

Authority: Administration Committee Report No. 7, Clause No. 2,  
as adopted by City of Toronto Council on May 30, 31 and June 1, 2001  
Enacted by Council: June 28, 2001

## **CITY OF TORONTO**

### **BY-LAW No. 527-2001**

#### **To adopt a new City of Toronto Municipal Code Chapter 553, Lottery Licensing.**

WHEREAS by Order-in-Council 2688/93 a municipal council may, where it deems it expedient in the best interests of the inhabitants of the municipality, issue a licence authorizing any charitable or religious organization to conduct and manage a bingo lottery, a break open ticket lottery, a raffle lottery or a lottery scheme held at a bazaar;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The City of Toronto Municipal Code is amended by adding the following as Chapter 553, Lottery Licensing:

#### **Chapter 553**

#### **ARTICLE I LOTTERY LICENSING**

##### **§ 553-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

“CHARITABLE OBJECT OR PURPOSE” or “CHARITABLE OR RELIGIOUS OBJECT OR PURPOSE” –

any object or purpose for:

- A. the relief of poverty;
- B. the advancement of education;
- C. the advancement of religion; or
- D. any purpose beneficial to the community;

“CHARITABLE ORGANIZATION” – An organization which is created primarily for a charitable object or purpose in Ontario, is operated not for profit, and includes a religious organization;

“DIRECTOR OF LEGISLATIVE SERVICES” – The person who, from time to time holds the position designated as Director of Legislative Services in the Corporate Services

Department of the City or such successor position having similar authority and responsibilities;

“LICENSEE” – A person to whom a licence is issued;

“LOTTERY LICENSING OFFICER” – An individual as may be appointed from time to time to hold the title of Lottery Licensing Officer, or his or her designate;

“PERSON” – A corporation, organization, association or partnership and includes a charitable organization;

“REGISTRAR” – The Registrar of Alcohol and Gaming under the *Gaming Control Act, 1992*, S.O. 1992, chapter 24 as amended.

### **§ 553-2. Appointment and Authority.**

- A. (1) The Director of Legislative Services is appointed as Lottery Licensing Officer for the purposes of regulating and enforcing the provisions of this by-law, including the authority to issue, renew, suspend and cancel licences.
- (2) Notwithstanding subsection (1), the Lottery Licensing Officer may assign his or her duties with respect to this by-law to any person or persons designated by him or her and in such case, the person or persons designated shall be responsible for the administration of this by-law.
- B. The Lottery Licensing Officer is authorized to issue licences permitting charitable organizations to conduct and manage the following lottery schemes:
- (a) a bingo lottery event where the amount or value of the prize or prizes awarded is no greater than \$5,500.00 in value;
- (b) a raffle lottery event where the amount or value of the prize or prizes awarded does not exceed a total value of \$50,000.00;
- (c) a break open ticket lottery event up to one year to be conducted from a location within the geographical boundaries of the City other than a break open ticket lottery event which is managed and conducted in conjunction with another licensed gaming event;
- (d) a bazaar lottery event during which the only lottery events authorized to be played are,
- (1) a maximum of three wheels of fortune where individual bets are no more than \$2.00,
- (2) a raffle lottery not exceeding \$500.00 in prizes,

- (3) a bingo lottery not exceeding \$500.00 in prizes;
- (e) a media bingo lottery event conducted on or through television, radio, newspaper or other means of communication where the amount or value of the prize or prizes awarded is no greater than \$5,500.00;

where deemed to be in the best interests of the inhabitants of the City and the proceeds from the lottery scheme are used for a charitable or religious object or purpose providing a direct benefit to the inhabitants of the City.

- C. Where the Lottery Licensing Officer determines that it is in the best interests of the inhabitants of the City, the Lottery Licensing Officer may issue a licence in the approved form to a charitable organization to conduct and manage a lottery scheme within the City.
- D. For the purposes of this by-law, it shall be deemed not to be in the best interests of the inhabitants of the City to issue a licence authorizing a charitable organization to conduct and manage a lottery scheme within the City, which does not have a City of Toronto municipal address or which does not provide a direct benefit to the inhabitants of the City.

#### **§ 553-3. Application.**

An application for a licence to conduct and manage a lottery scheme shall be submitted to the Lottery Licensing Officer who shall determine if the application complies with Order-in-Council 2688/93, any regulations, and the provisions of this by-law.

#### **§ 553-4. Administration Fees.**

- A. A charitable organization shall pay to the City an administration fee in such amount as determined by Council from time to time for conducting a first time eligibility review.
- B. A charitable organization shall pay to the City an administration fee in such amount as determined by Council from time to time for the review and processing of a request for a letter of municipal concurrence to the charitable organization receiving a provincial gaming licence.
- C. A charitable organization shall pay to the City an administration fee in such amount as determined by Council from time to time for the review and processing of a request for permission for the charitable organization to sell raffle tickets or hold the draw in the City of Toronto where the actual licence has been issued by another municipality.
- D. A licensee shall pay to the City at the time of submission of each request for a change to the licence, an administration fee in such amount as determined by Council from time to time for the review and processing of the change to the licence.
- E. The administration fee is not subject to refund or rebate for any reason whatsoever.

**§ 553-5. Licence Fees.**

The charitable organization shall pay to the City, at the time of issuance of the licence, a fee in the amount set out opposite the respective description of licences as set out in Schedule “A” to this by-law.

**§ 553-6. Terms and Conditions.**

- A. In addition to such special terms and conditions as may be imposed by the Registrar, each licence shall be subject to the following terms and conditions:
- (1) The licensee shall comply with sections 206 and 207 of the Criminal Code of Canada;
  - (2) The licensee shall comply with the provisions of Order-in Council 2688/93;
  - (3) The licensee shall comply with all the terms and conditions set out on or attached to the licence;
  - (4) The licensee shall comply with all provincial and municipal policies and procedures; and
  - (5) The licensee shall conduct or allow to be conducted only the type of lottery event or events provided in the application and the licence.
- B. In addition to such special terms and conditions as may be imposed by the Registrar, each bingo lottery licence shall be subject to the following terms and conditions:
- (1) Any building or premises registered under the *Gaming Control Act, 1992*, where a charitable organization proposes to conduct and manage any bingo lottery event or events shall prominently display information regarding responsible and problem gambling and information on where people can get help.
  - (2) Any building or premises registered under the *Gaming Control Act, 1992*, where a charitable organization proposes to conduct and manage any bingo lottery event or events shall have been approved by the Chief Building Official and by the Fire Chief prior to the issuance of a licence.

**§ 553-7. Refusal to issue or suspension/cancellation of licence.**

- A. Where the Lottery Licensing Officer determines that the application does not comply with Order-in-Council 2688/93, any regulations, or the provisions of this by-law, the Lottery Licensing Officer shall not issue a licence, but shall give notice of the decision not to issue a licence by mail to the charitable organization within a reasonable time thereafter.

- B. If the licensee fails to comply with any of the provisions of this by-law, the provisions of Order-in-Council 2688/93 and amendments thereto, the terms and conditions applicable to such licence, or sections 206 and 207 of the Criminal Code of Canada, the Lottery Licensing Officer may suspend or cancel such licence. Upon suspension or cancellation of a licence, the Lottery Licensing Officer shall give notice to the licensee by mail within a reasonable time thereafter.
- C. Where a licence has been suspended or cancelled, the licensee shall be entitled to a refund of a part of the licence fee proportionate to the unexpired term for which the licence was granted.

**§ 553-8. Entry.**

The Lottery Licensing Officer and such officers as the Registrar or the Lottery Licensing Officer may appoint and all peace officers shall, at all reasonable times, have direct and unencumbered access to the building or premises wherein a lottery event is taking place, to enquire into the nature, management and conduct of the lottery event or events for which the licence has been granted, either prior to, during, or after the conclusion of such lottery event.

**§ 553-9. Posting of licence.**

- A. Where the licence applies to premises or a building wherein a lottery event or events are taking place, the licensee shall keep the licence posted in a conspicuous place.
- B. Where the licence does not apply to premises or a building wherein a lottery event or events are taking place, the licensee shall produce the licence upon demand.

**§ 553-10. Prohibition.**

- A. No person shall conduct or permit or cause a charitable organization to and no charitable organization shall conduct or manage a bingo lottery, a break open ticket lottery, a raffle lottery, or a lottery scheme held at a bazaar without a valid licence in respect thereof.
- B. No person shall conduct a lottery event or events or permit or cause a lottery event or events to be conducted when a licence has been suspended or cancelled.

**§ 553-11. General Provisions.**

- A. Should any section or subsection of this by-law be declared invalid by a court of competent jurisdiction, such section or subsection shall be construed as being severed from this by-law and the remainder of this by-law shall continue in full force and effect.
- B. The short title of this by-law shall be the “Lottery Licensing By-law”.
- C. This by-law shall come into force and effect upon final passage hereof.

2. The following are repealed:
- A. former City of North York By-laws 31227, 31639 and 31797;
  - B. former City of Scarborough By-laws 13972, 20572, 22075, 20971, 20786, 26497, 20219 and 20070;
  - C. former City of York By-laws 792-70, 948-70 and 3429-97;
  - D. former City of Toronto Municipal Code Chapter 225, as amended;
  - E. former City of Etobicoke Municipal Code Chapter 169, as amended and By-law 1996-9; and
  - F. former Borough of East York By-laws 456, 457 and 935.

ENACTED AND PASSED this 28th day of June, A.D. 2001.

CASE OOTES,  
Deputy Mayor

JEFFREY A. ABRAMS,  
Acting City Clerk

(Corporate Seal)

**SCHEDULE "A"**LOTTERY LICENCE FEES

BINGO LICENCE	\$10 - PRIZEBOARD UP TO \$300 3 PERCENT - PRIZEBOARD FROM \$301 TO \$5,500
MEDIA BINGO LICENCE	3 PERCENT - PRIZEBOARD UP TO \$5,500
BREAK OPEN TICKET LICENCE	3 PERCENT OF TOTAL PRIZE VALUE OF EACH BOX OF TICKETS
RAFFLE EVENT	\$10 – PRIZE VALUE UP TO \$300 3 PERCENT - PRIZE VALUE FROM \$301 TO \$50,000
BAZAAR LICENCE INCLUDES:	
•RAFFLE UP TO \$500	\$10 – PRIZE VALUE UP TO \$300, AND 3 PERCENT TOTAL PRIZE VALUE FROM \$301 TO \$500
•BINGO UP TO \$500	\$10 – PRIZE VALUE UP TO \$300, AND 3 PERCENT TOTAL PRIZE VALUE FROM \$301 TO \$500
•MAXIMUM 3 WHEELS	\$10 – PER WHEEL