

**Caution:**

*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**

**GENERAL**

**CONTENTS**

[AMOUNTS AND INTERPRETATION — BEER, WINE, ETC.](#)

- [1.](#) Prescribed amount of alcohol to qualify as beer
- [2.](#) Prescribed amount of content grown outside of Ontario to qualify as Ontario wine
- [3.](#) Prescribed amount of alcohol to qualify as wine
- [4.](#) Sake, fortified wine

[NON-APPLICATION OF SPECIFIED PROVISIONS OF THE ACT](#)

- [5.](#) Non-application, specified products
- [6.](#) Sale to LCBO

[EXEMPTIONS](#)

- [7.](#) Prizes, authorized lottery events
- [8.](#) Duty free shop
- [9.](#) Manufacturer, specified circumstances
- [10.](#) Grocery store franchisor, specified circumstances
- [11.](#) Fee for delivery — certain retail stores
- [12.](#) Tasting, testing — LCBO premises
- [13.](#) Exception re prohibited areas — winery retail store endorsement
- [14.](#) Exception re prohibited areas — specified municipal premises

[POSSESSION OF LIQUOR IN CERTAIN PARKS AND CONSERVATION AREAS](#)

- [15.](#) Provincial parks, period up to Victoria Day
- [16.](#) Conservation areas in Halton Region

[MISCELLANEOUS](#)

- [17.](#) Licenced manufacturers — provision of information, returns
- [18.](#) Advertising standards for persons other than licensees and permit holders
- [19.](#) Private places
- [20.](#) Warning sign re: consumption of alcohol during pregnancy
- [21.](#) Importation of liquor for lawful possession
- [22.](#) Actions in lieu of intoxication charge, s. 48 (1) of the Act
- [23.](#) Post-conviction detention, s. 49 (1) of the Act
- [24.](#) Possession of liquor for research, educational purposes
- [25.](#) Police powers, s. 47 (1) and 62 of the Act

[REVOCAION AND COMMENCEMENT](#)

- [26.](#) Revocation

## AMOUNTS AND INTERPRETATION — BEER, WINE, ETC.

**Prescribed amount of alcohol to qualify as beer**

1. For the purpose of the definition of “beer” in subsection 1 (1) of the Act, the prescribed amount is 0.5 of 1 per cent of alcohol by volume or 0.4 of 1 per cent of alcohol by weight.

**Prescribed amount of content grown outside of Ontario to qualify as Ontario wine**

2. For the purpose of the definition of “Ontario wine” in subsection 1 (1) of the Act, the prescribed amount of agricultural products grown outside of Ontario is the following:

1. For wine produced from apples or the concentrated juice of apples to which is added herbs, water, honey, sugar or the distillate of Ontario wine or cereal grains grown in Ontario, up to 30 per cent of the total content of the wine may consist of the concentrated juice of apples grown outside of Ontario.
2. For all other wine, 0 per cent of the content of the wine may consist of agricultural products grown outside of Ontario.

**Prescribed amount of alcohol to qualify as wine**

3. For the purpose of the definition of “wine” in subsection 1 (1) of the Act, the prescribed amount is 0.5 of 1 per cent of alcohol by volume or 0.4 of 1 per cent of alcohol by weight.

**Sake, fortified wine**

4. The following shall be considered to be wine for the purposes of the definition of “wine” in subsection 1 (1) of the Act:

1. Sake.
2. Fortified wine within the meaning of Ontario Regulation [\*\*\*/\*\*] (Licensing) made under the Act.

## NON-APPLICATION OF SPECIFIED PROVISIONS OF THE ACT

### **Non-application, specified products**

5. (1) The Act does not apply with respect to a product capable of human consumption that contains 0.5 of 1 per cent or less of alcohol by volume or 0.4 of 1 per cent or less of alcohol by weight.

(2) The Act does not apply with respect to concentrated food and beverage flavouring extracts that are not palatable when consumed alone.

(3) The Act does not apply with respect to denatured cooking wine that contains 20 per cent or less alcohol by volume and 1.5 per cent or more salt by volume.

### **Sale to LCBO**

6. Subsection 2 (1) of the Act does not apply with respect to the sale of liquor to the LCBO by a person who is not a manufacturer.

## EXEMPTIONS

### **Prizes, authorized lottery events**

7. A person who is authorized to conduct a lottery event in accordance with paragraph 207 (1) (b) of the *Criminal Code* (Canada) is exempt from subsection 2 (1) of the Act for the purpose of awarding alcohol as a prize for the lottery if that the person complies with any guidelines established by the Registrar and published on the website of the Alcohol and Gaming Commission of Ontario, as they are amended from time to time.

### **Duty free shop**

8. A person is exempt from subsection 2 (1) of the Act for the purpose of selling liquor at a duty free shop, as defined in subsection 2 (1) of the *Customs Act* (Canada), that has received written approval from the LCBO under subsection 15 (1) of the *Duty Free Shop Regulations* (Canada).

### **Manufacturer, specified circumstances**

9. (1) A manufacturer is exempt from subsection 2 (1) of the Act for the purpose of selling bulk liquor to the holder of a manufacturer's licence to sell.

(2) For greater certainty, subsection (1) applies whether or not the manufacturer holds a manufacturer's licence to sell.

**Grocery store franchisor, specified circumstances**

**10.** (1) In the circumstances set out in subsection (2), a grocery store franchisor is exempt from subsection 2 (1) of the Act for the purpose of reselling liquor to a franchisee of the franchisor if the franchisee has,

- (a) a beer and wine grocery store licence; or
- (b) a beer and cider grocery store licence.

(2) The circumstances referred to in subsection (1) are the following:

1. The LCBO, the franchisor and the franchisee are parties to a supply agreement under which the franchisor acquired the liquor.
2. The franchisor sells the liquor to the franchisee for the same price at which it acquired it.
3. The franchisor does not charge a fee to the LCBO, Brewers Retail Inc. or a manufacturer unless the fee satisfies the following conditions:
  - i. The fee is charged to the LCBO.
  - ii. The fee is calculated on a cost recovery basis based on the distribution costs incurred by the franchisor.
  - iii. The fee is calculated in the same manner for all liquor products.
  - iv. The franchisor makes any formula used for calculating the fee publicly available on request.
  - v. The franchisor permits the LCBO, or any person distributing liquor on behalf of the LCBO, to distribute the liquor directly to the franchisee instead of to the franchisor without charging a fee.

- vi. The franchisor does not prohibit the franchisee from accepting deliveries described in subparagraph v.

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

#### **Fee for delivery — certain retail stores**

**11.** (1) The operator of a retail store, other than a wine boutique or grocery store, is exempt from clause 2 (1) (e) of the Act with respect to the charging of a fee on delivery of liquor sold through the retail store if the operator complies with sections 8 to 10 of Ontario Regulation [\*\*\*/\*\*] (Licensing) made under the Act.

(2) In subsection (1), “wine boutique” and “grocery store” have the same meaning as in Ontario Regulation [\*\*\*/\*\*] (Licensing).

#### **Tasting, testing — LCBO premises**

**12.** Subsection 41 (1) of the Act does not apply to a person who possesses or consumes liquor for the purposes of tasting it or testing it in premises operated by the LCBO under the supervision of an employee of the LCBO.

#### **Exception re prohibited areas — winery retail store endorsement**

**13.** Subsection 82 (1) of the Act does not apply to premises used as a store and operated by a manufacturer pursuant to a winery retail store endorsement.

#### **Exception re prohibited areas — specified municipal premises**

**14.** (1) Subsection 82 (1) of the Act does not apply with respect to the following:

1. Premises located in that part of the Township of West Garafraxa in the County of Wellington annexed to the Town of Fergus in the County of Wellington as of the 1st day of June, 1977 by an Order of the Municipal Board numbered 76232 and being composed of that part of the southwest half of Lot 5 in the First Concession of the Township of West Garafraxa designated as parts 1 and 2 according to a reference plan deposited with the Land Registrar for the Land Registry Division of Wellington North (No. 60) as Plan 60R-1483-1/2.
2. Premises located in that part of the Township of Vespra in the County of Simcoe annexed to the City of Barrie as of the 1st day of January, 1964 and described in

Schedule A of Ontario Municipal Board Order N4531-62 dated the 31st day of December, 1963 and filed with the Ontario Municipal Board.

3. Premises located on lands within the Township of Centre Wellington adjacent to the former Village of Elora, being part of Lot 1, Concession 1, east of the Grand River, geographic Township of Pilkington, in the Township of Centre Wellington, County of Wellington, being more fully described as Part 1, according to Reference Plan 61R-6272.

#### POSSESSION OF LIQUOR IN CERTAIN PARKS AND CONSERVATION AREAS

##### **Provincial parks, period up to Victoria Day**

**15.** (1) During the period beginning 10 days before Victoria Day and ending on Victoria Day, no person shall possess liquor or have liquor in the person's custody, whether in a closed container or otherwise, in a provincial park listed in subsection (3).

(2) Subsection (1) does not apply,

(a) on premises occupied under a lease, licence of occupation or land use permit;

(b) on premises occupied under an agreement made under subsection 35 (2) of the *Provincial Parks and Conservation Reserves Act, 2006*;

(c) on an interior camp-site; or

(d) to a person who is conveying liquor in a closed container,

(i) from outside of the provincial park to any of the premises described in clauses (a) to (c) if the person will be occupying the premises, or

(ii) from any of those premises to outside of the provincial park.

(3) The provincial parks mentioned in subsection (1) are:

1. Arrow Lake Provincial Park.

2. Awenda Provincial Park.
3. Bass Lake Provincial Park.
4. Bronte Creek Provincial Park.
5. Craigeleith Provincial Park.
6. Darlington Provincial Park.
7. Earl Rowe Provincial Park.
8. Emily Provincial Park.
9. Ferris Provincial Park.
10. Fitzroy Provincial Park.
11. Grundy Lake Provincial Park.
12. Inverhuron Provincial Park.
13. Killbear Provincial Park.
14. Long Point Provincial Park.
15. MacGregor Point Provincial Park.
16. Mara Provincial Park.
17. McRae Point Provincial Park.

18. Murphys Point Provincial Park.
19. Oastler Lake Provincial Park.
20. Pinery Provincial Park.
21. Point Farms Provincial Park.
22. Port Burwell Provincial Park.
23. Presqu'île Provincial Park.
24. Rideau River Provincial Park.
25. Rock Point Provincial Park.
26. Rondeau Provincial Park.
27. Rushing River Provincial Park.
28. Sandbanks Provincial Park.
29. Sauble Falls Provincial Park.
30. Selkirk Provincial Park.
31. Sibbald Point Provincial Park.
32. Silver Falls Provincial Park.
33. Six Mile Lake Provincial Park.



34. Sturgeon Bay Provincial Park.

35. Turkey Point Provincial Park.

36. Wheatly Provincial Park.

(4) In this section,

“interior camp-site” means a parcel of land operated by the superintendent for interior camping, as indicated on a current park map and designated by signs or other suitable means, that is not directly accessible by road;

“superintendent” means a person who is designated by the Minister of the Environment, Conservation and Parks as a superintendent to have charge of a provincial park.

#### **Conservation areas in Halton Region**

**16.** (1) Despite subsection 41 (2) of the Act, no person shall possess liquor or have liquor in the person’s custody, whether in a closed container or otherwise, in the areas operated by the Halton Region Conservation Authority listed in subsection (2), except,

- (a) under the authority of a licence or permit issued by the Registrar;
- (b) on premises occupied under a lease, licence of occupation or land use permit; or
- (c) while the person is conveying liquor in a closed container,
  - (i) from outside of the area listed in subsection (2) to premises described in clause (b) if the person will be occupying the premises, or
  - (ii) from those premises to outside of the area.

(2) The areas mentioned in subsection (1) are the following:

- 1. Burns Nature Area.

2. Crawford Lake Conservation Area.
3. Esquesing Conservation Area.
4. Hilton Falls Conservation Area.
5. Kelso Conservation Area.
6. Mountsberg Conservation Area.
7. Rattlesnake Point Conservation Area.
8. Sixteen Valley Conservation Area.

#### MISCELLANEOUS

##### **Licensed manufacturers — provision of information, returns**

**17.** The LCBO may require the holder of a manufacturer’s licence to sell to provide information or returns related to the manufacturer’s production or sale of liquor at the times and in the manner determined by the LCBO.

##### **Advertising standards for persons other than licensees and permit holders**

**18.** A person who is not a licensee or a permit holder may advertise liquor if the person complies with the standards and requirements respecting advertising established by the Registrar for licensees and permit holders under section 24 of the Act.

##### **Private places**

**19.** (1) For the purposes of subsections 33 (6) and 34 (5) and clauses 39 (2) (b) and 41 (1) (c) of the Act,

“private place” means a place, vehicle or boat described in this section.

(2) An indoor place to which the public is not ordinarily invited or permitted is a private place except at the times when the public is invited or permitted access to it.

(3) Despite subsection (2), an indoor place that is available for rental by members of the public for occasional use is not a private place.

(4) A motor vehicle equipped with sleeping accommodation and cooking facilities is a private place while it is parked and being used as a residence.

(5) Despite subsection (4), a motor vehicle is not a private place while it is on a highway or a King's Highway within the meaning of the *Highway Traffic Act*.

(6) A boat that is used exclusively to carry freight and is under the command of a person certified under the *Canada Shipping Act, 2001* is a private place.

(7) A boat with permanent sleeping accommodations and permanent cooking and sanitary facilities, other than a boat used to carry passengers for hire, is a private place while the boat is at anchor or is secured to a dock or land.

(8) If a boat is a private place under subsection (7) and is secured to a dock or land to which the public is not ordinarily invited or permitted, the dock or land is a private place except at the times when the public is invited or permitted access to it.

(9) A boat that is used exclusively to carry passengers for hire and has sleeping accommodation for all passengers is a private place if it is under the command of a person certified under the *Canada Shipping Act, 2001*.

(10) A boat that is owned or operated by the Canadian Coast Guard is a private place.

**Warning sign re: consumption of alcohol during pregnancy**

**20.** (1) The requirements in this section apply for the purposes of section 36 of the Act with respect to the warning sign referred to in that section.

(2) The following premises are prescribed for the purpose of section 36 of the Act:

1. Premises to which a licence to operate a liquor consumption premises applies.

2. Premises to which an endorsement authorizing the sale and service of liquor applies.
3. Premises to which a licence to operate a ferment on premises facility applies.
4. A retail store.

(3) The warning sign referred to in section 36 of the Act shall be the sign posted on the website of the Alcohol and Gaming Commission of Ontario bearing the words “WARNING: Drinking alcohol during pregnancy can cause birth defects and brain damage to your baby”.

(4) In addition to the warning sign described in subsection (3), a warning sign may also be displayed in French. The warning sign in French shall be the sign posted on the website of the Alcohol and Gaming Commission of Ontario bearing the words “AVERTISSEMENT: La consommation d’alcool pendant la grossesse peut occasionner des anomalies congénitales et des lésions cérébrales à votre bébé”.

(5) The references to warning signs in subsections (3) and (4) include references to amendments made to the signs from time to time.

(6) The warning sign shall be at least 8 inches by 10 inches in size.

(7) The warning sign shall be displayed prominently and in a place that is visible to patrons as follows:

1. In the case of premises to which a licence to operate a liquor consumption premises applies, the warning sign shall be displayed in a location where liquor is sold and served.
2. In the case of premises to which an endorsement authorizing the sale and service of liquor applies, the warning sign shall be displayed in a location where liquor is sold and served.
3. In the case of premises to which a licence to operate a ferment on premises facility, the warning sign shall be displayed in a location where persons make beer or wine.

4. In the case of a retail store, the warning sign shall be displayed in a location where liquor is purchased.

### **Importation of liquor for lawful possession**

**21.** (1) The following circumstances are prescribed for the purposes of clause 39 (1) (d) of the Act:

1. The liquor is imported from outside of Canada in accordance with the *Importation of Intoxicating Liquors Act* (Canada).
2. The liquor was purchased in another province or territory of Canada and brought into Ontario on the person of an individual who is eligible to purchase liquor in Ontario and who intends to use the liquor for personal use and not for resale or commercial use.
3. The liquor is imported into Ontario from another province or territory of Canada by the LCBO or under its authority.
4. The liquor is imported from another province or territory of Canada by a manufacturer licensed under the Act solely for the purpose of blending the liquor with or using it to flavour spirits, beer or wine produced by the manufacturer.
5. The liquor is beer and is shipped from another province or territory of Canada by a manufacturer of beer licensed under the Act to its facility in Ontario for the purpose of selling the beer to purchasers in Ontario in accordance with the terms of its licence.
6. The liquor is imported into Ontario from another province or territory of Canada to be used solely for medicinal purposes or for manufacturing or commercial purposes, other than the manufacturing of liquor or any use of the liquor as a beverage.
7. The liquor is imported into Ontario from another province or territory of Canada by a vendor of sacramental wines appointed by the LCBO.
8. The liquor is transported through Ontario and is not opened or used while it is in Ontario.

### Actions in lieu of intoxication charge, s. 48 (1) of the Act

22. (1) The hospitals listed in Column 3 of the Table to this section opposite the places listed in Column 2 of the Table are prescribed for the purpose of subsection 48 (1) of the Act.

(2) For the purpose of subsection 48 (1) of the Act,

“hospital” includes entities providing withdrawal management services.

(3) For greater certainty, nothing in this section affects whether any of the facilities listed in the Table to this section are authorized to operate as a hospital under the *Public Hospitals Act* or the *Private Hospitals Act*.

TABLE  
PRESCRIBED LOCATIONS

Column 1 Item	Column 2 Place	Column 3 Hospital
1.	Barrie (70 Wellington Street West)	Royal Victoria Regional Health Centre
2.	Cornwall (850 McConnell Avenue)	Cornwall Community Hospital
3.	Elliot Lake (9 Oakland Boulevard)	St. Joseph's General Hospital Elliot Lake
4.	Hamilton (431 Whitney Avenue)	St. Joseph's Healthcare Hamilton
5.	Hamilton (595 Main Street East)	St. Joseph's Healthcare Hamilton
6.	Kenora (6 Matheson Street South)	Lake of the Woods District Hospital
7.	Kingston (240 Brock Street)	Kingston Health Sciences Centre
8.	Kitchener (52 Glasgow Street)	Grand River Hospital Corporation
9.	London (281 Wellington Street)	Alexandra Hospital
10.	North Bay (50 College Drive)	North Bay Regional Health Centre
11.	Ottawa (1145 Carling Avenue)	Royal Ottawa Health Care Group/ Services de Santé Royal Ottawa
12.	Owen Sound (495 9th Avenue E.)	Grey Bruce Health Services
13.	Sarnia (89 Norman Street)	Bluewater Health
14.	Sault Ste. Marie (750 Great Northern Road)	Sault Area Hospital
15.	Simcoe (394 West Street)	Norfolk General Hospital
16.	Smooth Rock Falls (105 Second Avenue)	Smooth Rock Falls Hospital
17.	St. Catharines (264 Welland Ave.)	Niagara Health System
18.	Sudbury (336 Pine Street)	Health Sciences North/ Horizon Santé-Nord
19.	Thunder Bay (667 Sibley Drive)	St. Joseph's Care Group
20.	Toronto (60 White Squirrel Way)	Centre for Addiction and Mental Health
21.	Toronto (1235 Wilson Avenue)	Humber River Hospital
22.	Toronto (985 Danforth Avenue)	Toronto East Health Network
23.	Toronto (135 Sherbourne Street)	Unity Health Toronto
24.	Toronto (30 The Queensway)	Unity Health Toronto
25.	Toronto (16 Ossington Avenue)	University Health Network
26.	Toronto (892 Dundas Street W.)	University Health Network
27.	Windsor (1453 Prince Road)	Hôtel Dieu Grace Healthcare

### Post-conviction detention, s. 49 (1) of the Act

23. (1) All correctional institutions which offer one or more programs for the treatment of alcohol addiction are designated for the purposes of subsection 49 (1) of the Act.

(2) In subsection (1), “correctional institution” has the same meaning as in the *Ministry of Correctional Services Act*.

### **Possession of liquor for research, educational purposes**

**24.** (1) The Registrar may approve the possession, service or consumption of liquor for research or educational purposes under section 51 of the Act in the circumstances described in this section.

(2) The applicant for the approval must undertake to supervise the possession, service or consumption of liquor.

(3) The research or education must satisfy one or more of the following criteria:

1. It must be undertaken for the purpose of educating and training persons in the responsible sale and service of liquor and must occur at a post-secondary educational institution or a law enforcement agency
2. It must be undertaken for the purpose of testing the effects of liquor consumption on humans and must occur in a medical institution or research facility the object of which is research into drug addiction.
3. It must be undertaken for the purpose of educating and training persons in the making and testing of liquor and must be conducted as follows:
  - i. It must occur in a post-secondary educational institution with a program of instruction in the science and art of making liquor that is authorized to be offered in Ontario and is a group of related courses leading to a degree, diploma, certificate or other document awarded by the institution.
  - ii. It must be restricted to students enrolled in the program.
  - iii. It must be conducted and supervised by persons who have successfully completed a course on server training approved by the Board.

**Police powers, s. 47 (1) and 62 of the Act**

**25.** For the purposes of subsection 47 (1) and section 62 of the Act, the following provisions are prescribed:

1. All of the provisions of Ontario Regulation [\*\*\*/\*\*] (Licensing) made under the Act.
2. All of the provisions of Ontario Regulation [\*\*\*/\*\*] (Permits) made under the Act.
3. Sections 15 and 16 of this Regulation.

**REVOCATION AND COMMENCEMENT**

**Revocation**

**26. Paragraph 3 of subsection 21 (1) of this Regulation is revoked.**

**Commencement**

**27. [Commencement]**





**Caution:**

*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**

**MINIMUM PRICING OF LIQUOR AND OTHER PRICING MATTERS**

**CONTENTS**

<a href="#">1.</a>	Definitions
<a href="#">2.</a>	Uniform liquor pricing
<a href="#">3.</a>	Minimum retail pricing
<a href="#">4.</a>	Applications for change in beer price
<a href="#">5.</a>	Minimum retail price
<a href="#">6.</a>	Annual adjustment
<a href="#">7.</a>	Other container sizes
<a href="#">8.</a>	Final determination of minimum retail price
<a href="#">9.</a>	Minimum retail prices - beer
<a href="#">10.</a>	Minimum retail prices - cider, Class C spirits, wine cooler
<a href="#">11.</a>	Baseline rate - cider, Class C spirits and wine cooler
<a href="#">12.</a>	Annual adjustment
<a href="#">13.</a>	Final determination of minimum retail price
<a href="#">14.</a>	Non-application of Part
<a href="#">15.</a>	Minimum retail price
<a href="#">16.</a>	Annual adjustment
<a href="#">17.</a>	Other container sizes
<a href="#">18.</a>	Final determination of minimum retail price
<a href="#">19.</a>	New products
<a href="#">20.</a>	Exceptions
<a href="#">21.</a>	Commencement
<a href="#">Schedule 1</a>	Index factor

**PART I  
INTERPRETATION**

**Definitions****1. (1) In this Regulation,**

“absolute alcohol” means absolute alcohol as defined in Division 2 of the *Food and Drug Regulations*;

“annual adjustment date” means, subject to subsection (2), March 1 in every year;

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

“Class A spirits” means any beverage that contains more than 15 per cent alcohol by volume obtained from distillation and that is,

- (a) a whisky as described in sections B.02.010 to B.0.023 of the *Food and Drug Regulations*,
- (b) a rum as described in section B.02.030 of the *Food and Drug Regulations*,
- (c) a gin as described in sections B.02.040 or B.0.041 of the *Food and Drug Regulations*,
- (d) a brandy or other product described in sections B.02.050 to B.0.058 of the *Food and Drug Regulations*,
- (e) a vodka as described in section B.02.080 of the *Food and Drug Regulations*,
- (f) a vodka as described in clause (e) to which a flavouring has been added,
- (g) a tequila as described in section B.02.090 of the *Food and Drug Regulations*,
- (h) a mezcal as described in section B.02.091 of the *Food and Drug Regulations*, or
- (i) a fruit spirit as described in section B.02.102 of the *Food and Drug Regulations*;

“Class B spirits” means any beverage that,

- (a) is a liqueur or spirituous cordial as described in section B.02.070 of the *Food and Drug Regulations*, or
- (b) contains more than 14.8 per cent alcohol by volume obtained from distillation, but is not,
  - (i) a Class A beverage,
  - (ii) a one pour cocktail, or
  - (iii) fortified wine;

“Class C spirits” means a beverage that,

- (a) contains more than 0.5 of 1 per cent but less than or equal to 14.8 per cent alcohol by volume obtained from distillation, other than fortified wine, or
- (b) is a one pour cocktail;

“consumer” means a person who purchases liquor in Ontario,

- (a) for use or consumption by the person or by someone else at the person’s expense, or
- (b) on behalf of or as an agent for a principal who desires to acquire the liquor for use or consumption by the principal or by someone else at the principal’s expense;

“draft beer” means beer for sale in a container that has a capacity of 18 litres or more;

“draft cider” means cider for sale in a container that has a capacity of 18 litres or more;

“*Food and Drug Regulations*” means the Food and Drug Regulations made under the *Food and Drugs Act* (Canada);

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

“minimum retail price” includes all taxes, but does not include any container deposit;

“non-draft beer” means beer for sale in containers each of which has a capacity of less than 18 litres;

“non-draft cider” means cider for sale in containers each of which has a capacity of less than 18 litres;

“non-refillable container” means a container that the manufacturer of a beverage or other person who initially fills the container with the beverage does not intend to refill, but does not include a beer bottle that is recognized as an industry standard bottle by the Brewers Association of Canada and for which the manufacturer has entered into an agreement with the Association for the use of the bottle;

“one pour cocktail” means any beverage that,

- (a) contains more than 7 per cent and no more than 15 per cent alcohol by volume obtained from distillation,
- (b) has been mixed with a non-alcoholic beverage other than water during the course of manufacturing,
- (c) is intended by the manufacturer to be consumed in its immediate form, and
- (d) is sold in a container larger than 500 mL;

“wine cooler” means a beverage made from wine to which flavouring, colouring, sugar or other additives have been added and contains no more than 7 per cent alcohol by volume.

(2) In a year in which March 1 falls on a Saturday or Sunday, the annual adjustment date shall be the following Monday.

## PART II UNIFORM PRICING AND MINIMUM RETAIL PRICING

### Uniform liquor pricing

2. (1) All liquor sold to consumers in retail stores or to holders of a licence to operate a liquor consumption premises shall be sold at a uniform price for the class, variety or brand of liquor, as the case may be, except as otherwise provided for in this section.

(2) Liquor sold through an outlet designated by the Minister of National Revenue under the *Excise Act* (Canada) as a duty free sales outlet may be sold at a price other than the uniform price for the class, variety or brand of liquor that would otherwise apply.

(3) The uniform price at which a class, variety or brand of liquor is sold to holders of a licence to operate a liquor consumption premises may be different than the uniform price at which the class, variety or brand of liquor is sold to consumers in retail stores.

(4) Despite subsection (3), beer sold by Brewers Retail Inc. to a holder of a licence to operate a liquor consumption premises may be sold at the uniform price at which beer is sold to consumers in retail stores if the purchaser is a small licensee as determined by the Master Framework Agreement dated September 22, 2015 between Brewers Retail Inc., Labatt Brewing Company Limited, Molson Canada 2005, Sleeman Breweries Ltd and Her Majesty the Queen in right of Ontario.

(5) Liquor sold in the circumstances described in subsection 20 (1) or 20 (3) of this Regulation may be sold at a price other than the uniform price for the class, variety or brand of liquor that would otherwise apply.

(6) The uniform price at which a class, variety or brand of liquor shall be sold to consumers in retail stores shall be the price set by the LCBO for sale to consumers in retail stores.

(7) If the LCBO does not set a price for a class, variety or brand of liquor for sale to consumers in retail stores, the uniform price at which the class, variety or brand of liquor shall be sold to consumers in retail stores shall be set by the manufacturer of the liquor.

(8) The uniform price at which a class, variety or brand of liquor shall be sold to holders of a licence to operate a liquor consumption premises shall be the price set by the LCBO for sale to holders of a licence to operate a liquor consumption premises.

(9) If the LCBO does not set a price for a class, variety or brand of liquor for sale to holders of a licence to operate a liquor consumption premises, the uniform price at which the class, variety or brand of liquor shall be sold to holders of a licence to operate a liquor consumption premises shall be set by the manufacturer of the liquor.

### **Minimum retail pricing**

3. (1) Except as otherwise provided in this Regulation, an operator of a retail store shall not offer or sell liquor at a retail price lower than the minimum retail price established in accordance with this Regulation for that type of liquor and container size, plus the container deposit, if any.

(2) Subsection (1) applies only to sales of liquor to a consumer or a person who is buying the liquor pursuant to a permit issued under the *Liquor Licence and Control Act, 2019*.

(3) Subsection (1) does not apply to sales of liquor to a person for the purpose of in-store sampling in a retail store.

### **Applications for change in beer price**

4. The following rules apply with respect to applications made to the LCBO by a beer manufacturer for a change in the uniform price at which its beer is sold at retail stores:

1. A beer manufacturer may request a change in the price at which its beer is sold by submitting a price change application to the Board LCBO on any Monday no later than 4 p.m. or, if Monday is a holiday, no later than 4 p.m. on the first day after that is not a holiday.
2. On condition that the price change requested is not lower than the minimum retail price for beer in effect on the day that the price change is to take effect, the LCBO shall notify the applicant manufacturer and retail stores that sell beer that the price change will go into effect on the second Monday following the making of the application, or, if the Monday is a holiday, on the first day after that is not a holiday.

## **PART III CLASS A AND CLASS B SPIRITS**

### **Minimum retail price**

5. The minimum retail price for Class A spirits and Class B spirits is the price set out in Column 2 or 3, as the case may be, of the Table to this section set out opposite the container size in Column 1.

**TABLE  
MINIMUM RETAIL PRICE**

Item	Column 1 Container size (mL)	Column 2 Class A spirits	Column 3 Class B spirits
1.	40	2.65	1.70
2.	50	3.30	1.95
3.	60	4.15	2.25
4.	100	4.60	2.80
5.	120	5.30	3.60
6.	150	6.65	4.45
7.	180	7.95	5.15
8.	200	8.80	5.65
9.	250	10.50	6.75
10.	280	11.85	7.45
11.	300	12.65	8.10
12.	350	14.70	9.35
13.	360	15.10	9.75
14.	375	15.70	9.95
15.	400	16.70	10.55
16.	500	19.00	12.85
17.	600	22.75	15.35
18.	650	24.35	16.60
19.	660	25.15	17.10
20.	700	26.45	17.80
21.	720	27.05	18.20
22.	730	27.45	18.70
23.	750	28.00	19.05
24.	800	29.85	20.20
25.	1000	37.15	25.40
26.	1050	38.90	26.70
27.	1125	41.70	28.55
28.	1130	41.95	28.80
29.	1140	42.25	29.00
30.	1200	44.50	30.40
31.	1280	47.45	32.45
32.	1400	51.90	35.45
33.	1500	55.25	37.70
34.	1750	63.20	43.75
35.	2000	72.25	49.95
36.	2600	93.90	64.90
37.	3000	108.50	74.95
38.	3790	136.80	94.50
39.	3850	139.05	96.05
40.	4000	144.05	99.50
41.	4500	162.35	112.10

### **Annual adjustment**

6. (1) On each annual adjustment date, the minimum retail price at which each container size of Class A spirits and Class B spirits set out in the Table to section 5 can be sold shall be adjusted in accordance with the following formula:

$$A + (A \times I)$$

in which,



“A” is the minimum retail price in effect on the day before the annual adjustment date of the particular year, and

“I” is the index factor determined in accordance with Schedule 1.

(2) On or before each annual adjustment date, the LCBO shall publish the minimum retail prices, as adjusted under subsection (1), on its website.

### **Other container sizes**

7. (1) If Class A spirits or Class B spirits are sold in a container size other than a container size shown in the Table to section 5, the minimum retail price shall be determined in accordance with the following formula:

$$A/B \times C$$

in which,

“A” is the minimum retail price in effect for the container size shown in the Table that is next smaller than the container that is not shown,

“B” is the size, in millilitres, of the container shown in the Table that is next smaller than the container that is not shown, and

“C” is the size, in millilitres, of the container that is not shown.

(2) If a minimum retail price for a container size calculated under subsection (1) is higher than the minimum retail price in effect for the container size shown in the Table to section 5 that is next larger than the container size in respect of which the calculation is made, then the minimum retail price for the container shall be the minimum retail price in effect for the container size shown in the Table that is next larger than the container size in respect of which the calculation is made.

### **Final determination of minimum retail price**

8. (1) If a price determined under this Part ends in a multiple of five cents, then that price becomes the minimum retail price on the annual adjustment date.

(2) If a price determined under this Part does not end in a multiple of five cents, it shall be rounded up to the next multiple of five cents and the price, as rounded up, becomes the minimum retail price on the annual adjustment date.

**PART IV  
BEER, CIDER, CLASS C SPIRITS AND WINE COOLER**

**Minimum retail prices - beer**

9. (1) The minimum retail price for non-draft beer that contains less than 5.6 per cent alcohol by volume is \$2.816 per litre.

(2) The minimum retail prices for non-draft beer that contains 5.6 per cent or more alcohol by volume are the following:

1. For non-draft beer sold in a refillable container, \$67.90 per litre of absolute alcohol in the non-draft beer.
2. For non-draft beer sold in a non-refillable container, the sum of the amount determined under paragraph 1 plus the following amounts:
  - i. 8.93 cents per non-refillable container.
  - ii. An amount equal to the harmonized sales tax that would be payable by a purchaser under Part IX of the *Excise Tax Act* (Canada) in respect of the amount described in subparagraph i.
  - iii. An amount equal to 4 per cent of 8.93 cents per non-refillable container.

(3) The minimum retail prices for draft beer are the following:

1. For draft beer sold in a refillable container, \$2.835 per litre of draft beer.
2. For draft beer sold in a non-refillable container, the sum of the amount determined under paragraph 1 plus the following amounts:
  - i. 8.93 cents per non-refillable container.

- ii. An amount equal to the harmonized sales tax that would be payable by a purchaser under Part IX of the *Excise Tax Act* (Canada) in respect of the amount described in subparagraph i.
- iii. An amount equal to 4 per cent of 8.93 cents per non-refillable container.

**Minimum retail prices - cider, Class C spirits, wine cooler**

**10.** The minimum retail prices for non-draft and draft cider, Class C spirits and wine cooler are the following:

- 1. For a product sold in a refillable container, the applicable baseline rate set out in the Table to section 11.
- 2. For a product sold in a non-refillable container, the sum of the amount determined under paragraph 1 plus the following amounts:
  - i. 8.93 cents per non-refillable container.
  - ii. An amount equal to the harmonized sales tax that would be payable by a purchaser under Part IX of the *Excise Tax Act* (Canada) in respect of the amount described in subparagraph i.
  - iii. An amount equal to 4 per cent of 8.93 cents per non-refillable container.

**Baseline rate - cider, Class C spirits and wine cooler**

**11.** The baseline rate for cider, Class C spirits and wine cooler is the rate set out in Column 2 of the Table to this section set out opposite the alcohol content by volume of the product in Column 1.

TABLE  
BASELINE RATES

Item	Column 1 Product, alcohol content by volume	Column 2 Baseline rate
1.	Draft cider, any alcohol content	\$2.994 per litre
2.	Non-draft cider, less than 4.1%	\$3.709 per litre
3.	Non-draft cider, 4.1 to less than 4.9%	\$3.763 per litre

4.	Non-draft cider, 4.9 to less than 5.6%	\$3.862 per litre
5.	Non-draft cider, 5.6% or more	\$71.703 per litre of absolute alcohol
6.	Class C spirits, less than 4.1%	\$3.709 per litre
7.	Class C spirits, 4.1 to less than 4.9%	\$3.763 per litre
8.	Class C spirits, 4.9 to less than 5.6%	\$3.862 per litre
9.	Class C spirits, 5.6% or more	\$71.703 per litre of absolute alcohol
10.	Wine cooler, less than 4.1%	\$3.709 per litre
11.	Wine cooler, 4.1 to less than 4.9%	\$3.763 per litre
12.	Wine cooler, 4.9 to less than 5.6%	\$3.862 per litre
13.	Wine cooler, 5.6% or more	\$71.703 per litre of absolute alcohol

### Annual adjustment

**12.** (1) On each annual adjustment day, the baseline rate for each of the products named in the Table to section 11 shall be adjusted in accordance with the following formula:

$$A + (A \times I)$$

in which,

“A” is the baseline rate in effect on the day before the annual adjustment date of the particular year, and

“I” is the index factor determined in accordance with Schedule 1.

(2) A baseline rate determined under this section shall be rounded to the nearest one-tenth of a cent.

(3) On or before each annual adjustment date, the LCBO shall publish the baseline rates, as adjusted under subsection (1), on its website.

### Final determination of minimum retail price

**13.** (1) If a price determined under this Part ends in a multiple of five cents, then that price is the minimum retail price.

(2) If a price determined under this Part does not end in a multiple of five cents, it shall be rounded up to the next multiple of five cents and the price, as rounded up, becomes the minimum retail price on the annual adjustment date.

## PART V WINE AND FORTIFIED WINE

### Non-application of Part

14. This Part does not apply to wine cooler or cider.

### Minimum retail price

15. The minimum retail price for wine and fortified wine is the price set out in Column 2, 3 or 4, as the case may be, for the size of container set out in Column 1 of the Table to this section.

TABLE  
MINIMUM RETAIL PRICE

Item	Column 1 Container size (mL)	Column 2 Wine: 7% or more alcohol content by volume	Column 3 Wine: less than 7% alcohol content by volume	Column 4 Fortified Wine
1.	50	0.60	0.45	0.65
2.	375	4.30	3.20	4.85
3.	750	8.10	6.00	9.35
4.	1000	10.35	7.65	12.00
5.	1500	14.90	11.10	17.45
6.	2000	19.25	14.30	22.65
7.	3000	28.25	20.90	33.30
8.	4000	36.90	27.30	43.60
9.	6000	54.75	40.50	65.10
10.	8000	67.85	50.20	80.75
11.	10,000	81.70	60.45	97.50
12.	16,000	98.80	71.90	126.50
13.	18,000	107.75	78.30	138.95
14.	20,000	117.40	85.05	152.05
15.	50,000	289.10	209.30	375.85

### Annual adjustment

16. (1) On each annual adjustment date, the minimum retail price at which each container size of wine and fortified wine set out in the Table to section 15 can be sold shall be adjusted in accordance with the following formula:

$$A + (A \times I)$$

in which,

“A” is the minimum retail price in effect on the day before the annual adjustment date of the particular year, and

“I” is the index factor determined in accordance with Schedule 1.

(2) On or before each annual adjustment date, the LCBO shall publish the minimum retail prices, as adjusted under subsection (1), on its website.

### **Other container sizes**

**17.** (1) If wine or fortified wine is sold in a container size other than a container size shown in the Table to section 15, the minimum retail price shall be determined in accordance with the following formula:

$$A/B \times C$$

in which,

- “A” is the minimum retail price in effect for the container size shown in the Table that is next smaller than the container that is not shown,
- “B” is the size, in millilitres, of the container shown in the Table that is next smaller than the container that is not shown, and
- “C” is the size, in millilitres, of the container that is not shown.

(2) If a minimum retail price for a container size calculated under subsection (1) is higher than the minimum retail price in effect for the container size shown in the Table to section 15 that is next larger than the container size in respect of which the calculation is made, then the minimum retail price for the container shall be the minimum retail price in effect for the container size shown in the Table that is next larger than the container size in respect of which the calculation is made.

### **Final determination of minimum retail price**

**18.** (1) If a price determined under this Part ends in a multiple of five cents, then that price is the minimum retail price.

(2) If a price determined under this Part does not end in a multiple of five cents, it shall be rounded up to the next multiple of five cents and the price, as rounded up, becomes the minimum retail price on the annual adjustment date.

## **PART VI MISCELLANEOUS**

### **New products**

**19.** (1) Before selling liquor that is not Class A spirits, Class B spirits, Class C spirits, beer, wine cooler, wine, fortified wine or cider, the LCBO shall set a minimum retail price for the liquor.

(2) In setting a minimum retail price under subsection (1), the LCBO shall have regard to the liquors to which Parts III, IV and V apply and shall set a minimum retail price for the liquor consistent with the price then in effect for the class that the liquor most closely resembles.

(3) The LCBO shall advise the Minister in writing after setting a minimum retail price under this section.

### **Exceptions**

**20.** (1) Despite any provision of the Act or this Regulation, the LCBO may sell any liquor below the minimum retail price required by this Regulation to any of the following:

1. Her Majesty the Queen in right of Canada, but only in respect of sales made through the LCBO's Specialty Services department.
2. A diplomatic mission or consular post of a foreign state that is officially recognized by Canada, but only in respect of sales made through the LCBO's Specialty Services department.
3. An international organization as defined in the Foreign Missions and International Organizations Act (Canada), but only to the extent specified in an order made under section 5 of that Act and only in respect of sales made through the LCBO's Specialty Services department.
4. The holder of a NATO liquor permit issued by the LCBO, but only if the holder is purchasing in accordance with the terms of the permit.

(2) Despite any provision of the Act or this Regulation, the LCBO may authorize, in writing, the sale of a particular class, variety or brand of liquor for a price that is below the minimum retail price required by this Regulation for that class, variety or brand if the same price reduction will be made at all retail stores and if, in the opinion of the LCBO, the sale is necessary,

- (a) to clear a product that is being delisted;
- (b) to clear a product that will soon become unsellable because of age or shelf life; or

- (c) because it is part of a plan to permanently reduce inventory of that product in that store.

(3) Despite any provision of the Act or this Regulation, but subject to subsection (4), the LCBO may authorize, in writing, the sale of a particular class, variety or brand of liquor, other than beer, for a price that is below the minimum price required by this Regulation for that class, variety or brand at a retail store specified in the authorization if, in the opinion of the LCBO, the sale is necessary,

- (a) to clear a product that will soon become unsellable because of age or shelf life; or
- (b) because it is part of a plan to permanently reduce inventory of that product in that store.

(4) A sale described in subsection (3) may not be at a price that is less than 70 per cent of the minimum retail price required by this Regulation for that class, variety or brand of liquor, and may not last for more than four weeks.

## **Commencement**

### **21. [Commencement]**

#### **SCHEDULE 1 INDEX FACTOR**

1. For the purposes of this Regulation, the index factor is the greater of zero and the value calculated using the following formula, rounded to the nearest one-thousandth:

$$[(B/C + C/D + D/E) / 3] - 1$$

in which,

- “B” is the Consumer Price Index for the 12-month period ending the previous November 30,
- “C” is the Consumer Price Index for the 12-month period preceding the 12-month period mentioned in the description of “B”,
- “D” is the Consumer Price Index for the 12-month period preceding the 12-month period mentioned in the description of “C”, and



“E” is the Consumer Price Index for the 12-month period preceding the 12-month period mentioned in the description of “D”.

2. For the purposes of this Schedule, the Consumer Price Index for a 12-month period is the result arrived at by,

- (a) determining the sum of the Consumer Price Index for Ontario (All Items) as published by Statistics Canada under the authority of the Statistics Act (Canada) for each month in that period;
- (b) dividing the sum obtained under clause (a) by 12; and
- (c) rounding the result obtained under clause (b) to the nearest one-tenth.



**Caution:**

*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**

**ONTARIO DEPOSIT RETURN PROGRAM**

**Definitions**

1. In this Regulation,

“Brewers Retail Inc. packaging return system” means the packaging return system referred to in clause 69 (3) (a) of the *Waste Diversion Transition Act, 2016*;

“Ontario deposit return program” means the waste reduction and recycling program established by the government of Ontario requiring licensees to collect and remit deposits on regulated containers;

“regulated container” means a container that is greater than 100 millilitres in size that contains liquor that is sold in Ontario other than a container that can be returned through the Brewers Retail Inc. packaging return system.

**Ontario deposit return program administration**

2. The LCBO shall administer the Ontario deposit return program in accordance with the agreement entitled “Amended Ontario Deposit Return Program Agreement”, dated January 1, 2016 and with effect from October 1, 2015, between Her Majesty the Queen in right of Ontario

as represented by the Minister of Finance, Brewers Retail Inc. and the LCBO and available on a website of the Government of Ontario.

**Licence conditions re: Ontario deposit return program**

**3.** (1) It is a condition of every manufacturer's licence and offsite winery retail store licence that the licensee,

- (a) participate in and comply with the Ontario deposit return program;
- (b) collect a deposit on every regulated container it sells directly through its retail store or through direct delivery to persons licensed to operate a liquor consumption premises;
- (c) remit the amounts collected to the LCBO or, if directed to do so by the LCBO, to the Minister of Finance;
- (d) maintain at its head office all necessary records to substantiate that all deposits have been collected and remitted in accordance with the Ontario deposit return program;
- (e) permit a person authorized by the Minister of Finance to conduct audits of the records referred to in clause (d) and assist in an audit in accordance with section 5; and
- (f) comply with an order of the Minister of Finance under section 5.

(2) It is a condition of every licence to operate a retail store, other than a licence to operate an offsite winery retail store, that the licensee,

- (a) collect a deposit on every regulated container it sells directly through its retail store;
- (b) maintain at its head office all necessary records to substantiate that all deposits have been collected in accordance with the Ontario deposit return program;
- (c) permit a person authorized by the Minister of Finance to conduct audits of the records referred to in clause (b) and assist in an audit in accordance with section 5; and

- (d) comply with an order of the Minister of Finance under section 5.

### Deposits — amounts, collection, remittance

4. A licensee that is required to collect deposits under section 3 shall collect a deposit on a regulated container set out in Column 1 of the Table to this section in the amount set out in Column 2 opposite the container and shall remit that amount to the LCBO or, if directed to do so by the LCBO, to the Minister of Finance.

TABLE

Item	Column 1 Regulated Container	Column 2 Deposit (\$)
1.	Glass containers less than or equal to 630 mL	0.10
2.	Glass containers over 630 mL	0.20
3.	Aluminium or steel cans less than or equal to 1 L	0.10
4.	Aluminium or steel cans over 1 L	0.20
5.	Tetra Pak (polycoat) and Bag-in-a-Box less than or equal to 630 mL	0.10
6.	Tetra Pak (polycoat) and Bag-in-a-Box over 630 mL	0.20
7.	Polyethylene Terephthalate (PET) (plastic) containers less than or equal to 630 mL	0.10
8.	Polyethylene Terephthalate (PET) (plastic) containers over 630 mL	0.20

### Audits

5. (1) A licensee referred to in subsection 3 (1) or (2) shall make available to a person authorized by the Minister of Finance copies of all records requested for the purpose of conducting an audit under this section.

(2) If a person authorized by the Minister of Finance determines during an audit that the amount of the deposits that have been collected or remitted is less than the amount required under the Ontario deposit return program, the Minister of Finance may by order require that,

- (a) the licensee correct the records; and
- (b) within 15 days after the date of the order, the licensee remit the amount owing to the LCBO or to the Minister of Finance.

(3) If a person authorized by the Minister of Finance determines during an audit that the amount of the deposits that have been collected or remitted is greater than the amount required under the Ontario deposit return program, the Minister of Finance may by order require that the LCBO refund to the licensee any amount owing or provide a credit in the amount owing within 30 days after the date of the order.

(4) Subsection (5) applies if a person authorized by the Minister of Finance verifies during an audit of a licensee that,

- (a) regulated containers have been returned directly to the licensee for a deposit refund;
- (b) the licensee has refunded the deposit to the consumer; and
- (c) the licensee has refilled the returned regulated container in the ordinary course of business.

(5) In the circumstances described in subsection (4), the Minister of Finance may, by order, require that, within 30 days after the date of the order, the LCBO either refund to the licensee the amount the authorized person found owing during the audit or provide a credit to the licensee in that amount.

(6) The amount referred to in subsection (5) shall reflect only the value of the deposits on the regulated containers that were returned to the licensee and that were refilled by the licensee.

## **Commencement**

### **6. [Commencement]**