

1980

c 243 Liquor Control Act

Ontario

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CHAPTER 243

Liquor Control Act

1. In this Act,

Interpre-
tation

- (a) "beer", "liquor", "spirits", "wine" and "Ontario wine" have the same meaning as in the *Liquor Licence Act*; R.S.O. 1980, c. 244
- (b) "Board" means the Liquor Control Board of Ontario continued under section 2;
- (c) "government store" means a store established or authorized under this Act by the Board for the sale of spirits, beer or wine;
- (d) "manufacturer" means a person authorized under an Act of the Parliament of Canada to manufacture or produce any liquor;
- (e) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council as the Lieutenant Governor in Council may designate. 1975, c. 27, s. 1.

2.—(1) The Liquor Control Board of Ontario is continued and shall consist of not more than five members appointed by the Lieutenant Governor in Council. Liquor
Control
Board
continued

(2) The members of the Board shall be appointed to hold office for a term not exceeding five years and may be re-appointed for further succeeding terms not exceeding five years each. Terms of
office

(3) The Lieutenant Governor in Council shall designate one of the members to be Chairman of the Board and may designate one of the members to be Vice-Chairman of the Board. Chairman
and Vice-
Chairman

(4) In case of the absence or illness of the Chairman or there being a vacancy in the Office of the Chairman, the Vice-Chairman or, if none, such director as the Board designates for such purpose shall act as and have all the duties and powers of the Chairman. Acting
Chairman

Remunera-
tion of
members

(5) The members of the Board shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

Seat in
Assembly
not vacated
R.S.O. 1980,
c. 235

(6) Notwithstanding anything in the *Legislative Assembly Act*, the appointment of the Chairman or of any other member of the Board, if a member of the Assembly, shall not be avoided by reason of the payment to him or the acceptance by him of any salary or other remuneration under this Act, nor shall he thereby vacate or forfeit his seat or incur any of the penalties imposed by that Act for sitting and voting as a member of the Assembly. 1975, c. 27, s. 2.

Power and
purposes of
Board

3. The purposes of the Board are, and it has power,

- (a) to buy, import and have in its possession for sale, and to sell, liquor and other products containing alcohol and non-alcoholic beverages;
- (b) to control the sale, transportation and delivery of liquor;
- (c) to make provision for the maintenance of warehouses for liquor and to control the keeping in and delivery from any such warehouses;
- (d) to establish government stores for the sale of liquor to the public;
- (e) to authorize manufacturers of beer or Ontario wine to sell their beer or Ontario wine to the public in stores owned and operated by the manufacturers and to authorize Brewers' Warehousing Company Limited to operate stores for the sale of beer to the public;
- (f) to control and supervise the marketing methods and procedures of manufacturers including the operation of government stores by persons authorized under clause (e);
- (g) subject to the *Liquor Licence Act*, to determine the municipalities within which government stores shall be established or authorized and the location of such stores in such municipalities;
- (h) to determine the classes, varieties and brands of liquor to be kept for sale at government stores and maintain standards therefor;
- (i) to fix the prices at which the various classes, varieties and brands of liquor are to be sold and, except

R.S.O. 1980,
c. 244

in the case of liquor sold through an outlet designated by the Minister of National Revenue under the *Excise Act* (Canada) as a duty free sales outlet, such prices shall be the same at all government stores; R.S.C. 1970,
c. E-13

(j) to determine the nature, form and capacity of all packages to be used for containing liquor to be kept or sold;

(k) to appoint one or more vendors of sacramental wines in any municipality and to control the keeping for sale, sale and delivery of sacramental wines;

(l) to lease or, subject to the approval of the Lieutenant Governor in Council, to purchase such land and buildings and erect such buildings as are necessary for the purposes of the Board;

(m) to require manufacturers of liquor to furnish such samples of their products to the Board as the Board may require;

(n) to do all things necessary for the management and operation of the Board in the conduct of its business. 1975, c. 27, s. 3.

4.—(1) The Chairman shall preside at all meetings of the Board, or, in his absence, or if the office of Chairman is vacant, the Vice-Chairman has all the powers and shall perform all the duties of the Chairman. Duties of
Chairman

(2) The Chairman shall be the chief executive of the Board and shall devote his full time to the work of the Board, and the other members shall devote such time as is necessary for the due performance of their duties as members of the Board. Idem

(3) Subject to the approval of the Lieutenant Governor in Council, the Board may employ such officers, inspectors and employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment. Staff

(4) The *Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Board as though the Board had been designated by the Lieutenant Governor in Council under section 28 of that Act. Employees'
superannua-
tion benefits
R.S.O. 1980,
c. 419

Corporation
R.S.O. 1980,
c. 95

(5) The Board is a corporation to which the *Corporations Act* does not apply. 1975, c. 27, s. 4.

Payment of
costs from
revenues

5.—(1) All expenses incurred and expenditures made by the Board in the conduct of its affairs shall be paid out of the revenues of the Board.

Payments
into
Consolidated
Revenue
Fund

(2) The net profits of the Board shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct.

Financial
statements

(3) The accounts of the Board shall be made up to the 31st day of March in each year, and at such other times as is determined by the Lieutenant Governor in Council, and in every case the Board shall prepare a balance sheet and statement of profit and loss.

Reports to
Treasurer

(4) The Board shall submit to the Treasurer of Ontario, at such times as he may prescribe, reports setting out the net profit and net profit forecasts of the Board and such reports shall contain such information as he may prescribe. 1975, c. 27, s. 5.

Audit

6. The accounts and financial transactions of the Board shall be audited annually by the Provincial Auditor. 1975, c. 27, s. 6.

Annual
reports

7.—(1) The Board shall make a report annually to the Minister upon the affairs of the Board, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other
reports

(2) The Board shall make such further reports to the Minister and provide him with such information as the Minister may from time to time require. 1975, c. 27, s. 7.

Regulations

8. The Lieutenant Governor in Council may make regulations,

- (a) governing the sale and distribution of liquor by manufacturers;
- (b) governing the manner in which liquor may be kept, stored or transported by manufacturers;
- (c) prescribing standards for liquor sold in Ontario by manufacturers;
- (d) prescribing the days and hours when government stores or any class of them may be open;

- (e) requiring manufacturers to furnish the Board with such returns and information respecting the sale of liquor as is prescribed;
- (f) prescribing forms for the purposes of this Act and providing for their use;
- (g) governing the purchase of liquor under a permit issued by the Liquor Licence Board and requiring the payment of fees on such purchases and prescribing the amounts thereof. 1975, c. 27, s. 8.

