[Français](http://www.ontario.ca/fr/lois/loi/17t33)

Ticket Sales Act, 2017

[S.O. 2017, CHAPTER 33  
SCHEDULE 3](https://www.ontario.ca/laws/statute/s17033" \l "sched2s81)

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CONTENTS

|  |  |
| --- | --- |
| [PART I](#BK0) DEFINITIONS | |
| [1.](#BK1) | Definitions |
| [PART II](#BK2) TICKET SALES AND SOFTWARE | |
| [Ticket Sales](#BK3) | |
| [2.](#BK4) | Ticket sale on secondary market above face value |
| [3.](#BK5) | Prohibition, ticket not in possession or control |
| [Use and Sale of Certain Software](#BK6) | |
| [4.](#BK7) | Prohibition, use or sale of certain software |
| [PART III](#BK8) TICKET BUSINESS TRANSPARENCY | |
| [Disclosure](#BK9) | |
| [5.](#BK10) | Disclosure before sale |
| [6.](#BK11) | Disclosure of face value and total price |
| [7.](#BK12) | General ticket business disclosure requirements |
| [8.](#BK13) | Disclosure of identity of secondary seller |
| [Miscellaneous Requirements](#BK14) | |
| [9.](#BK15) | Prohibition, related primary and secondary sellers |
| [10.](#BK16) | Incorporation or address |
| [PART IV](#BK17) RIGHT OF ACTION | |
| [11.](#BK18) | Right of action |
| [PART V](#BK19) COMPLAINTS, INSPECTIONS AND INVESTIGATIONS | |
| [Complaints and Mediation](#BK20) | |
| [12.](#BK21) | Ministry receives complaints and makes inquiries |
| [Inspectors](#BK22) | |
| [13.](#BK23) | Inspectors |
| [14.](#BK24) | Inspection powers |
| [15.](#BK25) | Delegation of order-making powers |
| [Investigators](#BK26) | |
| [16.](#BK27) | Appointment of investigators |
| [17.](#BK28) | Search warrant |
| [18.](#BK29) | Seizure of things not specified |
| [19.](#BK30) | Searches in exigent circumstances |
| [19.1](#BK31) | Report when things seized |
| [Orders](#BK32) | |
| [20.](#BK33) | False, misleading or deceptive representation in offer |
| [21.](#BK34) | Freeze order |
| [22.](#BK35) | Compliance order |
| [23.](#BK36) | Order for immediate compliance |
| [24.](#BK37) | Appeal |
| [25.](#BK38) | Undertaking of voluntary compliance |
| [26.](#BK39) | Restraining orders |
| [PART VI](#BK40) GENERAL | |
| [27.](#BK41) | Service by the Director of notice or order |
| [28.](#BK42) | Certificate as evidence |
| [29.](#BK43) | Confidentiality |
| [PART VII](#BK44) ADMINISTRATIVE PENALTIES | |
| [30.](#BK45) | Order |
| [31.](#BK46) | Delegation |
| [32.](#BK47) | Appeal |
| [33.](#BK48) | Effect of paying penalty |
| [34.](#BK49) | Enforcement |
| [PART VIII](#BK50) OFFENCES | |
| [35.](#BK51) | Offences |
| [PART IX](#BK52) REGULATIONS | |
| [36.](#BK53) | Lieutenant Governor in Council regulations |
| [37.](#BK54) | Minister regulations |

Part I  
Definitions

Definitions

**1** In this Act,

“Director” means the person designated as the Director under the Ministry of Consumer and Business Services Act; (“directeur”)

“face value”, in respect of a ticket, means the base price and any applicable fees or service charges paid by a ticket purchaser when the ticket was purchased from the primary seller, excluding any applicable taxes; (“valeur nominale”)

“Minister” means the member of the Executive Council to whom the administration of this Act or part of this Act is assigned under the Executive Council Act; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“operator of a secondary ticketing platform” means a person who owns or controls a secondary ticketing platform; (“exploitant de plateforme de revente de billets”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“primary seller” means a person, other than a secondary seller, who is engaged in the business of making tickets available for sale, and includes the owner of the place to which a ticket provides admission, the promoter of the event occurring at that place and any agent of those persons; (“vendeur”)

“regulations” means the regulations made under this Act; (“règlements”)

“season ticket subscription” is a subscription that entitles the subscriber to receive tickets to several different events; (“abonnement”)

“secondary seller” means a person who is engaged in the business of making available for sale tickets that were originally made available for sale by a primary seller; (“revendeur”)

“secondary ticketing platform” means a website, online service, electronic application, print publication or physical location that facilitates the sale of tickets by providing ticket sellers, other than primary sellers, with a venue to make their tickets available for sale; (“plateforme de revente de billets”)

“ticket” means any card, pass, paper, document or thing, whether in electronic form or otherwise, that, on presentation, entitles the holder to admission to a recreational, sporting or cultural event or other prescribed event in Ontario; (“billet”)

“ticket business” means a primary seller, a secondary seller or an operator of a secondary ticketing platform; (“billetterie”)

“ticket purchaser” means a person who participates as a purchaser in a transaction involving the sale of a ticket; (“acheteur de billet”)

“total price”, in respect of a ticket, means the base price plus any applicable fees, service charges and taxes; (“prix total”)

“Tribunal” means the Licence Appeal Tribunal established under the Licence Appeal Tribunal Act, 1999. (“Tribunal”)

Part II  
Ticket SaleS and Software

Ticket Sales

Ticket sale on secondary market above face value

**2** (1)  Every person who makes a ticket available for sale on the secondary market or who facilitates the sale of a ticket on the secondary market for a total amount, including any applicable fees or service charges but excluding any applicable taxes, that exceeds the ticket’s face value shall provide one of the following guarantees or confirmations when the ticket is made available for sale:

1. A guarantee in writing issued by a secondary seller or operator of a secondary ticketing platform of a full refund for the ticket purchaser if,

i. the event that the ticket provides admission to is cancelled before the ticket can be used,

ii. the ticket does not grant the ticket purchaser admission to the event for which it was issued, unless this failure is due to an action taken by the primary seller or venue after the ticket is sold,

iii. the ticket is counterfeit, or

iv. the ticket does not match its description as advertised or as represented to the ticket purchaser.

2. A confirmation in writing from the primary seller that the ticket is valid, provided directly or indirectly through a service that offers to confirm for any person in Ontario, for free or for a single, standard fee, whether or not a ticket that was originally made available for sale by the primary seller is valid.

3. Any other prescribed guarantee or confirmation. 2017, c. 33, Sched. 3, s. 2 (1); 2019, c. 7, Sched. 58, s. 1 (1-3).

Exception

(2)  If a person who facilitates the sale of a ticket on the secondary market complies with subsection (1) with respect to the sale, no other person is required to comply with that subsection with respect to the sale. 2019, c. 7, Sched. 58, s. 1 (4).

Meaning of secondary market

(3)  For the purposes of this section, a ticket sale on the secondary market refers to the sale of a ticket that was originally made available for sale by a primary seller. 2017, c. 33, Sched. 3, s. 2 (3).

Exception

(4)  This section does not apply if the ticket sale is for the benefit of a registered charity as defined in subsection 248 (1) of the Income Tax Act (Canada). 2017, c. 33, Sched. 3, s. 2 (4).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 1 (1-4)](http://www.ontario.ca/laws/statute/S19007" \l "sched58s1s1) - 01/01/2021

Prohibition, ticket not in possession or control

**3** No person shall make a ticket available for sale if the ticket is not in the person’s possession or control.

Use and Sale of Certain Software

Prohibition, use or sale of certain software

**4** (1)  No person shall use or sell software, including automated ticket purchasing software, intended to circumvent any of the following on a website, online service or electronic application of a ticket business:

1. A security measure that is used to ensure an equitable ticket buying process.

2. An access control system that is used to ensure an equitable ticket buying process.

3. Any other control or measure that is used to ensure an equitable ticket buying process.

4. A prescribed control, measure or system.

Exception

(2)  Subsection (1) does not apply to the use or sale of software that is intended,

(a) to investigate a contravention of this or any other Act or law;

(b) to engage in research to identify and analyse flaws and vulnerabilities of measures, systems, or controls referred to in subsection (1) for the purpose of advancing the state of knowledge in the field of computer system security or assisting in the development of a computer security product; or

(c) for a prescribed research or educational purpose.

Prohibition, sale of tickets acquired using certain software

(3)  No person shall knowingly make a ticket available for sale or facilitate the sale of a ticket that was obtained through the use of software described in subsection (1).

Part III  
Ticket Business Transparency

Disclosure

Disclosure before sale

**5** (1)  Before making any tickets to an event available for sale, a primary seller shall publicly disclose, on its website or otherwise, the following information:

1. The distribution method of all of the tickets to the event that will be made available for sale by the primary seller, including any sale that will occur before tickets are made available for sale to the general public.

2. The maximum capacity for the event.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (1) of the Act is repealed and the following substituted: (See: 2019, c. 7, Sched. 58, s. 2 (1))

Disclosure before sale

(1)  A primary seller who makes tickets to an event available for sale shall publicly disclose, on its website or otherwise,

(a) the maximum capacity for the event, as soon as the seller has the information and no later than the time at which the seller makes any tickets to the event available for sale;

(b) if the seller makes tickets to the event available for sale in batches, the following information for each batch, as soon as the seller has the information and no later than the time at which the seller first makes the batch available for sale:

(i) the date and time when the batch will be made available for sale,

(ii) the number of tickets in the batch, and

(iii) if the batch is not being made available for sale to the general public, the class or classes of persons that are eligible to purchase tickets from the batch;

(c) if the seller does not make tickets to the event available for sale in batches, the following information, as soon as the seller has the information and no later than the time at which the seller makes any tickets to the event available for sale:

(i) the date and time when the seller will make tickets to the event available for sale, and

(ii) the total number of tickets to the event that the seller will make available for sale; and

(d) all other prescribed information at the prescribed time. 2019, c. 7, Sched. 58, s. 2 (1).

Exception

(2)  The disclosure referred to in subsection (1) is not required for the sale of season ticket subscriptions.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 5 of the Act is amended by adding the following subsection: (See: 2019, c. 7, Sched. 58, s. 2 (2))

Ongoing disclosure

(3)  A primary seller who is required under subsection (1) to disclose information about an event to which the seller makes tickets available for sale shall ensure that the information continues to be disclosed in accordance with that subsection until the time at which the event takes place. 2019, c. 7, Sched. 58, s. 2 (2).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched58s2s1) - not in force

Disclosure of face value and total price

**6** (1)  Every primary seller that makes a ticket available for sale shall ensure,

(a) that the offer discloses the total price of the ticket and includes a separately itemized list of any applicable fees, service charges and taxes; and

(b) that the face value of the ticket is printed on or is otherwise displayed on the ticket when it is issued to the ticket purchaser. 2017, c. 33, Sched. 3, s. 6 (1).

Secondary sale

(2)  Every secondary seller that makes a ticket available for sale shall ensure that the offer,

(a) discloses the face value of the ticket and the total price charged on the secondary sale of the ticket; and

(b) includes a separately itemized list of any applicable fees, service charges and taxes. 2017, c. 33, Sched. 3, s. 6 (2); 2019, c. 7, Sched. 58, s. 3.

Secondary ticketing platform

(3)  Every operator of a secondary ticketing platform that facilitates the sale of a ticket shall ensure that the offer,

(a) discloses the face value of the ticket and the total price charged on the secondary sale of the ticket; and

(b) includes a separately itemized list of any applicable fees, service charges and taxes. 2017, c. 33, Sched. 3, s. 6 (3); 2019, c. 7, Sched. 58, s. 3.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 3](http://www.ontario.ca/laws/statute/S19007" \l "sched58s3) - 01/01/2021

General ticket business disclosure requirements

**7** (1)  This section applies to any ticket business that makes a ticket available for sale or that facilitates the sale of a ticket. 2017, c. 33, Sched. 3, s. 7 (1).

Canadian currency to be used

(2)  The ticket business shall ensure that,

(a) any dollar amounts listed in the offer are listed in Canadian currency; and

(b) the ticket purchaser is charged in Canadian currency. 2020, c. 14, Sched. 10, s. 1.

Location of seat or standing area to be disclosed

(3)  The ticket business shall ensure that the location of the seat or standing area that the ticket entitles the ticket holder to occupy, if applicable, is disclosed in the offer. 2017, c. 33, Sched. 3, s. 7 (3).

Other prescribed information

(4)  The ticket business shall ensure that any other prescribed information is disclosed in the offer. 2017, c. 33, Sched. 3, s. 7 (4).

**Section Amendments with date in force (d/m/y)**

[2020, c. 14, Sched. 10, s. 1](https://www.ontario.ca/laws/statute/S20014" \l "BK12) - 01/01/2021

Disclosure of identity of secondary seller

**8** (1)  A secondary seller shall disclose the secondary seller’s name, location and contact information upon making a ticket available for sale except if an operator of a secondary ticketing platform that facilitates the sale of the ticket has provided the guarantee described in paragraph 1 of subsection 2 (1). 2019, c. 7, Sched. 58, s. 4 (1).

Identity disclosure

(2)  An operator of a secondary ticketing platform that facilitates the sale of a ticket by a secondary seller shall ensure that the secondary seller’s name, location and contact information is listed in the offer except if the operator has provided the guarantee described in paragraph 1 of subsection 2 (1). 2017, c. 33, Sched. 3, s. 8 (2); 2019, c. 7, Sched. 58, s. 4 (2).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 4 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched58s4s1) - 01/01/2021

Miscellaneous Requirements

Prohibition, related primary and secondary sellers

**9** (1)  No primary seller shall make a ticket available for sale if a ticket for admission to the same event is or has been made available for sale by a secondary seller who is related to the primary seller.

Same

(2)  No secondary seller shall make a ticket available for sale if a ticket for admission to the same event is or has been made available for sale by a primary seller who is related to the secondary seller.

Related

(3)  For the purposes of subsections (1) and (2), a primary seller and a secondary seller are related if a relationship between them, whether corporate, contractual or other, results, directly or indirectly, in an incentive for the primary seller to withhold tickets for sale by the primary seller so that the secondary seller can make them available for sale instead.

Incorporation or address

**10** No ticket business shall make a ticket available for sale or facilitate the sale of a ticket unless,

(a) it is incorporated under the laws of Canada or Ontario; or

(b) he, she or it maintains an address in Ontario.

Part IV  
Right of Action

Right of action

**11** (1)  Subject to subsection (2), a ticket business or ticket purchaser who has suffered a loss as a result of a person’s contravention of a provision of this Act or the regulations may commence an action in a court against that person.

Requirement for certain remedies

(2)  A person seeking a remedy mentioned in clause (3) (c) or (d) must commence the action in the Superior Court of Justice.

Court order

(3)  If the court finds that the defendant has contravened the provision, the court may,

(a) order restitution of any money or other consideration given or furnished by the plaintiff;

(b) award the plaintiff damages in the amount of any loss suffered because of the contravention, including exemplary or punitive damages;

(c) grant an injunction restraining the person from continuing to contravene the provision;

(d) make an order of specific performance against the person; or

(e) make any other order the court considers appropriate.

Exemplary or punitive damages

(4)  An order under clause (3) (b) for exemplary or punitive damages may not be made if the person took reasonable precautions and exercised due diligence to avoid contravening the provision.

Part V  
Complaints, Inspections and Investigations

Complaints and Mediation

Ministry receives complaints and makes inquiries

**12** (1)  The Ministry may,

(a) receive complaints concerning conduct that may be in contravention of this Act, whether the conduct constitutes an offence or not; and

(b) make inquiries, gather information and attempt to mediate or resolve complaints, as appropriate, concerning any matter that comes to its attention that may be in contravention of this Act, whether the matter constitutes an offence or not.

Mediation

(2)  The Ministry may mediate a complaint if the parties to the complaint agree to mediation.

Agreement to mediate

(3)  The agreement to mediate a complaint shall be signed by the parties to the complaint and be on a form approved by the Director that contains the terms and conditions of the mediation and the parties’ obligations regarding the mediation.

Documents and other evidence

(4)  If the Ministry attempts to mediate or resolve a complaint between the parties, the Ministry may request in writing that either party to the mediation provide, to the Ministry within the time specified by the Ministry, documents or other evidence that are relevant to the complaint.

Party’s failure to respond

(5)  If a party fails to provide a document or other evidence as required by the Ministry under subsection (4), the Ministry may terminate the mediation.

Director’s powers saved

(6)  Nothing in a mediation or its results affects the authority of the Director to address the complaint even if the mediation results in a settlement.

Protection of settlement records

(7)  None of the records, evidence or information that are disclosed in the course of attempting to effect a settlement and that are subject to mediation privilege shall be used or disclosed outside the attempted settlement.

Protection for mediator

(8)  A person who conducts a mediation under this section shall not be required to testify in a civil proceeding or in a proceeding before any tribunal respecting the mediation.

Inspectors

Inspectors

**13** The Director may, in writing,

(a) appoint persons as inspectors for the purposes of this Act; and

(b) designate persons, including persons engaged as inspectors for the purposes of any other Act, as inspectors for the purposes of this Act or for any specific purposes under this Act provided for in the designation.

Inspection powers

**14** (1)  An inspector may, without a warrant, enter and inspect any place in order to ensure that this Act and the regulations are being complied with. 2019, c. 7, Sched. 58, s. 5.

Time of entry

(2)  The power to enter and inspect a place without warrant may only be exercised during the place’s regular business hours, or during other reasonable times. 2017, c. 33, Sched. 3, s. 14 (2).

Dwellings

(3)  The power to enter and inspect a place without a warrant shall not be used to enter and inspect a place or a part of a place that is used as a dwelling. 2017, c. 33, Sched. 3, s. 14 (3).

Use of force

(4)  An inspector is not entitled to use force to enter and inspect a place. 2017, c. 33, Sched. 3, s. 14 (4).

Identification

(5)  An inspector shall, upon request, produce evidence of his or her appointment or designation. 2017, c. 33, Sched. 3, s. 14 (5).

Powers of inspector

(6)  An inspector conducting an inspection may,

(a) examine a record or other thing that the inspector thinks may be relevant to the inspection;

(b) require the production of a record or other thing that the inspector thinks may be relevant to the inspection;

(c) remove for review and copying a record or other thing that the inspector thinks may be relevant to the inspection;

(d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place; and

(e) question any person on matters the inspector thinks may be relevant to the inspection. 2017, c. 33, Sched. 3, s. 14 (6).

Written demand

(7)  A demand that a record or other thing be produced must be in writing and must include a statement of the nature of the record or other thing to be produced. 2017, c. 33, Sched. 3, s. 14 (7).

Obligation to produce and assist

(8)  If an inspector demands that a record or other thing be produced, the person who has custody of the record or thing shall produce it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form. 2017, c. 33, Sched. 3, s. 14 (8).

Records and things removed from place

(9)  An inspector who removes a record or other thing under clause (6) (c) shall provide a receipt and return the record or thing to the person within a reasonable time. 2017, c. 33, Sched. 3, s. 14 (9).

Copy admissible in evidence

(10)  A copy of a record that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original, and has the same evidentiary value. 2017, c. 33, Sched. 3, s. 14 (10).

Additional contact

(11)  In addition to the power to enter a place under this section, an inspector may, by any means, contact any person who is in control of the operations of a ticket business and may exercise the powers that he or she has to conduct an inspection under this section with respect to the ticket business or person, without entering any place, if the inspector establishes that,

(a) the ticket business is subject to this Act; and

(b) the person is in control of the operations of the ticket business. 2017, c. 33, Sched. 3, s. 14 (11).

Identification

(12)  An inspector who establishes contact with a person under subsection (11) shall provide a written confirmation to the person of the inspector’s authority to conduct the inspection, whether or not there is a request under subsection (5). 2017, c. 33, Sched. 3, s. 14 (12).

Time for production

(13)  If an inspector establishes contact with a person under subsection (11) and requires the person to produce a record or other thing under clause (6) (b), the person shall provide the record or other thing to the inspector in the manner specified by the inspector and within the time specified by the inspector, which shall not be less than 15 days from the day of the demand to produce. 2017, c. 33, Sched. 3, s. 14 (13).

Duty to assist

(14)  A person who is contacted by an inspector under subsection (11) shall assist the inspector in accordance with subsection (8), subject to the time period mentioned in subsection (13). 2017, c. 33, Sched. 3, s. 14 (14).

Obstruction

(15)  No person shall,

(a) hinder, obstruct or interfere with or attempt to hinder, obstruct or interfere with an inspector conducting an inspection;

(b) refuse to answer questions on matters that an inspector thinks may be relevant to an inspection;

(c) provide an inspector with information on matters the inspector thinks may be relevant to an inspection that the person knows to be false or misleading; or

(d) prevent or attempt to prevent an inspector from making inquiries of any person separate and apart from another person under clause (6) (e). 2017, c. 33, Sched. 3, s. 14 (15).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 5](http://www.ontario.ca/laws/statute/S19007" \l "sched58s5) - 01/01/2021

Delegation of order-making powers

**15** (1)  The Director may delegate to an inspector, subject to any conditions set out in the delegation, the power to make any proposal or order that the Director may make under the following sections and a proposal or order made by an inspector pursuant to such a delegation is, for all purposes, as effective as if it were made by the Director:

1. Section 20.

2. Section 21.

3. Section 22.

4. Section 23.

5. Section 25.

6. Section 26.

In writing

(2)  A delegation under this section must be in writing.

References to Director

(3)  If an inspector has made a proposal or an order pursuant to a delegation under this section, every reference to the Director in or with respect to the section under which the proposal or order, as the case may be, was made and every reference to the Director in sections 27 and 28 is deemed to be a reference to that inspector.

Investigators

Appointment of investigators

**16** (1)  The Director may appoint persons to be investigators for the purposes of conducting investigations in order to ensure that this Act and the regulations are being complied with. 2019, c. 7, Sched. 58, s. 6.

Certificate of appointment

(2)  The Director shall issue to every investigator a certificate of appointment bearing his or her signature or a facsimile of the signature. 2017, c. 33, Sched. 3, s. 16 (2).

Production of certificate of appointment

(3)  Every investigator who is conducting an investigation, including under section 17, shall, upon request, produce the certificate of appointment as an investigator. 2017, c. 33, Sched. 3, s. 16 (3).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 6](http://www.ontario.ca/laws/statute/S19007" \l "sched58s6) - 01/01/2021

Search warrant

**17** (1)  Upon application made without notice by an investigator, a justice of the peace may issue a warrant, if he or she is satisfied on information under oath that there are reasonable grounds for believing that,

(a) an inspector is being prevented from doing anything the inspector is entitled to do under section 14; or

(b) a person has contravened or is contravening a provision of this Act or the regulations, and there is,

(i) in any building, dwelling, receptacle or place, anything relating to the contravention, or

(ii) information or evidence relating to the contravention that may be obtained through the use of an investigative technique or procedure or the doing of anything described in the warrant. 2017, c. 33, Sched. 3, s. 17 (1); 2019, c. 7, Sched. 58, s. 7; 2019, c. 14, Sched. 10, s. 18 (1).

Powers under warrant

(2)  Subject to any conditions contained in it, a warrant obtained under subsection (1) authorizes an investigator,

(a) to enter or access the building, dwelling, receptacle or place specified in the warrant and examine and seize anything described in the warrant;

(b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;

(c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;

(d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and

(e) to use any investigative technique or procedure or do anything described in the warrant. 2017, c. 33, Sched. 3, s. 17 (2); 2019, c. 14, Sched. 10, s. 18 (1, 2).

Entry of dwelling

(3)  Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place, or part of a place, used as a dwelling, unless,

(a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and

(b) the justice of the peace authorizes the entry into the dwelling. 2017, c. 33, Sched. 3, s. 17 (3).

Conditions on warrant

(4)  A warrant obtained under subsection (1) shall contain such conditions as the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances. 2017, c. 33, Sched. 3, s. 17 (4).

Expert help

(5)  The warrant may authorize persons who have special, expert or professional knowledge and other persons as necessary to accompany and assist the investigator in respect of the execution of the warrant. 2017, c. 33, Sched. 3, s. 17 (5).

Time of execution

(6)  An entry or access under a warrant issued under this section shall be made between 6 a.m. and 9 p.m., unless the warrant specifies otherwise. 2017, c. 33, Sched. 3, s. 17 (6).

Expiry of warrant

(7)  A warrant issued under this section shall name a date of expiry, which shall be no later than 30 days after the warrant is issued, but a justice of the peace may extend the date of expiry for an additional period of no more than 30 days, upon application without notice by an investigator. 2017, c. 33, Sched. 3, s. 17 (7).

Use of force

(8)  An investigator may call upon police officers for assistance in executing the warrant and the investigator may use whatever force is reasonably necessary to execute the warrant. 2017, c. 33, Sched. 3, s. 17 (8).

No obstruction

(9)  No person shall obstruct an investigator executing a warrant under this section or withhold from him or her or conceal, alter or destroy anything relevant to the investigation being conducted pursuant to the warrant. 2017, c. 33, Sched. 3, s. 17 (9).

Compliance

(10)  If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be. 2019, c. 14, Sched. 10, s. 18 (3).

Copies of seized items

(11)  An investigator who seizes any thing under this section or section 18 may make a copy of it. 2019, c. 14, Sched. 10, s. 18 (3).

Admissibility

(12)  A copy of a document or record certified by an investigator as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2017, c. 33, Sched. 3, s. 17 (12).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 7](http://www.ontario.ca/laws/statute/S19007" \l "sched58s7) - 01/01/2021; [2019, c. 14, Sched. 10, s. 18 (1-3)](http://www.ontario.ca/laws/statute/S19014" \l "sched10s18s1) - 10/12/2019

Seizure of things not specified

**18** An investigator who is lawfully present in a place pursuant to a warrant or otherwise in the execution of his or her duties may, without a warrant, seize anything in plain view that the investigator believes on reasonable grounds will afford evidence relating to a contravention of this Act or the regulations.

Searches in exigent circumstances

**19** (1)  An investigator may exercise any of the powers described in subsection 17 (2) without a warrant if the conditions for obtaining the warrant exist but by reason of exigent circumstances it would be impracticable to obtain the warrant.

Dwellings

(2)  Subsection (1) does not apply to a building or part of a building that is being used as a dwelling.

Use of force

(3)  The investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary.

Applicability of s. 17

(4)  Subsections 17 (5), (9), (10), (11) and (12) apply with necessary modifications to a search under this section.

Report when things seized

**19.1**(1)  An investigator who seizes any thing under the authority of section 17, 18 or 19 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace. 2019, c. 14, Sched. 10, s. 18 (4).

Procedure

(2)  Sections 159 and 160 of the Provincial Offences Act apply with necessary modifications in respect of a thing seized under the authority of section 17, 18 or 19 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 17, 18 or 19 of this Act. 2019, c. 14, Sched. 10, s. 18 (4).

**Section Amendments with date in force (d/m/y)**

[2019, c. 14, Sched. 10, s. 18 (4)](http://www.ontario.ca/laws/statute/S19014" \l "sched10s18s4) - 10/12/2019

Orders

False, misleading or deceptive representation in offer

**20** (1)  If the Director believes on reasonable grounds that a person is making a false, misleading or deceptive representation in a ticket offer, the Director may,

(a) order the person to cease making the representation; and

(b) order the person to retract the representation or publish a correction of equal prominence to the original publication. 2017, c. 33, Sched. 3, s. 20 (1).

Definition

(2)  In subsection (1),

“false, misleading or deceptive representation” has the meaning set out in subsection 14 (2) of the Consumer Protection Act, 2002. 2017, c. 33, Sched. 3, s. 20 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “false, misleading or deceptive representation” in subsection 20 (2) of the Act is amended by striking out “subsection 14 (2) of the *Consumer Protection Act, 2002*” and substituting “subsection 8 (2) of the *Consumer Protection Act, 2023*”. (See: 2023, c. 23, Sched. 1, s. 119)

Order effective

(3)  The order takes effect immediately upon being made. 2017, c. 33, Sched. 3, s. 20 (3).

Service

(4)  The Director shall serve the order, together with written reasons for it, on the person named in it. 2017, c. 33, Sched. 3, s. 20 (4).

Request for a hearing

(5)  The order shall inform the person named in it that the person may request a hearing before the Tribunal by mailing or delivering a written notice of request for a hearing to the Director and the Tribunal within 15 days after service of the order. 2017, c. 33, Sched. 3, s. 20 (5).

Hearing date

(6)  If the person gives a notice of request for a hearing within the allowed time, the Tribunal shall hold a hearing. 2017, c. 33, Sched. 3, s. 20 (6).

Stay of order

(7)  The Tribunal may stay the order until it confirms or sets aside the order under subsection (9). 2017, c. 33, Sched. 3, s. 20 (7).

Parties

(8)  The Director, the person who requested the hearing and the persons whom the Tribunal specifies are parties to the hearing. 2017, c. 33, Sched. 3, s. 20 (8).

Powers of Tribunal

(9)  After holding the hearing, the Tribunal may,

(a) confirm the order with the amendments, if any, that the Tribunal considers proper to give effect to the purposes of the Act; or

(b) set aside the order. 2017, c. 33, Sched. 3, s. 20 (9).

Same

(10)  In confirming or setting aside the order, the Tribunal may substitute its opinion for that of the Director. 2017, c. 33, Sched. 3, s. 20 (10).

Appeal

(11)  Even if the person named in an order made under this section appeals it under section 11 of the Licence Appeal Tribunal Act, 1999, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal. 2017, c. 33, Sched. 3, s. 20 (11).

**Section Amendments with date in force (d/m/y)**

[2023, c. 23, Sched. 1, s. 119](http://www.ontario.ca/laws/statute/S23023" \l "sched1s119) - not in force

Freeze order

**21** (1)  If the conditions in subsection (2) are met, the Director may, in writing,

(a) order any person having on deposit or controlling any assets or trust funds of a ticket business or former ticket business to hold those funds or assets;

(b) order a ticket business or former ticket business to refrain from withdrawing any asset or trust fund from a person having them on deposit or controlling them; or

(c) order a ticket business or former ticket business to hold any asset or trust fund of a ticket purchaser or other person in trust for the person entitled to it.

Conditions

(2)  The Director may make an order under subsection (1) if he or she believes that it is advisable for the protection of ticket purchasers and,

(a) a search warrant has been issued under this Act;

(b) an order has been made under section 22 or 23; or

(c) there has been an undertaking of voluntary compliance under section 25.

Release of assets

(3)  The Director may consent to the release of any particular asset or trust fund from the order or may wholly revoke the order.

Exception

(4)  Subsection (1) does not apply if the person files with the Director, in such manner and amount as the Director determines,

(a) a personal bond accompanied by collateral security;

(b) a bond of an insurer licensed under the Insurance Act to write surety and fidelity insurance;

(c) a bond of a guarantor accompanied by collateral security; or

(d) another prescribed form of security.

Application to court

(5)  An application may be made to the Superior Court of Justice for a determination in respect of the disposition of an asset or trust fund,

(a) by a person in receipt of an order under subsection (1), if that person is in doubt as to whether the order applies to the asset or trust fund; or

(b) by a person who claims an interest in the asset or trust fund subject to the order.

Notice

(6)  If an order is made under this section, the Director may register in the appropriate land registry office a notice that an order under subsection (1) has been issued and that the order may affect land belonging to the person referred to in the notice and the notice has the same effect as the registration of a certificate of pending litigation except that the Director may, in writing, revoke or modify the notice.

Cancellation or discharge application

(7)  A person in respect of whom an order has been made under subsection (1) or any person having an interest in land in respect of which a notice is registered under subsection (6) may apply to the Tribunal for cancellation in whole or in part of the order or for discharge in whole or in part of the registration.

Disposition by Tribunal

(8)  The Tribunal shall dispose of the application after a hearing and may cancel the order or discharge the registration in whole or in part, if the Tribunal finds,

(a) that the order or registration is not required in whole or in part for the protection of ticket purchasers or of other persons having an interest in the land; or

(b) that the interests of other persons are unduly prejudiced by the order or registration.

Parties

(9)  The applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

Court application

(10)  If the Director has made an order under subsection (1) or registered a notice under subsection (6), he or she may apply to the Superior Court of Justice for directions or an order relating to the disposition of assets, trust funds or land affected by the order or notice.

Notice not required

(11)  An application by the Director under this section may be made without notice to any other person.

Compliance order

**22** (1)  The Director may propose to make an order directing a person to comply with this Act if the Director believes on reasonable grounds that the person has engaged or is engaging in any activity that contravenes any provision under this Act, whether the activity constitutes an offence or not.

Notice

(2)  If the Director proposes to make an order under subsection (1), the Director shall serve notice of the proposed order, together with written reasons, on the person.

Request for hearing

(3)  The notice shall state that the person is entitled to a hearing by the Tribunal if the person mails or delivers, within 15 days after the notice under subsection (2) is served, notice in writing requiring a hearing to the Director and the Tribunal.

No hearing required

(4)  If the person does not require a hearing in accordance with subsection (3), the Director may make the order.

Hearing

(5)  If the person requires a hearing in accordance with subsection (3), the Tribunal shall hold the hearing and may order the Director to make the proposed order or to refrain from making the proposed order or may make an order of its own in substitution for that of the Director.

Conditions

(6)  The Tribunal may attach such conditions to its order as it considers proper.

Parties

(7)  The Director and the person who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Order for immediate compliance

**23** (1)  Despite section 22, the Director may make an order requiring immediate compliance with this Act if, in the Director’s opinion, it is the public interest to do so and subject to subsection (2), such an order takes effect immediately. 2017, c. 33, Sched. 3, s. 23 (1).

Notice of order

(2)  If the Director makes an order for immediate compliance, he or she shall serve on the person named in the order a notice that includes the order, the written reasons for making it and the information required in a notice referred to in subsection 22 (3). 2017, c. 33, Sched. 3, s. 23 (2); 2019, c. 7, Sched. 58, s. 8.

Hearing

(3)  When a person named in the order requires a hearing in accordance with the notice under subsection (2), the Tribunal shall hold the hearing and may confirm or set aside the order or exercise such other powers as may be exercised in a proceeding under section 22. 2017, c. 33, Sched. 3, s. 23 (3).

Expiration of order

(4)  If a hearing by the Tribunal is required,

(a) the order expires 15 days after the written request for a hearing is received by the Tribunal; or

(b) the Tribunal may extend the time of expiration until the hearing is concluded, if a hearing is commenced within the 15-day period referred to in clause (a). 2017, c. 33, Sched. 3, s. 23 (4).

Same

(5)  Despite subsection (4), if it is satisfied that the conduct of the person named in the order has delayed the commencement of the hearing, the Tribunal may extend the time of the expiration for the order,

(a) until the hearing commences; and

(b) once the hearing commences, until the hearing is concluded. 2017, c. 33, Sched. 3, s. 23 (5).

Parties

(6)  The Director and the person who has required the hearing, and such other persons as the Tribunal may specify, are parties to proceedings before the Tribunal under this section. 2017, c. 33, Sched. 3, s. 23 (6).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 8](http://www.ontario.ca/laws/statute/S19007" \l "sched58s8) - 01/01/2021

Appeal

**24** Even if, under section 11 of the Licence Appeal Tribunal Act, 1999, a party to a proceeding before the Tribunal appeals an order of the Tribunal made under section 22 or 23 of this Act, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal.

Undertaking of voluntary compliance

**25** (1)  At any time before all rights of appeal are exhausted or the time for appeals has expired without an appeal being commenced, any person against whom the Director has made or is considering making an order to comply under section 22 or 23 may enter into a written undertaking of voluntary compliance,

(a) to not engage in the specified act after the date of the undertaking;

(b) to provide compensation to any ticket purchaser who has suffered a loss;

(c) to publicize the undertaking or the actions being undertaken as a result of the undertaking;

(d) to pay any cost incurred in investigating the person’s activities, any legal costs incurred in relation to the person’s activities and any cost associated with the undertakings; and

(e) to take any such action as the Director considers appropriate in the circumstances.

Undertaking deemed order

(2)  When an undertaking of voluntary compliance is accepted by the Director, the undertaking has and shall be given the force and effect of an order made by the Director for all purposes of this Act.

Security for any undertaking

(3)  The Director may require any person who is giving an undertaking of voluntary compliance to provide, in such manner and amount as the Director determines, security in the form of,

(a) a personal bond accompanied by collateral security;

(b) a bond of an insurer licensed under the Insurance Act to write surety and fidelity insurance;

(c) a bond of a guarantor accompanied by collateral security; or

(d) another prescribed form of security.

Release of security

(4)  The bond and any collateral security required under subsection (3) shall not be released until the Director is satisfied that the person has fulfilled the undertaking.

Restraining orders

**26** (1)  If it appears to the Director that a person is not complying with this Act or the regulations or an order made under this Act, the Director may apply to the Superior Court of Justice for an order directing that person to comply and, upon the application, the court may make such order as the court thinks fit.

Same

(2)  Subsection (1) applies in addition to any other procedures that may be available to the Director, whether or not the Director has exercised his or her rights under such procedures.

Appeal

(3)  An appeal lies to the Divisional Court from an order made under subsection (1).

Part VI  
General

Service by the Director of notice or order

**27** (1)  Any notice or order required to be given or served by the Director under this Act is sufficiently given or served if,

(a) delivered personally;

(b) sent by registered mail;

(c) sent by a prescribed method; or

(d) sent by another manner if the Director can prove receipt of the notice or order.

Deemed service

(2)  Where service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, receive the notice or order until a later date.

Exception

(3)  Despite subsection (1), the Tribunal may order any other method of service.

Certificate as evidence

**28** (1)  For all purposes in any proceeding, a statement purporting to be certified by the Director is, without proof of the office or signature of the Director, admissible in evidence as proof in the absence of evidence to the contrary, of the facts stated in it in relation to,

(a) the filing or non-filing of any document or material required or permitted to be filed under this Act; or

(b) the time when the facts upon which the proceedings are based first came to the knowledge of the Director.

Same

(2)  A statement purporting to be certified by an official acting under legislation that protects consumers in another jurisdiction, as prescribed, shall have the same force and effect as a certificate of the Director issued under subsection (1).

Proof of document

(3)  Any document made under this Act that purports to be signed by the Director or a certified copy of the document is admissible in evidence in any proceeding as proof, in the absence of evidence to the contrary, that the document is signed by the Director without proof of the office or signature of the Director.

Confidentiality

**29** (1)  A person who obtains information in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations shall preserve secrecy with respect to the information and shall not communicate the information to any person except,

(a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act or the regulations;

(b) to a ministry, department or agency of a government engaged in the administration of legislation that protects consumers or to any other entity to which the administration of legislation that protects consumers has been assigned;

(c) as authorized under the Regulatory Modernization Act, 2007;

(d) to a prescribed entity or organization, if the purpose of the communication is consumer protection;

(e) to a law enforcement agency;

(f) to his, her or its counsel; or

(g) with the consent of the person to whom the information relates.

Testimony

(2)  Except in a proceeding under this Act, no person shall be required to give testimony in a civil proceeding with regard to information obtained in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations.

Part VII  
Administrative Penalties

Order

**30** (1)  If the Director is satisfied that a ticket business has contravened or is contravening a prescribed provision of this Act or the regulations, the Director may, by order, impose an administrative penalty against the ticket business in accordance with this section and the regulations made by the Minister.

Purpose

(2)  The purpose of an administrative penalty is to promote compliance with the requirements established by this Act and the regulations.

Amount

(3)  The amount of an administrative penalty shall reflect the purpose of the penalty and shall be the amount prescribed by the Minister, which prescribed amount shall not exceed $10,000.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 30 (3) of the Act is amended by striking out “$10,000” at the end and substituting “$25,000”. (See: 2019, c. 7, Sched. 58, s. 9)

Form of order

(4)  An order made under subsection (1) imposing an administrative penalty against a ticket business shall be in the form that the Director determines.

Absolute liability

(5)  An order made under subsection (1) imposing an administrative penalty against a ticket business applies even if,

(a) the ticket business took all reasonable steps to prevent the contravention on which the order is based; or

(b) at the time of the contravention, the ticket business had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent.

No effect on offences

(6)  For greater certainty, nothing in subsection (5) affects the prosecution of an offence.

Other measures

(7)  Subject to section 33, an administrative penalty may be imposed alone or in conjunction with the exercise of any measure against a ticket business provided by this Act or the regulations.

Limitation

(8)  The Director shall not make an order under subsection (1) more than two years after the day the Director became aware of the ticket business’s contravention on which the order is based.

No hearing required

(9)  Subject to the regulations made by the Minister, the Director is not required to hold a hearing or to afford a ticket business an opportunity for a hearing before making an order under subsection (1).

Non-application of other Act

(10)  The Statutory Powers Procedure Act does not apply to an order the Director made under subsection (1).

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 9](http://www.ontario.ca/laws/statute/S19007" \l "sched58s9) - not in force

Delegation

**31** (1)  The Director may delegate to an inspector, subject to any conditions set out in the delegation, the power to make an order imposing an administrative penalty under this section, and an order made by an inspector pursuant to such a delegation is, for all purposes, as effective as if it were made by the Director.

In writing

(2)  A delegation under this section must be in writing.

References to Director

(3)  If an inspector has made an order pursuant to a delegation under this section, every reference to the Director in section 30 is deemed to be a reference to that inspector.

Appeal

**32** (1)  The ticket business against whom an order made under subsection 30 (1) imposes an administrative penalty may appeal the order to the Tribunal by delivering a written notice of appeal to the Tribunal within 15 days after receiving the order.

Extension of time for appeal

(2)  The Tribunal may extend the time period for appealing and may determine the circumstances in which extensions are given.

Form of notice

(3)  The notice of appeal shall be in the form that the Tribunal determines.

Filing of notice

(4)  The appellant shall file the notice of appeal in the manner that the Tribunal determines.

Stay

(5)  An appeal commenced in accordance with subsection (1) operates as a stay of the order until disposition of the appeal.

Opportunity for submissions

(6)  Before disposing of an appeal, the Tribunal shall give the appellant a reasonable opportunity to make written submissions.

Powers on appeal

(7)  On an appeal, the Tribunal may confirm, revoke or vary the order.

Effect of paying penalty

**33** If a ticket business pays an administrative penalty in accordance with the terms of the order imposing it against the ticket business or, if the order is varied on appeal, in accordance with the terms of the varied order, the ticket business cannot be charged with an offence under this Act in respect of the same contravention on which the order is based and no other prescribed measure shall be taken against the ticket business in respect of the same contravention on which the order is based.

Enforcement

**34** (1)  If a ticket business fails to pay an administrative penalty in accordance with the terms of the order imposing it against the ticket business or, if the order is varied on appeal, in accordance with the terms of the varied order, the order may be filed with the Superior Court of Justice and enforced as if it were an order of the court.

Date of order

(2)  For the purposes of section 129 of the Courts of Justice Act, the date on which the order is filed with the court shall be deemed to be the date of the order.

Debt due to Crown

(3)  An administrative penalty that is not paid in accordance with the terms of the order imposing it or, if the order is varied on appeal, in accordance with the terms of the varied order is a debt due to the Crown and is enforceable as such.

Part VIII  
Offences

Offences

**35** (1)  A person is guilty of an offence if the person,

(a) fails to comply with any order, direction or other requirement under this Act; or

(b) contravenes or fails to comply with,

(i) in respect of Part II, section 2, 3 or 4,

(ii) in respect of Part III, section 5, 6, 7, 8, 9 or 10, or

(iii) in respect of Part V, subsection 14 (15) or 17 (9). 2017, c. 33, Sched. 3, s. 35 (1).

Same

(2)  A person who contravenes or fails to comply with a provision of a regulation made under this Act is guilty of an offence. 2017, c. 33, Sched. 3, s. 35 (2).

Corporation

(3)  An officer or director of a corporation is guilty of an offence if he or she fails to take reasonable care to prevent the corporation from committing an offence mentioned in subsection (1) or (2). 2017, c. 33, Sched. 3, s. 35 (3).

Attempt

(4)  Any person who attempts to commit any offence referred to in subsection (1) or (2) is guilty of an offence. 2017, c. 33, Sched. 3, s. 35 (4).

Penalties

(5)  An individual who is convicted of an offence under this Act is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than two years less a day, or both, and a corporation that is convicted of an offence under this Act is liable to a fine of not more than $250,000. 2017, c. 33, Sched. 3, s. 35 (5).

Limitation

(6)  No proceeding under this section shall be commenced more than two years after the facts upon which the proceeding is based first came to the knowledge of the Director. 2019, c. 7, Sched. 58, s. 10.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 10](http://www.ontario.ca/laws/statute/S19007" \l "sched58s10) - 01/01/2021

Part IX  
Regulations

Lieutenant Governor in Council regulations

**36** The Lieutenant Governor in Council may make regulations,

(a) governing any matter that this Act describes as being prescribed, done in accordance with the regulations or provided for in the regulations, other than a matter that this Act describes as being prescribed by the Minister or provided for in regulations made by the Minister;

(b) defining any word or expression used in this Act that has not already been expressly defined in this Act;

(c) exempting any person, class of persons, events or tickets from any provision of this Act and attaching conditions to the exemption. 2017, c. 33, Sched. 3, s. 36; 2019, c. 7, Sched. 58, s. 11 (1, 2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 36 of the Act is amended by adding the following clauses: (See: 2019, c. 7, Sched. 58, s. 11 (3))

(d) requiring a person who sells a ticket to provide the ticket to the purchaser in paper form if the purchaser so requests and regulating the fees that the person can charge to the purchaser for a paper ticket;

(e) prohibiting any person who makes tickets available for sale from limiting the transferability of the tickets or prescribing the manner or circumstances in which the person may limit the transferability of tickets made available for sale.

**Section Amendments with date in force (d/m/y)**

[2019, c. 7, Sched. 58, s. 11 (1)](http://www.ontario.ca/laws/statute/S19007" \l "sched58s11s1) - 29/05/2019; [2019, c. 7, Sched. 58, s. 11 (2)](http://www.ontario.ca/laws/statute/S19007" \l "sched58s11s2) - 01/01/2021; [2019, c. 7, Sched. 58, s. 11 (3)](http://www.ontario.ca/laws/statute/S19007" \l "sched58s11s3) - not in force

Minister regulations

**37** The Minister may make regulations,

(a) governing any matter that this Act describes as being prescribed by the Minister or provided for in regulations made by the Minister;

(b) specifying a different administrative penalty for a contravention of different prescribed provisions of this Act or the regulations, different portions of those prescribed provisions or different prescribed requirements in those prescribed provisions;

(c) providing that the prescribed amount of an administrative penalty mentioned in subsection 30 (3) shall be calculated on the basis specified in the regulation, including an amount reflecting the number of transactions involved in the contravention on which an order for the administrative penalty is based;

(d) governing the procedure for making an order under section 30 for an administrative penalty and the rights of the parties affected by the procedure, including the time at which the order is deemed to be served on the ticket business against whom the order is made.

Part X (OMITTED)

38-40Omitted (amends, repeals or revokes other legislation).

Part XI (OMITTED)

41 Omitted (provides for coming into force of provisions of this Act).

42Omitted (enacts short title of this Act).

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[Français](http://www.ontario.ca/fr/lois/loi/17t33)

[Back to top](#Top)