

**Direction of the Minister
under a Declared State of Emergency**

(Section 14 of the *Emergency Management Act*)

21-004

The Minister of Municipal Affairs and Housing declared a Province-wide State of Emergency on March 22, 2020 under Section 12 of the *Emergency Management Act*.

Effective on May 26, 2021 at 2:00 pm, for the protection of property, and for the health and safety of the residents of the Province, under the authority provided to me in Section 14 of the *Emergency Management Act*, I direct that:

1. During the state of emergency a third-party person, who is not directly employed by a liquor licensee, may deliver liquor with food under the same restrictions as set out in the *Liquor Licensing Regulations*, if they meet all the following conditions:
 - (a) a third-party delivery service business must ensure that a driver for the service meets all the following requirements:
 - (i) is a minimum of 19 years of age or older,
 - (ii) holds a valid driver's license;
 - (iii) has completed any training for the third-party delivery of liquor required by the Executive Director of the Alcohol, Gaming, Fuel and Tobacco Division prior to their delivery of liquor;
 - (b) if a delivery driver is an independent third-party delivery service driver, then the requirements in clause (a) are the personal responsibility of the driver to ensure are met before any deliveries are made;
 - (c) all persons involved in the delivery of alcohol for the third-party must comply with the *Delivery of Liquor by Third-Party Protocol* made by the Executive Director of the Alcohol, Gaming, Fuel and Tobacco Division;

- (d) a third-party driver must verify that age of the individual intending to receive the liquor delivery is 19 years of age or older by checking the birth date on the government photo identification provided before completing the delivery and if the intended receiver is not 19 years of age or older, or not available for the delivery, the driver must return the liquor portion of the order to the establishment where it was obtained;
 - (e) a third-party driver must verify that the individual intending to receive the liquor delivery is not intoxicated before completing the delivery and if the intended receiver is intoxicated, the driver must return the liquor portion of the order to the establishment where it was obtained;
- 2. A liquor licensee must check that a driver for a third-party delivery service has successfully completed the third-party delivery of liquor training in subclause 1(a)(iii) prior to the licensee permitting the driver to take possession of a delivery which includes a portion of liquor.
- 3. A person who is providing a third-party customer order or delivery service of food, drinks or liquor for eating establishments, or liquor licensed establishments, is prohibited during the state of emergency from charging at a rate of more than:
 - (a) 15 percent of the total cost of the customer's order to the establishment, if the customer's order is delivered;
 - (b) 10 percent of the total cost of the customer's order to the establishment, if the customer picks up the order;
 - (c) 5 percent of the total cost of the customer's order for fees other than for delivery services to the establishment.
- 4. A person who is providing a third-party customer order or delivery service in Section 3 is prohibited from reducing the salary, wages, tips, benefits or other compensation payable by the person to a driver providing deliveries for the service from the amount or rate for the driver's delivery service work provided as of May 26, 2021 at 2 pm.

Please note that this Direction is in addition to any requirements established in a Chief Medical Officer of Health's Public Health Order under the *Health Protection Act*, and any other Directions issued under the *Emergency Management Act*.

A failure to comply with this Direction could result in a summary conviction with fines between \$500 to \$10,000 for individuals and up to \$100,000 for a corporation per incident.

This Direction will remain in place until the end of the state of emergency unless it is terminated in writing earlier.

Dated May 26 , 2021.

ORIGINAL SIGNED BY:

Hon. Brendan Maguire
Minister of Municipal Affairs