

PARKS AND OPEN SPACE ALLIANCE



NEWS ALERT – February 3, 2009

Alcohol Beverage Service, Responsibilities and Legal Liabilities

The Ontario Provincial Police have taken the highly unusual step of laying charges against a Muskoka resort and 16 of its employees in connection with three traffic fatalities. Thirty-four charges have been laid which include *allowing drunkenness on the premises of the club and serving liquor to an apparently intoxicated person*. These charges once again bring to the forefront that under the *Liquor Licence Act* (LLA) persons who serve alcohol legally, or who permit illegal consumption of alcohol, can be held accountable when events go drastically wrong.

The *Parks and Open Space Alliance* (POSA) reminds owners, managers and staff of parks and open space facilities of their legal responsibilities regarding alcoholic beverage service. You are encouraged to revisit your obligations under the *Liquor Licence Act* and the *Occupiers Liability Act* with particular attention to:

- Reviewing and revising, as necessary, your Municipal Alcohol Policy (MAP)
- Ensuring staff (full-time, part-time, seasonal) who serve alcohol have successfully completed the Smart Serve® Training Program and fully understand the MAP
- Ensuring facility owners and managers take proactive steps to avoid illegal alcohol consumption
- Ensuring that all parks and open space user contracts clearly define the requirements and penalties for breaches of the MAP and/or LLA.

Smoking in Open Air Areas

Toronto's public health board has endorsed a proposal to ban smoking within nine-metres of playgrounds, splash pads and wading pools in city parks. But the board is already looking ahead to possibly curbing cigarettes at city soccer pitches, baseball diamonds, football fields and outdoor ice rinks by next year.

Given that sports fields and greens spaces are designed to support healthy, recreational activities that often involve youth, POSA encourages all of its associations' members to consider the changing attitudes toward smoking in public open-air areas and implement a no-smoking policy for their parks and open spaces.

Information Links:

Muskoka Charges: <http://www.cbc.ca/canada/toronto/story/2009/01/12/muskoka-charges.html>

Liquor License Act: <http://www.ijcan.org/on/laws/sta/l-19/20080115/whole.html>

Occupiers Liability Act: http://www.bclaws.ca/Recon/document/freeside/--%20O%20--/Occupiers%20Liability%20Act%20%20RSBC%201996%20%20c.%20337/00_96337_01.xml

Smart Serve: <https://smartserve.org/>

City considers outdoor smoking ban: <http://www.insidetoronto.ca/article/62099>

Alcohol Policy Network: <http://www.apolnet.ca/thelaw/policies/MAPHome.html>

MAP Guide: <http://www.orfa.com/orfaoldweb/MAP/MAP%20Guide.pdf>

The Parks and Open Space Alliance (POSA) is a coalition of the Ontario Parks Association, the Ontario Recreation Facilities Association and the Sports Turf Association dedicated to strengthening parks and open space practitioners through professional development, recognition and advocacy. For more information, please visit:

- Ontario Parks Association www.opassoc.on.ca
- Ontario Recreation Facilities Association www.orfa.com
- Sports Turf Association www.sportsturfassociation.com