

February 21, 2024

Dear Fellow Members of ALRC,

I'm sorry I'm unable to attend tonight's meeting. Alder Verveer asked me to draft potential conditions for one of the licenses you'll consider tonight.

When considering Change of Licensed Conditions for MacTaggart's, please bear in mind the difference between trusting a licensee to do something responsibly and trusting a licensee not to do something.

We place 2 kinds of conditions on a license:

1. Conditions that prevent specific actions
2. Conditions that attempt to prevent related actions

When we have a condition not to sell hard liquor, it's because we don't want the establishment to sell hard liquor. When we have a condition not to stay open past ten p.m., it's because we don't want a bar to be noisy late at night. It's difficult to make a condition to "be quiet."

Over time, when we come to trust a licensee more, it's appropriate to alter conditions to let a bar stay open later. We trust them to operate responsibly and not be noisy, and we don't have any inherent objection to them being open later. On the other hand, no matter how much we trust a given licensee, it isn't appropriate to allow them to do something we explicitly don't want them to do. If someone isn't going to sell hard liquor, they don't need their license to let them sell hard liquor. If someone doesn't plan to have entertainment, they don't need a license that lets them have entertainment.

Additionally, when we adjust the conditions of a license, we should take into account how that will interact with the current conditions. If we let a store sell new kinds of products, we should review existing conditions, and make sure they'll cover the new products. On MacTaggart's current license, there are conditions that explicitly refer to malt-based products and, thus, don't include spirits-based products.

1. Shall not sell, dispense, or give away **fermented malt beverages** in the original container in amounts less than the amount contained in a six pack of bottles or cans.
2. **Malt based flavored coolers** may not be sold, dispensed or given away in the original container in amounts less than a four pack of bottles or cans.
3. Shall not sell, dispense, or give away intoxicating liquor in the original container in amounts of two hundred (200) milliliters or less in volume. 'Intoxicating liquor' shall not include wine in the original container with an alcohol content of 15% or less by volume.
4. Shall not sell, dispense, or give away wine in the original container with an alcohol content of more than 15% alcohol by volume, where spirits have been added to the wine that have not been produced from the same fruit as the wine, for consumption off the licensed premises. This prohibition shall not apply to vermouth, port, sherry, and wine sealed with a cork and aged two years or more, and wine with 15% or less alcohol by volume where the alcohol is produced by natural fermentation.
5. Class A Liquor license limited to sales of wine and cider only.

To allow MacTaggart's to sell spirits-based seltzers, consider making the following changes:

1. Shall not sell, dispense, or give away fermented malt beverages in the original container in amounts less than the amount contained in a six pack of bottles or cans.
2. Malt based **or spirits based** flavored coolers may not be sold, dispensed or given away in the original container in amounts less than a four pack of bottles or cans.
3. Shall not sell, dispense, or give away intoxicating liquor in the original container in amounts of two hundred (200) milliliters or less in volume. 'Intoxicating liquor' shall not include wine in the original container with an alcohol content of 15% or less by volume.
4. Shall not sell, dispense, or give away wine in the original container with an alcohol content of more than 15% alcohol by volume, where spirits have been added to the wine that have not been produced from the same fruit as the wine, for consumption off the licensed premises. This prohibition shall not apply to vermouth, port, sherry, and wine sealed with a cork and aged two years or more, and wine with 15% or less alcohol by volume where the alcohol is produced by natural fermentation.
5. Class A Liquor license limited to sales of wine, **spirits based flavored coolers**, and cider only.

I believe these conditions – or ones substantially similar to these – are ones we could fairly and safely apply to other license holders interested in selling the same products.

Sincerely,

Michael Donnelly