.

Must continue to be eligible grocery store

77. The licensee shall ensure that the store continues to be an eligible grocery store within the meaning of this Regulation.

No unilateral termination of lease or license

78. A licensee with an eligible grocery store in which space for an offsite winery retail store is leased or licensed, other than for a wine boutique, shall not unilaterally terminate the lease or

licence of the offsite winery retail store for any reason other than a default by the operator of the offsite winery retail store under the lease or licence.

Sales in eligible grocery stores

79. (1) The licensee must be a party to a supply agreement with the LCBO and must comply with the agreement.

(2) The licensee may not acquire beer or wine for sale in the store except from the LCBO or from a franchisor entity in accordance with section 10 of Ontario Regulation [***/**] (General) made under the Act in accordance with the supply agreement.

(3) The licensee may not sell or offer for sale the following:

1. Beer with an alcohol content greater than 7.1 per cent by volume.
2. A beverage containing a mixture of beer and of alcohol that,
 - i. was obtained other than by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products, and
 - ii. increases the total alcohol content of the beer by more than 0.5 of one per cent by volume.
3. Malt-based beverages.
4. Wine with an alcohol content greater than 18 per cent by volume.
5. Cream wine.
6. Wine beverages.
7. Wine to which an alcoholic distillate has been added.
8. Cider with an alcohol content greater than 7.1 per cent by volume.

(4) Upon request, the LCBO shall give the licensee a list of beer or wine products that do not contravene subsection (3) and that it has made available for sales to eligible grocery stores.

(5) A licensee that sells beer must offer for sale a variety of brands of beer from manufacturers with a variety of annual production amounts of beer.

Conduct of sales in eligible grocery stores

80. (1) A licensee who holds a beer and wine grocery store licence must begin to offer both beer and wine for sale in the eligible grocery store in accordance with the licence within six months after receiving the licence, and must continue to offer beer and wine for sale in the eligible grocery store thereafter.

(2) A licensee who holds a beer and cider grocery store licence must begin to offer beer for sale in the eligible grocery store in accordance with the licence within six months after receiving the licence, and must continue to offer beer for sale in the eligible grocery store thereafter.

(3) The licensee shall ensure that all aspects of the sale of beer or wine, including ordering and payment, are conducted in person at the eligible grocery store.

(4) The licensee shall not do any of the following things:

1. Accept, as full or partial payment for liquor, any benefits issued under a loyalty program or a rewards marketing program, including coupons, tickets, points or rewards.
2. Exchange, convert or redeem any benefits issued under a loyalty program or a rewards marketing program, including coupons, tickets, points or rewards, for cash that is applied to payment for liquor.
3. Offer free or discounted merchandise contingent upon the purchase of liquor.

(5) Except as may be required on sales receipts and invoices for the purposes of the *Excise Tax Act* (Canada), the licensee shall display and advertise prices for beer and wine that include all applicable taxes and container deposits, including container deposits payable under the terms of a supply agreement between the licensee and the LCBO.

Product display

81. (1) The licensee must ensure that,

- (a) all beer and cider sold in the eligible grocery store outside of any wine boutique is displayed in a single contiguous product display area, and
- (b) all wine, excluding cider, is displayed in a single contiguous product display area.

(2) Other products may be displayed within the contiguous product display areas if they are displayed by the licensee for the purpose of cross-promotion with the liquor, unless the products,

- (a) are energy drinks; or
- (b) promote the immoderate consumption of liquor.

(3) The licensee shall ensure that at least 20 per cent of the containers of beer on display in the eligible grocery store are containers of beer produced by small breweries.

(4) The licensee shall ensure that at least 20 per cent of the containers of cider on display in the eligible grocery store outside of any wine boutique are containers of cider produced by small cideries.

(5) In the case of a beer and wine grocery store licence, the licensee shall ensure that at least 10 per cent of the containers of wine, excluding cider, on display in the eligible grocery store contain wine produced by small wineries.

(6) If the licensee sells VQA wines in the eligible grocery store outside of any wine boutique, the display area must contain one or more signs indicating the availability of VQA wines for sale.

(7) The licensee shall not sell containers of wine in the grocery store, excluding cider, outside of any wine boutique that have a lower price than,¹

- (a) the amount specified in Column 2 of the Table to this subsection for the size of the container, or
- (b) in the case of wine that is sold in a container with a size that is not listed in Column 1 of the Table to this subsection (a “non-standard container”), the amount determined by using the formula,

$$(A / B) \times C$$

in which,

“A” is the price shown in the Table to this subsection for a container (“standard container”) that is smaller than, but closest to, the size of the container whose minimum price is being determined;

“B” is the size of the standard container; and

“C” is the size of the non-standard container.

TABLE

Item	Column 1 Container size in millilitres	Column 2 Minimum retail price in dollars
1.	50 or less	0.85
2.	200	3.35
3.	250	4.10
4.	300	4.80
5.	375	5.90
6.	400	6.20
7.	500	7.60
8.	600	9.00
9.	720	10.65
10.	750	10.95
11.	1000	14.05
12.	1500	20.15
13.	2000	25.90
14.	2250	28.75
15.	3000	37.90

¹ O. Reg. 232/16, s. 45

16.	4000	49.35
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(8) If a minimum retail price for a non-standard container calculated under subsection (7) is higher than the minimum retail price in effect for the container size shown in the Table to subsection (7) that is next larger than the non-standard container, then the licensee shall not sell the wine if the price is lower than the price for the container size shown in the Table that is next larger than the non-standard container.

(9) In the case of a beer and wine grocery store licence, the licensee shall ensure that at least 10 per cent of the containers of liquor on display in the eligible grocery store are containers of beer, and that at least 10 per cent of the containers of liquor on display are containers of wine, excluding cider.

(10) In the case of a beer and wine grocery store licence, the licensee shall ensure that at least 50 per cent of the containers of wine, excluding cider, on display in the eligible grocery store, excluding cider, outside of any wine boutique contain wine that is produced using grapes from a single country and in respect of which at least one of the following criteria is satisfied:

1. The wine is quality assurance wine.
2. The wine was produced by a small winery.
3. The country where the grapes were grown produces, in the aggregate, less than 150 million litres of wine annually from grapes grown in that country.

(11) On request, the LCBO shall give the licensee a list of beer or wine products that do not contravene subsection (3), (4), (5), or (10) and that it has made available for sale to eligible grocery stores.

Packaging

82. (1) The licensee shall not keep for sale, offer for sale or sell,

- (a) wine in containers with a volume of more than 4 litres;
- (b) beer or cider in containers with a volume of more than 750 mL; or

- (c) beer in packages with more than six containers.

(2) The licensee shall not offer a discount or rebate in respect of the purchase of more than six containers of beer or cider.

Offsite Winery Retail Store Licences

Application

83. It is a condition of every offsite winery retail store licence that the licensee comply with sections 84 to 86.

Winery licence required

84. The licensee must comply with every condition on their winery licence.

Wine that can be sold

85. The licensee shall not sell wine under the licence unless,

- (a) the wine is manufactured in Ontario by the licensee;
- (b) the licensee carries out the full primary fermentation process with respect to at least 25 per cent of the total volume of wine that the licensee sells each year; and
- (c) the licensee carries out at least one of the following additional steps, in full, with respect to the entire content of each bottle of wine the licensee sells under the licence:
 - (i) primary fermentation,
 - (ii) blending,
 - (iii) barrel aging for at least three months,
 - (iv) bulk aging for at least three months,
 - (v) in the case of sparkling wine, secondary fermentation,

- (vi) in the case of sparkling wine, artificial carbonation,
- (vii) in the case of fortified wine, flavouring.

No operation within sales area of eligible grocery store without wine boutique endorsement

86. The licensee shall not operate an offsite winery retail store within the sales area of an eligible grocery store unless the licence has a wine boutique endorsement.

Wine Boutique Sales Agent Endorsements

Application

87. It is a condition of every beer and cider grocery store licence with a wine boutique sales agent endorsement that the licensee comply with sections 88 to 89.

Sale of wine

88. (1) The licensee shall ensure that,

- (a) all sales from any wine boutique in the eligible grocery store are conducted by the operator of the eligible grocery store acting as agent for the licensee that holds the applicable wine boutique endorsement; and
- (b) all aspects of the sale of the wine, including ordering and payment, are conducted in person at the eligible grocery store.

(2) The licensee shall not do any of the following things:

1. Accept, as full or partial payment for wine, any benefits issued under a loyalty program or a rewards marketing program, including coupons, tickets, points or rewards.
2. Exchange, convert or redeem any benefits issued under a loyalty program or a rewards marketing program, including coupons, tickets, points or rewards, for cash that is applied to payment for wine.
3. Offer free or discounted merchandise contingent upon the purchase of wine.

(3) Except as may be required on sales receipts and invoices for the purposes of the *Excise Tax Act* (Canada), the licensee shall display and advertise prices for wine that include all applicable taxes and container deposits, including container deposits payable under the terms of a supply agreement between the licensee and the LCBO.

Wine boutique must be readily distinguishable

89. The licensee shall ensure that,

- (a) the space in which the wine boutique is located is readily distinguishable from the rest of the eligible grocery store; and
- (b) the name of the wine boutique is prominently displayed in the boutique and is distinct from the name of the eligible grocery store.

Wine Boutique Endorsements

Wine boutique endorsements

90. It is a condition of every offsite winery retail store licence with a wine boutique endorsement that the licensee comply with sections 91 to 96.

Sales in wine boutiques

91. (1) The licensee must be a party to a supply agreement with the LCBO and must comply with the agreement.

(2) The licensee may not acquire VQA wine produced by a different licensee for sale in the store except from the LCBO in accordance with the supply agreement.

(3) The licensee must begin to offer the wine for sale to the public under the endorsement within 12 months after being issued the endorsement and must continue to offer the wine for sale in the boutique thereafter.

Conduct of sales in wine boutiques

92. (1) The licensee shall ensure that all aspects of the sale of wine, including ordering and payment, are conducted in person at the eligible grocery store at which the wine boutique is located.

(2) The licensee shall not do any of the following things:

1. Accept, as full or partial payment for wine, any benefits issued under a loyalty program or a rewards marketing program, including coupons, tickets, points or rewards.
2. Exchange, convert or redeem any benefits issued under a loyalty program or a rewards marketing program, including coupons, tickets, points or rewards, for cash that is applied to payment for wine.
3. Offer free or discounted merchandise contingent upon the purchase of wine.

(3) Except as may be required on sales receipts and invoices for the purposes of the *Excise Tax Act* (Canada), the licensee shall display and advertise prices for wine that include all applicable taxes and container deposits, including container deposits payable under the terms of a supply agreement between the licensee and the LCBO.

Wines offered for sale

93. (1) The licensee must not offer for sale, or sell, any of the following wines:

1. Wine with an alcohol content greater than 18 per cent by volume.
2. Wine beverages.
3. Cider with an alcohol content greater than 7.1 per cent by volume.

(2) The licensee must ensure that there is a variety of stock-keeping units of wine, excluding cider, offered for sale in the wine boutique, and at a minimum the variety must meet the lesser of the following criteria:

1. At least 25 stock-keeping units of wine must be for wine manufactured by other wineries.
2. At least one-half of the stock-keeping units of VQA wine must be for wine manufactured by other wineries.

(3) The licensee shall ensure that,

- (a) the wine offered for sale is displayed in a single contiguous product display area within the boutique; and
- (b) the wine boutique does not display for sale merchandise belonging to the eligible grocery store.

(4) The licensee shall ensure that,

- (a) at least 50 per cent of the containers of wine on display in the wine boutique are containers of VQA wine; and
- (b) at least one-half of those containers are containers of wine manufactured by wineries other than the licensee.

(5) The licensee shall ensure that at least 5 per cent of the containers of wine on display in the wine boutique are containers of wine manufactured by a small winery.

(6) The licensee shall ensure that the product display area contains one or more signs indicating that VQA wines are available for sale.

(7) The licensee shall establish a policy describing measures that have the goal of ensuring that at least 25 per cent of the wine sold in any 12-month period in all wine boutiques operated by the licensee is VQA wine, and that at least 50 per cent of the VQA wine sold is manufactured by wineries other than the licensee.

(8) Subject to subsection (9), the licensee shall ensure that at least 20 per cent of the wine sold in any 12-month period in all wine boutiques operated by the licensee is VQA wine, and that at least 40 per cent of the VQA wine sold is manufactured by wineries other than the licensee.

(9) The licensee must ensure that at least 10 per cent of the wine sold in a wine boutique during its first 12 months of operation is VQA wine, and that at least 20 per cent of the VQA wine sold is manufactured by other wineries.

(10) For the purposes of this section, the percentage of wine sold by a licensee is determined with reference to the licensee's total sales receipts, net of container deposits and HST.

(11) On request, the LCBO shall give the licensee a list of wine products that do not contravene subsection (4), (5), (7), (8) or (9) and that it has made available for sale to eligible grocery stores.

Financial relationships

94. (1) The licensee shall not enter into an agreement with a wine manufacturer that restricts the manufacturer's ability to sell its wine in other stores.

(2) The licensee shall not enter into an agreement with a wine manufacturer that guarantees the provision of shelf space at the wine boutique or a product listing for the manufacturer's wine or that guarantees any merchandising, marketing or promotional opportunities.

(3) The licensee and its agents and employees shall not directly or indirectly request, demand or receive a financial or non-monetary benefit in Ontario or in any other jurisdiction from a wine manufacturer or from a representative or employee of that manufacturer, including,

- (a) a benefit for the provision of shelf space at the wine boutique;
- (b) a product listing for the manufacturer's wine, or;
- (c) any merchandising, marketing or promotional opportunity.

(4) If the licensee charges a fee to a manufacturer for providing warehousing or distribution services for wine, the fee must be calculated in the same manner for all manufacturers and the fee schedule must be available to the public.

Packaging

95. (1) The licensee shall not keep for sale, offer for sale or sell,

- (a) wine in containers with a volume of more than 4 litres; or
- (b) cider in containers with a volume of more than 750 mL.

(2) The licensee shall not offer a discount or rebate in respect of the purchase of more than six containers of cider.

Sales information re stock-keeping units

96. (1) The licensee must maintain weekly sales information identifying the stock-keeping units of wine sold in all wine boutiques operated by the licensee and must retain that information for at least three years.

(2) The licensee must make available to the Minister of Finance such sales and operational information related to a wine boutique as the Minister of Finance may request.

(3) A licensee that operates six or more wine boutiques shall provide information respecting the weekly sales of all VQA wine in the wine boutiques the operator operates to a winery whose wine is sold in the licensee's wine boutique upon request.

(4) The requesting winery is only entitled to information relating to weeks during which its wine is sold in the wine boutique.

(5) The licensee shall provide the information to the requesting winery within a reasonable time and shall identify the information by stock-keeping units attributed to each manufacturer whose VQA wine is sold in the boutique.

(6) The licensee shall not charge a fee for providing the information described in subsection (3) that exceeds the fee charged by the LCBO for the provision of similar information.

Brewers Retail Inc. Licence

Application

97. It is a condition of the Brewers Retail Inc. licence that the licensee comply with sections 98 to 100.

Stores and products

98. (1) The licensee shall only establish stores under the licence in a location approved by the Registrar.

(2) The licensee may sell beer only through its retail stores, at wholesale to holders of a licence to operate a liquor consumption premises, to the LCBO or to any retailer that operates under the LCBO's authority.

(3) The licensee may only sell the following liquor:

1. Beer manufactured in Ontario by a holder of a brewery licence.
2. Beer manufactured outside Ontario if,
 - i. the beer is manufactured within Canada by a holder of a manufacturer's licence to sell, and brought into Ontario in a manner authorized by the LCBO, or
 - ii. the beer is purchased from the LCBO.

(4) The licensee may not sell products other than liquor in its retail stores except as permitted by the Registrar.

(5) The licensee may deliver liquor for a fee if the liquor is sold to the customer from a retail store the licensee operates.

Distribution of liquor

99. (1) The licensee may distribute beer to a person if the beer was purchased from the LCBO or from a person licensed to sell it under the Act.

(2) The licensee may enter into an agreement or arrangement with another person to distribute the liquor on behalf of the licensee under subsection (1).

Required training

100. (1) The standards established under paragraph 5 of section 24 of the Act do not apply to the licensee if the licensee ensures that every person involved in the sale of liquor completes training that addresses the responsible sale and service of liquor.

(2) On and after July 1, 2023, the training described in subsection (1) must have been reviewed by the Registrar.

(3) The Registrar shall establish a process to review and provide comments on the training required by subsection (1).

(4) The licensee shall comply with the process established by the Registrar in subsection (3).

(5) For greater certainty, the process described in subsection (3) may be established before July 1, 2023.

**PART V
LICENCES TO OPERATE AS A WHOLESALER**

No issuance of wholesaler licences

101. The Registrar shall not issue any licences to operate as a wholesaler.

**PART VI
LICENCES TO DELIVER**

CLASSES AND AUTHORIZED ACTIONS

Classes of licences to deliver

102. No classes of licence to deliver are prescribed.

Authorized actions for licence to deliver

103. A licence to deliver authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Deliver liquor for a fee.
2. Take or solicit orders for the sale of liquor for delivery.

LICENCE CONDITIONS

Application

104. It is a condition of every licence to deliver that the licensee comply with sections 105 to 106.

Purchase of liquor

105. (1) The licensee shall ensure that liquor that is delivered under the licence is purchased or obtained only from a retail store, the holder of a licence to sell liquor or the holder of an auction permit.

(2) If the licence is held, directly or indirectly, by the holder of a beer and wine grocery licence or a beer and cider grocery licence, the licensee shall ensure that,

- (a) liquor that is delivered under the licence is not purchased or obtained from that store, and
- (b) beer that is delivered under the licence is not purchased or obtained in packages with more than six containers from a retail store operated by the LCBO unless that store is listed in Schedule 2.

(3) The licensee shall ensure that liquor is not purchased, nor possession of it taken, before an order for it is placed by a customer.

(4) The licensee shall not, directly or indirectly, request, demand or receive any material financial or other benefit from a manufacturer of liquor, an operator of a retail store or a representative or employee of such a manufacturer or operator.

(5) Subsection (4) does not apply to a benefit received by the licensee from the holder of the Brewers' Retail Inc. licence, a holder of an offsite winery retail store licence or a holder of a manufacturer's licence to sell with a winery retail store endorsement, a brewery retail store endorsement or a distillery retail store endorsement if,

- (a) the benefit is provided under an agreement between the licensee and the person who provided the benefit;

- (b) the agreement described in clause (a),
 - (i) facilitates or promotes the purchase or delivery of liquor from a store operated by the person who provided the benefit,
 - (ii) does not restrict either party to the agreement from entering into an agreement with another person that facilitates or promotes the purchase and delivery of liquor to a customer, and
 - (iii) does not restrict the person who provided the benefit from delivering or arranging for the delivery of their liquor from a retail store they operate in accordance with the conditions on the licence or endorsement under which the store is operated; and
- (c) the licensee does not also hold, directly or indirectly, a beer and wine grocery store licence or a beer and cider grocery store licence.

Delivery of liquor

106. (1) For greater certainty, the conditions set out in this section apply in addition to the general conditions for the delivery of liquor set out in section 9 (General conditions, delivery of liquor).

(2) If the licensee is delivering liquor that was sold by the holder of a liquor sales licence, the licensee shall ensure that food is included with the purchase and delivery of the liquor.

PART VII LICENCES TO OPERATE A FERMENT ON PREMISES FACILITY

CLASSES AND AUTHORIZED ACTIONS

Classes of licences to operate a ferment on premises facility

107. No classes of licence to operate a ferment on premises facility are prescribed.

Authorized actions for licences to operate a ferment on premises facility

108. A licence to operate a ferment on premises facility authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Operate a ferment on premises facility specified in the licence.

2. Serve or offer to serve beer or wine that was made by a customer to that customer for the purposes of providing samples.
3. Permit individuals to possess or consume samples described in paragraph 2 on the premises.

LICENCE CONDITIONS

Application

109. It is a condition of every licence to operate a ferment on premises facility that the licensee comply with sections 110 to 113.

Interpretation

110. In sections 111 to 113,

“container” means a bottle, can, cask or any other receptacle into which beer or wine may be placed following completion of the brewing or fermentation process.

General

111. (1) The licensee shall ensure that,

- (a) the licensee transfers to the customer ownership of any ingredients being purchased by the customer from the licensee to make the beer or wine;
- (b) the customer combines or mixes their beer wort, wine juice, wine juice concentrate or other juice or juice concentrate with such of the customer’s other ingredients as the customer wishes to add, except that the licensee or the licensee’s employees or agents,
 - (i) may add finings or stabilizing agents to the customer’s other ingredients,
 - (ii) may operate equipment to filter and add carbonation to the customer’s ingredients, and
 - (iii) may rack the customer’s beer or wine;

- (c) the customer adds any yeast or enzymes required to begin the fermentation process to the beer wort, wine juice, wine juice concentrate or other raw material of beer or wine;
- (d) the customer places their beer or wine in containers;
- (e) the customer labels, corks, caps, shrink wraps or packages their beer or wine; and
- (f) the customer removes their beer or wine from the licensed premises immediately after it has been placed in containers.

(2) Except as provided in clause (1) (b), the licensee and the licensee's employees and agents shall not carry out an operation mentioned in subsection (1) on behalf of a customer.

(3) If a customer needs assistance to carry out an operation that the customer is required to carry out under this section, the operation may be carried out in the customer's presence by another person who is not the licensee or an employee or agent of the licensee.

Restrictions

112. (1) The licensee and the licensee's employees and agents shall not,

- (a) produce on the licensed premises beer or wine for sale or exchange;
- (b) keep for sale or exchange, offer for sale or exchange, sell or exchange beer or wine on the licensed premises, regardless of who the beer or wine belongs to or who made it;
- (c) give liquor to any person on the licensed premises;
- (d) permit on the licensed premises the exchange, sale or giving of beer or wine made by customers;
- (e) permit anyone other than a customer, the licensee or the licensee's employees, or a person other than the licensee or the licensee's employees or agents who was designated by the customer to make beer or wine on the licensed premises;

- (f) deliver a customer's beer or wine, other than by carrying the customer's beer or wine out of the licensed premises to a waiting vehicle;
- (g) store or permit the storage on the licensed premises of beer or wine that has been placed in containers;
- (h) remove or permit the removal of carboys being used in the making of beer or wine from the licensed premises, unless the location of the ferment on premises facility is moved and the licensee has first informed the Registrar; or
- (i) bring or permit to be brought onto the licensed premises liquor to be added to beer or wine or to ingredients for making beer or wine.

(2) Despite subsection (1), the licensee or the licensee's employees or agents may serve a customer a sample of the customer's beer or wine after fermentation, carbonation or filtration has occurred, if the sample is no larger than 170 millilitres and is consumed on the licensed premises.

Making of beer or wine

113. (1) Before a person begins to make beer or wine at the licensed premises, the licensee shall prepare and provide an invoice to the person containing any information required by any standards and requirements established by the Registrar under section 24 of the Act.

(2) For greater certainty, subsection (1) applies whether the person making the beer or wine is a customer or is the licensee or one of the licensee's employees.

(3) The licensee shall ensure that each carboy used for the making of beer or wine on the licensed premises has a tag attached to it bearing the number of the invoice provided to the person whose ingredients have been placed in the carboy and, where applicable, the date on which enzymes or yeast were added to beer wort, wine juice, wine juice concentrate or other juice or juice concentrate in the carboy.

**PART VIII
LICENCES TO REPRESENT A MANUFACTURER**

CLASSES AND AUTHORIZED ACTIONS

Classes of licences to represent a manufacturer.

114. No classes of licence to represent a manufacturer are prescribed.

Authorized actions for licence to represent a manufacturer

115. A licence to represent a manufacturer authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Directly or indirectly act as an agent or representative of a manufacturer in respect of the sale of liquor.
2. Take or solicit orders for the sale of liquor manufactured by the manufacturer.
3. Serve or offer to serve liquor for the purpose of providing samples.
4. Permit individuals to possess or consume samples described in paragraph 3.
5. Deliver liquor for a fee to persons who have purchased liquor from a manufacturer or the LCBO.

LICENCE CONDITIONS

Application

116. It is a condition of every licence to represent a manufacturer that the licensee comply with section 117.

Representation

117. The licensee shall ensure that,

- (a) the licensee does not take or solicit orders for the sale of liquor except at a premises or through a website, app or other similar online platform that is operated solely for the purpose of,

- (i) taking or soliciting orders for the sale of liquor; or
 - (ii) taking or soliciting orders for the sale of liquor and selling items related to liquor;
- (b) the licensee notifies the Registrar of,
 - (i) the address of any premises in which the licensee takes or solicits orders for the sale of liquor, within five business days after the opening of such premises; and
 - (ii) any website, app or other similar online platform that the licensee uses to take or solicit orders for the sale of liquor, within five business days after the platform begins to be used;
- (c) the licensee uses a form of purchase order that complies with any standards and requirements established by the Registrar under section 24 of the Act to receive any orders for the sale of liquor by the manufacturer that the licensee represents;
- (d) the licensee,
 - (i) remits all purchase orders to the LCBO, to the holder of an offsite winery retail store licence or to the holder of a brewery retail store endorsement, a distillery retail store endorsement or a winery retail store endorsement,
 - (ii) does not accept liquor for delivery or distribution unless the order has been accepted by the LCBO or by a licence holder referred to in subclause (i), as applicable, and
 - (iii) ensures that a copy of the purchase order is attached to the liquor;
- (e) the licensee does not keep liquor except for the purpose of,
 - (i) delivering it to the customer who ordered it in accordance with clause (d),

- (ii) distributing it to the holder of a licence to operate a liquor consumption premises who ordered it in accordance with clause (d),
 - (iii) carrying out market research, or
 - (iv) providing a sample of a product of the holder of the manufacturer's licence to sell on condition that the sample is provided in a sealed, unopened container; and
- (g) upon delivering or distributing liquor, the licensee shall provide the recipient with an invoice that shows the cost of the liquor and any fees charged by the licensee.

PART IX MANUFACTURER'S LICENCES TO SELL

CLASSES, ENDORSEMENTS AND AUTHORIZED ACTIONS

Classes of manufacturer's licence to sell

118. The following classes are established for a manufacturer's licence to sell:

1. Brewery licence.
2. Distillery licence.
3. Winery licence.

Manufacturer's licence to sell endorsements

119. (1) The following are prescribed as endorsements on all classes of manufacturer's licence to sell:

1. By-the-glass endorsement.
2. Temporary extension endorsement.
3. Delivery endorsement.

(2) The following are prescribed as endorsements on brewery licences:

1. Brewery retail store endorsement.

(3) The following are prescribed as endorsements on distillery licences:

1. Distillery retail store endorsement.

(4) The following are prescribed as endorsements on winery licences:

1. Winery retail store endorsement.

Eligibility for endorsements

120. (1) In order to be eligible for a brewery retail store endorsement, a distillery retail store endorsement or a winery retail store endorsement, the licensee must exercise substantial ownership and control over the production site on which the retail store is located and, where the production site is owned and controlled by more than one holder of a manufacturer's licence to sell, the applicant must demonstrate its substantial ownership and control over the production site in the manner specified by the Registrar.

(2) The Registrar may only grant a by-the-glass endorsement if,

- (a) the Registrar is of the opinion that the sale of liquor will be primarily aimed at promoting the manufacturer's product and either providing an enhanced tourist experience or fulfilling an educational purpose; and
- (b) in the case where the production site is located in a municipality, the council of the municipality has passed a resolution in support of the licence.

(3) The Registrar shall not grant more than two brewery retail store endorsements to the holder of a brewery licence.

Authorized actions for manufacturer's licence to sell

121. (1) A brewery licence authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Keep for sale, offer for sale or sell beer.
2. Keep for sale, offer for sale or sell liquor that is not beer, wine or spirits to the LCBO.
3. Serve or offer to serve liquor to the holder of a liquor sales licence or its employees at the premises to which the liquor sales licence applies for the purpose of providing samples.

(2) A winery licence authorizes the licensee to perform the following actions in accordance with this Regulation:

1. Keep for sale, offer for sale or sell wine.
2. Keep for sale, offer for sale or sell liquor that is not beer, wine or spirits to the LCBO.
3. Serve or offer to serve liquor to the holder of a liquor sales licence or its employees at the premises to which the liquor sales licence applies for the purpose of providing samples.

(3) A distillery licence authorizes the licensee to perform the following actions in accordance with the conditions that apply to the licence:

1. Keep for sale, offer for sale or sell spirits.
2. Keep for sale, offer for sale or sell liquor that is not beer, wine or spirits to the LCBO.
3. Serve or offer to serve liquor to the holder of a liquor sales licence or its employees at the premises to which the liquor sales licence applies for the purpose of providing samples.

(4) A brewery retail store endorsement authorizes the licensee to perform the following actions:

1. Keep for sale, offer for sale or sell its beer at any location on the licensee's production site from a retail store on the production site.
2. Serve or offer to serve beer in the retail store for the purpose of providing samples.
3. Permit individuals to possess or consume samples of beer served by the licensee in the retail store.

(5) A distillery retail store endorsement authorizes the licensee to perform the following actions:

1. Keep for sale, offer for sale or sell its spirits at a retail store at any location on the licensee's production site from a retail store on the production site.
2. Serve or offer to serve spirits in in the retail store for the purpose of providing samples.
3. Permit individuals to possess or consume samples of spirits served by the licensee in the retail store.

(6) A winery retail store endorsement authorizes the licensee to perform the following actions:

1. Keep for sale, offer for sale or sell its wine at any location on the licensee's production site from a retail store on the production site.
2. Serve or offer to serve wine in the retail store for the purpose of providing samples.
3. Permit individuals to possess or consume samples of wine served by the licensee in the retail store.

(7) A by-the-glass endorsement authorizes the licensee to perform the actions that would be authorized by a liquor sales licence in areas that are under the sole control of the licensee and that are located on or immediately adjacent to one of the licensee's production sites.

(8) A temporary extension endorsement authorizes a licensee who has a brewery retail store endorsement, distillery retail endorsement or winery retail store endorsement to operate an occasional extension of the manufacturer's winery, brewery or distillery retail store within a farmers' market or within premises for which a permit has been issued for an industry promotional event described in subsection 1 (1) of Ontario Regulation [***/**] (Permits) made under the Act.

(9) A delivery endorsement authorizes the licensee to deliver liquor from another manufacturer's brewery retail store, distillery retail store or winery retail store in accordance with this Regulation.

LICENCE CONDITIONS

Manufacturer's Licences to Sell

Application

122. It is a condition of every manufacturer's licence to sell that the licensee comply with sections 123 to 131.

Material financial or other benefit

123. (1) The licensee or an agent or employee of the licensee shall not directly or indirectly offer or give a material financial or other benefit to a person who holds a licence or permit under the Act, or to an agent or employee of the person, for the purpose of increasing the sale or distribution of a brand of liquor.

(2) The licensee or an agent or employee of the licensee shall not directly or indirectly offer to pay or pay any commission, profit or remuneration or make any gift to a member of the Board, an employee of the Commission or to a member or employee of the Tribunal.

(3) Subsection (1) does not apply to a benefit offered or given by the licensee or an agent or employee of the licensee to the holder of a licence to deliver liquor when acting in accordance with an agreement between them that is described in subsection 105 (5) (Purchase of liquor) if,

(a) the benefit is intended to facilitate or promote,

(i) the purchase of liquor from a retail store operated under an offsite winery retail store licence, a brewery retail store endorsement, a winery retail store endorsement or a distillery retail store endorsement, or

- (ii) the delivery of liquor from a retail store described in subclause (i) by the holder of the licence to deliver liquor; and
- (b) the licensee does not also hold, directly or indirectly, a beer and wine grocery store licence or a beer and cider grocery store licence.

Supply of liquor without remuneration

124. (1) The licensee shall not supply liquor to any person in Ontario without receiving remuneration, except in the following circumstances:

1. If the licensee is acting under the authority of a permit.
2. If the purpose of the supply of liquor is to have the person sample a brand or product or to carry out market research. In such cases, the licensee shall ensure that the sampling and research are conducted in accordance with the standards and requirements on sampling and market research established by the Registrar under section 24 of the Act.
3. If the recipient of the liquor is,
 - i. the licensee's employee,
 - ii. a person authorized to conduct a lottery event in accordance with paragraph 207 (1) (b) of the *Criminal Code* (Canada) where the liquor is a prize to be awarded at the event, or
 - iii. the holder of a permit where the special occasion is a fundraising event for the advancement of charitable, educational, religious or community objects conducted by,
 - A. a charitable organization that is registered under the *Income Tax Act* (Canada),
 - B. a non-profit association or organization for the advancement of charitable, educational, religious or community objects, or

C. the holder of an auction permit.

4. If the liquor is supplied in an indoor place at the licensee's head office or production site,
 - i. to which the public is not ordinarily invited or permitted access,
 - ii. that is not available for rental by members of the public, and
 - iii. to which the public is not invited or permitted access at the time the liquor is given.

(2) If the licensee manufactures Ontario wine, the licensee may, after giving notice to the Registrar of the specific location at which the Ontario wine is to be given, supply Ontario wine without receiving remuneration to a person at an outdoor place to which the public is not ordinarily invited or permitted access at the licensee's head office or production site,

- (a) that is not available for rental by members of the public for occasional use; and
- (b) to which the public is not invited or permitted access at the time the Ontario wine is given.

(3) An employee, agent or licensed representative of a manufacturer may only supply liquor without receiving remuneration to the persons mentioned in subparagraphs 3 ii and iii of subsection (1).

(4) A licensee shall provide to the LCBO such samples of the manufacturer's products as are required by the LCBO.

Employees who take or solicit orders for sales

125. The licensee shall ensure that any of its employees who takes or solicits orders for the sale of the liquor made by the manufacturer complies with the rules set out in section 117 (Representation).

Labels

126. (1) In this section,

“spirits term” means the words “brandy”, “cognac”, “gin”, “grappa”, “liqueur”, “marc”, “mescal”, “pisco”, “pomace”, “rum”, “tequila”, “vodka”, “whisky” or any variation of those words that has the same meaning.

(2) A manufacturer of beer shall affix a label to each container showing the nature of the contents, the name of the manufacturer and the place where the beer was brewed.

(3) For the purpose of subsection (2), the nature of the contents of the container must be designated by the words “beer”, “ale”, “stout”, “porter” or “lager”.

(4) A manufacturer of beer or wine shall not use a spirits term on labels, packaging or containers of beer or wine sold or kept for sale in Ontario or in any advertising material for such liquor.

(5) Despite subsection (4), a manufacturer of beer or wine may,

- (a) include a factual statement describing the aging of beer or wine in a spirits barrel on a label, container, package, or in advertising material, if such aging has taken place; or
- (b) use a spirits term on labels, packaging or containers of liquor sold [or kept for sale] in Ontario or in any advertising material for such liquor if the manufacturer satisfies the Registrar that the use of the term,
 - (i) is necessary to provide full and accurate information to the public about the character or attributes of the liquor,
 - (ii) would not contravene any requirement or restriction in the laws of Ontario or the laws of Canada applicable to Ontario or any international trade agreement to which Canada is a signatory, and
 - (iii) is not contrary to the public interest.

Sale of beer under brewery licence

127. (1) The holder of a brewery licence shall not sell beer in Ontario unless the sale,

- (a) is to the LCBO or to the holder of the Brewers Retail Inc. licence;
- (b) is a retail sale to the public through retail stores operated by the holder of the Brewers Retail Inc. licence;
- (c) is made to holders of a licence to operate a liquor consumption premises through the holder of the Brewers Retail Inc. licence;
- (d) to the public under an endorsement to the licence; or
- (e) is for the purpose of sampling that is made in accordance with section 130 (Sale for purpose of sampling).

(2) A licensee may sell a beverage under clause (1) (a), (b) or (c) if the beverage contains beer as well as alcohol that,

- (a) was obtained other than by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products, and
- (b) does not increase the total alcohol content of the beverage by more than 0.5 of one per cent by volume.

Sale of spirits under distillery licence

128. The holder of a distillery licence shall not sell spirits in Ontario unless the sale is,

- (a) to the LCBO,
- (b) to the public under an endorsement on the licence, or
- (c) a sale for the purpose of sampling that is made in accordance with section 130 (Sale for purpose of sampling).

Sale of wine under winery licence

129. (1) The holder of a winery licence shall not sell wine in Ontario unless the sale is,

- (a) to the LCBO;
- (b) to the public under an endorsement to the licence or under an offsite winery retail store licence; or
- (c) a sale for the purpose of sampling that is made in accordance with section 130 (Sale for purpose of sampling).

(2) The licensee shall not sell wine in Ontario unless the wine meets any of the following conditions:

1. The wine is Ontario wine.
2. The wine is produced by the complete or partial alcoholic fermentation of fresh grapes, or of products derived solely from fresh grapes, or both, and the wine meets the following conditions:
 - i. The wine is manufactured in Ontario from a mixture of imported grapes or grape product and Ontario grapes or grape product.
 - ii. The wine is made from not less than 25 per cent of grapes grown in Ontario or grape product produced from such grapes to which no water has been added at any time.
 - iii. If water is added to the grapes or grape product from which the balance of the wine is derived, the volume of the balance of the wine as measured on November 30 in the winemaking year in which the wine is manufactured must not exceed 902 litres per one tonne of grapes,
 - iv. No labrusca grapes or grape product derived from such grapes must be used in the manufacture of the wine, unless the wine has an alcohol content of more than 6.5 per cent but less than 8.5 per cent by volume or is fortified wine.

3. The wine is sake and the full sake-making process occurs in Ontario, including all of the following steps:
 - i. Rice milling.
 - ii. Rice washing.
 - iii. Rice steeping.
 - iv. Rice steaming.
 - v. Koji making.
 - vi. Fermentation.
 - vii. Filtration.
 - viii. Pasteurization.

(4) The licensee shall not sell wine in Ontario to which distillate of cereal grains has been added unless the distillate is made from cereal grains grown in Ontario and the wine has an alcohol content of at least 14 per cent alcohol by volume.

(5) If wine sold by the licensee in Ontario has an alcohol content of more than 7 per cent but less than 14 per cent by volume and is manufactured in any part from labrusca grapes not listed in Schedule 1, the label on each bottle of the wine shall indicate that the wine contains native North American variety grapes:

(6) The licensee shall not sell wine that is identified as Ontario table wine unless it meets the following standards:

1. The wine is,

- i. manufactured entirely from Ontario grapes of the vinifera or hybrid varieties set out in Schedule 1, or
 - ii. manufactured from a combination of Ontario grapes set out in Schedule 1 and Ontario grapes of vinifera or hybrid varieties that are in an experimental stage but are not included in Schedule 1.
2. The total volume of the wine, measured on the 30th day of November in the winemaking year of manufacture of the wine, from one tonne of Ontario grapes is not more than 902 litres.

Sale for purpose of sampling

130. The licensee may offer for sale or sell liquor to a person if,

- (a) the purpose of the sale is to have the person sample a brand or product of the licensee at a retail store; and
- (b) the price at which a sample of the liquor is sold remains proportionately below the retail price of that liquor in retail stores.

Distribution

131. (1) A licensee may distribute its liquor or the liquor of another manufacturer to a person if the liquor was purchased from the LCBO or a person authorized to sell the liquor under the Act.

(2) A licensee may enter into an agreement or arrangement with another person to distribute the liquor on behalf of the licensee to a person under subsection (1).

(3) Despite subsections (1) and (2), before January 1, 2026 a licensee that manufactures beer may distribute the beer of another licensee only if neither licensee has worldwide production of beer greater than 150,000 hectolitres in its previous production year.

Brewery Retail Store Endorsements, Distillery Retail Store Endorsements and Winery Retail Store Endorsements

Availability of liquor

132. The licensee shall ensure that liquor is only available to customers between the hours of 7 a.m. and 11 p.m. on any day.

Sale of liquor under retail store endorsements

133. (1) The holder of a brewery licence shall not sell beer under a brewery retail store endorsement unless the following criteria are satisfied:

1. If the licensee has only one brewery retail store endorsement, the full brewing process must take place at the production site where the retail store is located, including mashing, lautering, boiling, hop separation, fermentation and packaging.
2. If the licensee has two brewery retail store endorsements,
 - i. the full brewing process for at least 50 per cent of the beer sold at each retail store must take place at the production site where the retail store is located, and
 - ii. the full brewing process for any remaining beer sold at the retail store must take place at the production site where the other retail store is located.

(2) The holder of a distillery licence shall not sell spirits under a distillery retail store endorsement unless the following criteria are satisfied:

1. At least 50 per cent of the volume of spirits or spirit products sold each year must be made, from start to finish, at the production site where the retail store is located.
2. The remaining volume of spirits and spirits products sold each year must be distilled, blended, aged or bottled at a production site where one of the licensee's distillery retail stores is located.
3. The spirits must be brands that are owned by the licensee.

(3) The holder of a winery licence shall not sell wine under a winery retail store endorsement unless the following criteria are satisfied:

1. The licensee must carry out the full primary fermentation process with respect to at least 25 per cent of the total volume of wine sold by the licensee.
2. The wine sold at the retail store, excluding sake, must be made at the production site where the retail store is located, with the licensee carrying out,
 - i. the full primary fermentation process at the production site with respect to at least 25 per cent of the total volume of wine sold at the retail store, which requires,
 - A. all aspects of the process to occur at the production site, and
 - B. the relevant fermentation vessels to at all times be physically present at the production site, and
 - ii. at least one of the following additional steps, in full, with respect to the entire content of each bottle of wine the licensee sells at its winery retail stores:
 - A. Primary fermentation.
 - B. Blending.
 - C. Barrel aging for at least three months.
 - D. Bulk aging for at least three months.
 - E. In the case of sparkling wine, secondary fermentation or artificial carbonation, as applicable.
 - F. In the case of fortified wine, flavouring.

2. In the case of wine made from grapes, the production site where the store is located must contain at least five acres of planted grapes, unless the store has been operating since before January 1, 1993.
3. In the case of wine made from fruit other than grapes, the licensee must produce a minimum of 80 per cent of its total wine production from fruit other than grapes.
4. In the case of wine made from fruit other than grapes or apples, the production site where the store is located must contain at least five acres of planted fruit.
5. In the case of maple wine, the production site where the store is located must contain at least five acres of planted sugar bush.
6. In the case of honey wine, the licensee must own or lease, and operate, a minimum of 100 bee colonies and possess a valid certificate of registration issued by the Provincial Apiarist under the *Bees Act*.
7. In the case of sake, the licensee must,
 - i. perform the full sake-making process, including all steps set out in paragraph 3 of subsection 129 (2) of this Regulation, at the production site where the retail store is located for at least 25 per cent of the total volume of sake sold at the store, and
 - ii. perform the full sake-making process, including all steps set out in paragraph 3 of subsection 129 (2) of this Regulation, at a production site where one of the licensee's winery retail stores is located for the remaining volume of sake sold at the store.

(6) Where more than one retail store is located at the same production site, the licensee for each store must own and operate their respective store which must be readily distinguishable from any other retail store located at the production site.

(7) If two or more brewery retail stores, winery retail stores or distillery retail stores are located on the same production site, sales from more than one store may not be conducted in the same location.

(8) Despite subsection (3), a winery retail store may sell wine if it is sold as part of an approved souvenir or gift package, as described in subsection (9).

(9) An approved souvenir or gift package means a souvenir or gift package that is approved by the Registrar, and may include Ontario wine manufactured by other manufacturers of Ontario wine in addition to wine manufactured by the licensee.

By-The-Glass Endorsements

Application

134. It is a condition of every manufacturer's licence to sell with a by-the-glass endorsement that the licensee comply with sections 135 to 136.

Compliance with other conditions

135. (1) Subject to subsections (2) and (3), the licensee shall comply with all of the conditions in Part III that apply to liquor sales licences, including the conditions that apply to all licences to operate a liquor consumption premises.

(2) Subsection 22 (1) (No benefits from manufacturers) does not apply to the licensee.

(3) Section 29 (Hours) does not apply to the licensee, and instead section 136 applies.

Hours

136. The licensee shall not sell or serve liquor under the authority of the by-the-glass endorsement earlier than 9 a.m. or later than midnight on any day.

Temporary Extension Endorsements

Application

137. (1) It is a condition of every manufacturer's licence to sell with a temporary extension endorsement that the licensee comply with this section in respect of sales at,

- (a) a farmers' market; or
- (b) premises for which a permit has been issued for an industry promotional event described in subsection 1 (1) of Ontario Regulation [***/**] (Permits) made under the Act.

Operation of temporary extension

138. (1) The licensee may operate a temporary extension of their retail store at a farmers' market or industry promotional event and shall comply with all of the conditions and requirements that apply to the retail store in operating the temporary extension.

(2) The temporary extension is deemed to be part of the licensee's retail store for the purposes of complying with any of the conditions and requirements set out in this Part.

(3) The licensee shall not sell liquor at a farmers' market or industry promotional event if the municipality, if any, in which the farmers' market or industry promotional event is located has advised the Registrar in writing that it objects to the sale of liquor at the farmers' market or industry promotional event.

(4) The Registrar shall advise licensees of any objection by a municipality made under subsection (3).

(5) The licensee shall provide the Registrar with advance notice of the location and intended dates for the sale of liquor at the farmers' market or industry promotional event, as required by the Registrar.

(6) The licensee shall only conduct sales during the hours of the farmers' market or industry promotional event.

(7) The licensee shall offer liquor for sale at a particular farmers' market for no more than three days in any given week.

(8) The licensee shall offer liquor for sale at a particular industry promotional event for no more than ten consecutive days.

(9) The licensee may only sell,

- (a) in the case of an extension of a winery retail store, Ontario wine, except for Ontario wine that is produced using any combination of the concentrated juice of apples that were not all grown in Ontario,

- (b) in the case of an extension of a distillery retail store, spirits, if at least 50 per cent of the volume of spirits in the container holding them is made, from start to finish, at a production site in Ontario.
- (c) In the case of an extension of a brewery retail store, beer, if the full brewing process takes place at the production site in Ontario.

(10) The licensee shall ensure that liquor offered for sale at the farmers' market or industry promotional event that is not sold is returned to the licensee's retail store within 72 hours from the time it leaves the store.

(11) If the Registrar determines that all or a substantial number of the products sold or offered for sale at a farmers' market are liquor,

- (a) the Registrar shall notify any licensees who operate at the farmers' market of the determination; and
- (b) on receipt of the Registrar's notice, the licensees are no longer authorized to operate at the farmers' market until the Registrar rescinds their determination.

Delivery Endorsements

Application

139. It is a condition of every manufacturer's licence to sell with a delivery endorsement that the licensee comply with section 140.

Compliance with conditions on licences to deliver

140. The licensee shall comply with all of the conditions in Part VI that apply to licences to deliver.

PART X LICENCE TRANSFERS

Change in ownership

141. (1) For the purposes of section 14 of the Act, no licensee that has undergone any of the following changes of ownership shall engage in activities authorized under a licence unless the Registrar has transferred the licence in accordance with this Part:

1. An individual becomes or ceases to be an officer or director of,
 - i. a licensee that is a corporation, or
 - ii. a corporation that effectively controls the activities authorized under the licence.
 2. A person becomes or ceases to be a partner of a licensee that is a partnership.
 3. A person or partnership acquires a beneficial interest in the licensed business, including acquiring shares of a licensee that is a corporation or of a corporation that effectively controls the business, that results in the person or partnership holding or controlling 10 per cent or more of the outstanding shares, or of a class of shares, of the corporation.
 4. A person or partnership other than the licensee becomes entitled to any of the profits from the sale of liquor or liable for any obligations incurred from the activities authorized under the licence.
- (2) The licence transfer described in subsection (1) is not required,
- (a) if the licence is a licence to operate a retail store; or
 - (b) if the change of ownership is one of the following types and the principal individuals involved in the licensed business remain the same after the change occurs:
 - (i) a licensee that is a sole proprietorship becomes a corporation,
 - (ii) a licensee that is a partnership becomes a sole proprietorship or a corporation, or
 - (iii) a licensee that is a corporation becomes a sole proprietorship or a partnership.

(3) Despite paragraphs 1 and 2 of subsection (1), a licensee that gives the Registrar notice of the following change within 30 days after it occurs may continue to engage in activities authorized under the licence without requiring a licence transfer:

1. An individual ceases to be an officer or director of a licensee that is a corporation.
2. A partner ceases to be a partner in a partnership that is a licensee.

Transfers of licences

142. (1) The following licence types are prescribed for the purposes of subsection 15 (1) of the Act as being eligible to be transferred to a different person by the Registrar in accordance with this section:

1. A licence to operate a liquor consumption premises.
2. A licence to operate a retail store, other than the Brewers' Retail Inc. licence.
3. A licence to deliver.
4. A licence to operate a ferment on premises facility.
5. A manufacturer's licence to sell.

(2) Subject to the restrictions set out in this section, the Registrar shall transfer a licence to a person if,

- (a) the person complies with the Act and the regulations and pays the required fee;
- (b) the Registrar approves the application, or the Tribunal directs the Registrar to transfer the licence; and
- (c) the person consents to any conditions specified by the Registrar that are to be attached to the licence.

(3) For greater certainty, a licence transferred under this section is subject to such conditions as may be attached by the Registrar with the applicant's consent or imposed by the Tribunal.

(4) The Registrar shall not transfer a licence if,

- (a) the Registrar has imposed a monetary penalty under subsection 14.1 (2) of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act* or under subsection 14 (5) of the *Alcohol and Gaming Commission of Ontario Act, 2019* that is outstanding against the current holder of the licence; or
- (b) the recipient of the licence transfer would not be eligible to be issued the licence under subsection 3 (4) of the Act and under this Regulation.

(5) The restriction set out in clause (2) (b) does not apply if the Registrar transfers a liquor sales licence or a licence to operate a ferment on premises facility for a period of not more than one year to permit the orderly disposition of the business carried on under the licence in the following circumstances:

1. A trustee in bankruptcy or court-appointed receiver acquires the business of the licensee.
2. A mortgagee, franchisor, landlord, or executor or administrator of the estate of a deceased licensee takes possession of the licensed premises;

(6) The Registrar shall not transfer an offsite winery retail store licence to a person unless the Registrar also approves the transfer to that person of the manufacturer's licence to sell associated with the offsite winery retail store licence.

(7) The Registrar shall not transfer an offsite winery retail store licence with a wine boutique endorsement if the recipient of the licence would hold more than the maximum number of licences with wine boutique endorsements permitted by subsection 69 (3) (Ineligibility criteria).

(8) The Registrar shall not transfer a beer and wine grocery store licence or a beer and cider grocery store licence unless,

- (a) the transfer is to the purchaser of an eligible grocery store to which the licence applies; or
- (b) the transfer is to an eligible grocery store in a different location in the same geographic region as the store to which the licence applies, and
 - (i) both stores have the same operator,
 - (ii) the operators of the stores are affiliated, or
 - (iii) the stores are part of the same franchise system.

(9) The Registrar shall not transfer a beer and wine grocery store licence or a beer and cider grocery store licence if the recipient of the licence would hold more than the maximum number of licences with wine boutique sales agent endorsements permitted by subsection 64 (4) (Authorized actions for beer and cider grocery store licence).

(10) Before January 1, 2026, the Registrar shall not transfer a beer and wine grocery licence to an eligible grocery store in which, on May 1, 2016, space for a winery retail store was leased or licensed unless the winery has notified the Registrar in writing that the winery does not wish the lease or licence at the eligible grocery store to continue.

Temporary contracting out for purpose of licence transfer

143. (1) Despite section 11 (No contracting out the operations of the business), a licensee, other than the holder of a licence to represent a manufacturer, may contract out the operation of the business to a person who is applying to receive the transfer of the licence if,

- (a) a proposal has not been issued to suspend or revoke or refuse to renew the licence;
- (b) the Registrar has imposed a monetary penalty under subsection 14.1 (2) of the *Alcohol, Cannabis and Gaming Regulation and Public Protection Act* or under subsection 14 (5) of the *Alcohol and Gaming Commission of Ontario Act, 2019* that is outstanding against the current holder of the licence;
- (c) the person has filed an application for transfer of the licence with the Registrar and has paid the required fee; and

- (d) the licensee has signed an authorization for the applicant to operate the business and has filed the authorization with the Registrar.

(2) The licensee remains liable under the licence during the period for which the operation of the business has been contracted out.

(3) The ability to contract out the operation of the business expires

- (a) on the issuance of the transfer of the licence; or
- (b) on the issuance of a notice of proposal to refuse the transfer.

PART XI LOCAL OPTION

Prohibited areas

144. (1) No licence to operate a liquor consumption premises may be issued, and no by-the-glass endorsement may be granted, for premises in a municipality or part thereof in which the sale of liquor under a licence was prohibited under the law as it existed immediately before the day subsection 2 (1) of the Act comes into force.

(2) No retail store may be operated in a municipality or part thereof in which the sale of liquor in a government store was prohibited under the law as it existed immediately before the day subsection 2 (1) of the Act comes into force.

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

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

- (a) a retail store operated before the day subsection 2 (1) of the Act comes into force shall be deemed to be operated in compliance with this section; and
- (b) a licence that was issued before the day subsection 2 (1) of the Act comes into force and that was continued as a licence to operate a liquor consumption premises or that

was continued as a manufacturer's licence to sell with a by-the-glass endorsement shall be deemed to have been issued in compliance with this section.

(5) Subject to section 145, in a municipality or part thereof in which, under the law as it existed immediately before the day subsection 2 (1) of the Act comes into force, the sale of beer and wine only was permitted in licensed premises, a licence to operate a liquor consumption premises shall be deemed to contain a condition that beer and wine only may be sold in the licensed premises.

Local option to authorize sale

145. (1) The council of a municipality described in subsection 144 (1) or (2) may submit to a vote one or more of the questions set out in subsection (3) respecting the authorization of the sale of liquor in the municipality.

(2) The council of a municipality shall submit to a vote the questions set out in subsection (3) respecting the authorization of the sale of liquor in the municipality as are requested by a petition signed by at least 25 per cent of the persons appearing on the voters' list, as revised, prepared for the previous municipal election.

(3) The questions referred to in subsections (1) and (2) are the following:

1. Are you in favour of the sale of liquor in retail stores?
2. Are you in favour of the sale of liquor for consumption on the premises where it is sold?
3. Shall the municipality continue to prohibit the sale of spirits for consumption on the premises where it is sold?

(4) Despite subsection 144 (2), retail stores may be operated in a municipality described in that subsection if 60 per cent of the electors voting on a question vote in favour of the sale of liquor in retail stores.

(5) Despite subsection 144 (1), licences to operate a liquor consumption premises may be issued, and by-the-glass endorsements may be granted, to premises in a municipality described in that subsection if 60 per cent of the electors voting on a question vote in favour of the sale of liquor for consumption on the premises where it is sold.

(6) Despite anything else in this Regulation, licensees are not authorized to sell spirits for consumption in premises in a municipality if 60 per cent of the electors voting on a question vote in favour of continuing to prohibit the sale of spirits for consumption

(7) Subsection (6) does not apply if, in a subsequent vote, 60 per cent of the electors voting on a question vote against continuing to prohibit the sale of spirits for consumption in the municipality.

Voting day

146. (1) Subject to subsection (2), the day fixed for taking a vote on any question under section 145 shall be voting day in the next regular election under the *Municipal Elections Act, 1996*, unless the council, with the approval of the Board, fixes another day and notifies the clerk of the municipality.

(2) A vote shall not be held on any question until after sixty days from,

- (a) the filing of the petition requiring the question to be submitted; or
- (b) the date the council approves the submission of the question, if the council submits the question without a petition.

Eligible voters

147. The persons eligible to vote on a question under section 145 are the persons who would be eligible to vote at an election held under the *Municipal Elections Act, 1996* on the day fixed for taking the vote on the question.

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

148. The provisions of the *Municipal Elections Act, 1996* apply to the taking of a vote under this Act.

Return to Registrar

149. (1) The returning officer shall make a return to the Registrar showing the number of votes polled for the affirmative and negative on each question submitted.

(2) Upon receiving the return, the Registrar shall give notice of the return on the website of the Alcohol and Gaming Commission of Ontario, showing the total number of votes polled in the municipality for the affirmative and negative on each question.

Resubmitting questions

150. If a question under section 145 is submitted for a vote in a municipality or part thereof, no further vote may be held in the municipality or part on any question under section 145 until thirty-five months after the date of the vote on the question.

Municipal restructuring

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

- (a) is not affected by the amalgamation; and
- (b) may be changed only by a vote under this Act in the municipality amalgamated.

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

- (a) is not affected by the annexation; and
- (b) may be changed only by a vote under this Act in the municipality or part annexed.

(3) In a municipality amalgamated or municipality or part annexed to which subsection (1) or (2) applies, the persons qualified to sign a petition under section 145 are the persons whose names appear on the voters' list, as revised, prepared for the previous municipal election held in the municipality amalgamated or municipality or part annexed, as the case may be.

(4) In a municipality amalgamated or municipality or part annexed to which subsection (1) or (2) applies, the persons eligible to vote on a question under section 145 are the persons who would be eligible to vote at an election held under the *Municipal Elections Act, 1996* in the municipality amalgamated or municipality or part annexed, as the case may be.

**PART XII
AMENDMENTS TO THIS REGULATION**

Amendments to this Regulation

152. (1) Section 13 of this Regulation is revoked.

(2) Subsection 81 (10) of this Regulation is amended by striking out “50 per cent” in the portion before paragraph 1 and substituting “45 per cent”.

(3) Subsection 81 (10) of this Regulation, as amended by subsection (1), is amended by striking out “45 per cent” in the portion before paragraph 1 and substituting “40 per cent”.

**PART XIII
COMMENCEMENT**

Commencement

153. [Commencement]

**SCHEDULE 1
VINIFERA OR HYBRID VARIETIES**

FRENCH HYBRIDS — RED (VINIFERA HYBRID)

Baco Noir, Cascade, Chambourcin, Chancellor, Seibel 13053, Villard Noir, De Chaunac, Chelois, Rosette, Marechal Foch, Leon Millot, Le Commandant, Castel, B.S. 2846, Landot, Colobel.

FRENCH HYBRIDS — WHITE (VINIFERA HYBRID)

Aurore, Seibel 8229, Seibel 10868, Seibel 13047, Verdelet, Seyve-Villard 172, S.V. 23-512, Seyval Blanc, Vidal 256, Siegfried Rebe, Couderc 29935, Florental, Cayuga White, Vee Blanc, V50201, Vivant, J523-0416, V65-232, Canada Muscat, N.Y. Muscat.

VINIFERA

J. Riesling, Welch Riesling, Bacchus, Kerner, Scheurebe.

Gamay, Aligote.

Chardonnay.

Auyerrios, Cabernet Franc, Cabernet Sauvignon, Gewurztraminer, Merlot, Pinot Gris,
Pinot Noir.

Syrah/Shiraz, Sauvignon Blanc.

AMERICAN HYBRIDS

Delaware, Duchess, Alden, Vincent.

SCHEDULE 2 COMBINATION GOVERNMENT STORES

Column 1 Item	Column 2 Location	Column 3 Street Address	Column 4 Liquor Control Board of Ontario Store Number
1.	Alban	524 Highway 64	604
2.	Alfred	602 St. Philippe Street	466
3.	Apsley	3 Burleigh Street	318
4.	Arthur	151 Catherine Street West	293
5.	Athens	19 Main Street East	316
6.	Bayfield	71 Main Street South	550
7.	Baysville	2461 Muskoka Road 117 East	516
8.	Beachburg	35 Lapasse Road	597
9.	Beardmore	222 Main Street	180
10.	Belmont	210 Caesar Road	548
11.	Bewdley	5087 Rice Lake Drive North	594
12.	Bonfield	234 Yonge Street	574
13.	Bourget	3926 Champlain Street	121
14.	Brechin	King Street South	581
15.	Bruce Mines	9226 Taylor Street	421
16.	Brussels	575 Turnberry Street	541
17.	Buckhorn	1976 Lakehurst Road	561
18.	Burford	29 Park Avenue	429
19.	Burk's Falls	10 Commercial Drive	232
20.	Calabogie	703 Mill Street	433
21.	Caledon	16000 Airport Road	599
22.	Callander	5 Main Street North	492
23.	Cannington	25 Cameron Street East	562
24.	Capreol	12 Hanna Street	118
25.	Cardinal	623 Highway 2, Cardinal Village Square	304
26.	Carp	461 Donald B Munro Drive	455
27.	Casselman	644 Principale Street	441
28.	Cayuga	1 Talbot Street West	160
29.	Chesley	115 First Avenue North	284
30.	Chesterville	150 Queen Street	303
31.	Cobalt	28 Silver Street	76
32.	Cobden	22 Truelove Street	442
33.	Coe Hill	8 Centre Street	535
34.	Colborne	9 Toronto Road, Highway 2	380
35.	Courtright	42 Thompson Street	337
36.	Creemore	12 Elizabeth Street East	267

37.	Delta	39 King Street	460
38.	Denbigh	22353 Highway 41	476
39.	Deseronto	78 St. George Street	96
40.	Dorset	1059 Main Street	399
41.	Dresden	188 Lindsley Street West	161
42.	Dunchurch	7 Church Street	595
43.	Dundalk	77220 Highway 10	450
44.	Dutton	234 Mary Street	213
45.	Dwight	25846 Highway 35	557
46.	Ear Falls	16 Spruce Street	292
47.	Earlton	4 - 10th Avenue South	506
48.	Echo Bay	3213 Highway 17 B East	519
49.	Elgin	131 Perth Street	352
50.	Elk Lake	55 First Street	280
51.	Emo	Highway 11	285
52.	Englehart	65 Fourth Avenue	92
53.	Foleyet	30 Young Street	338
54.	Frankford	14 King Drive North	364
55.	Glencoe	228 Currie Street	294
56.	Gooderham	1007 Gooderham Street	607
57.	Gore Bay	1 Dawson Street	157
58.	Goulais River	3040 Highway 17 North	473
59.	Grand Valley	22 Main Street South	583
60.	Hagar	7260 Highway 535	524
61.	Haileybury	316 Broadway Street	67
62.	Harriston	2 Queen Street South	369
63.	Hensall	24 London Road	622
64.	Honey Harbour	2669 Muskoka Road 5	448
65.	Hornepayne	36 Fifth Avenue	204
66.	Hudson	35 Second Street	480
67.	Ignace	300 Main Street, Ignace Shopping Center	291
68.	Iron Bridge	1 James Street	487
69.	Iroquois	17 Plaza Drive	262
70.	Kakabeka Falls	4793 Highway 11/17	335
71.	Kearney	86 Main Street	336
72.	Keewatin	202 10th Street	230
73.	Kenora	Highway 17 & Rocky Ridge Road	376
74.	Killaloe	161 Queen Street	314
75.	Killarney	17 Channel Street	409
76.	Kinmount	4094 Highway 121	307
77.	Kirkfield	1002 Portage Road	471
78.	Lafontaine	336 B Rue Lafontaine Road West	626
79.	Lanark	99 Clarence Street	479
80.	Lancaster	16 Molan Street	123
81.	Langton	67 Queen Street	510
82.	Lansdowne	992 Prince Street	423
83.	Larder Lake	38 Government Road	134
84.	Lion's Head	1 Ferndale Road	606
85.	Long Sault	33 Long Sault Drive, Long Sault Shopping Center	435
86.	Longlac	116 Forestry Road	245
87.	Lucan	196 Main Street	264
88.	Lucknow	566 Willoughby Street	440
89.	Mactier	426 High Street	251
90.	Magnetawan	12 Bidy Street	514
91.	Manitouwadge	66 Huron Walk	220
92.	Manitowaning	13 Spragge & Queen Street	258
93.	Massey	250 Imperial Street South	256
94.	Matheson	423 Highway 11	162
95.	Mattice	275 King Street East	463
96.	Maxville	3 Main Street	309
97.	Maynooth	33004 Highway 62 North	478
98.	Merrickville	205 Elgin Street	119

99.	Mildmay	1024 Highway 9	621
100.	Millbrook	4 Centre Street	254
101.	Milverton	69 Main Street South	296
102.	Moonbeam	33A Highway 11	577
103.	Moosonee	35 First Street	424
104.	Nakina	112 Quebec Street	332
105.	Newcastle	34 Beaver Street	489
106.	Niagara-on-the-Lake	20 Queen Street	124
107.	Norwood	4246 Highway 7	504
108.	Omemee	4 King Street	281
109.	Orono	91 Mill Street	543
110.	Paisley	277 Queen Street North	615
111.	Palmerston	440 Main Street West	107
112.	Parkhill	264 Main Street	374
113.	Pefferlaw	17 Hastings Road	596
114.	Pelee Island	1109 Westshore Road	120
115.	Pickle Lake	18 Koval Street	379
116.	Plantagenet	240 Old Highway 17	375
117.	Plevna	7423 Highway 506	503
118.	Pointe au Baril	Highway 69	323
119.	Pontypool	646 Drum Road	611
120.	Port Burwell	30 Robinson Street	413
121.	Port Carling	115 Medora Street	403
122.	Port Loring	14 Wilson Lake Crescent	290
123.	Port McNicoll	779 Ney Avenue	608
124.	Port Severn	3238 Port Severn Road	482
125.	Port Stanley	325 Bridge Street	330
126.	Portland	34 Colbourne Street	439
127.	Rainy River	318 Atwood Avenue	114
128.	Red Rock	125 Salls Street	493
129.	Reeces Corners	4475 London Line	591
130.	Richard's Landing	1198 Richard Street	451
131.	Richmond	6179 Perth Street	496
132.	Rosseau	1145 Highway 141	347
133.	Schreiber	207 Manitoba Street	464
134.	Seaforth	50 Main Street North	273
135.	Seeley's Bay	106 Drynan Way, Unit 10	520
136.	Sioux Narrows	Highway 71	257
137.	Smooth Rock Falls	138 Highway 11 East	189
138.	Spanish	4 Goderich Road	565
139.	St. Charles	8 King Street East	488
140.	St. Isidore	2538 St. Isidore Street	308
141.	Stirling	125 North Street	414
142.	Sundridge	65 Ontario Street, Highway 124	613
143.	Tamworth	714 Addington Street East	105
144.	Tavistock	82 Hope Street West	530
145.	Teeswater	1 Industrial Road, Unit B	610
146.	Temagami	3 Wildflower Avenue	241
147.	Terrace Bay	7 Simcoe Plaza	173
148.	Thamesville	99 Industrial Road	567
149.	Thessalon	163 Main Street	104
150.	Thornbury	43 Arthur Street	537
151.	Tobermory	23 Brock Street	283
152.	Vankleek Hill	23 Mill Street	349
153.	Vermilion Bay	Highway 17 & 142 Tower Road	315
154.	Verner	10442 Highway 17	588
155.	Victoria Harbour	144 Albert Street	560
156.	Warkworth	44 Church Street	472
157.	Warsaw	906 Water Street	570
158.	Washago	8409 County Road 169	469
159.	Waterford	37 St. James Street	299
160.	Watford	538 Huron Street	328
161.	Wellington	462 Main Street	449

(1)162.	Wheatley	676 Highway 3 East	372
163.	White River	204 Elgin Street	272
164.	Whitney	16 Hay Creek Road	319
165.	Wilberforce	2763 Essonville Road	447
166.	Winchester	578 Main Street West	578
167.	Zurich	11 Main Street	274