

# WINERY AGRI-TOURISM ECONOMIC RELIEF GRANT - GUIDELINES

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## Grant Overview

The Grant, which is established pursuant to the Minister's Order, will provide up to \$10 million in funding in the form of relief grant payments to eligible wineries and cideries with on-site stores. The purpose of the Grant is to provide stability and transitional support to offset the prolonged fiscal impacts and slower than expected economic recovery in Ontario's wine tourism areas.

## Grant Definitions

In these Guidelines, the following terms will have the meanings set out below,

**"Administrator"** means AgriCorp and includes any other entity that may succeed AgriCorp in the deliverance of this Grant as well as any of its authorized agents.

**"Affiliated Wineries"** means a group of Authorized Wineries and/or cideries where:

- One of them is a subsidiary of the other, or
- They are subsidiaries of the same body corporate, or
- Each of them is controlled by the same person

For further detail on affiliates, refer to subsections 17 (5) and 17 (6) *Liquor Tax Act, 1996*.

**"AGCO"** means the Alcohol and Gaming Commission of Ontario.

**"Applicant"** means a person who applies to the Grant.

**"Authorized Winery"** means a winery or cidery that has been issued a manufacturers' licence with a winery retail store endorsement by the AGCO.

**"Eligible Sales"** are the total taxable distributions (by value of sale) at on-site winery retail stores for the period of April 1, 2022 to March 31, 2023 for Wine and Wine Coolers, as determined by the Ministry of Finance from Wine and Wine Cooler Returns filed by wine tax collectors and any supplementary information required to determine taxable distributions at on-site winery retail stores.

**"Grant Year"** means April 1, 2023 to March 31, 2024 and includes any time period afterwards when Grant Payments are issued based on eligible applications;

**"Grant Payment"** means the total payment available to an eligible Applicant.

**"Guidelines"** means this document, as it may be amended from time to time.

**"Grant"** means the Winery Agri-Tourism Economic Relief Grant.

**“Minister’s Order”** means Minister’s Order 0009/2023, which established the Winery Agri-Tourism Economic Relief Grant Program, as it may be amended from time to time.

**“Recipient”** means a person who receives a Grant Payment.

**“Requirements Of Law”** means all applicable statutes, regulations, by-laws, ordinances, codes, official plans, rules, approvals, permits, licenses, authorizations, orders, decrees, injunctions, directions, agreements, as amended or replaced, tax collection and remittance obligations to the Ministry of Finance and these Guidelines.

**“Wine”** means a beverage that is wine for the purposes of the *Liquor Licence and Control Act, 2019* and, for greater certainty, includes Ontario wine, Ontario wine coolers, non-Ontario wine and non-Ontario wine coolers produced on the premises of an Authorized Winery.

**“Wine and Wine Cooler Return”** means completed returns filed by wine tax collectors, including Ontario wineries that own and operate winery retail stores, whether the winery retail store is located on-site or off-site of the Ontario winery.

## Applicant Eligibility

To be eligible for a Grant, an Applicant must meet all the following requirements:

- Be an Authorized Winery;
- Have Eligible Sales at the their on-site winery retail store;;
- During the period of April 1, 2022 to March 31, 2023, have experienced at least one of the following:
  - economic hardship that negatively impacted its on-site winery retail store sales and activities;
  - increased labour costs or labour supply shortages; or
  - supply chain challenges (e.g., delays, increased input costs, shortages).
- Apply to the Grant using an Administrator-approved application form;
- Submit a completed application form to the Administrator by 11:59pm ET on September 8, 2023;
- Provide its:
  - Canada Revenue Agency Business Number, or
  - Its Social Insurance Number if the Applicant is not eligible to receive a Canada Revenue Agency Business Number but the Applicant is eligible to receive a Grant Payment under the Grant prior to receiving the Grant Payment;
- Agree to comply with all the terms and conditions of the Minister’s Order and these Guidelines; and
- Be in compliance with and remain in compliance with all Requirements Of Law.
  - An Applicant will be considered compliant with tax and remittance obligations to the Ministry of Finance under the *Liquor Tax Act, 1996* if they are compliant with their tax and remittance obligations for the 2022-23 sales year and previous years as of the date the application is due.

Only one Authorized Winery of a group of Affiliated Authorized Wineries may apply to the Grant in an Grant Year. The Eligible Sales from all Affiliated Authorized Wineries will be

totalled under the one application for the purposes of calculating any Grant Payment the Applicant may be eligible to receive.

Incorporated Authorized Wineries that are affiliates within the meaning of subsections 17 (5) and 17 (6) of the *Liquor Tax Act, 1996* will be considered to be one entity for the purposes of applying to for a Grant in the Grant Year, regardless of the number of AGCO manufacturers' licences held by the Affiliated Authorized Wineries.

## Application Process

Application submission deadline: **11:59pm ET on September 8, 2023.**

The Administrator will send application forms to prospective applicants, if an Authorized Winery does not automatically receive an application form when these Guidelines are posted on-line on AgriCorp's website, an application form can be requested from the Administrator. All applications for the Grant must be received by the application submission deadline.

The Administrator will review applications to determine applicant eligibility and if the Grant requirements have been met. If the application submitted is incomplete or does not otherwise meet the Grant's requirements, the application may not be accepted by the Administrator.

## How Grant Payments are Calculated

Any Grant Payment an Applicant may be eligible to receive will be based on sales data reported on Wine and Wine Cooler Returns for the period of April 1, 2022 to March 31, 2023 filed by wine tax collectors as of the application submission deadline, and any supplementary information required to determine the Applicant's Eligible Sales.

The Ministry of Finance will determine an eligible Applicant's Grant Payment in the following way based on the Applicant's Eligible Sales:

- The Applicant's Grant Payment shall be \$4,000.00 plus 7% of Eligible Sales, up to a maximum Grant Payment of \$200,000.00.

If total potential payments to all eligible Recipients under the Grant exceed the available funds, a proration rate will apply. The proration rate will reduce proportionally each Recipient's Grant Payment so that the total payments to all eligible Recipients are within the available funds. For greater clarity, this would result in each Recipient's payments being reduced below the amount that the eligible Recipient was originally calculated to receive. The formula for the proration rate is:

$$\text{Proration rate} = \frac{\text{available funds}}{\text{total number of potential payments to all eligible Recipients}}$$

The formula for the Grant Payment in this scenario would be:

$$\text{Grant Payment} = \text{Grant Payment as originally calculated} \times \text{proration rate}$$

## **Additional Terms and Conditions for Applicants and Recipients**

The following are additional terms and conditions for funding eligibility:

Applicants and Recipients must provide accurate, timely and complete information to the Administrator when requested, including, without limitation, supporting documentation as required to verify the eligibility of the Applicant or to verify the accuracy of any Grant Payment made to a Recipient. Any Applicant or Recipient who provides false or misleading information to the Administrator may be disqualified and required to repay any Grant Payments received under the Grant.

The Ministry of Finance will calculate the amount of the Grant Payment for each Applicant by applying the calculations outlined in the How Grant Payments are Calculated section, as applicable, to the Applicant's Eligible Sales. The Ministry of Finance will communicate the Grant Payment amounts to the Administrator for the purpose of the Administrator issuing the Grant Payment under the Grant.

The Ministry of Finance will also disclose to the Administrator whether an Applicant is eligible to participate in the Grant based on the Applicant's tax compliance status under the *Liquor Tax Act, 1996* and other relevant provincial statutes.

The Applicant/Recipient will authorize Ministry of Finance to disclose the above-mentioned information to the Administrator and to any Affiliated Wineries for the purposes of administering any Grant Payments under the Grant. The Applicant will authorize the Administrator to disclose any information provided on the application form to the Ministry of Finance.

The Ministry of Finance, the Ministry of Agriculture, Food and Rural Affairs, and the Administrator are subject to the *Freedom of Information and Protection of Privacy Act* and information provided under the Grant may be subject to disclosure under that Act or by order of a court, tribunal or otherwise by law.

## **Other Considerations, Including Compliance**

The Administrator or the Ministry of Agriculture, Food and Rural Affairs or its authorized representatives may conduct audits or investigations of any Applicant/Recipient at any time in respect of their eligibility and the Applicant/Recipient will cooperate with the auditors or investigators, including the provision of information or access to a person, place or thing within the time set out in the request.

Any Grant Payment a Recipient receives that it was not eligible to receive at the time the Grant Payment was made or at any time after the Grant Payment was made is an overpayment. Any overpayments will be recovered in a manner consistent with His Majesty the King in Right of Ontario's collections practices and in consideration of applicable Government of Ontario legislation and directives. Should an Applicant that is eligible to receive a Grant Payment have any pre-existing debts owing to His Majesty the King in Right of Ontario, the Administrator may recover that pre-existing debt through a set-off against any Grant Payments the Applicant may be eligible to receive under the Grant.

These Guidelines may be amended from time to time.

Applicants have the onus of confirming that they are following the most recent version of the Guidelines prior to making an application.

The Grant is a discretionary, non-entitlement Grant. Applying to the Grant does not create any legal, equitable or other right to receive a Grant Payment under the Grant. The Administrator reserves all rights to administer the Program in a manner that is consistent with the Minister's Order and any directions it may take from the Assistant Deputy Minister of the Policy Division at the Ontario Ministry of Agriculture, Food and Rural Affairs, including the right to make determinations about Applicant's eligibility and the amount of Grant Payments, if any, that are payable to Applicants.

## Contact Information

For more information about the Grant, contact the Administrator:

Telephone: 1-888-247-4999

Email: [wineryrelief@Agricorp.com](mailto:wineryrelief@Agricorp.com)

Website: [Agricorp.com/wineryrelief](http://Agricorp.com/wineryrelief)

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