

Liquor Stores - Hours of Operation

(J. Batty)

Recommendation:

That the October 5, 2011, Sustainable Development report 2011SCP032 be received for information.

Report Summary

This report provides a response to a Councilor inquiry regarding limiting the hours of liquor stores within certain parts of the city.

Previous Council/Committee Action

At the July 11, 2011, Community Services Committee meeting, Councillor J. Batty made the following inquiry:

Neighbourhoods classified as distressed by the City of Edmonton face increased crime and disorder. It has been identified that the proximity of liquor stores close to each other and late closing times are a factor in this. The City of Edmonton has addressed the proximity of liquor stores, but we have not addressed late closing times. I would like Administration to provide a report with the following information:

1. What is the current law regarding liquor store hours?
2. What would a reasonable bylaw limiting hours of liquor stores look like that minimizes alcohol related crime and disorder and increases public safety, particularly in distressed neighbourhoods, while not

unduly inconveniencing residents and business owners?

3. Would it be possible to have earlier closing times in neighbourhoods classified as distressed by the City?
4. What has been the result of creating a bylaw to standardize liquor store hours in other municipalities?
5. What would be the process and timeline of standardizing these hours by creating a bylaw?
6. How would this bylaw be enforced (i.e., what resources would be needed to dedicate to enforcement)?

Report

Current Law – Provincial

The regulation of liquor store hours is within the purview of the Government of Alberta. According to the *Retail Liquor Store Operating Guidelines* of the Alberta Gaming and Liquor Commission:

3.1.1 The retail liquor store may set its hours of operation between the maximum allowable hours of 10:00 a.m. and 2:00 a.m., Monday through Sunday. Stores may operate reduced hours.

3.1.2 The Board has the authority to reduce or increase hours of operation.

Submissions can be made to the Commission to request a limitation on the hours of a liquor store. In 1994 the City of Edmonton entered into an agreement with the Alberta Gaming and Liquor Commission to restrict the hours of liquor stores to midnight within five

inner city neighborhoods (See Attachment 1).

Current Law - Municipal

There are currently no City of Edmonton bylaws governing the hours of operation for any type of business. The last known bylaw to govern hours of operation was repealed in 1968. The *Business Licence Bylaw* regulates particular business categories. While it is possible to create regulations to deal with a particular category of business, such as prohibiting all liquor stores from operating beyond certain hours, it is not possible to use the Bylaw to discriminate against businesses based solely on their location. The current *Business Licence Bylaw* provides for the imposition of conditions on a particular business licence if there is sufficient evidence that it is in the public interest to do so. Under these circumstances conditions can be placed upon that individual licence or the licence can be revoked.

Legislation in Other Cities

Liquor store regulations in most Canadian cities fall under provincial jurisdiction. (See Attachment 2)

Some municipal examples include:

- Wetaskiwin recently imposing a city wide bylaw restricting the hours of all liquor stores.
- During the Olympics, Vancouver received voluntary participation of some downtown liquor stores to limit hours.

Process & Timelines to Amend Bylaw

There is no legal authority to regulate or restrict the business hours by geographic area within the *Business Licence Bylaw*. If the desire is to limit the hours of all alcohol sales establishments in Edmonton, then a

simple amendment to the *Business Licence Bylaw* would be required.

Enforcement of Liquor Store Hours

The best suited agency to deal with liquor stores may be the Public Safety Compliance Team simply because they have the expertise to address municipal, provincial and federal legislation. Case by case, based on evidence that it would be in the public interest to limit hours on a specific licence, the Compliance Team can submit a business licence review recommendation to the Chief Licensing Officer.

Corporate Outcomes

This report supports the City's Strategic Plan – The Way Ahead – and its goal to "Increase Edmonton's Livability".

Attachments

1. Liquor Stores Restricted by Alberta Gaming and Liquor Commission
2. Legislation from Other Cities

Others Reviewing this Report

- D.H. Edey, General Manager, Corporate Services

Liquor Stores with Restriction from the Alberta Gaming & Liquor Commission

LIQUOR STORE	LIC. #	ADDRESS	MIDNIGHT CLOSE CONDITION	LICENSE EFFECTIVE DATE
# 1 Liquor Merchants	766655	10410 - 107 Ave	Yes	2006-08-25
7 th Avenue Liquors	742464	10724 - 107Ave	Yes	1993-12-08
Albertino Liquor	770145	10555 Kingsway Ave.	No ***	2010-05-17
Cheerio Liquor Store	768696	10138 - 111 Ave.	No	2008-11-18
Cheers and Beers	769334	10106 - 118 Ave.	No	2009-08-05
Crown Liquor Store	770625	9119 Stadium Rd.	No	2011-01-25
Ho Yee Liquor Store	767317	10757 - 97 Street	No	2007-06-26
Inglewood Liquor Store #2	763078	11310 - 107 Ave.	Yes	2003-04-08
Liquor On 7 th	743092	11127 - 107 Ave.	Yes	1993-12-16
Liquor Store On 111 th	756201	9611 - 111 Ave.	Yes	1996-12-13
Liquors On Jasper	768365	9539 Jasper Ave.	Yes	2008-06-23
Norwood Liquor Store	768540	9608 – 118 Ave.	Yes	2008-10-01
Oasis Liquor Store	765424	10537 – 107 Ave.	Yes	2005-05-18
Royal Imperial Liq. Store	769992	9647 – 107A Ave.	Yes	2010-05-11
Stadium Liquor Inc.	754230	10930 – 84 Street	Yes	1995-03-03

Inner-city areas addressed:

- Boyle Street
- McCauley
- Alberta Avenue
- Central McDougall
- Queen Mary Park

Ten of the 15 liquor stores in designated inner city areas have a liquor license condition with midnight closure as a result of an agreement with the Alberta Gaming and Liquor Commission. The remaining five have a liquor licence with no special restrictions on the hours of operation. The Commission is in the process of visiting these five stores to advise them that conditions will be imposed on their licence restricting their hours of operation. The Commission is also open to imposing these conditions on other possible areas.

*** Albertino Liquor (770145) closed at Midnight until June 03, 2010 at which time the liquor license was amended to reflect a 2:00 a.m. permitted closing.

Legislation Governing Liquor Stores in Other Municipalities

Summary:

The municipal regulation of liquor store hours is not a practice followed, or recently considered, by any of the major Canadian municipal centres surveyed in this report.

In general, the sale of alcohol is regulated provincially. There are certain hours that alcohol sales cannot occur, but outside of those hours it is up to each individual vendor to determine their hours of operation.

Liquor Store General Maximum Hours of Operation (Provincial Legislation):

1. Vancouver	9 a.m. to 11 p.m.
2. Calgary	10 a.m. to 2 a.m.
3. Saskatoon	9:30 a.m. to 2 a.m.
4. Winnipeg	9:00 a.m. to 2 a.m.
5. Toronto	9:30 a.m. to 10 p.m.
6. Wetaskiwin	10 a.m. to 8 p.m.(Municipal Legislation)

1. Vancouver:

Liquor retail stores are licensed under the City of Vancouver's Licence By-Law No. 4450, but they are not regulated by this bylaw. Location of new liquor stores must be approved in accordance with the district schedules of Vancouver's Zoning and Development By-law No. 3575.

Liquor store operations are regulated under the Provincial Liquor Control and Licensing Act [RSBC 1996] CHAPTER 267. Officers of the Liquor Control and Licensing Branch of the Provincial Ministry of Public Safety and Solicitor General are responsible for enforcing these regulations. Municipal police officers may also provide enforcement of these regulations by issuing notices of infraction.

The Liquor Control and Licensing Act mandates that the sale of liquor by a retail store can only take part during the hours of 9 a.m. to 11 p.m. on any given day unless otherwise specified.

In the past, the City of Vancouver's vice squad has appealed to the Liquor Control and Licensing Branch to place temporary restrictions on liquor retailers located in the downtown core during events such as the 2010 Olympics, and 2011 Stanley Cup playoffs. These appeals were in response to temporary increases in alcohol related violence and property crimes. In some situations, these liquor stores did reduce their hours voluntarily on the request to do so by the Solicitor General.

2. Calgary:

Liquor retail stores are licensed under the City of Calgary's Business Licensing By-Law No. 32M98, but they are not regulated by this bylaw. Location of new liquor stores must be approved in accordance with the district schedules of the City of Calgary's Land Use Policy No. 1P2007.

Liquor store operations are regulated under the Provincial Gaming and Liquor Act, and Alberta Regulation 143/1996. Inspectors of the Alberta Liquor and Gaming Commission are responsible for enforcing these regulations. Municipal police officers may also provide enforcement of these regulations by issuing notices of infraction.

The Alberta Liquor and Gaming Commission mandates that the sale of liquor by a retail store can only take part during the hours of 10 a.m. to 2 a.m. on any given day unless otherwise specified.

Calgary has not placed municipal restrictions on liquor store hours of operation.

3. Saskatoon:

Liquor retail stores are licensed under the City of Saskatoon's Business Licensing Bylaw 8075, but they are not regulated by this bylaw. Location of new liquor stores must be approved in accordance with the district schedules of the City of Saskatoon's Zoning Bylaw 8770

Liquor store operations are regulated by the Provincial Alcohol and Gaming Regulation Act, 1997. Inspectors of the Saskatchewan Liquor and Gaming Authority are responsible for enforcing these regulations. Municipal police officers may also provide enforcement of these regulations by issuing notices of infraction.

The Saskatchewan Liquor and Gaming Authority mandates that the sale of liquor by a retail store can only take part during the hours of 9:30 a.m. to 2 a.m. on any given day unless otherwise specified.

Saskatoon has not placed municipal restrictions on liquor store hours of operation.

4. Winnipeg:

In Winnipeg, the location of new liquor stores must be approved in accordance with the district schedules of the City of Winnipeg's Zoning Bylaw's No. 100/2004 and 100/2006.

Liquor store operations are regulated by the Provincial Liquor Control Act C.C.S.M. c. L160. Inspectors of the Manitoba Liquor Control Commission are responsible for enforcing these regulations. Municipal police officers may also provide enforcement of these regulations by issuing notices of infraction.

The Manitoba Liquor Control Commission mandates that the sale of liquor by a retail store can only take part during the hours of 9:30 a.m. to 2 a.m. on any given day unless otherwise specified.

Winnipeg has not placed municipal restrictions on liquor store hours of operation.

5. Toronto:

In Toronto, the location of new liquor stores must be approved in accordance with the district schedules under the pertinent zoning bylaw, depending on the borough.

Liquor store operations are regulated by the Provincial Liquor Control Act 13/07. Inspectors of the Liquor Control Board of Ontario are responsible for enforcing these regulations. Municipal police officers may also provide enforcement of these regulations by issuing notices of infraction. In general, the Liquor Control Board of Ontario holds a monopoly on the sale of liquor (LCBO stores), with the only exception being the Brewers Retail Inc., which solely sells beer.

The Liquor Control Board of Ontario mandates that the sale of liquor by a retail store can only take part during the hours of 9:30 a.m. to 9 p.m. (10 p.m. in the summer months only) on any given day unless otherwise specified.

Toronto has not placed municipal restrictions on liquor store hours of operation.

6. Wetaskiwin:

Bylaw 1753-09 “The Business Hours Bylaw” limits Liquor Stores to close at 8 p.m., in addition to the applicable provincial regulations.