

**Appendix 2**  
**Legislative Extract - Section 153.1 of *Ontario Regulation 746/21* under the *Liquor Licence and Control Act, 2019***

**O. Reg. 746/21: LICENSING**  
under *Liquor Licence and Control Act, 2019, S.O. 2019, c. 15, Sched. 22*

**PART X**  
**PHYSICAL EXTENSIONS OF LICENSED PREMISES**

**Temporary indoor physical extensions**

**153.** (1) The Registrar may approve a temporary indoor physical extension that is adjacent to premises to which a liquor sales licence applies for the period specified by the Registrar. O. Reg. 352/22, s. 12 (2).

(2) The Registrar may approve a temporary indoor physical extension that is immediately adjacent to premises to which a by-the-glass endorsement applies for the period specified by the Registrar. O. Reg. 352/22, s. 12 (2).

(3) REVOKED: O. Reg. 352/22, s. 12 (3).

**Temporary outdoor physical extensions, municipal**

**153.1** (1) A municipality may, if the requirements in subsection (3) are met, approve a temporary outdoor physical extension of a premises which is located in the municipality and to which a liquor sales licence applies,

- (a) that is adjacent to the premises; or
- (b) in the case of a premises that is a boat, that consists of,
  - (i) a specified portion of a dock to which the boat is attached that is secured or affixed to land, and
  - (ii) a specified portion of the land to which the dock is secured or affixed. O. Reg. 352/22, s. 12 (2).

(2) A municipality may, if the requirements in subsection (3) are met, approve a temporary outdoor physical extension of a premises which is located in the municipality and to which a by-the-glass endorsement applies that is immediately adjacent to the premises. O. Reg. 352/22, s. 12 (2).

(3) The following requirements are specified for the purposes of subsections (1) and (2):

1. The municipality has provided for licensees to apply for or otherwise obtain an approval of a temporary outdoor physical extension in the municipality.

2. The licensee is able to demonstrate sufficient control over the area to which the extension would apply.
3. There is no condition on the licence prohibiting a patio.
4. The capacity of the area to which the extension would apply allows for at least 1.11 square metres per person.
5. The licensed premises would not be subject to a temporary outdoor physical extension for more than a total of eight months in a calendar year.
6. In the case of a premises that is a boat,
  - i. the portion of the dock to which the extension would apply is surrounded by a physical barrier to prevent access to water, and
  - ii. access to any water bordering the portion of land to which the extension would apply is prevented by a physical barrier. O. Reg. 352/22, s. 12 (2).

(4) The municipality shall specify the maximum duration of an approved temporary outdoor physical extension. O. Reg. 352/22, s. 12 (2).

(5) An approval may be granted under subsection (1) or (2) with respect to one or more calendar years, as specified by the municipality. O. Reg. 352/22, s. 12 (2).

(6) The municipality may, at the time of approval or at any time during the period of an approved temporary outdoor physical extension, specify conditions to which the approval is subject. O. Reg. 352/22, s. 12 (2).

(7) In the event of a conflict between a condition on the licence and a condition specified under subsection (6), the condition on the licence prevails to the extent of the conflict. O. Reg. 352/22, s. 12 (2).

(8) The municipality may suspend or withdraw an approval. O. Reg. 352/22, s. 12 (2).

(9) A licensee who obtains approval for a temporary outdoor physical extension under this section shall notify the Registrar in accordance with the following requirements:

1. Before selling or serving liquor on the extension, the licensee shall notify the Registrar of the approval, any conditions to which the approval is subject under subsection (6) and the duration of the approved temporary outdoor physical extension.
2. A licensee whose approval is suspended or withdrawn shall immediately notify the Registrar of the suspension or withdrawal.
3. A licensee whose approval becomes subject to a condition under subsection (6) after the time of the approval shall immediately notify the Registrar of the imposition of the condition.
4. A notification under this subsection shall be given in the form and manner specified by the Registrar. O. Reg. 352/22, s. 12 (2).

(10) It is a condition of the licensee's licence that the licensee ensure that the requirements of paragraphs 2, 4 and 6 of subsection (3) continue to be met for the duration of the approved temporary outdoor physical extension. O. Reg. 352/22, s. 12 (2).