

Chapter 553

LOTTERY LICENSING

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[**HISTORY: Adopted by the Council of the City of Toronto 2001-06-28 by By-law No. 527-2001.**¹ Amendments noted where applicable.]

GENERAL REFERENCES

Fees and charges — See Ch. 441.

§ 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.

¹ Editor's Note: This by-law also repealed the following: former City of North York By-law Nos. 31227, 31639 and 31797; former City of Scarborough By-law Nos. 13972, 20572, 22075, 20971, 20786, 26497, 20219 and 20070; former City of York By-law Nos. 792-70, 948-70 and 3429-97; former City of Toronto Municipal Code Chapter 225, as amended; former City of Etobicoke Municipal Code Chapter 169, as amended, and By-law No. 1996-9; and former Borough of East York By-law Nos. 456, 457 and 935.

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CLERK – The person appointed to the office of clerk for the City of Toronto under s. 137 of the *City of Toronto Act, 2006*.

LICENCE – A licence or authorization which the City is empowered to issue under section 2 of Order in Council 1413/08.

LICENSEE – A person to whom a licence or authorization is issued.

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, c. 24, as amended.

§ 553-2. Appointment and authority.

- A. Appointment of Lottery Licensing Officer.
- (1) The Clerk is responsible for regulating and enforcing the provisions of this chapter, including the authority to issue, renew, suspend and cancel licences.
 - (2) Notwithstanding Subsection A(1), the Clerk may assign his or her duties with respect to this chapter 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 chapter.
- B. The Clerk is authorized to issue licences permitting charitable organizations to conduct and manage the following lottery schemes:
- (1) A bingo lottery event where the amount or value of the prize or prizes awarded is no greater than \$5,500.00 in value;
 - (2) 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;
 - (3) 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;
 - (4) A bazaar lottery event during which the only lottery events authorized to be played are:
 - (a) A maximum of three wheels of fortune where individual bets are no more than \$2.00;
 - (b) A raffle lottery not exceeding \$500.00 in prizes;
 - (c) A bingo lottery not exceeding \$500.00 in prizes;

- (5) 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;
- (6) An authorization authorizing 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.

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.²

- C. Where the Clerk determines that it is in the best interests of the inhabitants of the City, the Clerk 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 chapter, it shall be deemed not to be in the best interests of the inhabitants of the City to issue a licence to a charitable organization 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 Clerk who shall determine if the application complies with Order-in-Council 1413/08, any regulations, and the provisions of this chapter.

§ 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.

² Editor's Note: Clause sandwich format to be corrected by a future technical amendment by-law.

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- 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 but the administration fee may be waived by the Clerk in circumstances beyond the control of the licensee such as but not limited to the cancellation of events due to weather conditions.

§ 553-5. Licence fees.

[Amended 2006-09-27 by By-law No. 1056-2006³]

The charitable organization shall pay to the City, at the time of submitting an application, a fee in the amount set out opposite the respective description of licences as set out in Chapter 441, Fees and Charges.

§ 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 1413/08;
 - (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*,⁴ where a charitable organization proposes to conduct and manage any bingo

³ Editor's Note: This by-law also repealed Schedule A to Chapter 553, Lottery Licence Fees, which was previously included at the end of this chapter. See now Ch. 441, Fees and Charges.

⁴ Editor's Note: See S.O. 1992, c. 24.

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*,⁵ 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 Clerk determines that the application does not comply with Order-in-Council 1413/08, any regulations, or the provisions of this chapter, the Clerk 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 chapter, the provisions of Order-in-Council 1413/08 and amendments thereto, the terms and conditions applicable to such licence, or sections 206 and 207 of the Criminal Code of Canada, the Clerk may suspend or cancel such licence. Upon suspension or cancellation of a licence, the Clerk 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 fee proportionate to the unexpired term for which the licence was granted.

§ 553-8. Entry.

The Clerk and such officers as the Registrar or the Clerk 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 at the location.
- 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.

⁵ Editor's Note: See S.O. 1992, c. 24.

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§ 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. Short title.

[Amended 2001-12-06 by By-law No. 1109-2001]

The short title of this chapter is the “Lottery Licensing By-law.”