

Third Party Food and Liquor Deliveries and Delivery Fee Caps

July 22, 2021

PLEASE NOTE: This Direction does not override any current Public Health Orders or other Directions. Licensees should check for any relevant orders or directions before making any service changes.

Liquor Licensees should be aware that the Minister of Municipal Affairs has issued a Direction under the Emergency Management Act relating to the delivery of food and liquor. The Direction temporarily allows the delivery of food and liquor orders by third parties (e.g., delivery drivers not directly employed by a food service establishment).

The Direction also establishes maximum amounts that third party delivery companies or apps may charge a food service establishment for deliveries or app usage.

This information sheet is provided as an overview of the Direction. Unless it expires or is revoked, the Direction will remain in effect during the state of emergency. It can be found [here](#). Questions about the changes can be directed to your local compliance officer or to AGFT licensing staff at 902-424-6160 (toll-free: 1-877-565-0556). Questions can also be submitted to Adam Grant, Director Strategy and Innovation, Alcohol, Gaming, Fuel and Tobacco Division, Adam.Grant@novascotia.ca.

Delivery Driver Requirements – Liquor and Food

The Direction applies both to delivery drivers who are associated with a third-party delivery app or drivers who work on their own behalf. The Direction does not apply to a delivery driver who is directly employed by a Licensee. They continue to be governed by the Liquor Licensing Regulations.

To deliver food and liquor, delivery drivers must:

- be 19 years of age or older;

- hold a valid driver's license;
- complete any training required by the Executive Director of AGFT. This is currently the [Delivery of Liquor by 3rd Party Driver](#) online course, as set out in the [Delivery of Liquor by Third-Party Protocol](#);
- verify that the intended recipient of a liquor and food order is over the age of 19 through government issued ID;
- verify that the intended recipient of the liquor is not intoxicated;
- not deliver liquor to any location where it cannot be legally consumed (parks, beaches, public places);
- return liquor to the Licensee when they are unable to deliver it;
- follow all the additional requirements of the [Delivery of Liquor by Third-Party Protocol](#), established by the Executive Director of AGFT.

Liquor Licensee Requirements

Liquor Licensees must:

- check that the delivery driver for a third-party delivery service has successfully completed the training requirement before they are allowed to deliver food and liquor orders;
- follow all the additional requirements of the [Delivery of Liquor by Third-Party Protocol](#), established by the Executive Director of AGFT.

Delivery of Liquor by Third-Party Protocol

The Direction authorizes the Executive Director of AGFT to establish a Protocol for the third-party delivery of liquor and food orders. **Licensees, Delivery Drivers, and Third-Party Delivery Companies** are required to follow the requirements of the Protocol pursuant to Part 1(c) of the Direction. The Protocol can be found [here](#).

The Protocol may be amended by the Executive Director of AGFT at any time.

Fee Caps for Delivery Orders and App Usage

The Direction sets caps on the fees that can be charged by third-party delivery companies / apps to food service establishments during the state of emergency. As of the date of the Direction, the fees that can be charged by third-party delivery companies / apps are limited to:

- 15% of the total cost of the customer's order, if the order is delivered;
- 10% of the total cost of the customer's order, if the customer picks up the order;
- 5% of the total cost of the customer's order for fees other than for delivery services (e.g., app usage fees).