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# HALDIMAND COUNTY

## Report CLS-03-2021 Authorization to Permit Beverage Alcohol Sales on Statutory Holidays at Licensed Convenience Outlets

For Consideration by Council in Committee on May 11, 2021

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### OBJECTIVE:

To provide municipal approval for LCBO Licensed Convenience Outlets to be permitted to sell beverage alcohol on certain statutory holidays.

### RECOMMENDATIONS:

1. THAT Report CLS-03-2021 Authorization to Permit Beverage Alcohol Sales on Statutory Holidays at Licensed Convenience Outlets be received;
2. AND THAT written municipal approval be provided to allow LCBO Licensed Convenience Outlets (LCOs) to sell beverage alcohol on Family Day, Victoria Day, Canada Day, Labour Day and Thanksgiving Day, provided that they meet the criteria in the *Retail Business Holidays Act* to carry on retail business on those days;
3. AND THAT authority be delegated to staff to provide similar permission for any LCOs licensed by the LCBO in Haldimand County in the future.

**Prepared by:** Evelyn Eichenbaum, Manager, Citizen & Legislative Services/Clerk

**Respectfully submitted:** Cathy Case, General Manager of Corporate & Social Services

**Approved:** Craig Manley, MCIP, RPP, Chief Administrative Officer

### EXECUTIVE SUMMARY:

Based on a request by a local convenience store operator who is licensed through the LCBO to sell beverage alcohol, it is recommended that the municipality provide approval for the sale of beverage alcohol on certain statutory holidays.

### BACKGROUND:

While the LCBO has been authorizing beverage alcohol sales through its LCBO Agency Store program since 1962, the program was rebranded and expanded in 2019 as the LCBO Convenience Outlets (LCO) program. The LCO program selects communities for LCO service, taking into account proximity to other beverage alcohol services. (Current criteria is 5 km from an LCBO store or retail outlet of The Beer Store.) Once a community is identified, the LCBO issues an RFP for retail businesses in those communities to apply. The LCO program authorizes local retailers to sell beverage alcohol along with other consumer goods. At this time there are 5 LCOs located in Haldimand County:

- Lucky 7 Variety Store & Gas Bar, 6073 Highway 3, Cayuga
- Canadian Gas and Empire Corners, 1053 Haldimand Highway 56, York
- 2 Main West General Store, 2 Main Avenue West, Fisherville

- Jarvis Food Market, 2013 Main Street North, Jarvis
- Town & Country Food, 4 Main Street, Selkirk

The LCO program allows for the sale of beverage alcohol products on certain holidays, provided the LCO obtains approval from the local municipal authority. Haldimand County has recently been contacted by a local LCO requesting municipal permission to sell beverage alcohol on certain holidays, as permitted through the LCO program.

## **ANALYSIS:**

In June 2020, staff were contacted by two local LCOs inquiring about selling beverage alcohol on Canada Day and subsequent statutory holidays, based on e-mails they had received from the LCBO. When staff inquired further about the requirements, the LCBO advised that they needed to know whether there were any municipal by-laws in place that allow or prohibit the sale of beverage alcohol on statutory holidays and they were advised that Haldimand County has no by-laws in place prohibiting the sale of beverage alcohol on statutory holidays.

In February 2021, one of the local LCOs contacted staff again to advise that the LCBO requires municipal approval in the form of a by-law or a letter of approval to operate on the following holidays:

- Family Day
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day

The LCO program does not allow for any beverage alcohol sales on the following:

- Good Friday
- Easter Sunday
- Christmas Day
- New Year's Day

(The nine holidays noted above are the holidays which are referenced through the Retail Holidays Business Act (RHBA). Boxing Day is not included in this legislation, however is considered a statutory holiday under the Employment Standards Act. Civic Holiday is an optional holiday in Ontario and Easter Monday is a declared holiday for certain organizations to recognize Easter Sunday, but it is not a statutory holiday.)

In discussing the matter with the LCBO, they are trying to emphasize with all LCOs that in order to sell beverage alcohol on the five eligible holidays noted above, the municipality must provide approval to do so either through by-law, or by providing a letter expressing intent to allow beverage alcohol sales on the five holidays.

Staff reviewed the process for having a by-law in place, however, the stipulations in the RHBA are rather onerous and it is more efficient to provide permission for the holiday sales through a letter of approval. This approval to sell beverage alcohol would be contingent on the operators' ability to carry on a retail business on holidays as allowed under the RHBA (i.e. small retail selling foodstuffs, tobacco and sundries; gas stations, etc.). Once a letter of approval has been issued, it will remain up to the LCO operator to determine whether they wish to sell beverage alcohol on those five designated holidays. Based on the inquiries received in 2020, it is likely that it is more than one operator who will want to sell beverage alcohol on these holidays.

There are no municipal issues identified with permitting the request and as such, staff feel that allowing the holiday sales supports local business and tourism.

Rather than staff returning to Council to allow new LCOs to sell beverage alcohol on the five eligible holidays, staff are recommending delegated authority be provided by Council to allow staff to address the matter efficiently, by providing letters to any eligible and LCBO-approved LCO in the future.

### **FINANCIAL/LEGAL IMPLICATIONS:**

There is no financial impact to the municipality by issuing a letter to permit alcohol sales on the five stipulated holidays.

### **STAKEHOLDER IMPACTS:**

Not applicable.

### **REPORT IMPACTS:**

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

### **ATTACHMENTS:**

None.