

CRITERIA AND PROCEDURES FOR ESTABLISHING BINGO HALLS

- OPENING A NEW BINGO HALL
- UPGRADE AN EXISTING BINGO HALL
- RELOCATE AN EXISTING BINGO HALL
- RE-OPEN A BINGO HALL



Registrar of Alcohol and Gaming
Alcohol and Gaming Commission of Ontario

3013 E (06/05)

PROCESS FOR ESTABLISHING NEW BINGO HALLS

Effective October 27, 1993, the moratorium limiting new bingo halls that had been in place since 1989 was revoked. Order-in-Council 2688/93 revoked the earlier moratorium and replaced it with a process that allows the industry to expand in a controlled environment.

Section 9(6) of the new Order-in-Council states:

"A licence for a bingo event may only be issued for the conduct of a bingo event at bingo hall premises named in the registration of a bingo hall owner or operator registered under the Gaming Services Act, 1992 [now Gaming Control Act], on the day before this Order-in-Council was signed or, at such other location or premises which is approved in writing by the municipal council for the municipality in which the bingo hall premises is to be located. The approval of the municipal council shall be in accordance with the criteria and procedures for bingo halls prescribed by the Registrar."

This document outlines the criteria and procedures for the establishment of bingo halls. The process deals with the following:

- (1) the establishment of new bingo halls,
- (2) the relocation of an existing bingo hall,
- (3) the change to a registration that would upgrade an existing bingo hall from a Class C hall to a Class B or Class A bingo hall, and
- (4) re-opening a bingo hall that has ceased operations.

THE CRITERIA

The procedures established in this document are based on the following principles which form the criteria to be applied in reviewing all proposals:

1. that there be fair and equal access to the charitable gaming marketplace;
2. that charitable organizations have the opportunity to maximize lottery fundraising dollars while recognizing the impact on other charitable organizations currently conducting bingos;

3. that decisions respecting new bingo halls be made in the best interests of the local and regional communities where the proposed bingo hall is to be located; and
4. that there be public input into the decisions concerning proposed new bingo halls or relocations of existing bingo halls.

IMPORTANT: THE ONUS TO DEMONSTRATE THAT A NEW BINGO HALL WILL BE BENEFICIAL TO THE COMMUNITY (LOCAL AND REGIONAL) RESTS WITH THE APPLICANT.

For the purposes of this document:

"Commission" means the Alcohol and Gaming Commission of Ontario

"Registrar" means the Registrar of Alcohol and Gaming

"Municipal council" means the municipal council in which the proposed bingo hall is to be located

"Act" means the Gaming Control Act, 1992

"Class A" means a premises, other than a Class B bingo hall, where four or more bingo events are conducted in any seven-day period during the registration period of the hall owner or operator

"Class B" means a premises operated not for profit, by a licensee, an association of licensees or a person who in the opinion of the Registrar is eligible to be issued a licence where four or more bingo events are conducted in any seven-day period during the registration period of the hall owner or operator

"Class C" means a premises where no more than three bingo events are conducted in any seven-day period during the registration period of the hall owner or operator.

A. PROPOSAL TO OPEN A NEW BINGO HALL (CLASS A, B)

The following is the process that must be followed in order for the municipal council and Registrar to consider a proposal to open a new bingo hall as a Class A or B bingo hall as defined in the regulation under the Act. The requirements from Points 2 to 5 below also apply if the applicant has a valid Certificate of Registration as a Class C bingo hall owner/operator and is proposing to upgrade the registration to a Class B or A bingo hall.

The applicant **MUST** satisfy the following requirements:

1. If the applicant is not registered under the Act as a supplier, an application for registration under the Act must be completed and submitted, along with the registration fee and all required documents, to the Alcohol & Gaming Commission of Ontario. The application for registration must be accompanied by a covering letter addressed to the Registrar which clearly outlines that the application for registration is in connection with a new bingo hall proposal.

The applicant will be informed in writing by the Registrar if he/she/it is "suitable" for registration. This will not constitute a Certificate of Registration as described under the Act but merely an acknowledgement from the Registrar that, based on a review of the application to date, the applicant appears to be "suitable" for registration. It is the applicant's responsibility to ensure that the application for registration is fully and accurately completed. Note: This process may take several months.

IMPORTANT: Once the proposal is fully reviewed and if it is approved by the municipal council, the information used to determine the applicant's suitability for registration under the Act will be reviewed. If any of the information has changed or new information has come to light, the applicant may be denied registration. Any and all of the costs related to the proposal are the sole responsibility of the applicant. A Certificate of Registration will not be issued until the proposal to open the new bingo hall is reviewed and approved.

2. If the applicant currently has a valid Certificate of Registration as a gaming supplier (of any class), a copy of the Certificate must be submitted with the proposal together with the applicable registration fee.
3. If the applicant has satisfied (1) or (2) above, the applicant must submit a formal proposal to the municipal council in which the proposed bingo facility will be located. The content of the proposal must be consistent with the specifications

outlined in Appendix 1. A copy of the proposal must be submitted to the Registrar at least two weeks before it is submitted to the municipality. (Contact the municipality for information regarding any fee that may be charged in connection with the municipal approval process.)

IMPORTANT: ANY PROPOSAL SUBMITTED FOR THE OPENING OF A NEW BINGO HALL CANNOT BE APPROVED IF THE APPLICANT DOES NOT QUALIFY FOR REGISTRATION AS A GAMING SUPPLIER UNDER THE ACT.

4. It is the applicant's responsibility to ensure that the proposed location for a new or relocating bingo hall meets local zoning requirements. Once these requirements have been met, the applicant must advertise that a proposal has been submitted to the municipal council. The advertising shall be in accordance with Appendix 3.
5. The municipal council shall review the proposal in accordance with the provisions set out in Appendix 4. (**Note:** A proposal cannot be considered by a municipal council until any rezoning process that may be necessary takes place.)

B. PROPOSAL TO OPEN A NEW CLASS C BINGO HALL

A Class C bingo hall is limited to operating no more than 3 bingo events in any seven day period. The process for approving a new Class C bingo hall is therefore simplified.

1. If an applicant is not already registered as a supplier, the applicant must first apply for registration under the Act before obtaining municipal approval.
2. The applicant must obtain the municipal council's approval to open the new hall. The municipal council may request that the applicant meet some or all of the requirements established for the opening of a new Class A or Class B bingo hall.
3. The applicant shall forward the municipal council's approval to the Commission. If the applicant currently holds a valid Certificate of Registration as a gaming supplier, the applicant must simply request an amendment to its existing registration to add a new hall.

4. Where the municipal council has not required the applicant to follow the requirements set out in Appendix 1, 2 or 3, the decision of the municipal council is final. If the procedure has been followed, the Registrar has the discretion to review the municipal decision as outlined in Appendix 4. The Registrar shall notify the applicant and the municipal council of the final decision in writing of whether or not the proposal is approved.

C. PROPOSAL TO RELOCATE AN EXISTING BINGO HALL

1. For a relocation within the same municipality, the applicant must submit a formal proposal in accordance with Appendix 2 to the municipal council. If the proposal is to relocate the hall to another municipality, then the relocation will be treated as a new hall and the procedure outlined in Section A must be followed. A copy of the proposal must be submitted to the Registrar at least two weeks before it is submitted to the municipality.
2. The applicant must advertise that a proposal has been made to relocate the bingo hall in accordance with the provisions set out in Appendix 3. The applicant must provide sufficient copies of the proposal to the municipality for public distribution if requested.
3. The municipal council shall review the proposal in accordance with the provisions set out in Appendix 4.
4. The municipal council's decision on a relocation within the same municipality is final, and the Registrar will not review council's decision, as the number of halls is not increasing.

D. RE-OPENING A BINGO HALL THAT HAS CLOSED

An applicant wishing to re-open a bingo hall (at the same address) that has ceased operating must submit to the Registrar, within three months of the hall's closure, a full and complete application form and a viable business plan (including details of the proposed operation) to re-open the hall. The application shall include a letter from the Clerk of the local municipality stating that the municipality has no objection to the applicant re-opening the hall. If the business plan is approved by the Registrar, the hall must open within six months of the date of approval. If a plan is not submitted within three months, or the bingo hall cannot begin operating within six months from the date of approval, then any application to open a hall at the same location will be considered a new hall application, and must follow the process described in section A above, including advertising the proposal and obtaining approval from the municipal council.

Where an applicant wishes to re-open and relocate a hall that has been closed, the procedure outlined in Section A dealing with the opening of a new bingo hall must be followed.

APPENDIX 1

CONTENTS OF THE PROPOSAL TO OPEN A NEW BINGO HALL

The applicant must comply with all zoning requirements and municipal by-laws before the proposal is considered for approval. The proposal to open a new bingo hall must include the following information:

1. Covering letter outlining the request.
2. Documents demonstrating compliance with all municipal zoning requirements and by-laws.
3. A copy of a valid Certificate of Registration as a gaming supplier OR a letter from the Registrar stating that the applicant is "suitable" for registration under the Act.
4. A map identifying the location of the proposed bingo hall as well as the location of all existing registered bingo halls within a 30 km radius of the proposed site. A list of all registered suppliers is available from the AGCO.
5. Description of the proposed operation of the bingo hall including:
 - amount of prize board (per session) indicating the fixed and variable games and prize values
 - number of bingo sessions proposed
 - paper/book prices
 - seating capacity
 - realistic estimate of attendance by session
 - realistic estimate of spend per player by session
 - realistic estimate of profits for charities
 - realistic estimate of hall operating costs and profits
 - where the customer base will be drawn from
 - a list of ancillary functions (banquet facilities, food concessions, etc).
6. A list of charities supporting the opening of a new hall (complete names, contact person, addresses and telephone numbers).
7. Background of the applicant:
 - outline demonstrated experience of the applicant and all key personnel in the operation of a bingo hall

- outline of cash and inventory reconciliation procedures for the operation of bingo events.
8. Details of the proposed facility (blueprints, floor plan, air circulation system or availability of "smoke eaters", etc.).
 9. Summary - outline reasons why a new bingo should be approved summarizing the benefits to the community.

NOTE: The applicant must provide a minimum of 5 copies of the proposal to the municipal council. Additional copies may be requested.

APPENDIX 2

CONTENTS OF THE PROPOSAL TO RELOCATE A BINGO HALL

1. Covering letter outlining the request.
2. A copy of a valid Certificate of Registration as a gaming supplier.
3. A map identifying the location of the proposed bingo hall as well as the location of all existing registered bingo halls within a 30 km radius of the proposed site. A list of all registered suppliers is available from the AGCO.
4. A description of the proposed operation of the bingo hall outlining specifically how the new hall differs from the existing hall including:
 - amount of prize board (per session) indicating the fixed and variable games and prize values
 - number of bingo sessions proposed
 - paper/book prices
 - seating capacity
 - realistic estimate of attendance by session
 - realistic estimate of spend per player by session
 - realistic estimate of profits for charities
 - realistic estimate of hall operating costs and profits
 - where the customer base will be drawn from
 - ancillary functions (banquet facilities, food concessions, etc).
5. A list of charities supporting the relocation (complete names, contact person, addresses and telephone numbers). Also, include a list of all charitable organizations affected by this move and a letter of support from the "sponsors' association".
6. Details of the proposed facility (blueprints, floor plan, air circulation system or availability of "smoke eaters", etc.).
7. Documents demonstrating that the new premises comply with all zoning requirements and municipal by-laws.
8. Summary - outline reasons why the proposed relocation should be approved summarizing the benefits to the community.

NOTE: The applicant must provide a minimum of 5 copies of the proposal to the municipal council. Additional copies may be requested.

APPENDIX 3

PUBLIC NOTICE REQUIREMENTS

The purpose of the public notice is to ensure the public is given reasonable notice of the applicant's proposal and to ensure that the broader community (i.e. neighbouring municipalities) is also aware of the proposal. The following minimum criteria therefore apply to all Public Notices:

1. The applicant must place the following notice in the community newspaper where the bingo hall is to be located. Where the newspaper to be used is a weekly community newspaper, the notice shall appear in two editions of the newspaper, at least one week apart, on days that will reach the largest readership.

← 13 cm →

PUBLIC NOTICE
PROPOSAL TO OPEN A NEW BINGO HALL

A proposal has been submitted to the Municipality of _____, to open a new bingo hall at:

{street address/location}

This proposal has been submitted by _____.
Copies of the proposal are available at the municipal office.

↑

8 cm

Written comments on the proposal may be submitted not later than
and forwarded to the municipal office and to the Commission:

↓

Municipality of _____
address
address
address

Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto, Ontario
M2N 0A4

Written comments submitted on the proposal may be provided to the applicant.

2. The advertisement must be in the format outlined above and be no smaller than the dimensions outlined (13 cm wide by 8 cm high). To accommodate newspapers that do not sell space in metric size, the Public Notice may be no smaller than four (4) inches wide by three (3) inches high.
3. In addition, the applicant must place the Public Notice in a newspaper(s) of wider circulation which will reach all adjoining municipalities. The applicant is required

- at the very minimum to place the Public Notice in two editions of the newspaper, at least one week apart, on days that will reach the largest regional readership.
4. The applicant must send a copy of the Public Notice to bingo sector associations. Contact the AGCO for a current list of associations and mailing addresses.
 5. The applicant must post a copy of the Public Notice at the proposed site where the bingo hall will be located for 30 days. The Public Notice must be clearly visible and legible and posted in a location which is accessible to the public.
 6. A copy of the Public Notice must also be sent by registered mail or by courier to the Clerk/Administrator of all adjacent municipalities at the same time.
 7. Respondents must be given a minimum of 30 days from the last day on which the advertisement appears to respond to the proposal.
 8. FOR PROPOSALS DEALING WITH RELOCATIONS:

Follow the steps required for a new bingo hall, ensuring the appropriate amendments have been made to the advertisement to indicate that the proposal is a "relocation".

The applicant must contact the Clerk of the Municipality or the Alcohol & Gaming Commission of Ontario if unable to comply with the above requirements.

APPENDIX 4

APPROVAL PROCESS AND REVIEW

1. After the notice requirements outlined in Appendix 3 have been met and time periods elapsed, the municipal council may:
 - a. Approve the proposal.
 - b. Not approve the proposal.
 - c. Hold a public meeting to obtain further information upon which to base their decision and to allow the applicant and respondents to outline their position in a public forum.
 - d. Require additional information from the applicant to substantiate the proposal or address any concerns of the municipal council.
 - e. Require that the applicant fund an independent market study to be undertaken at the direction of and reporting to the council to determine the impact that a new commercial bingo hall would have on the existing bingo halls and charitable licensees. Costs of the study will be borne by the applicant.

The market study will include, but is not limited to, the following elements:

- population characteristics within 5 to 10 kilometres of the proposed site (e.g. size of population, population by age group, income levels, etc.)
- transportation/accessibility review (outline of transit service availability, road accessibility, etc.)
- an outline of the primary trading area (i.e. where will the customer base come from)
- an outline of the demonstrated demand for a new bingo hall by charitable organizations
- an analysis of the economic impact of the new hall on existing bingo halls and charitable licensees
- evidence that the public in the immediate area of the proposed bingo facility would support the opening of a bingo hall in their community.

2. The municipal council shall inform the applicant, in writing, of its decision with reasons regarding the proposal and forward same to the Registrar. The council may place reasonable conditions on its approval as long as such conditions do not contravene provincial regulations/terms and conditions/policies.

3. The municipal council shall notify any person who responded in writing to the proposal of the council's decision, and inform them that, except in the case of a relocation, the Registrar may review council's decision if a request for a review is made within 14 days of the date of notification of the municipal council's decision.
4. The Registrar shall endorse the municipal council's decision unless a request for a review of the municipal council's decision has been submitted in accordance with item 5 below.

In the case of a relocation within the same municipality, the Registrar shall endorse the municipal council's approval, and will not consider a request to review municipal approval of a relocation of a bingo hall within the same municipality, as the total number of bingo halls in a market area is not being increased.

5. The scope of the review by the Registrar is limited to the consideration of regional concerns associated with opening a bingo hall. For example, the review will only consider the impact, if any, of a new bingo hall opening in Municipality A on the charitable licensees operating bingo events in Municipality B.

The Registrar may consider a request for a review from any person in an adjacent municipality who had also submitted an objection to the municipal council during the municipal approval process, and who can demonstrate that the opening of a new bingo hall will adversely affect bingo events currently in operation in that municipality. The request for review must clearly outline the reasons for the request and be substantiated by factual information which is consistent with the principles outlined in this document.

The Registrar will not consider a request for a review from any person who is an inhabitant of the municipality where the proposed bingo hall is to be located since the municipal council will have already taken these views into consideration in making its decision in the best interests of *all* of its inhabitants.

NOTE: The Registrar may provide the applicant with copies of any requests for review, objections, or other material submitted by objectors.

The Registrar may request additional information from the applicant or any respondent before making a decision and may request that the applicant undertake a market study. The manner in which the review is undertaken is at the discretion of the Registrar.

6. The Registrar shall notify the applicant and the municipal council of the final decision in writing of whether or not the proposal is approved.
7. The municipal council and the Registrar's approval is valid for one year only, unless extended by the Registrar. If the bingo hall has not opened within one year of the date of the Registrar's approval letter, the applicant must submit a written request to the Registrar for an extension of this date outlining the reasons why the hall has not opened. It is in the discretion of the Registrar, whether or not to grant an extension.
8. After receiving approval, the applicant must submit the following additional information, before the registration certificate can be issued:
 - a copy of the final bingo game schedule, indicating prize amounts for each game, and paper/book prices for each session to be operated;
 - a signed copy of any lease/rental, purchase and sale or mortgage agreements for the bingo hall premises;
 - a list of gaming assistants who will be employed at the hall, description of their roles and responsibilities, category of registration and file number;
 - completed Part III Personal Disclosure Forms for all supervisory and key employees, as required in the Application for Registration as a Charitable Gaming Supplier;
 - date of proposed opening of the bingo hall and complete address including postal code and telephone number.

QUESTIONS ON THIS PROCESS SHOULD BE DIRECTED TO:

**Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East
Suite 200
Toronto, Ontario M2N 0A4
(416) 326-8700
1-800-522-2876 (toll-free in Ontario)**