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Mayor David Miller
City of Toronto
100 Queen Street West
Toronto, Ontario
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Dear Sir:

As a lawyer and citizen of Toronto, I am writing to you to repeal and remove Section 743-2, *Toronto Municipal Code 743*, which is the by-law dealing with sale of event tickets, which is both discriminatory and unnecessary. The by-law was passed a few years ago directed against so-called scalpers, but states that "anyone" that sells any event ticket on a public street will be prosecuted under this by-law. We already have provincial legislation (*Ticket Speculation Act R.S.O.*) that states that no one can sell an event ticket for a higher price than quoted on the ticket, and this Act was used primarily to prosecute scalpers, although I believe that consenting adults should be able to sell and trade event tickets anywhere so long as they are not breaking the law of public mischief. As I indicated, Section 743-2 applies to everyone, and even a subscriber to event tickets who cannot use a ticket for certain events cannot go down to the event place, and sell her or his ticket under the by-law. Therefore any person can be prosecuted under the by-law for just saying, "who needs a ticket".

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What is more interesting is that the City of Toronto, in order to control so-called "scalping", passed a by-law which stated that all ticket sellers had to be licensed, which I believed, was a good by-law as it involved the City "regulating" the problem, rather than prosecuting. However, when I sent my clients to apply for the licences, they were refused, and I was advised that police officers would warn the licensing staff not to issue any licenses to scalpers (although you are not a "scalper" until you sell the ticket for more than the price of the ticket). It was then decided to repeal the by-law passed to regulate the sale of event tickets, and was revoked; replacing it with by-law, Section 743-2.

I believe that Section 743-2 was passed by Council for the City of Toronto to protect multi-million dollar corporations, such as Maple Leaf Sport & Entertainment and Rogers, and what is even more disturbing, is that Maple Leaf Sport & Entertainment has hired police officers of 52 Division as "agents", who are present at all events at their stadium to prosecute scalpers, although Maple Leaf Sport & Entertainment have their own security. The police from 52 Division are not called as a result of a complaint, but are already there to issue by-law violation tickets to people when they see any ticket in the person's hand. These summons result in court hearings at the Old City Hall which already has a backlog of cases far more serious than ticket selling. Officers that issue this sale of event tickets are paid extra for services out of their normal police duties, such as duties for funerals, construction projects, etc., and so we have sale of event ticket prosecutions being paid by the taxpayers. The Maple Leaf Sport &

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Entertainment and Rogers are not in need of protection. The tickets being re-sold by people are tickets which these corporations have already sold, and have made their profit on their sales. Further, there has been media concern about the cost of policing where the increase of police officers' salary, who earn over \$100,000.00 annually, has greatly increased as a result of these extra duties. I have no objection in having officers being paid for extra duties, but I strongly oppose that taxpayers pay for services performed for corporations such as Maple Leaf Sport & Entertainment and Rogers under the sale of event ticket by-law by using our police officers as their agents.

We should also remember that the practice of people coming to events to sell or exchange tickets is a North American custom that has gone on for decades. The call of "who needs a ticket" is a refrain as popular as the Nation Anthem sung before sporting events. Families today cannot afford to be subscribers, and would have to take out a mortgage to be one. Instead, they have the opportunity of going down to a sporting event, and purchase a ticket from a ticket seller at a price they can afford, and for a game they wish to see. They can do that 5-6 times a year, and it will not cost them about \$20,000.00 to be a subscriber, which is the average for hockey tickets.

What is even more disconcerting is that City prosecutors in prosecuting these sale of event tickets by-law, not only ask for a large fine, but ask for probation orders, so that if a seller who has been convicted, is found again in the area where tickets are being sold, is arrested and charged with breach of probation and given 10-30 days in jail. We are making criminals out of people who are doing nothing more than satisfying a public demand, and are clogging up our courts and prisons.

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So long as ticket sellers are not causing a public mischief at event days (and that has never been the problem - otherwise they would be charged for such infraction), they should be permitted to sell event tickets. If the City wishes to regulate these ticket sellers, that is fine, and it already had a former by-law in respect to same. Further, if the Maple Leaf Sport & Entertainment or Rogers do not want sellers on their property, they can use their own security officers to carry out their function. The City is not their partner. I would therefore request that City Council repeal and revoke Section 743-2 on the grounds that it serves no public interest, and for reasons herein stated.

Yours truly,

John Weingust

JW/my

c.c. Mr. Howard Moscoe
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