



Ontario  
Executive Council  
Conseil exécutif

Order in Council  
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

**WHEREAS** the *Criminal Code* (Canada) provides that the provinces may license certain lottery schemes;

**AND WHEREAS** the Lieutenant Governor in Council of Ontario or such other person or authority in the province who the Lieutenant Governor in Council may specify is authorized under the *Criminal Code* (Canada) to issue or cause to be issued licences to charitable or religious organizations for the purpose of conducting and managing lottery schemes in Ontario;

**AND WHEREAS** the Lieutenant Governor in Council of Ontario or such other person or authority in the province who the Lieutenant Governor in Council may specify is authorized under the *Criminal Code* (Canada) to issue or cause to be issued licences for the purposes of conducting and managing lottery schemes in Ontario to the board of a fair or an exhibition which is designated to be a fair or exhibition where a lottery scheme may be conducted and managed, or to an operator of a concession leased by such a board;

**AND WHEREAS** the Lieutenant Governor in Council of Ontario or such other person or authority in the province who the Lieutenant Governor in Council may specify is authorized under the *Criminal Code* (Canada) to issue or cause to be issued licences for the purposes of conducting and managing lottery schemes in Ontario to a public place of amusement subject to the limitations imposed under the *Criminal Code* (Canada);

**IT IS HEREBY DECLARED THAT** licences for charitable and religious organizations, fairs and exhibitions, and public places of amusement to conduct and manage lottery schemes in Ontario be issued in accordance with the following provisions;

**AND IT IS FURTHER DECLARED THAT** all Orders in Council made prior to the date this Order in Council is made relating to the issuing of lottery licences are hereby revoked, namely O.C. numbers 2688/93, 2038/97 and 267/98.

## INTERPRETATION

1. In this Order in Council,

(a) "charitable object or purpose" means any object or purpose relating to,

- (i) the relief of poverty;
- (ii) the advancement of education;
- (iii) the advancement of religion; or
- (iv) any other purpose beneficial to the community;

(b) "charitable organization" means a corporation, organization, association or partnership which is created primarily for a charitable object or purpose in Ontario, is operated not for profit, and includes a religious organization;

(c) "directive" means a directive made by the Registrar directing a licensee to act or to cease acting in the manner specified in the directive;

(d) "licence" means a licence issued under the *Criminal Code* (Canada), by or under the authority of the Lieutenant Governor in Council, to conduct and manage a lottery scheme;

(e) "licensee" means a charitable organization to which a licence is issued;

(f) "licensing authority" means the issuer of the licence, either the Registrar or a municipal council;

(g) "lottery scheme" has the same meaning as in the *Criminal Code* (Canada);

(h) "Minister" means the Minister of Government and Consumer Services or such other Minister as may be designated pursuant to the *Executive Council Act*;

(i) "net proceeds" means the gross receipts from the lottery less the cost of the prizes awarded and such expenses and other charges that are:

- (i) actually incurred, and
- (ii) specified in, and calculated in accordance with, the Registrar's requirements;

(j) "Registrar" means the Registrar of Alcohol and Gaming under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*;

(k) "Registrar's requirements" means any directives, standards, policies, and terms and conditions issued by the Registrar;

(l) "standards" mean standards prescribed by the Registrar, with which licensees shall comply.

## MUNICIPAL COUNCILS – AUTHORITY TO LICENSE

2. A municipal council may, if it deems it to be in the best interests of the inhabitants of the municipality, issue or cause to be issued,
  - (a) a licence authorizing a charitable organization to conduct and manage the types of lottery schemes as may be specified by the Registrar and approved by the Minister; or
  - (b) 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.
3. Despite section 2, a municipal council may only issue a licence or authorization if,
  - (a) issuing the licence or authorization is consistent with the Registrar's requirements;
  - (b) the proceeds from the lottery scheme will be used for a charitable object or purpose providing a direct benefit to the residents of Ontario; and
  - (c) the proposed event will be conducted in accordance with the *Gaming Control Act, 1992* and its regulations.
4. A municipal council may review or cause to be reviewed a charitable organization's eligibility for a licence or authorization and use of proceeds at any time.
5. A municipal council may at any time suspend, cancel, or refuse to issue a licence or authorization that it may issue where,
  - (a) there has been a breach of any term, condition, directive or standard;
  - (b) there are reasonable grounds to believe that the applicant or licensee will not conduct and manage the lottery scheme in accordance with the law or with honesty and integrity;
  - (c) in its opinion it is in the public interest to do so; or
  - (d) an applicant or licensee fails to submit financial reports or other information in accordance with the Registrar's requirements.
6. A municipal council may attach terms and conditions to a licence that it issues.

## **REGISTRAR OF ALCOHOL AND GAMING – AUTHORITY TO LICENSE**

7. The Registrar may issue or cause to be issued a licence to any charitable organization eligible to conduct and manage a lottery scheme, subject to the provisions of Section 207 of the *Criminal Code* (Canada).

8. The Registrar may review a charitable organization's eligibility for a licence and their use of the proceeds at any time.

9. The Registrar may designate fairs and exhibitions where a lottery scheme may be conducted and managed and issue licences to the boards of such designated fairs and exhibitions or to the operators of concessions leased by such boards.

10. The Registrar may issue licences to conduct and manage a lottery scheme at a public place of amusement in accordance with Section 207 of the *Criminal Code* (Canada).

11. The Registrar may at any time suspend or cancel a licence issued by himself or herself, or refuse to issue a licence for the grounds set out in section 5.

12. The Registrar may at any time suspend or cancel a licence issued by a municipal council that was not issued in accordance with the Registrar's requirements.

## **REGISTRAR'S REQUIREMENTS**

13. To support municipal councils in exercising their licensing authority, the Registrar,

(a) shall establish processes, policies and procedures with respect to,

- (i) eligibility for a licence,
- (ii) the types of lottery schemes for which a licence may be issued, and
- (iii) the eligible uses of proceeds from the lottery schemes, in accordance with clause 207(1)(b) of the *Criminal Code* (Canada);

(b) shall issue terms and conditions related to,

- (i) the conduct, management and operation of, or participation in, the lottery schemes to which a licence relates, and
- (ii) the security to be provided by licensees to ensure that payment of all proposed prizes is guaranteed;

(c) may issue terms and conditions related to any licence issued by the Registrar or by a municipal council;

(d) may issue general or specific directives and standards to licensees with respect to the lottery scheme to which a licence relates, including but not limited to,

- (i) use of proceeds from the lottery scheme,
- (ii) operation of the lottery scheme,
- (iii) conduct and management of the lottery scheme,
- (iv) expenses and other charges that may be paid out of the proceeds, or,
- (v) accounting for proceeds from the lottery scheme and other revenue in a facility used for the conduct of the scheme; and

(e) shall prescribe and provide forms for licence applications and licences which municipal councils may use.

14. To support licensing of lottery events in pooling bingo halls, municipal councils shall provide the Registrar with information with respect to applications for licences and licences issued by or on behalf of municipal councils, including information respecting eligibility for lottery licences and the use of proceeds.

#### **TERMS AND CONDITIONS – GENERAL**

15. If a term or condition imposed by a municipal council conflicts with a term or condition imposed by the Registrar, the term or condition imposed by the Registrar shall apply.

16. In addition to any terms or conditions that a licensing authority may impose, a licensee shall,

- (i) comply with all of the terms set out in the application for their licence, including the requirement to use net proceeds from the lottery scheme for charitable objects or purposes providing a direct benefit to the residents of Ontario; and
- (ii) provide the licensing authority and all peace officers direct and unencumbered access to the licensee's books and records and other documents, including but not limited to those related to the conduct, management and operation of the lottery scheme, and the use of proceeds, including their use prior to, during, or after the conclusion of the event, and shall deliver such books and records to the licensing authority upon request, within the time specified by the licensing authority.

#### **FEEES**


17. The maximum fees to be charged for the issuing of a licence or an authorization shall be prescribed by the Registrar.

#### **INFORMATION SHARING**

18. The Registrar and municipal councils may enter into information sharing agreements with respect to the issuing of licences and authorizations. However, such agreements do not change the delegations of authority in this Order in Council.

**REVOCAATION**

19. The Lieutenant Governor in Council may at any time revoke the authority to issue licences or authorizations given under this Order in Council to the Registrar or to a municipal council.

Recommended   
Minister of Government  
and Consumer Services

Concurred   
Chair of Cabinet

Approved and Ordered     AUG 12 2008      
Date

  
Lieutenant Governor