



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 121 - 2012

**Lottery Licensing By-law**

To establish a system of licensing for lotteries  
and to amend By-law 1-2002 and By-law 380-2003

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**Recitals**

1. By Order-in-Council 1413/08 dated August 12, 2008, municipal Councils may issue a licence authorizing a charitable organization to conduct and manage a lottery scheme and may authorize a charitable organization to submit an application to the Registrar for a licence to conduct and manage a bingo lottery event at a pooling bingo hall.
2. Section 23.1 of the *Municipal Act, 2001, S.O. 2001, c. 25* confirms that a municipality has authority to delegate powers and duties subject to certain restrictions and Council wishes to delegate its lottery licensing powers and duties granted by Order-in-Council 1413/08 to the Clerk.

**NOW THEREFORE**, the Council of the Corporation of the City of Brampton  
ENACTS AS FOLLOWS:

**Short Title**

1. This By-law may be referred to as the "Lottery Licensing By-law".

**Interpretation**

2. For the purposes of this by-law:
  - a. Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this by-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
  - b. References to items in the plural include the singular, as applicable.
  - c. Definitions prescribed by the Province of Ontario pursuant to Order-in-Council 1413/08, statutes and policies including definitions identified by the Alcohol and Gaming Commission of Ontario through the Lottery Licensing Policy Manual and related Terms and Conditions documents apply to this by-law and supersede the definitions in this by-law in the event of conflict.

## Definitions

3. The words, phrases and terms defined in this section have the following meaning for the purposes of this By-law:

“Appeal Tribunal” means the tribunal appointed by Council to conduct hearings pursuant to By-law 48-2008;

“Authorization” means a certificate issued by the Clerk authorizing a Charitable Organization to apply to the Registrar for a licence to conduct a Bingo Lottery at a pooling bingo hall;

“Bazaar Lottery” means an Event where any combination of the following lotteries may be conducted: (a) a raffle not exceeding \$500 in prizes, (b) a bingo not exceeding \$500 in prizes, (c) a maximum of three wheels of fortune with a maximum \$2 bet;

“Bingo Lottery” means an Event where players are awarded a cash prize or other prizes for being the first to complete a specified arrangement of random numbers or symbols on a printed device;

“Break Open Ticket Lottery” means an Event involving instant win pull tab lottery tickets also known as Nevada lottery tickets;

“City” means The Corporation of the City of Brampton or the geographical area of the City of Brampton as the context requires;

“Charitable Organization” means a corporation, organization, association or partnership created primarily for a charitable object or purpose in Ontario and may include a non-profit organization with charitable objects;

“Clerk” means the person within the administration of the Corporation of the City of Brampton that fulfils the function of Clerk as required by the *Municipal Act, 2001*, S.O. 2001 c. 25 or his or her duly appointed deputy

“Event” means the occurrence of a Licensed Lottery in the City over a determinable period of time;

“No Objection Letter” means a letter issued by the Clerk confirming that the City does not object to an Event occurring within the City limits for which a Lottery licence is issued by another municipal jurisdiction;

“Licence” means a licence issued pursuant to this by-law;

“Licensee” means a Charitable Organization to whom a Licence or Authorization is issued;

“Lottery” means a scheme that involves a prize, a chance to win a prize and direct or indirect consideration within the City;

“Officer” means any person authorized by the Corporation of the City of Brampton to enforce lottery licensing and shall include the Clerk and his or her designate, a municipal law enforcement officer, Peel Regional Police Services Officer and any person with authority under law to enforce lottery licensing.

“Person” means an individual, corporation, organization, association or partnership and includes a Charitable Organization;

“Pooling Bingo Hall” means a registered bingo hall where lottery proceeds are pooled by Licensed Charitable Organizations in order to proportionately share in the proceeds;

“Raffle Lottery” means a Lottery where tickets are sold for a draw;

“Registrar” means the Registrar of Alcohol and Gaming for the Province of Ontario within the meaning of the *Alcohol and Gaming Regulation and Public Protection Act, 1996, S.O. 1996, c. 26*.

### **Clerk’s Authority**

4. The Clerk is delegated Council’s lottery licensing powers and duties for the City to be exercised in accordance with the provisions of this by-law and the laws of the Province of Ontario.
5. The Clerk may issue Licences allowing Charitable Organizations to conduct and manage the following Lotteries:
  - a. Bazaar Lottery;
  - b. Bingo Lottery in a non-pooling hall;
  - c. Break Open Ticket Lottery; and
  - d. Raffle Lottery.
6. The Clerk may issue an Authorization allowing a Charitable Organization to conduct a Bingo Lottery at a Pooling Bingo Hall.
7. The Clerk may issue a No Objection Letter to a Person seeking to operate a Lottery within the City pursuant to a lottery licence issued in a different municipal jurisdiction.
8. The Clerk may impose conditions on a Licence or Authorization if, in his or her opinion, such conditions are in the best interests of the City’s inhabitants.
9. The Clerk may assign his or her powers and duties pursuant to this By-law in writing to a specified designate.
10. The Clerk may refuse, suspend or cancel a Licence or Authorization if:
  - a. the application requirements are not satisfied;
  - b. the applicant is not eligible to hold a Licence or Authorization;
  - c. there has been a breach of any condition of the Licence or Authorization;
  - d. there are reasonable grounds to believe that the applicant or Licensee will not conduct the Lottery in accordance with the law or with honesty or integrity;
  - e. in his or her opinion it is in the public interest to do so;
  - f. an applicant or Licensee fails to submit requested financial reports;
  - g. an applicant or Licensee fails to comply with any Provincial requirements or provisions of this by-law;
11. The Clerk shall notify an applicant or Licensee of any refusal, suspension or cancellation of a Licence or Authorization in writing to the address indicated in the application.
12. All relevant by-laws and policies of the City shall apply to the exercise of delegated authority authorized by this By-law.

13. Council confirms that in its opinion, all legislative powers delegated to the Clerk are minor in nature, within the meaning of subsection 23.2(4) of the *Municipal Act, 2001*.

### **Prohibitions**

14. No Person shall conduct or manage a Lottery within the City without a Licence.
15. No Person shall conduct or manage a Bingo Lottery in a Pooling Bingo Hall within the City without an Authorization and licence from the Registrar.
16. No Person shall conduct or manage a Lottery within the City for which a licence has been issued by another municipal jurisdiction without a No Objection Letter.
17. No Person shall conduct or manage a Lottery if a Licence, Authorization or No Objection Letter has been refused, suspended or cancelled for that Lottery.
18. No Licensee or Person associated with the operation of a Lottery Event shall have a personal pecuniary interest or other interest that could influence the outcome of that Lottery Event.
19. No Licensee shall fail to comply with the Licensee's Obligations in section 20 of this by-law.

### **Licensee's Obligations**

20. Every Licensee is responsible to ensure that:
  - a. all legislative, regulatory and policy requirements of the Province of Ontario are satisfied;
  - b. all conditions imposed by the Clerk are satisfied;
  - c. all proceeds from any Licensed Lottery benefit residents of the City;
  - d. only Persons eighteen (18) years of age or older participate in the Lottery;
  - e. the Licensee and Persons under the Licensee's direction shall not participate in the Lottery for personal gain;
  - f. the value of each prize, the collective value of all prizes or the consideration given for a chance to win a prize shall not exceed the maximum amounts specified in the Licence;
  - g. any required financial reporting is completed and submitted to the Clerk:
    - i. within the required time;
    - ii. with all revenues and expenditures documented in writing;
    - iii. with itemized invoices and receipts for any single expenditure of \$500 or more;
  - h. net Lottery proceeds shall only be used for purposes authorized in the Licence or Authorization;
  - i. net Lottery proceeds may not accumulate beyond two (2) years without the Clerk's written consent;

- j. all financial records of the Licensee are accurate, complete and available for inspection and audit at the Clerk's request;
- k. the Licence and any other relevant documents are available for inspection by and upon request of an Officer.

### **Application**

- 21. An application for a Licence shall be made to the Clerk at least thirty (30) days prior to the Event.
- 22. An application for an Authorization or Licence requiring Provincial approval shall be made at least sixty (60) days prior to the Event.
- 23. A request for a No Objection Letter shall be made in writing to the Clerk at least fourteen (14) days prior to the Event.
- 24. An application for a Licence or Authorization shall be in the form prescribed by the Registrar.
- 25. An application for a Licence or Authorization shall include the non-refundable fee identified in Schedule A to this by-law.
- 26. The applicant shall ensure that the application is complete and accurate.
- 27. In evaluating an application, the Clerk may require criminal record searches.
- 28. The applicant shall provide any additional information and documentation requested by the Clerk in order to evaluate the application.

### **Eligibility Review**

- 29. Where a Charitable Organization has never been issued a Licence or Authorization or has not been issued a Licence or Authorization in the previous two (2) years, the Clerk shall initiate an eligibility review in accordance with Provincial standards to determine if a Charitable Organization is eligible to hold a Licence.
- 30. The Clerk may initiate an eligibility review at his or her discretion in accordance with Provincial standards to determine if a Licensee is eligible to continue to hold a Licence or Authorization.
- 31. Where an eligibility review is initiated, the Charitable Organization shall provide all information requested by the Clerk in order to complete the review in accordance with Provincial standards.
- 32. Once the eligibility review is complete, the Clerk shall provide a written response to the Charitable Organization outlining the results of the review and whether or not the Charitable Organization may apply for a Licence or continue to hold a Licence as applicable.

### **Bingo Lotteries**

- 33. In addition to all other provisions of this By-law, Bingo Lottery Licences for Events conducted in Non-Pooling Bingo Halls shall be subject to the following conditions:
  - a. A maximum of fifty-two (52) Events per year are permitted except for new Licensees which shall be entitled to a maximum of thirteen (13) events per Licence term;

- b. A Bingo Lottery Licence shall be effective for a maximum term of six (6) months or less from the commencement date of the Licence;
  - c. The location proposed for each licensed Bingo Lottery Event must be licensed by the City's Stationary Business Licensing By-law and satisfy the Lottery location requirements of the *Gaming Control Act*, 1992. S.O. 1992, c. 24, as applicable.
  - d. An admission fee shall not be charged for entry into a Bingo Lottery;
  - e. The Clerk has the discretion to distribute Events to ensure an equal opportunity among Licensees;
  - f. Prior to issuance of a Bingo Lottery Licence, an applicant shall satisfy the City that a Bingo Lottery game can be interrupted to verify the numbers called or recreated where interrupted or stopped;
  - g. An Officer may stop the Bingo Lottery at any time for inspection;
  - h. The City must approve any non-monetary prizes.
34. In addition to clauses 33(a) and 33(c) to 33(h) inclusive, Authorizations for Pooling Bingo Lotteries shall be subject to the following conditions:
- a. An Authorization to conduct a Bingo Lottery shall be effective for a maximum term of six (6) months or less from the commencement date of the licence;
  - b. A Licensee shall immediately notify the Clerk and Hall Charities Association if it intends to withdraw from conducting and managing a Bingo Lottery so that a replacement Licensee may be chosen from a pool of a maximum of four (4) Licensees designated by the Hall Charities Association.

### **Raffles**

35. In addition to all other provisions of this By-law, Raffle Lottery Licences shall be subject to the following conditions:
- a. All Licensees shall provide the Clerk with a sample of the Raffle Lottery tickets to be used.
  - b. All Licensees shall provide a financial guarantee for the full value of the prizes if the total value of the prizes is \$5,000.00 or more.
  - c. The Clerk may at his or her discretion require a financial guarantee for prizes with a total value of less than \$5,000.00.
  - d. The financial guarantee identified in subsections (b) and (c) shall be in the form of a letter of credit, certified cheque or other form as determined by the Clerk consistent with Provincial requirements.

### **Break Open Tickets**

36. In addition to all other provisions of this By-law, Break Open Ticket Lottery Licences shall be subject to the following conditions:
- a. Break Open Tickets shall be purchased only from registered gaming equipment suppliers or registered Break Open Ticket manufacturers authorized by the Registrar.
  - b. Licensees that change Break Open Tickets suppliers or manufacturers must notify the Clerk, in writing, within 5 working days.

- c. Unsold tickets under seal are not transferable and cannot be credited to another Licence unless approved by the Clerk at his or her discretion.

### **Enforcement**

- 37. The provisions of this by-law may be enforced by an Officer.
- 38. An Officer may, at any reasonable time, enter the land, building or place before, during or after an Event for the purpose of carrying out an inspection to determine compliance with this by-law.
- 39. For the purposes of an inspection pursuant to section 38, the City may:
  - a. Require the production for inspection of documents or things relevant to the inspection;
  - b. Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c. Require information from any person concerning a matter related to the inspection; and
  - d. Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

### **Appeals**

- 40. a. A decision by the Clerk to refuse to issue, suspend or cancel a Licence or Authorization, on the grounds of eligibility or use of proceeds may be appealed to the Registrar in accordance with the Registrar's appeal process;
  - b. A decision by the Clerk to refuse to issue, suspend or cancel a Licence or Authorization on any grounds other than eligibility or use of proceeds may be appealed to the Appeal Tribunal by filing written notice with the City Clerk, with reasons in support, accompanied by the appeal fee as set out in the User Fee By-law, within fifteen (15) days after the appellant:
    - 1) Receives the decision;
    - 2) Is deemed to have received the decisionwhichever is earlier;
- “Deemed to have received the decision” means:
- 1) The date of personal delivery, email or fax delivery;
  - 2) Five (5) days following the mailing date.
- c. On receipt of a written request for a hearing from the Applicant or Licensee, the Clerk shall schedule a hearing of the Appeal Tribunal and shall give the Applicant or Licensee reasonable written notice of the date, time and place of the hearing in accordance with City Appeal Tribunal By-law 48-2008;
  - d. If the Clerk does not receive an appeal by the fifteenth (15<sup>th</sup>) day following receipt of the decision, the Clerk's decision shall be final.
  - e. No member of the Appeal Tribunal, Council, or an employee of the City is personally liable for anything done under authority of this By-law;

**Contraventions and Penalties**

41. Every Person who contravenes this By-law is, upon conviction, guilty of an offence and is liable to a fine under the Provincial Offences Act, R.S.O. 1990, c. P.33 of not more than \$5,000.00 exclusive of costs.

**Severability**

42. If any portion of this By-law is declared invalid by a court of competent jurisdiction, that portion of this By-law will be considered to be severed from balance of the By-law which will continue to operate in full force.

**Repeals and Effective Date**

43. Schedule S-19 to Licensing By-law 1-2002, as amended, is repealed.

44. Licensing By-law 1-2002, as amended, is further amended by amending subsection 2(22) to read: "Every person operating a Lottery as defined by the Lottery Licensing By-law".

45. Licensing By-law 1-2002, as amended, is further amended by deleting the following from section 11: "Schedule S-19: Persons operating a bingo lottery, raffle lottery or lottery scheme".

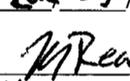
46. Appendix A to Licensing By-law 1-2002, as amended, is further amended by deleting fees for lotteries.

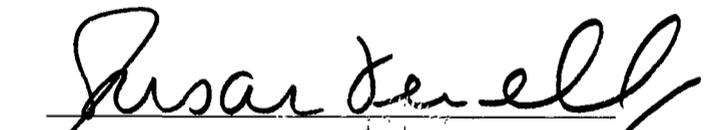
47. Schedule C of User Fee By-law 380-2003, as amended, is further amended by adding:

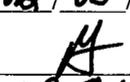
Appeal of decision of Clerk (to refuse, revoke, suspend, etc.) lottery licence	\$125.00	\$0.00	\$125.00
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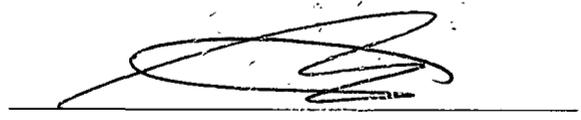
48. This By-law is effective on the date of its passing by Council.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN COUNCIL THIS 9th day of May, 2012.

Approved as to form.  
2012 05 / 09  
  
 Matthew Rea

  
 Susan Fennell, Mayor

Approved as to content.  
2012 / 05 / 09  
  
 Peter Fay

  
 Peter Fay, City Clerk

**SCHEDULE A**

**Licence and Authorization Fee Schedule\***

Raffles (\$1 - \$500)	\$15.00	Per Event
(over - \$500)	3% of prize payout	Per Event
Bazaars (per unit/wheel)	\$15.00	Per Event
Bingos	\$45.00	Per Event
Break open Tickets	3% of prize payout	Per Event

\*all fees are non-refundable.