

## **Introduction**

Being sued can ruin a good party! As a host, you want to ensure that your guests have a good and safe time, and that you avoid legal hassles and potential civil liability.

The following materials provide you with information that will be helpful in planning and hosting a lawful and safe event. The first section sets out the Ontario law governing when SOPs are required, the conditions that apply to them, and your legal responsibilities as a permit holder under the *Liquor Licence Act*.<sup>1</sup> The second section outlines the physical and behavioural effects of alcohol, the risks associated with intoxication and the common signs of intoxication. The third section begins with a discussion of your potential civil liability for the injuries that your intoxicated guests suffer or cause. The section ends with the steps that you can take to safeguard your guests and minimize the likelihood of being sued. The Appendix contains sources of additional information on many of these issues, which are marked with an asterisk in the text.

## **Section I: The Law**

### **(a) When and What Type of SOP do I Need for my Event?**

In Ontario, a SOP is required any time alcohol is served except in a bar or other licensed establishment, or a private place such as your home. There are three types of SOPs, one for each of “public events,” “industry promotion events” and “private events.” These materials focus on private event SOPs.\*

Private event SOPs are typically issued for an event such as a wedding, birthday or stag and doe. Private events are limited to invited guests and cannot be advertised to the general public. The guests may be informed of the event by means of individualized invitations, social media posts that are not available to the public or other private means of communication. There are two types of private event SOPs – “No Sale” and “Sale” events.

At a “No Sale” SOP event, alcohol can only be provided without charge. The permit holder cannot attempt to recover the cost of the alcohol from the guests either directly or indirectly. For example, a “No Sale” SOP holder is prohibited from selling drink tickets to guests prior to or at the event, charging an admission fee or seeking to recoup the cost of the alcohol from the guests after the event. In other words, the permit holder must absorb the cost of all of the alcohol.

As the name implies, at a “Sale” SOP event, guests can be charged for alcohol. However, the permit holder cannot intend to gain or profit from these sales, and the money collected can only be used to recover the cost of the alcohol. Thus, at a “Sale” event, the proceeds of the alcohol sales must be structured on a cost recovery basis.

Homemade wine and/or beer can be served to guests at both “No Sale” and “Sale” events, but only in specific circumstances. First, the permit holder must have obtained the homemade wine and/or beer for

free and it must have been made by a member of his or her family. Second, the guests cannot be charged for the homemade wine and/or beer even at a “Sale” event.<sup>2</sup>

Except for homemade wine and/or beer, all alcohol served or sold at private SOP events must be purchased from an authorized government retail store, namely the LCBO, a LCBO Agency Store, The Beer Store, or an authorized manufacturer’s retail store.<sup>3</sup> The permit holder must keep the receipts for all of the alcohol that has been purchased and ensure that they are available for inspection.<sup>4</sup> The permit holder and/or individuals designated as “responsible people” on the SOP application must attend the entire event.<sup>5\*</sup>

### **(b) Your Legal Responsibilities as a Permit Holder**

As in other provinces, the possession, consumption, provision, and sale of alcohol is regulated in Ontario. The legal responsibilities of permit holders and others are set out in the *Liquor Licence Act* and its regulations. Any violation of the Act or the regulations constitutes a provincial offence, which may result in extremely onerous fines and in rare cases imprisonment.<sup>6</sup>

In addition to, or instead of, laying a charge under the *LLA*, the Registrar of Alcohol and Gaming may impose substantial monetary penalties and other administrative sanctions on permit holders who violate the Act or regulations.\*

Starting in 2007, the AGCO adopted a risk-based enforcement approach, which focuses on violations of the Act that pose the greatest risks. The AGCO has identified the following “Big 5” infractions as its key concern.<sup>7\*</sup>

- **Serving or supplying alcohol to minors**

The Act prohibits anyone from selling or supplying alcohol to a person who is, or appears to be, under the age of 19. Moreover, permit holders must take steps to ensure that minors are not given alcohol by other guests and do not possess or consume alcohol at the event.<sup>8</sup> Permit holders are required to demand government-issued photo identification from anyone who is apparently under the age of 19 before providing him or her with alcohol.<sup>9\*</sup>

- **Serving or supplying alcohol to intoxicated individuals**

Permit holders are prohibited from selling or supplying alcohol, or permitting alcohol to be sold or supplied to any person who is, or appears to be, intoxicated. As above, permit holders must take reasonable steps to prevent alcohol from being given to an intoxicated guest by one of the other guests.<sup>10</sup>

- **Overcrowding**

Permit holders must ensure that the number of individuals at the event, including employees and volunteers does not exceed the maximum capacity for the premises. The capacity is generally determined by the applicable building or fire code.<sup>11</sup>

- **Allowing violent, unruly, drunken, or disorderly behaviour, or illegal drugs**

Permit holders must not allow “drunkenness, unlawful gambling or riotous, quarrelsome, violent or disorderly conduct” on the premises.<sup>12</sup> Nor can they permit illegal drugs to be offered for sale, sold, distributed, or consumed on the premises.

- **Serving alcohol after hours**

Permit holders must ensure that no alcohol is sold or served after the time specified in the permit. They must also ensure that all evidence of alcohol consumption and service is removed within 45 minutes of this time.<sup>13</sup>

While the “Big 5” infractions are important, holders of a private event SOP must understand that they have additional legal obligations, some of which are outlined below.

- **Permit holders must provide:** adequate security given the size of the premises, nature of the event, and the number and age of the guests;<sup>14</sup> sufficient food for everyone in attendance;<sup>15</sup> and a variety of non-alcoholic drinks that are priced below the cost of the alcoholic beverages.<sup>16</sup>
- **Permit holders are prohibited from:** engaging in any practice which may tend to encourage immoderate alcohol consumption (*e.g.* drinking contests or games);<sup>17</sup> requiring guests to purchase a minimum number of drink tickets in order to enter or remain on the premises;<sup>18</sup> and permitting free alcohol to be given as a prize in a contest.<sup>19</sup>
- **Permit holders must:** allow liquor inspectors and police officers acting in the course of their duty to enter and inspect the premises;<sup>20</sup> post the SOP in a conspicuous place;<sup>21</sup> and remove unused alcohol from the premises after the event.<sup>22</sup>

## Section II: Alcohol: Effects, Risks and Signs of Intoxication

### (a) Effects and Risks of Alcohol Consumption

About 80% of Canadians consume alcohol. For many Canadians, drinking is a common “social lubricant” that is associated with positive events and situations, including celebrations, sports, dining, friendships, and relaxation. Most Canadians who drink usually do so in a responsible and safe manner.

However, alcohol is a central nervous system depressant, which lessens inhibitions and increases risk taking and aggression. Like other drugs, alcohol has potentially serious long and short-term consequences if misused. Most of the long-term adverse consequences are associated with heavy habitual consumption and include liver damage, high-blood pressure, stroke, heart disease, several types of cancer, depression, and addiction.\*

In contrast, the short-term adverse consequences of alcohol consumption are related to an individual’s peak blood-alcohol concentration (BAC). For example, many young males who are otherwise responsible drinkers put themselves at risk of trauma-related death and injury when they “binge drink,” which is generally defined as having five or more drinks on a single occasion.

Alcohol consumption adversely affects judgment, co-ordination, balance, visual perception, vigilance, divided-attention skills, information processing, and reaction time. The impairment of these skills and decision-making abilities starts with the first drink and increases with the amount consumed, particularly among inexperienced and moderate drinkers. Nevertheless, even heavy drinkers will be significantly impaired and at increased risks of trauma-related harm as their BACs rise.

The relative risks of a crash rise sharply with an individual’s BAC. Drivers with BACs of between .05% and .08% are approximately 10 times more likely to die in a single vehicle crash than their sober

counterparts. Similarly, depending on their age, drivers with BACs in excess of .15% may be several thousand times more likely to die in such crashes.<sup>23</sup> Despite the progress that has been made, alcohol remains a significant factor in all types of crashes. For example in 2013, almost 32% of fatally-injured automobile drivers, 80% of fatally-injured snowmobile operators and 36% of fatally-injured pedestrians were positive for alcohol, and most had BACs well in excess of .08%.<sup>24</sup> In recent years, approximately 800 Canadians have been killed and another 50,000 have been injured in various types of alcohol-related crashes.<sup>25</sup>

The risks of alcohol-related trauma are not limited to crashes. Alcohol is also involved in a large percentage of fires, drownings, violence, suicides, and falls. For example, a 2013 US report indicated that alcohol was a factor in 60% of fire deaths, drownings and homicides, 50% of severe trauma injury and sexual assaults, and 40% of suicides and fatal falls.<sup>26</sup> In Canada, there are roughly 500 to 600 alcohol-related suicides<sup>27</sup> and several hundred acute alcohol poisoning deaths a year.<sup>28</sup> While alcohol-related falls kill fewer Canadians than alcohol-related crashes, alcohol-related falls put more Canadians in hospital for more days than alcohol-related crashes.<sup>29</sup>

It has been estimated that about a third of all crimes and criminal charges in Canada are attributable to alcohol.<sup>30</sup> From 2003 to 2013, 49% of Canadian homicide victims and 63% of the accuseds were under the influence of alcohol alone, or alcohol in combination with another drug.<sup>31\*</sup>

## **(b) Signs of Intoxication**

Individuals react differently to alcohol. For example, a heavy drinker will display fewer outward signs of intoxication than an inexperienced drinker who has the same BAC. Nevertheless, it is generally accepted that there are some common signs of intoxication, and that individuals will display more signs as they become intoxicated and that the signs will become more pronounced.

The AGCO has provided a clear and concise list of 10 common signs of intoxication that are reproduced below.<sup>32</sup> The AGCO has stated that drinkers showing three signs “can almost certainly be considered intoxicated.” SOP holders would be well advised to adopt this standard, because it likely reflects how the AGCO will interpret and enforce the prohibition against serving intoxicated individuals.

- **Inappropriate speech volume:**  
People who are intoxicated frequently speak in volumes inappropriate to the situation. They shout when it isn't necessary, whisper when there's no need for secrecy. The voice may go from low to high (or vice versa) when there is no reason to suggest that a change in volume is necessary.
- **Motor control (fine) deteriorates:**  
As people become intoxicated, their skills requiring fine motor control (hand-eye coordination) deteriorate. Intoxicated patrons may fumble with their cell phones or have difficulty picking up change. As their coordination declines, people also misjudge distances. They may set a drink down hard on a table, thinking that the table is lower than it is.
- **Pace of speech:**  
Intoxicated people may change the rate of their speaking, alternating racing speech with slow speech, or talking consistently slow or fast.

- **Alertness decreases:**  
Intoxicated people take longer to respond to questions or react to events. They may not be able to understand or pay attention to what you're saying. They easily become muddled, and you have to repeat simple questions or requests before they respond.
- **Inappropriate sweating:**  
Intoxicated people may sweat more than might be considered normal given the surrounding temperature, conditions or situation.
- **Red eyes:**  
Take note if a customer's eyes are bloodshot to any degree.
- **Motor control (gross) deteriorates:**  
Alcohol also impairs skills requiring gross motor coordination. Drunk customers may have difficulty standing upright or walking a straight line. They weave, misstep or stumble, perhaps bumping into other people or furniture. To compensate, they may put their hands out at the sides for support or balance.
- **Poor enunciation, slurring words:**  
Alcohol relaxes muscles, including those in the mouth, making it hard to speak clearly and distinctly. An intoxicated person may make a single error — repeatedly stumbling over one word — or slur several words together. This is a very good sign someone is impaired.
- **Noticeably shallow breathing:**  
Can you notice a difference between your breathing and the customer's? An intoxicated person may breathe noticeably slower or shallower than others. There may be weakness in breath, with little air inhaled or exhaled.
- **Tiredness:**  
Alcohol is a depressant. As people become intoxicated, they show signs of being tired or sleepy. Their eyes may be heavy or closed, or they may have a placid or fixed gaze.

Various approaches have been proposed for managing guests who are showing signs of intoxication. While some programs train staff to count the number of drinks served to individual guests, this approach is not essential. The same benefits can be realized by requiring staff to carefully observe and monitor guests for signs of intoxication. Consistent with accepted responsible hospitality industry practice, the AGCO has recommended the following guidelines for dealing with guests who may be becoming intoxicated.

#### **1 sign**

- Become alert for the development of other signs (a single sign is not necessarily linked to intoxication).
- Make “low-risk” options available to slow alcohol intake. For example, offer food or low-alcohol drinks.

#### **2 signs**

- Monitor the patron carefully.
- Move to low-alcohol or non-alcohol drinks.

- If possible, serve food to decrease the rate of drinking.

### **3 or more signs**

- Serve no more alcohol to this patron under any circumstances.
- Use “management of intoxication” techniques to reduce the likelihood of injury and damage. For example, ensure that the patron has safe transportation home; if necessary, call the police.

## **Section III: Your Potential Civil Liability and Strategies to Minimize Your Risks**

### **(a) Your Event – Your Problem**

As an SOP holder, you may be held liable for alcohol-related injuries that occur both on and off the event site. The number and types of alcohol-related civil suits has increased sharply, and it is not just bars and other commercial licensed establishments that are being sued. Successful claims have been brought against colleges and universities, municipalities, service clubs, parents, employers, and SOP holders.

The section begins with a discussion of the circumstances in which you may be sued. We then provide a detailed list of the steps that you can take to minimize your potential liability.

### **(b) What Will Get You Sued?**

There are two major categories of alcohol-related liability suits. First, as the holder of a SOP, you may be held liable for providing alcohol to individuals who you know or ought to know are intoxicated if they subsequently injure themselves or others. Second, as an occupier of the premises on which the event takes place, you may be held civilly liable for any alcohol-related injuries that occur on the property. These are two separate bases of liability and, depending on the circumstances, you may be sued on one or both of these grounds. In contrast to the United States, the Canadian courts have permitted intoxicated individuals who injure themselves to recover damages, despite their own irresponsible behaviour, from a negligent provider or occupier.

Many of the provider liability cases involve multimillion dollar claims for catastrophic physical injuries resulting from car crashes. In contrast, most alcohol-related occupier’s liability cases involve less serious injuries resulting from falls and fights. However, there are more alcohol-related claims based on occupier’s liability than on provider liability.

### **(c) Being Sued as a Provider:**

Although the term “provider liability” is widely used, it is somewhat misleading. No one has ever been held liable for giving, selling or serving alcohol in a reasonable manner, even if the person who was served later caused or suffered an alcohol-related injury. In other words, the law does not prevent you from serving alcohol or being a gracious host. Rather, liability has only been imposed on individuals who provide alcohol to a person past the point of intoxication or to a person who they know or ought to know is already intoxicated. It should be emphasized that, as indicated earlier, this conduct constitutes a provincial offence under section 29 of the *LLA*. Thus, providers are only held civilly liable when they serve alcohol in violation of the law.

Providers have been held liable even if they did not serve the individual all or most of the alcohol causing his or her intoxication. For example, in one case, a bar was held liable for approximately \$1.5 million, because its staff served three drinks to an already intoxicated, underage patron, who subsequently caused a crash that left his 16-year old passenger a quadriplegic. The case also illustrates the fact that a provider's liability extends to injuries that his or her intoxicated guests cause after leaving the premises.<sup>33</sup>

In other cases, the courts have stated that licensed establishments cannot escape liability for over-serving by adopting practices that make it impossible for them to determine if their patrons are becoming intoxicated.<sup>34</sup> The courts have also emphasized that licensed establishments must take steps to prevent intoxicated patrons from driving.<sup>35</sup> In the words of the Ontario Court of Appeal: "In circumstances where it is reasonable to expect that a patron has come by car, there is a heavier duty on the tavern staff to keep an eye on the patron when they depart to check to see if the patron is driving and to arrange safe transportation, if necessary."<sup>36</sup>

Although these cases dealt with commercial licensed establishments, they will likely apply with equal force to SOP holders. Both commercial licensed establishments and SOP holders are prohibited from serving individuals past the point of intoxication. Moreover, the risks involved in serving an intoxicated patron of a bar are the same as serving an intoxicated guest at a SOP event.

#### **(d) Being Sued as an Occupier**

In addition to being sued as a provider of alcohol, SOP holders may be sued as an occupier for alcohol-related injuries that occur on the premises. An "occupier" is defined to include a person who has physical possession of the premises, or control over the activities occurring on the premises and the individuals allowed to enter and remain.<sup>37</sup> Thus, an SOP holder would be considered an occupier if he or she rented a hall and controlled who entered and remained at the event. If the SOP holder and the owner of the hall shared responsibility for the door staff and security, they would be considered co-occupiers of the premises.

Occupiers are not held liable for every unforeseeable fall, fight or injury that occurs. Rather, they are only required to take "reasonable steps" to safeguard the entrants.<sup>38</sup> Occupiers must ensure that the premises are reasonably safe in terms of the physical condition of the premises, the people they allow to enter and remain, and the activities that they permit to occur.

For example, an SOP holder could be held liable as an occupier for ignoring an obviously defective railing on a steep, poorly lit staircase, or an increasingly aggressive patron. Similarly, an SOP holder would be required to take reasonable steps to prevent a physical altercation between two guests. While the courts are unlikely to require the permit holder and staff to intervene physically, a simple verbal warning to stop may not be viewed as sufficient.

#### **(e) How Can I Reduce My Risks?**

Most of the proposals to reduce the risks of being sued focus on impaired driving, such as designated driver initiatives. These alternate transportation measures are a critically important component of an effective risk minimization plan. However, as we have seen, your liability is not limited to impaired driving crashes. You need to adopt a broad approach that addresses the full range of your legal obligations under the *LLA* and your potential civil liability. With common sense and planning, a host who adopts some basic precautions can dramatically reduce his or her risks of being sued.

## **Planning**

- If there have been previous problems with a particular event or guest, take steps to avoid a recurrence of the problem.
- Large events, such as a family wedding, require considerable planning. Depending on the size of the event, consider hiring trained servers and staff.
- Do not combine alcohol with potentially dangerous activities, such as boating, snowmobiling, skiing, or swimming. If this is not possible, try to ensure that alcohol is available only after the physical activities are completed.
- Check the premises for potential hazards. Since drinking affects judgment, balance and co-ordination, a normally safe condition may endanger intoxicated guests. Even minor changes, such as locking the gate to the pool, replacing a burned-out light bulb, or tightening a loose railing on the stairs, can significantly reduce your risks.
- Have a plan in advance to ensure that guests who become intoxicated can be taken home safely.

## **Serving**

- Do not make drinking the focus of your party. Do not permit drinking competitions or other practices that promote intoxication.
- Make appealing food options available. Guests who have eaten absorb alcohol more slowly than those who have not, thereby lowering their peak BAC.
- If you are providing alcohol, serve drinks rather than offering a self-service bar. A self-service bar may encourage heavy consumption and make it more difficult for you to keep track of your guests' drinking.
- Offer your guests non-alcohol and low-alcohol drinks.
- Do not encourage intoxication by serving double shots, extra-strong mixed drinks, shooters, or extra-strength beer.
- Stop serving alcohol long before you expect the party to break up. It is simply not smart to serve people alcohol immediately before they drive or otherwise try to get home.

## **Supervising**

- Refrain from drinking or drink moderately. The more you drink, the more difficult it will be for you to anticipate problems, supervise the event and intervene to avoid potential problems.
- Be attentive to your guests' behaviour and appearance. Be prepared to have a friendly word with a guest who is becoming intoxicated.



- Do not serve alcohol to a guest who is already intoxicated. Such conduct only increases the risks of a mishap and your chances of being sued.
- If your guests are endangering themselves or others on your property, you will be expected to take reasonable steps to defuse the situation.
- Remember that intoxicated guests may be at considerable risk, even if they are not driving.
- Arrange for a guest who may be intoxicated to be taken home safely. You might wish to have a supply of taxis on hand or to have pre-arranged for taxis to be available.
- There may be a private service in your community that provides police-grade breath testing to ensure that your guests do not inadvertently violate the federal and provincial impaired driving laws.
- If gentle persuasion fails, you may have to verbally insist that an intoxicated guest not attempt to drive home. If all else fails, you may have to call the police.
- Friends don't let friends drive drunk.

## **Conclusion**

Being a good host means protecting your guests, yourself and others, as well as having a good time. The steps you take to protect you guests will reduce your likelihood of being charged under the *LLA* or sued civilly. Your exposure to potential legal problems is largely in your own hands.

## Appendix

For information on “public event” and “industry promotion event” SOPs, see Alcohol and Gaming Commission of Ontario (AGCO), *Special Occasion Permits: Public Event*, online: AGCO <<https://www.agco.ca/alcohol/special-occasion-permits-public-event>>; and *Special Occasion Permits: Liquor Industry Promotional Event*, online: AGCO <<https://www.agco.ca/alcohol/special-occasion-permits-liquor-industry-promotional-event>>.

For more information on applying for a private event SOP, see AGCO, *Special Occasion Permit Application Guide*, online: AGCO <[https://www.agco.ca/sites/default/files/sop1575\\_sopguide\\_english\\_170526\\_0.pdf](https://www.agco.ca/sites/default/files/sop1575_sopguide_english_170526_0.pdf)>.

For more information on these monetary penalties and other administrative sanctions, see AGCO, *Monetary Penalties*, online: AGCO <<https://www.agco.ca/general/monetary-penalties>>.

For more information on risk-based licencing, see AGCO, *Liquor Sales Licences – Risk-Based Licensing FAQs*, online: AGCO <<https://www.agco.ca/alcohol/liquor-sales-licences-risk-based-licensing-faqs>>.

For more information on checking identification, see AGCO, *Checking ID*, online: <<https://www.agco.ca/sites/default/files/3056.pdf>>.

For a detailed discussion of long-term risk of alcohol, see G. Taylor, *The Chief Public Health Officer’s Report on the State of Health in Canada 2015: Alcohol Consumption in Canada* (Ottawa: Public Health Agency of Canada, 2016) at 6-7 and 14-15.

For more information on alcohol-related trauma in Canada, see R. Solomon *et al.*, *Alcohol, Trauma and Impaired Driving*, 4th ed. (Toronto: Mothers Against Drunk Driving (MADD) Canada, 2009).

## Endnotes

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- <sup>1</sup> *Liquor Licence Act*, R.S.O. 1990, c. L.19 (*LLA*)
- <sup>2</sup> *Special Occasion Permits*, O. Reg., 89/91, s. 25(3)(a) and (b)) (SOP Reg).
- <sup>3</sup> *Ibid*, s. 25(1).
- <sup>4</sup> *Ibid*, s. 39.
- <sup>5</sup> *Ibid*, s. 36.
- <sup>6</sup> *LLA*, *supra* note 1, s. 61(1)(c) and (3).
- <sup>7</sup> AGCO, “The ‘Big 5’ infractions that are the primary focus for AGCO inspectors” (2016) 16(1) Licence Line 3.
- <sup>8</sup> *LLA*, *supra* note 1, s. 30.
- <sup>9</sup> SOP Reg, *supra* note 2, s. 29.
- <sup>10</sup> *LLA*, *supra* note 1, s. 29.
- <sup>11</sup> SOP Reg, *supra* note 2, s. 11.
- <sup>12</sup> *Ibid*, s. 32.
- <sup>13</sup> *Ibid*, s. 24(5) and 35.
- <sup>14</sup> *Ibid*, s. 22.
- <sup>15</sup> *Ibid*, s. 27.
- <sup>16</sup> *Ibid*, s. 28.
- <sup>17</sup> *Ibid*, s. 18.
- <sup>18</sup> *Ibid*, s. 16.
- <sup>19</sup> *Ibid*, s. 20.
- <sup>20</sup> *Ibid*, ss. 30 and 31(2).
- <sup>21</sup> *Ibid*, s. 33.
- <sup>22</sup> *Ibid*, s. 35.
- <sup>23</sup> R. Voas *et al.*, “Alcohol-Related Risk of Driver Fatalities: An Update Using 2007 Data” (2012) 73(3) *Journal of Studies of Alcohol and Drugs* 341at 346.
- <sup>24</sup> TIRF, *Alcohol and Drug-Crash Problem in Canada: 2013 Report* (Ottawa: Canadian Council of Motor Transport Administrators, 2017) at 21, 23 and 25.
- <sup>25</sup> R. Solomon, C. Ellis & C. Zheng, *Alcohol and/or Drugs Among All Categories of Crash Victims Dying Within 12 Months by Jurisdiction: Canada, 2013*; and *Impairment-Related Crash Injuries, and Associated Charges and Convictions: Canada, 1998-2013* (Oakville, Ontario: Mothers Against Drunk Driving (MADD) Canada, 2017).
- <sup>26</sup> National Institutes of Health (NIH), U.S. Department of Health and Human Services, *Rethinking Drinking: Alcohol and your health* (Washington, D.C.: NIH, 2016) at 5.
- <sup>27</sup> J. Rehm *et al.*, *The Cost of Substance Abuse in Canada 2002* (Ottawa: Canadian Centre on Substance Abuse, 2006) 43; and K. Shield *et al.*, “Mortality and potential years of life lost attributable to alcohol consumption in Canada in 2005” (2012) 12 *Public Health* 91, online: BMC, *Public Health* < <https://bmcpublichealth.biomedcentral.com/articles/10.1186/1471-2458-12-91>>.

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- <sup>28</sup> G. Taylor, *The Chief Public Health Officer's Report on the State of Public Health in Canada, 2015: Alcohol Consumption in Canada* (Ottawa: Public Health Agency of Canada, 2016) at 16.
- <sup>29</sup> E. Single *et al.*, "Morbidity and Mortality Attributable to Alcohol, Tobacco, and Illicit Drug Use in Canada" (1999) 89(3) *American Journal of Public Health* 385 at 386.
- <sup>30</sup> P. Kendall, *Public Health Approach to Alcohol Policy: An Updated Report from the Provincial Health Officer* (Victoria: Ministry of Healthy Living and Sport, 2008), online: <<http://www.health.gov.bc.ca/library/publications/year/2008/alcoholpolicyreview.pdf>> at 21.
- <sup>31</sup> A. Cotter, *Homicide in Canada, 2013* (Ottawa: Statistics Canada, 2014) at 20.
- <sup>32</sup> AGCO, *Responsible Service Tip Sheet: Recognizing Intoxication* (Toronto: AGCO, 2017), online: AGCO <[https://www.agco.ca/sites/default/files/3057\\_1.pdf](https://www.agco.ca/sites/default/files/3057_1.pdf)>.
- <sup>33</sup> *Schmidt v. Sharpe* (1983), 27 C.C.L.T. 1 (Ont. H.C.J.).
- <sup>34</sup> *Canada Trust Co. v. Porter*, [1980] O.J. No. 252 (C.A.); and *McIntyre v. Grigg* (2006), 83 O.R. (3d) 161 (C.A.).
- <sup>35</sup> *Hague v. Billings* (1993), 15 C.C.L.T. (2d) 264 (Ont. C.A.).
- <sup>36</sup> *McIntyre v. Grigg* (2006), 83 O.R. (3d) 161 (C.A.) at para 25.
- <sup>37</sup> *Occupiers' Liability Act*, R.S.O. 1990, c. O.2, s. 1(a).
- <sup>38</sup> *Ibid*, s. 3(1).