

Jun 8, 2020

(La version française suit la version anglaise)

Ontario amends Regulation 719 under the *Liquor Licence Act* to support liquor sales licensees in temporarily extending their patios and provide additional flexibility for the location of tied houses

Liquor Sales Licensees may temporarily increase the size of their patios or add a new patio once they are again permitted to welcome patrons on-site and until January 1, 2021, provided that the municipality in which the establishment is located does not object and all other applicable requirements are met. During this temporary period, licensees who meet the eligibility criteria and requirements are not required to apply to the AGCO for a temporary extension of premises or pay any fee.

In addition, liquor manufacturers and other applicants for a tied house licence now have increased flexibility regarding the location of a proposed tied house. Interested applicants may apply through [iAGCO](#).

Please read additional details in:

- [AGCO News Release: Ontario Extending Outdoor Patios to Allow for Social Distancing During COVID-19](#)
- [Info Bulletin: Liquor sales licensees may extend their patios for the duration of 2020 once permitted to open](#)
- [Info Bulletin: Changes to Tied House Liquor Sales Licence Requirement](#)

What are the requirements for a temporary patio extension under these new temporary measures?

The Government has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days provided they have municipal approval and meet certain requirements.

In order to be eligible for a temporary patio extension, licensees must have a valid liquor sales licence and be permitted to open and welcome patrons on-site under the province's phased reopening process. In addition, the following requirements must be met:

1. The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
2. The municipality in which the premises is situated has indicated it does not object to an extension;
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the liquor sales licence prohibiting a patio; and,
5. The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person.

What role do municipalities currently play in the temporary extension of premises application process and what has changed under the new temporary measures?

Usually, licensees who wish to extend their licensed patio are required to apply to the AGCO for a temporary extension of premises, which may be authorized for up to 14 days and for a maximum of four times each year. As part of that process, licensees are required to obtain a letter of non-objection from their municipality.

Under these new temporary measures and for the duration of 2020, licensees do not need to notify or submit an application to the AGCO for a temporary extension of premises, provided that they meet all the eligibility criteria and applicable requirements. One of the criteria is that the municipality in which the establishment is located does not object to an extension. This non-objection or approval can take a variety of forms. While licensees are not required to submit any documentation to the AGCO to demonstrate compliance with this requirement, licensees are required to produce such documentation, if requested by the AGCO.

Is there a certain document that municipalities are required to use to confirm they do not object to a patio extension?

The AGCO does not require a specific format for municipal non-objection. Municipalities have flexibility to determine how best to approve patio extensions. This might be by blanket resolution, by application process, by letter from the City Manager, or any other suitable format. Municipalities are not required to send their non-objection to the AGCO. Licensees are required to produce documentation demonstrating municipal approval, if requested by the AGCO.

Can patios be extended onto municipal sidewalks or roadways?

Municipalities have the flexibility to determine how best to permit temporary patio extensions on municipal property. The temporary physical extension of the premises must be adjacent to the premises to which the licence to sell liquor applies.

In accordance with section 48 of Regulation 719 under the LLA, the licensee or its employees may carry liquor between two licensed areas across an unlicensed area (e.g. from the establishment and across the sidewalk, in the case where the patio extension is on a roadway). However, patrons may only carry liquor across the area not under the licensee's control if it is in a closed container.

Are licensed establishments who do not currently have a patio space eligible under these temporary measures?

Provided that they have municipal approval and meet all other requirements, temporary new licensed patios are also permitted under this temporary measure. Licensees who wish to maintain the patio extension beyond January 1, 2021 must apply through iAGCO and must meet all applicable requirements and pay the required fees.

The capacity for a temporary new patio is 1.11 square metres per person, which is the maximum capacity of premises to which neither the *Building Code Act*, 1992 nor the *Fire Protection and Prevention Act*, 1997 applies. Please see [this](#) webpage for more information on calculating the dimensions of a proposed extended licensed area.

If a licensee with an existing patio now has an extended space, can they accommodate more patrons than their current maximum capacity as stated on their licence?

The maximum capacity for all existing patios continues to apply for the existing patio space. The licensee may accommodate patrons over and above their capacity as long as the capacity of any extended patio space allows for a minimum of 1.11 square metres per person. All physical distancing requirements, as well as any other requirements imposed by any level of government, continue to apply regardless of maximum capacity, and will likely mean that patios will operate at well below maximum capacity.

Can a licensee who does not meet the requirements for a patio extension under these temporary measures still be approved for a temporary patio extension?

Licensees that do not meet requirements under this temporary measure are required to follow the usual application process for a temporary extension of premises and apply

through [iAGCO](#). As part of the usual application process, a letter of municipal non-objection would be required.

How do I get more information?

The requirements for a temporary patio extension under this temporary measure and other helpful information can be found within the [Information Bulletin](#). Municipalities may also email municipal@agco.ca with additional questions.

Ontario Extending Outdoor Patios to Allow for Social Distancing During COVID-19

Monday, June 8, 2020

NEWS

The Ontario government will allow restaurants and bars to temporarily extend outdoor patio spaces to safely accommodate patrons and staff once licensed establishments are permitted to fully reopen for business. This action will help support hospitality sector workers and businesses impacted by the COVID-19 outbreak.

As a result of a regulation change, licensed establishments may create a patio adjacent to their premise or increase the size of their patio once they are permitted to welcome patrons on-site. This temporary measure will allow the public to safely enjoy service that meets social distancing requirements and other public health guidelines.

While the Alcohol and Gaming Commission of Ontario (AGCO) will not require licensees to apply or pay a fee for these temporary extensions, licensed establishments must ensure they have municipal approval and meet all other applicable requirements. These measures will be in effect until January 1, 2021 at 3:00 a.m.

The province is also providing enhanced choice and flexibility to Ontario liquor manufacturers regarding the location of “tied houses”, which are the restaurants and bars located at wineries, breweries and distilleries. Effective immediately, tied houses are no longer required to be located on the manufacturing site itself, but may be located anywhere at the same municipal or property address as the manufacturing site.

QUOTES

“During this difficult period, we are constantly looking for ways to be flexible with the hospitality sector, so when the time is right, they can open with the confidence that they will be able to keep customers and staff safe. By extending outdoor patio spaces, we hope it will help our licensed establishments get back on their feet more quickly.”

Jean Major, Registrar and CEO, AGCO

Information Bulletin: Liquor sales licensees may extend their patios for the duration of 2020 once permitted to open

June 8, 2020

As part of its broader package of relief measures for Ontarians and businesses impacted by the COVID-19 outbreak, the Government of Ontario has introduced new measures to support liquor sales licensees in temporarily extending their patios in order to safely reopen for business.

The Government has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days provided they have municipal approval and meet the criteria below.

Once they are again permitted to welcome patrons on-site and until January 1, 2021 at 3:00 a.m., liquor sales licensees who wish to temporarily extend the physical size of their existing licensed patio or to temporarily add a new licensed patio within the approved period, are authorized to do so, if the following criteria are met:

1. The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
2. The municipality in which the premises is situated has indicated it does not object to an extension;
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the liquor sales licence prohibiting a patio; and,
5. The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person.

To minimize administrative burden for licensees, those who meet the above criteria are not required to apply to the AGCO or pay a fee to temporarily extend their patio or add a temporary new licensed patio.

Licensees are not required to submit any documentation to the AGCO to demonstrate compliance with the above criteria. However, licensees are required to produce such documentation, if requested by the AGCO.

Licensees that do not meet the above criteria are required to follow the usual application process for a temporary extension of premises and apply through [iAGCO](#). In addition, licensees who wish to maintain the patio extension beyond January 1, 2021, must apply for a permanent modification through iAGCO and must meet all applicable requirements.

Change to Partition Requirements

To provide additional flexibility for licensees, Regulation 719 under the LLA was also amended to remove the requirement that licensed service area boundaries must be defined by at least a 0.9

metre partition. Licensees must continue to ensure that all licensed areas are readily distinguishable from areas to which the licence does not apply. This change will remain in effect beyond the COVID-19 recovery period.

All licensees are expected to comply with physical distancing measures and any other public health guidelines or orders issued by the Ontario Government or by any other applicable level of government.

Licensees may continue to sell alcohol for off-site consumption and delivery to a residence in conjunction with takeout or delivery food orders until December 31, 2020 as prescribed in current regulation.

The AGCO remains committed to protecting public safety and ensuring that alcohol is sold, served, delivered and consumed in a responsible manner. Any conditions on a licence continue to apply and licensees must continue to meet all other existing requirements in the LLA and regulations.

The AGCO continues to work closely with the Government of Ontario to find ways of supporting Ontarians and the sectors we regulate.

Further information on these new measures can be obtained by calling AGCO Customer Service at 1-800-522-2876 or by visiting the AGCO webpage.

Links to electronic versions of the Liquor Licence Act and its regulations are available on our [Acts and Regulations](#) page.

FOR MORE INFORMATION CONTACT:

AGCO Customer Service
Telephone: 416-326-8700
Toll free in Ontario: 1-800-522-2876
Or via the [iAGCO online portal](#)

LINE OF BUSINESS:
[Alcohol](#)

TYPE:
[Information Bulletin](#)

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64

Information Bulletin: Changes to Tied House Liquor Sales Licence Requirements

June 8, 2020

The Government of Ontario has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide enhanced choice and flexibility for the location of a tied house establishment under a tied house liquor sales licence.

Effective today, licensed manufacturers or other potential tied house licence holders, may locate a proposed tied house anywhere within the same municipal or property address as a manufacturing site (i.e. a brewery, winery or distillery). Prior to the amendment, a tied house was required to be on the manufacturing site of a licensed manufacturer.

Interested applicants may apply to the AGCO through iAGCO, the AGCO's online portal.

Quick Facts:

- A tied house is a liquor sales licence (bar/restaurant) located anywhere on the same municipal or property address as a liquor manufacturing site where a manufacturer's products may be showcased on their own or in conjunction with other brands and types of liquor. Liquor manufacturers cannot otherwise hold liquor sales licences.
- The holder of a tied house liquor sales licence may also apply for a catering endorsement to sell and serve the manufacturer's products at any eligible location (i.e. including offsite the manufacturer's location).

The AGCO remains committed to protecting public safety and ensuring that alcohol is sold, served and consumed in a responsible manner. Licensees must continue to meet all existing requirements in the LLA and regulations.

Links to electronic versions of the LLA and its regulations are available on our [Acts and Regulations](#) page.

For more information contact:

AGCO Customer Service

Telephone: 416-326-8700

Toll free in Ontario: 1-800-522-2876

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