

## Van Sleuwen, Terri HSD:EX

**From:** McCrea, Bill J HSD:EX  
**Sent:** March 30, 2009 4:41 PM  
**To:** Sturko, Derek HSD:EX  
**Cc:** Van Sleuwen, Terri HSD:EX; Vander Graaf, Larry P HSD:EX; Saville, Rick HSD:EX  
**Subject:** Money Laundering Risk Management

**Attachments:** Speaking Notes for BCLC - Money Laundering Risk Management March 30 2009.doc; Ontario GCA 1992.doc; Ontario Reg 385-99.doc; Ontario Reg 68-94.doc; Ontario Reg 197-95.doc; Ontario Reg 281-07.doc

Hi Derek,

Further to our conversation here is the completed version of the discussion document that Terri and I put together. This is in shape to present to BCLC. I have also included 'Word' files of the Ontario Act and Regs. Rick had pointed us toward the prescriptive diligence that is included in the Ontario regulation of various components of gaming. This material will be of interest to all of us as we work toward our own diligence. The Regulation of most interest is #385/99, which prescribes many requirements for approval by the regulator. Plus it has Section 27, which deals with Large cash Transactions.

Bill



Speaking Notes for  
BCLC - Mone...



Ontario GCA  
1992.doc (335 KB)



Ontario Reg  
.85-99.doc (160 KB)



Ontario Reg  
.85-94.doc (162 KB)



Ontario Reg  
.97-95.doc (96 KB)



Ontario Reg  
.81-07.doc (91 KB)..

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COLUMBIA**

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## Money Laundering Risk Management

- GPEB developed principles and specific requirements in order to mitigate and/or substantially reduce the potential risk of money laundering in commercial gaming facilities.
- Reviewed in conjunction with the request by the British Columbia Lottery Corporation (BCLC) to allow Patron Gaming Fund (PGF) accounts in commercial gaming facilities.

### Principles

1. **'Suspicious activity'** in relation to the handling of cash in gaming facilities will be defined to ensure that there is clarity in the types of transactions, attempted transactions, and/or situations where cash is involved, within a commercial gaming facility, that must be refused by a service provider and reported to GPEB, Investigation Division via a Section 86 report.
2. **'Verified win'** will be defined for both table game and slot machine activity. Policy and procedures for 'verified wins' and the issuance of service provider cheques will be defined to ensure that there is documented verification of the 'win' and an adequate audit trail to support any subsequent transaction such as, issuance of a service provider cheque.
3. Proposed **Patron Gaming Fund** (PGF) account policies and procedures must incorporate the guiding principle, 'Know your Client' risk management approach in order to exercise appropriate diligence to ensure an understanding of the background of account holders and the source of funds.

Specific policy and procedure improvements will be defined including those noted above relating to 'suspicious activity' and 'verified win'.

Details of the definitions and discussion of the risk management issues are attached.

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Gaming Policy and Enforcement Branch  
Money Laundering Risk Management

## Suspicious Activity

The definition for ‘**suspicious activity**’, in relation to the handling of cash in gaming facilities, includes, but is not limited to, the following types of transactions, attempted transactions and/or situations where cash is involved within a commercial gaming facility:

- Cash transaction greater than \$3,000 which comprises only twenty dollar denominational notes; (includes multiple transactions that in total exceed \$3,000 in a 24 hour period);
- Cash transaction where the bills smell of illegal or suspicious substances;
- Cash transaction where the bills have suffered unusual damage (e.g. being singed)
- Patron requesting a trade up of small bills for larger bills (e.g. \$20 bills to \$100 bills);
- Patron will not provide identification, source of funds or occupation and/or provides unacceptable information;
- Patron’s amount of wagering is disproportionate to the amount of chips purchased;
- Patron conducts a financial transaction for a third party;
- Any casino transaction when a patron requests payment in casino cheques made out to third parties or without a specified payee;
- Patrons are wagering off-setting bets in a particular table game (single or multiple players);
- Patron attempts to avoid the filing of a large cash transaction report by breaking up the transaction either personally or through nominees;
- Patron requests a cheque that is not for gaming winnings;
- Patron enquires about opening an account with the casino and the ability to transfer funds to other locations when the patron is not a regular, frequent or large volume player;
- Patron tenders quantity of US dollars for chips, engages in limited play and then attempts to redeem chips for Canadian dollars;
- Patron is known to use identification under different names; and
- Any financial activity that is contrary to the normal course of business.

Once a transaction or attempted transaction has been deemed to be suspicious, and prior to it being completed, **the transaction must be refused** by the service provider at a commercial gaming facility and immediately reported to GPEB, Investigations Division via a Section 86 Report.

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## Verified Win

The definition for ‘verified win’, for both table game and slot machine activity, is:

- **Table game ‘verified win’** = net amount of chips held by a player once gaming activity is concluded (net amount = win less wagering amount); and
- **Slot machine ‘verified win’** = jackpot.
- ‘**Verified win**’ and issuance of cheque policies and procedures must be improved to ensure that there is documented verification of the ‘win’ and an adequate audit trail to support any subsequent transaction, such as issuance of a service provider cheque.
- - Improvements include, but are not limited to, the following:
    - Cheques **must not** be issued for table game wins unless there is a complete documented tracking of a verified win;
    - CMS Cheque and Cash Redemption slips **must** be attached to Player Cheque Request paperwork to improve audit trail; and
    - Surveillance review of player activity **must** form part of ‘verified win’ documentation.

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## Patron Gaming Fund

Proposed **Patron Gaming Fund** (PGF) account policies and procedures must include all requirements detailed in this document. As well the guiding principle, ‘Know your Client’ risk management approach must be used by gaming service providers in order to exercise appropriate diligence to ensure they understand the background of account holders and the source of funds.

- Improvements include, but are not limited to, the following:
  - Only chips from a ‘verified win’ and Electronic Fund Transfers (EFT) from a Canadian Savings Institution (as defined by FICOM which includes banks, credit unions and trust companies) can be deposited into the account;
  - Cash must never be deposited into a PGF;
  - Chips purchased with cash by a PGF account holder must not be placed into the PGF account. This includes any chips that are ‘verified wins’ from cash purchased chips;
  - PGF account holders must not co-mingle any other chips with chips obtained from the PGF, other than chips obtained from ‘verified wins’;
  - Any transfer of chips to or from a PGF account must be accompanied by a PGF-authorized “PGF transfer slip”; and
  - A PGF will immediately be terminated for any violation of the foregoing requirements.

Français

## **Gaming Control Act, 1992**

### S.O. 1992, CHAPTER 24

**Consolidation Period:** From January 5, 2005 to the e-Laws currency date.

Last amendment: 2002, c.18, Sched.E, s.4.

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**Definitions**

1. (1) In this Act,

“Board” means the board of the Alcohol and Gaming Commission of Ontario established under the *Alcohol and Gaming Regulation and Public Protection Act, 1996*; (“conseil”)

“game of chance” means,

(a) a lottery scheme for which a licence is required, or

(b) a lottery scheme prescribed by the regulations which is conducted and managed by the Ontario Lottery and Gaming Corporation under the authority of paragraph 207 (1) (a) of the *Criminal Code* (Canada); (“jeu de hasard”)

“gaming event” means an occasion on which a game of chance is played; (“activité de jeu”)

“gaming premises” means a place which is kept for the purpose of playing games of chance; (“lieu réservé au jeu”)

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

“licensee” means a person to whom a licence is issued; (“titulaire de licence”)

“person” means an individual, corporation, organization, association or partnership; (“personne”)

“registered gaming assistant” means an individual registered as a gaming assistant under this Act; (“préposé au jeu inscrit”)

“registered supplier” means a person registered as a supplier under this Act; (“fournisseur inscrit”)

“Registrar” means the Registrar of Alcohol and Gaming within the meaning of the *Alcohol and Gaming Regulation and Public Protection Act, 1996*; (“registrateur”)

“regulations” means the regulations made under this Act. (“règlements”) 1992, c. 24, s. 1; 1993, c. 25, s. 26 (1, 2); 1996, c. 26, s. 4 (1, 2); 1999, c. 12, Sched. L, s. 19 (1, 2); 2002, c. 18, Sched. E, s. 4 (1, 2).

(2) REPEALED: 2002, c. 18, Sched. E, s. 4 (3).

**PART I**  
**ADMINISTRATION****GAMING CONTROL COMMISSION**

1.1 REPEALED: 1996, c. 26, s. 4 (4).

1.2 REPEALED: 1996, c. 26, s. 4 (4).

2. REPEALED: 1996, c. 26, s. 4 (5).

3. REPEALED: 1996, c. 26, s. 4 (6).

3.1 REPEALED: 1996, c. 26, s. 4 (7).

3.2 REPEALED: 1996, c. 26, s. 4 (7).

3.3 REPEALED: 1996, c. 26, s. 4 (7).

**3.4 REPEALED:** 1996, c. 26, s. 4 (7).

**3.5 REPEALED:** 1996, c. 26, s. 4 (7).

**Exclusion of individuals**

**3.6** (1) In accordance with the regulations, the Board may issue a written direction to the Ontario Lottery and Gaming Corporation requiring it to refuse access to its gaming premises to any individual who meets the criteria prescribed by the regulations. 1999, c. 12, Sched. L, s. 19 (3); 2002, c. 18, Sched. E, s. 4 (4).

**Not statutory power of decision**

(2) The *Statutory Powers Procedure Act* does not apply to the exercise of the Board's power to issue a direction. 1993, c. 25, s. 30; 2002, c. 18, Sched. E, s. 4 (4).

**No appeal**

(3) A direction of the Board is final and conclusive for all purposes. 1993, c. 25, s. 30; 2002, c. 18, Sched. E, s. 4 (4).

**List of individuals**

(4) A direction shall name the individuals to whom access to gaming premises is to be refused. 1993, c. 25, s. 30; 1999, c. 12, Sched. L, s. 19 (4).

**Notice**

(5) Upon issuing a direction, the Board shall, in accordance with the regulations, serve a copy of it on the individuals named in it. 1993, c. 25, s. 30; 2002, c. 18, Sched. E, s. 4 (4).

**Offence**

(6) No person named in a direction shall enter or remain in gaming premises of the Ontario Lottery and Gaming Corporation after being served with a copy of the direction. 1993, c. 25, s. 30; 1999, c. 12, Sched. L, s. 19 (5).

**Rules of play**

**3.7** The Board may approve in writing rules of play for the playing of games of chance conducted and managed by the Ontario Lottery and Gaming Corporation if the regulations have not prescribed rules of play. 1999, c. 12, Sched. L, s. 19 (6); 2002, c. 18, Sched. E, s. 4 (4).

**3.8 REPEALED:** 1996, c. 26, s. 4 (7).

**3.9 REPEALED:** 1996, c. 26, s. 4 (7).

**3.10 REPEALED:** 1996, c. 26, s. 4 (7).

**3.11 REPEALED:** 1996, c. 26, s. 4 (7).

**3.12 REPEALED:** 1996, c. 26, s. 4 (7).

**3.13 REPEALED:** 1996, c. 26, s. 4 (7).

**3.14 REPEALED:** 1996, c. 26, s. 4 (7).

## **PART II** **REGISTRATION**

**Restrictions on suppliers**

4. (1) Except as provided in this Act and the regulations, no person shall provide goods or services with respect to the playing of a lottery scheme for which a licence is required or hold himself, herself or itself out as providing those goods or services, unless,

(a) the person is registered as a supplier; and

(b) the person is providing those goods or services to a licensee or a registered supplier. 1992, c. 24, s. 4 (1); 1993, c. 25, s. 31 (1).

(1.01) **REPEALED:** 1999, c. 12, Sched. L, s. 19 (7).

**Same**

(1.1) Except as provided in this Act and the regulations, no person shall provide goods or services for a game of chance conducted and managed by the Ontario Lottery and Gaming Corporation or for any other business operated by, or on behalf of,

of, or under contract with the Ontario Lottery and Gaming Corporation operated in conjunction with such a game of chance unless,

- (a) the person is registered as a supplier; and
  - (b) the person is providing those goods or services to the Ontario Lottery and Gaming Corporation or a registered supplier.
- 1999, c. 12, Sched. L, s. 19 (8).

#### **Trade union**

(1.2) In addition to any provision of the *Labour Relations Act, 1995*, no trade union within the meaning of that Act shall represent persons employed in gaming premises unless the trade union and such of its officers, officials and agents as are prescribed by the regulations are registered as suppliers. 1996, c. 26, s. 4 (9).

#### **Services**

- (2) For the purposes of subsections (1) and (1.1), services include,
- (a) providing gaming premises;
  - (b) providing management or consulting services with respect to the playing of games of chance;
  - (c) supplying the services of a person who, for consideration, participates in or facilitates in any manner the playing of a game of chance; or
  - (d) making, fabricating, printing, distributing or otherwise supplying materials or equipment for the playing of games of chance. 1992, c. 24, s. 4 (2); 1993, c. 25, s. 31 (3); 1996, c. 26, s. 4 (10); 2001, c. 9, Sched. D, s. 8 (1).

#### **Change in officers, directors, or partners**

(3) The registration of a corporation or a partnership as a supplier shall be deemed to expire immediately upon any change in the officers or directors of the corporation or any change in the membership of the partnership, unless the Registrar has consented in writing to the change. 1992, c. 24, s. 4 (3).

#### **Name of registered supplier**

(4) No registered supplier shall provide goods or services under a name other than the name under which the supplier is registered. 1992, c. 24, s. 4 (4); 1993, c. 25, s. 31 (4).

#### **Location of premises**

(5) No registered supplier shall provide gaming premises except at a place that is named in the supplier's registration. 1992, c. 24, s. 4 (5).

#### **Prescribed requirements**

(6) If the Ontario Lottery and Gaming Corporation operates gaming premises, it shall do so in accordance with the prescribed requirements for operating such a premises. 1999, c. 12, Sched. L, s. 19 (9).

#### **Restrictions on gaming assistants**

5. (1) Except as provided in this Act and the regulations, no person shall, for consideration, participate in or facilitate in any manner the playing of a game of chance, unless,

- (a) the person is registered as a gaming assistant; and
- (b) the person is supplying those services to a registered supplier or to the Ontario Lottery and Gaming Corporation, as named in the gaming assistant's registration. 1992, c. 24, s. 5 (1); 1999, c. 12, Sched. L, s. 19 (10).

#### **Exception**

(2) Subsection (1) does not apply to registered suppliers who are acting in accordance with this Act, the regulations and the terms of their registration. 1992, c. 24, s. 5 (2).

#### **Only individuals as gaming assistants**

- (3) No person who is not an individual is eligible to be registered as a gaming assistant. 1992, c. 24, s. 5 (3).

#### **Use of gaming assistants**

- (4) No person shall use or provide the services of a gaming assistant, unless,
- (a) the person is the Ontario Lottery and Gaming Corporation or a registered supplier; and

(b) the gaming assistant is a registered gaming assistant of the person. 1992, c. 24, s. 5 (4); 1999, c. 12, Sched. L, s. 19 (11).

#### **Players excepted**

(5) This section does not apply to players of a game of chance. 1992, c. 24, s. 5 (5).

#### **Application for registration**

6. (1) A person who has attained the age of eighteen years may apply to the Registrar to be registered as a supplier or as a gaming assistant or to have a registration renewed. 1992, c. 24, s. 6 (1).

#### **Form of application**

(2) An applicant shall supply to the Registrar such information with respect to the application, including information relating to personal identification, and in such form as the Registrar determines or the regulations prescribe. 1992, c. 24, s. 6 (2).

#### **Registrar's authority**

(3) The Registrar may make such other decisions as he or she considers necessary with respect to the making of applications. 1992, c. 24, s. 6 (3).

#### **Terms of registration**

7. (1) A registration is subject to such terms to give effect to the purposes of this Act as the Registrar proposes and the applicant consents to, the Board imposes or the regulations prescribe. 1992, c. 24, s. 7 (1); 2002, c. 18, Sched. E, s. 4 (6).

#### **Examinations**

(2) The Registrar may require, as a term of registration, that an applicant for registration or renewal of registration pass such examinations or attain such standards as may be prescribed by the regulations. 1992, c. 24, s. 7 (2).

#### **Interpretation, interested person**

8. For the purposes of sections 9 to 11, a person shall be deemed to be interested in another person if,
  - (a) the first person has, or may have in the opinion of the Registrar based on reasonable grounds, a beneficial interest in the other person's business;
  - (b) the first person exercises, or may exercise in the opinion of the Registrar based on reasonable grounds, control either directly or indirectly over the other person's business; or
  - (c) the first person has provided, or may have provided in the opinion of the Registrar based on reasonable grounds, financing either directly or indirectly to the other person's business. 1992, c. 24, s. 8.

#### **Inquiries**

9. (1) The Registrar may make such inquiries and conduct such investigations into the character, financial history and competence of an applicant for registration or renewal of registration, a registrant or persons interested in the applicant or registrant, as are necessary to determine whether the applicant meets the requirements of this Act and the regulations. 1992, c. 24, s. 9 (1).

#### **Same**

(1.1) The Registrar may make such inquiries and conduct such investigations into the character, financial history and competence of persons proposed to be members of the Board of the Ontario Lottery and Gaming Corporation and such employees of the Corporation as the Registrar determines exercise significant decision-making authority with respect to the conduct, management or operation of games of chance. 1999, c. 12, Sched. L, s. 19 (12).

#### **Rights**

(1.2) A person who is the subject of an inquiry or investigation under subsection (1.1) has such rights as may be prescribed by regulation, in addition to the person's other rights at law. 1999, c. 12, Sched. L, s. 19 (12).

#### **Corporations, partnerships**

(2) If the applicant or registrant is a corporation or partnership, the Registrar may make the inquiries into or conduct the investigations of the officers, directors or partners of the applicant or registrant. 1992, c. 24, s. 9 (2).

#### **Costs**

(3) The applicant or registrant shall pay the reasonable costs of the inquiries or investigations or provide security to the Registrar in a form acceptable to him or her for the payment. 1992, c. 24, s. 9 (3).

**Collection of information**

(4) The Registrar may require information or material from any person who is the subject of the inquiries or investigations and may request information or material from any person who the Registrar has reason to believe can provide information or material relevant to the inquiries or investigations. 1993, c. 25, s. 32 (1).

**Verification of information**

(5) The Registrar may require that any information provided under subsection (4) be verified by statutory declaration. 1992, c. 24, s. 9 (5).

**Disclosure**

(6) Despite section 17 of the *Freedom of Information and Protection of Privacy Act* and section 10 of the *Municipal Freedom of Information and Protection of Privacy Act*, the head of an institution within the meaning of those Acts shall disclose to the Registrar the information or material that the Registrar requires under subsection (4). 1993, c. 25, s. 32 (2).

**Registration of suppliers**

**10.** The Registrar shall refuse to register an applicant as a supplier or to renew the registration of an applicant as a supplier if,

- (a) there are reasonable grounds to believe that the applicant will not be financially responsible in the conduct of the business, having regard to the financial history of,
  - (i) the applicant or persons interested in the applicant, or
  - (ii) the officers, directors or partners of the applicant, or persons interested in those officers, directors or partners, in the case of an applicant that is a corporation or partnership;
- (b) there are reasonable grounds to believe that the applicant will not act as a supplier in accordance with law, or with integrity, honesty, or in the public interest, having regard to the past conduct of,
  - (i) the applicant or persons interested in the applicant,
  - (ii) the officers, directors or partners of the applicant, or persons interested in those officers, directors or partners, in the case of an applicant that is a corporation or partnership, or
  - (iii) officers, officials or agents of the applicant, or such other persons as are prescribed by the regulations, in the case of an applicant that is a trade union within the meaning of the *Labour Relations Act, 1995*; or
- (c) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act, the regulations, or the terms of the registration. 1992, c. 24, s. 10; 1993, c. 25, s. 33; 1996, c. 26, s. 4 (11).

**Registration of gaming assistants**

**11.** The Registrar shall refuse to register an applicant as a gaming assistant or to renew the registration of an applicant as a gaming assistant if,

- (a) there are reasonable grounds to believe that the applicant will not act as a gaming assistant in accordance with law, or with integrity, honesty, or in the public interest, having regard to the past conduct of the applicant or persons interested in the applicant; or
- (b) the applicant is carrying on activities that are, or will be, if the applicant is registered, in contravention of this Act, the regulations, or the terms of the registration. 1992, c. 24, s. 11.

**Proposal to suspend or revoke a registration**

**12.** The Registrar may propose to suspend or to revoke a registration for any reason that would disentitle the registrant to registration or renewal of registration under section 10 or 11 if the registrant were an applicant. 1992, c. 24, s. 12.

**Registrar's proposed order**

**13.** (1) If the Registrar refuses to grant or renew a registration or proposes to suspend or revoke a registration, the Registrar shall serve notice of a proposed order, together with written reasons, on the applicant or registrant. 1992, c. 24, s. 13 (1).

**Right to hearing**

(2) The notice of the proposed order shall inform the applicant or registrant that the person is entitled to a hearing before the Board. 1992, c. 24, s. 13 (2); 2002, c. 18, Sched. E, s. 4 (6).

**Request for hearing**

(3) To request a hearing, the person shall serve a written request on the Registrar and the Board within fifteen days after the Registrar serves the notice of the proposed order. 1992, c. 24, s. 13 (3); 2002, c. 18, Sched. E, s. 4 (7).

#### If no hearing

(4) The Registrar may make the proposed order, if the person does not request a hearing within the allowed time. 1992, c. 24, s. 13 (4).

#### Scheduling the hearing

(5) If the person requests a hearing, the Board shall schedule and hold the hearing. 1992, c. 24, s. 13 (5); 2002, c. 18, Sched. E, s. 4 (7).

#### Quorum

(6) Despite subsection 7 (6) of the *Ministry of Consumer and Commercial Relations Act*, one member of the Tribunal constitutes a quorum and may hold the hearing. 1992, c. 24, s. 13 (6).

**A proclamation issued July 1, 2003 provided for the repeal of subsection 13 (6) by proclaiming in force subsection 34 (1) of the *Ontario Casino Corporation Act, 1993* on July 1, 2003. Subsection 34 (1) of that Act provided for the repeal of subsection 13 (6) on proclamation. However, subsection 34 (1) of the *Ontario Casino Corporation Act, 1993* was repealed on April 1, 2000. See: 1999, c. 12, Sched. L, s. 20.**

(7) REPEALED: 1996, c. 26, s. 4 (12).

#### Order of Board

(8) After holding a hearing, the Board may by order,

(a) confirm or set aside the proposed order;

(b) direct the Registrar to take such action as the Board considers the Registrar ought to take to give effect to the purposes of this Act. 1992, c. 24, s. 13 (8); 2002, c. 18, Sched. E, s. 4 (7).

#### Discretion of Board

(9) In making an order, the Board may substitute its opinion for that of the Registrar. 1992, c. 24, s. 13 (9); 2002, c. 18, Sched. E, s. 4 (7).

#### Terms of order

(10) The Board may attach such terms to its order or to the registration as it considers appropriate. 1992, c. 24, s. 13 (10); 2002, c. 18, Sched. E, s. 4 (7).

(11) REPEALED: 1996, c. 26, s. 4 (13).

#### Immediate suspension

14. (1) The Registrar may by order suspend a registration without serving a proposed order under section 13 if he or she considers it to be necessary in the public interest. 1992, c. 24, s. 14 (1).

#### Effect of order

(2) The Registrar shall serve a copy of the order made together with written reasons for it on the registrant and it takes effect immediately on being served. 1992, c. 24, s. 14 (2).

#### Right to hearing

(3) Subsections 13 (2), (3), (5), (8), (9) and (10) apply to the order in the same way as to a proposed order under that section. 1992, c. 24, s. 14 (3); 1996, c. 26, s. 4 (14).

#### Expiry of order

(4) If the registrant requests a hearing, the order expires on the day the order of the Board takes effect. 1992, c. 24, s. 14 (4); 2002, c. 18, Sched. E, s. 4 (6).

#### Combined hearing

(5) If the Registrar makes an order under this section with respect to a registrant before a hearing is held under section 13 with respect to a notice of a proposed order that the Registrar has served on the registrant, the Board may hold only one hearing to deal with both the order made and the proposed order. 1992, c. 24, s. 14 (5); 2002, c. 18, Sched. E, s. 4 (7).

#### Continuation pending renewal

**15.** If within the time prescribed by the regulations, or if no time is prescribed, before the expiry of the registrant's registration, a registrant applies in accordance with the regulations for renewal of registration and pays the fee set out in the regulations, the registration shall be deemed to continue,

- (a) if the Registrar grants the renewal, until the renewal is granted;
- (b) if the Registrar refuses to grant the renewal and the registrant does not request a hearing under section 13, until the time for requesting a hearing has expired; or
- (c) if the Registrar refuses to grant the renewal and the registrant requests a hearing under section 13, until the Board has made its order. 1992, c. 24, s. 15; 2002, c. 18, Sched. E, s. 4 (6).

#### **Cancellation of registration on request**

**16.** The Registrar may cancel a registration upon the request in writing of the registrant and section 13 does not apply. 1992, c. 24, s. 16.

**16.1 REPEALED:** 2002, c. 18, Sched. E, s. 4 (8).

#### **Further applications**

**17.** (1) No person who is refused registration or who is refused renewal of a registration or whose registration is revoked may apply to the Registrar for registration until at least two years have passed since the refusal or revocation. 1992, c. 24, s. 17 (1).

#### **Suspended registrations**

(2) No person whose registration is suspended may apply to the Registrar for registration during the suspension. 1992, c. 24, s. 17 (2).

#### **Rejection of further application**

(3) Despite section 13, the Board may, without giving written reasons, reject an application made after the time period specified in subsection (1) if, in the opinion of the Board, the application discloses no substantial new evidence or no material change in circumstances since the refusal, revocation or suspension took effect. 2002, c. 18, Sched. E, s. 4 (9).

#### **Not statutory power of decision**

(4) The *Statutory Powers Procedure Act* does not apply to the exercise of the power of the Board under subsection (3). 2002, c. 18, Sched. E, s. 4 (9).

#### **Change in address for service**

**18.** Every registered supplier and registered gaming assistant shall, not later than five days after the change, serve the Registrar with a written notice of any change in address for service. 1992, c. 24, s. 18.

### **PART III** **REGULATION OF REGISTRANTS**

#### **Restriction on services**

**19.** (1) No registered supplier or registered gaming assistant shall provide goods or services related to the conduct, management or operation of gaming events, other than those goods or services prescribed by the regulations. 1992, c. 24, s. 19 (1).

#### **Standards**

(2) A registered supplier or registered gaming assistant who provides goods or services in relation to a gaming event shall ensure that the goods or services do not contravene the requirements or standards prescribed by the regulations or the terms of the licence for the gaming event. 1992, c. 24, s. 19 (2).

#### **Restriction on fees**

**20.** (1) No registered supplier shall provide or offer to provide any goods or services in relation to a gaming event on payment of a fee or other consideration that exceeds the amount prescribed by the regulations or permitted by the licence for the gaming event. 1992, c. 24, s. 20 (1).

#### **Gaming event for more than one licensee**

(2) If two or more licensees conduct a gaming event in concert with one another, no registered supplier shall charge more for the goods or services that they provide in relation to the event than the fee or other consideration prescribed by the regulations for a single event. 1992, c. 24, s. 20 (2).

**Gaming premises**

**21.** (1) A registered supplier who provides gaming premises shall manage the premises directly or shall ensure that the premises is managed by a registered gaming assistant of the supplier. 1992, c. 24, s. 21 (1).

**Duty of supplier**

(2) A registered supplier who provides gaming premises shall ensure that the premises is operated in accordance with this Act, the regulations and the terms of the supplier's registration and the licences for gaming events held in the premises. 1992, c. 24, s. 21 (2).

**Duty of gaming assistant**

(3) A registered gaming assistant who is managing gaming premises shall ensure that the premises is operated in accordance with this Act, the regulations, the terms of the registration of the supplier of the premises and the terms of the gaming assistant's registration and the licences for gaming events held in the premises. 1992, c. 24, s. 21 (3).

**Rules of play**

**22.** (1) No registered supplier who provides gaming premises other than premises kept for the playing of games of chance conducted and managed by the Ontario Lottery and Gaming Corporation or registered gaming assistant who provides services to the registered supplier shall permit the playing of games of chance in the premises except in accordance with such rules of play and other requirements as may be prescribed by the regulations. 1992, c. 24, s. 22; 1993, c. 25, s. 36 (1); 1999, c. 12, Sched. L, s. 19 (13).

**Same, games of chance**

(2) No registered supplier who provides services related to the operation of premises kept for playing games of chance conducted and managed by the Ontario Lottery and Gaming Corporation or registered gaming assistant who provides services to the Corporation or a registered supplier shall permit the playing of games of chance in the premises except in accordance with,

- (a) the rules of play prescribed by the regulations;
- (b) the rules of play approved in writing by the Board for games of chance, if none have been prescribed by the regulations; and
- (c) such other requirements as may be prescribed by the regulations. 1993, c. 25, s. 36 (2); 1999, c. 12, Sched. L, s. 19 (14, 15); 2002, c. 18, Sched. E, s. 4 (4).

**Money in games of chance**

**22.1** No registered supplier who provides services relating to the operation of a game of chance conducted and managed by the Ontario Lottery and Gaming Corporation or registered gaming assistant who provides services to the registered supplier shall handle money or money equivalents received from players of the games of chance except in accordance with the rules prescribed by the regulations. 1993, c. 25, s. 37; 1999, c. 12, Sched. L, s. 19 (16).

**Inducing breach of licence**

**23.** No registered supplier or registered gaming assistant shall induce or cause or attempt to induce or cause any breach of the terms of a licence. 1992, c. 24, s. 23.

**Inducing breach of contract**

**24.** No registered supplier or registered gaming assistant shall induce or attempt to induce any party to a contract for gaming services to break the contract for the purpose of entering into another contract for gaming services. 1992, c. 24, s. 24.

**Identification card**

**25.** Subject to the regulations, a registered supplier or registered gaming assistant shall, while performing duties, carry an identification card that the Registrar has issued to the person under this Act and shall produce it for inspection upon request. 1992, c. 24, s. 25.

**Records of registered suppliers**

**26.** (1) Every registered supplier shall keep such records as are prescribed by the regulations, with respect to each gaming premises named in the supplier's registration and with respect to each gaming event for which the supplier provides goods or services. 1992, c. 24, s. 26 (1).

**Financial records**

(2) Every registered supplier shall keep financial records in such form and containing such information as is prescribed by the regulations. 1992, c. 24, s. 26 (2).

#### **Location of records**

(3) Every registered supplier shall keep the records required under this Act in Ontario at the business premises identified in the supplier's application for registration. 1992, c. 24, s. 26 (3).

#### **Other location**

(4) Despite subsection (3), the Registrar, upon a request in writing, may authorize the records to be kept at any other location on such terms as the Registrar may impose. 1992, c. 24, s. 26 (4).

#### **Trust account**

**27.** (1) Every registered supplier shall maintain for the benefit of licensees to whom the supplier provides goods or services an account designated as a trust account in a bank listed in Schedule I or II to the *Bank Act* (Canada), loan or trust corporation, or credit union as defined in the *Credit Unions and Caisses Populaires Act, 1994*. 1992, c. 24, s. 27 (1); 2002, c. 8, Sched. I, s. 13.

#### **Money held in trust**

(2) A registered supplier that receives money described in subsections (3) and (4) shall hold it in trust for the benefit of the licensees to whom the supplier supplies goods or services under a contract. 1992, c. 24, s. 27 (2).

#### **Advances paid by licensee**

(3) A registered supplier shall deposit in the trust account all money a licensee pays in advance to the supplier under a contract for the supply of goods or services and shall not pay it out except for expenses that the supplier actually incurs under the contract or except in accordance with the terms of the supplier's contract with the licensee. 1992, c. 24, s. 27 (3).

#### **Licence fees**

(4) A registered supplier that receives money to pay licence fees on behalf of a licensee shall deposit the money in the trust account and not pay it out except to a licence issuer in accordance with the terms of the supplier's contract with the licensee. 1992, c. 24, s. 27 (4).

#### **Trust money held separately**

(5) A registered supplier shall at all times keep money held in trust separate from money belonging to the supplier and shall disburse the money only in accordance with this Act and the regulations. 1992, c. 24, s. 27 (5).

#### **Filing financial statement**

**28.** When required by the Registrar, a registered supplier shall file an audited financial statement showing the matters specified by the Registrar. 1992, c. 24, s. 28.

**29. REPEALED:** 1996, c. 26, s. 4 (15).

## **PART IV INVESTIGATIONS AND ENFORCEMENT**

### **INVESTIGATIONS**

#### **Facilitating investigation**

**30.** It is a term of registration that every registered supplier and registered gaming assistant facilitate investigations under this Act. 1992, c. 24, s. 30.

#### **Investigators**

**31.** (1) The Registrar may appoint any person to be an investigator for the purpose of determining whether there is compliance with this Act, the regulations, the terms of a licence or the terms of a registration. 1992, c. 24, s. 31 (1); 1993, c. 25, s. 38 (1); 2002, c. 18, Sched. E, s. 4 (10).

#### **Certificate of appointment**

(2) The Registrar shall issue to every investigator a certificate of appointment, bearing the Registrar's signature or a facsimile of it. 1993, c. 25, s. 38 (2); 2002, c. 18, Sched. E, s. 4 (5, 11).

#### **Police officers**

(3) Police officers, by virtue of office, are investigators for the purposes of this Act and the regulations, but subsection (2) does not apply to them. 1992, c. 24, s. 31 (3).

**Proof of appointment**

(4) Every investigator who exercises powers under this Act shall, upon request, produce the certificate of appointment as an investigator or identification as a police officer, as the case may be. 1992, c. 24, s. 31 (4).

**Definition: "record"**

**32.** In sections 33 to 35,

"record" includes a book of account, bank book, voucher, invoice, receipt, contract, correspondence and any other document regardless of whether the record is on paper or is in electronic, photographic or other form. 1992, c. 24, s. 32.

**Search without warrant**

**33.** (1) For the purpose of carrying out an investigation, an investigator may,

- (a) subject to subsection (2), enter a gaming premises and any other place that is being used in relation to a gaming event by a licensee, a registered supplier or a registered gaming assistant, if the investigator believes on reasonable grounds that records or other things relevant to the investigation are located in the place;
- (b) inquire into all financial transactions, records and other matters that are relevant to an investigation;
- (c) demand the production for inspection of anything relevant to the investigation including things used in playing games of chance, records and cash;
- (d) inspect anything relevant to the investigation including things used in the playing of games of chance, records and cash; and
- (e) conduct such tests as are reasonably necessary for the investigation. 1992, c. 24, s. 33 (1); 1993, c. 25, s. 39.

**Entry to dwellings**

(2) For the purposes of carrying out an investigation, an investigator shall not, without the consent of the occupier, exercise a power to enter a place that is being used as a dwelling, except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*. 1992, c. 24, s. 33 (2).

**Use of force**

(3) An investigator shall not use force in carrying out an investigation unless the investigator believes on reasonable grounds that,

- (a) there is sufficient evidence for the issue of a warrant under section 158 of the *Provincial Offences Act*; and
- (b) delay in obtaining the warrant could lead to the destruction, removal or loss of the evidence. 1992, c. 24, s. 33 (3).

**Limits on force**

(4) In using force to carry out an investigation, an investigator shall use only such force as is necessary to carry out the investigation. 1992, c. 24, s. 33 (4).

**Time for exercising powers**

(5) An investigator shall exercise the powers mentioned in subsection (1) only during normal business hours for the place that the investigator has entered. 1992, c. 24, s. 33 (5).

**Written demand**

(6) A demand mentioned in clause (1) (c) shall be in writing and shall include a statement of the nature of the things required. 1992, c. 24, s. 33 (6).

**Obligation to produce**

(7) If an investigator makes a demand under clause (1) (c), the person having custody of the things shall produce them to the investigator. 1992, c. 24, s. 33 (7).

**Removal of things produced**

- (8) On issuing a written receipt, the investigator may remove the things that are produced and may,
  - (a) review or copy any of them; or

- (b) bring them before a justice of the peace, in which case section 159 of the *Provincial Offences Act* applies. 1992, c. 24, s. 33 (8).

#### **Return of things produced**

(9) The investigator shall carry out any reviewing or copying of things with reasonable dispatch, and shall forthwith after the reviewing or copying return the things to the person who produced them. 1992, c. 24, s. 33 (9).

#### **Admissibility of copies**

(10) A copy certified by an investigator as a copy made under clause (8) (a) is admissible in evidence to the same extent, and has the same evidentiary value, as the thing copied. 1992, c. 24, s. 33 (10).

#### **Assistance**

(11) An investigator may call upon any expert for such assistance as he or she considers necessary in carrying out an investigation. 1992, c. 24, s. 33 (11).

#### **Computer search**

(12) For the purpose of carrying out an investigation, an investigator may use any data storage, processing or retrieval device or system belonging to the persons being investigated in order to produce a record in readable form. 1992, c. 24, s. 33 (12).

#### **Search with warrant**

**34.** (1) A justice of the peace may issue a warrant authorizing an investigator named in the warrant to exercise any of the powers mentioned in subsection 33 (1) with respect to a place described in that subsection and named in the warrant, if the justice of the peace is satisfied on information under oath that there are reasonable grounds to believe that the issuance of a warrant is necessary for the enforcement of this Act or the regulations, and,

- (a) the investigator has been denied entry to the place or has been obstructed in exercising any other of those powers with respect to the place; or
- (b) there are reasonable grounds to believe that the investigator will be denied entry to the place or obstructed in exercising any other of those powers with respect to the place. 1992, c. 24, s. 34 (1).

#### **Expiry of warrant**

(2) A warrant issued under this section shall name a date on which it expires, which date shall not be later than thirty days after its issue. 1992, c. 24, s. 34 (2).

#### **Extension of time**

(3) A justice of the peace may extend the date on which a warrant expires for an additional period of no more than thirty days upon application without notice by the investigator named in the warrant. 1992, c. 24, s. 34 (3).

#### **Use of force**

(4) A warrant issued under this section authorizes the investigator named in the warrant to call upon police officers as necessary and to use whatever force is necessary to execute the warrant. 1992, c. 24, s. 34 (4).

#### **Time of execution**

(5) Unless otherwise ordered, a warrant issued under this section shall be executed only during normal business hours for the place named in the warrant. 1992, c. 24, s. 34 (5).

#### **Other matters**

(6) Subsections 33 (7) to (12) apply with necessary modifications to an investigator executing a warrant issued under this section. 1992, c. 24, s. 34 (6).

#### **Obstruction**

- 35.** (1) No person shall obstruct an investigator who is carrying out his or her duties under this Act. 1992, c. 24, s. 35 (1).

#### **Assistance with records**

(2) A person who is required to produce a record for an investigator shall, on request, provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce the record in a readable form. 1992, c. 24, s. 35 (2).

#### **Non-compellable witness**

**36.** No person employed in the administration or enforcement of this Act shall be required to give testimony in any civil proceeding, except in a proceeding under this Act, with regard to information obtained in the discharge of the person's duties. 1992, c. 24, s. 36.

#### REGISTRAR'S ORDERS

##### **Freeze orders**

**37.** (1) The Registrar may order a person who holds money or other assets on behalf of another person to retain the money or assets if,

- (a) an individual makes a statutory declaration to the Registrar in which the individual alleges, setting out facts supporting the allegation, that the person on whose behalf the money or assets are held,
  - (i) has contravened, is contravening or is about to contravene this Act or the regulations,
  - (ii) is subject to criminal proceedings or proceedings in relation to a contravention of any Act that are connected with or arise out of doing things for which registration is required under this Act, or
  - (iii) is the subject of an investigation under this Act; and
- (b) the Registrar, based on the statutory declaration, finds reasonable grounds to believe that the interests of the person on whose behalf the money or assets are held require protection. 1992, c. 24, s. 37 (1); 2002, c. 18, Sched. E, s. 4 (5).

##### **Licensee's money or assets**

(2) If the Registrar believes on reasonable grounds that it is advisable to make an order to ensure that a licensee uses money or assets in accordance with the terms of a licence, the Registrar may,

- (a) order the licensee who holds his, her or its own money or assets, or the person who holds money or assets of the licensee on behalf of the licensee, to retain the money or assets so held; or
- (b) order the licensee to refrain from withdrawing his, her or its own money or assets that another person holds on behalf of the licensee. 1992, c. 24, s. 37 (2); 2002, c. 18, Sched. E, s. 4 (5).

##### **Effect of order**

(3) An order made under this section takes effect immediately upon being served on the person against whom it is made. 1992, c. 24, s. 37 (3).

##### **Branch names**

(4) An order made against a bank, a loan or trust corporation or other financial institution applies only to the office, branch or agency named in the order. 1992, c. 24, s. 37 (4).

##### **Term of order**

(5) A person ordered to hold money or assets under this section shall hold the money or assets in trust for the beneficial owner until the Registrar revokes or varies the order or the court makes an order under section 38. 1992, c. 24, s. 37 (5); 2002, c. 18, Sched. E, s. 4 (5).

##### **Variation or revocation of order**

(6) The Registrar may vary or revoke an order made under this section and may require that the person, whose money or assets are subject to the order, file with the Registrar a form of security acceptable to the Registrar in an amount acceptable to the Registrar. 1992, c. 24, s. 37 (6); 2002, c. 18, Sched. E, s. 4 (5).

##### **Release orders**

**38.** (1) If the Registrar has made an order under section 37, any party, on notice to the other parties, may make an application to the Superior Court of Justice for an order concerning the disposition of the money or assets. 1992, c. 24, s. 38 (1); 2001, c. 9, Sched. D, s. 8 (3); 2002, c. 18, Sched. E, s. 4 (5).

##### **Parties to an application**

- (2) The parties to an application are,
  - (a) the Registrar;
  - (b) the person whose money or assets are the subject of the order;
  - (c) any person against whom the order is made; and

(d) any other person specified by the court. 1992, c. 24, s. 38 (2); 2002, c. 18, Sched. E, s. 4 (5).

#### **Powers of court**

(3) On hearing the application, the court may direct the disposition of the money or assets, set aside or vary the Registrar's order, or make any other order it considers appropriate. 1992, c. 24, s. 38 (3); 2002, c. 18, Sched. E, s. 4 (5).

#### **Proposed order for compliance**

**39.** (1) The Registrar may propose to make an order that a person stop contravening this Act and the regulations or not contravene this Act and the regulations if,

- (a) an individual makes a statutory declaration to the Registrar in which the individual alleges, setting out facts that support the allegation, that the person is contravening, has contravened or is about to contravene this Act or the regulations; and
- (b) the Registrar, based on the statutory declaration, finds reasonable grounds to believe the allegation. 1992, c. 24, s. 39 (1); 2002, c. 18, Sched. E, s. 4 (5).

#### **Notice of proposed order**

(2) The Registrar shall serve notice of the proposed order together with written reasons for it on each person to be named in the order. 1992, c. 24, s. 39 (2); 2002, c. 18, Sched. E, s. 4 (5).

#### **Right to hearing**

(3) The notice of the proposed order shall inform each person receiving it that the person is entitled to request a hearing by the Board. 1992, c. 24, s. 39 (3); 2002, c. 18, Sched. E, s. 4 (6).

#### **Request for hearing**

(4) To request a hearing, the person shall serve a written request on the Registrar and the Board within fifteen days after the Registrar serves the notice of the proposed order. 1992, c. 24, s. 39 (4); 2002, c. 18, Sched. E, s. 4 (5, 7).

#### **If no hearing**

(5) The Registrar may make the proposed order if the person does not request the hearing within the allowed time. 1992, c. 24, s. 39 (5); 2002, c. 18, Sched. E, s. 4 (5).

#### **Immediate order for compliance**

**40.** (1) The Registrar may order a person to stop contravening this Act and the regulations or to not contravene this Act and the regulations without serving a proposed order under section 39 if,

- (a) an individual makes a statutory declaration to the Registrar in which the individual alleges, setting out facts which support the allegation, that the person is contravening, has contravened or is about to contravene this Act or the regulations;
- (b) the Registrar, based on the statutory declaration, finds reasonable grounds to believe the allegation; and
- (c) the Registrar believes it necessary to make an immediate order to protect the public. 1992, c. 24, s. 40 (1); 2002, c. 18, Sched. E, s. 4 (5).

#### **Effect of order**

(2) The Registrar shall serve a copy of the order made together with written reasons for it on each person named in it and it takes effect immediately upon being served. 1992, c. 24, s. 40 (2); 2002, c. 18, Sched. E, s. 4 (5).

#### **Right to hearing**

(3) The copy shall inform each person receiving it that the person is entitled to a hearing by the Board. 1992, c. 24, s. 40 (3); 2002, c. 18, Sched. E, s. 4 (6).

#### **Request for hearing**

(4) To request a hearing, the person shall serve a written request on the Registrar and the Board within fifteen days after the Registrar serves the copy of the order. 1992, c. 24, s. 40 (4); 2002, c. 18, Sched. E, s. 4 (5, 7).

#### **Expiry of order**

(5) If a person requests a hearing, the order expires on the day the order of the Board takes effect under section 41. 1992, c. 24, s. 40 (5); 2002, c. 18, Sched. E, s. 4 (7).

#### **If hearing requested**

**41.** (1) If a person requests a hearing under section 39 or 40, the Board shall schedule and hold the hearing. 1992, c. 24, s. 41 (1); 2002, c. 18, Sched. E, s. 4 (6).

(2) REPEALED: 1993, c. 25, s. 40 (1).

(3) REPEALED: 1996, c. 26, s. 4 (16).

#### **Order of Board**

(4) The Board may by order,

(a) confirm or set aside a proposed order of the Registrar;

(b) order the Registrar to take such action as the Board considers the Registrar ought to take to give effect to the purposes of this Act. 1992, c. 24, s. 41 (4); 2002, c. 18, Sched. E, s. 4 (5, 7).

#### **Discretion of Board**

(5) In making an order, the Board may substitute its opinion for that of the Registrar. 1992, c. 24, s. 41 (5); 2002, c. 18, Sched. E, s. 4 (5, 7).

#### **Terms of order**

(6) The Board may attach any terms to its order that it considers proper to give effect to the purposes of this Act. 1992, c. 24, s. 41 (6); 2002, c. 18, Sched. E, s. 4 (7).

(7) REPEALED: 1996, c. 26, s. 4 (17).

#### **Court order for compliance**

**42.** (1) If a person fails to comply with a Registrar's order made under this Act, the Registrar may, in addition to any other rights, make an application to a judge of the Superior Court of Justice for an order directing the person to comply with the Registrar's order. 1992, c. 24, s. 42 (1); 2001, c. 9, Sched. D, s. 8 (3); 2002, c. 18, Sched. E, s. 4 (5).

#### **Judge's power**

(2) On hearing the application, the judge may make such order as he or she thinks fit. 1992, c. 24, s. 42 (2).

#### **Appeal**

(3) An appeal lies to the Divisional Court from the judge's order. 1992, c. 24, s. 42 (3).

## **PART V GENERAL**

**43.** REPEALED: 1996, c. 26, s. 4 (18).

#### **List of registrants**

**44.** The Registrar may distribute to the public or otherwise make available, in such form as the Registrar determines, a list of all persons registered under this Act. 1992, c. 24, s. 44.

**45.** REPEALED: 1996, c. 26, s. 4 (18).

#### **Offences**

**46.** (1) Every person is guilty of an offence who,

(a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order made under this Act; or

(c) being a registered supplier, fails to comply with a term or condition of registration. 1992, c. 24, s. 46 (1); 1996, c. 26, s. 4 (19).

#### **Same**

(2) Every person is guilty of an offence who contravenes or fails to comply with subsection 3.6 (6), subsection 4 (1), (1.1), (1.2), (4), (5) or (6), subsection 5 (1) or (4), subsection 9 (6), section 18, 19, 20, 21, 22, 22.1, 23, 24 or 25, subsection 26 (1), (2) or (3) or section 27, 28 or 35. 1996, c. 26, s. 4 (20); 1999, c. 12, Sched. L, s. 19 (17); 2001, c. 9, Sched. D, s. 8 (4).

#### **Directors, officers**

(3) It is an offence for any director or officer of a corporation to cause, authorize, permit, or participate or acquiesce in the commission by the corporation of an offence mentioned in subsection (1) or (2). 1992, c. 24, s. 46 (3).

#### **Penalty, non-corporations**

(4) A person other than a corporation convicted of an offence under this Act, other than an offence with respect to section 18, is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both. 1992, c. 24, s. 46 (4).

#### **Penalty, corporations**

(5) A corporation convicted of an offence under this Act, other than an offence with respect to section 18, is liable to a fine of not more than \$500,000. 1992, c. 24, s. 46 (5).

#### **Penalty, other offence**

(6) A person who is convicted of an offence with respect to section 18 is liable to a fine of not more than \$50,000. 1992, c. 24, s. 46 (6).

#### **Limitation period**

(7) No proceeding under clause (1) (a) shall be commenced more than one year after the facts upon which it is based first came to the knowledge of the Registrar. 1992, c. 24, s. 46 (7).

#### **Same**

(8) No proceeding under clause (1) (b) or (c) or subsection (2) or (3) shall be commenced more than two years after the time when the subject matter of the proceeding arose. 1992, c. 24, s. 46 (8); 1996, c. 26, s. 4 (21).

#### **Crown bound**

47. This Act binds the Crown. 1992, c. 24, s. 47.

#### **Gaming debt illegal**

**47.1** No person may use civil proceedings to recover money owing to the person resulting from the participating in or betting on a lottery scheme within the meaning of section 207 of the *Criminal Code* (Canada) conducted in Ontario unless the lottery scheme is authorized under subsection 207 (1) of the Code. 1993, c. 25, s. 42.

#### **Regulations**

48. (1) The Lieutenant Governor in Council may make regulations,

(a) prescribing anything that is referred to in this Act as being prescribed by the regulations;

(b) exempting any person or class of persons from any or all of the provisions of this Act and the regulations;

(c) classifying registered suppliers, registered gaming assistants and gaming premises for the purpose of any requirement under this Act;

(d) governing applications for registration or renewal of registration of suppliers and gaming assistants;

(e) prescribing terms of registration for suppliers and gaming assistants;

(f) REPEALED: 1996, c. 26, s. 4 (22).

(f.1) REPEALED: 2002, c. 18, Sched. E, s. 4 (12).

(g) requiring registrants to provide security in such form and on such terms as are prescribed, and providing for the forfeiture of the security and the disposition of the proceeds;

(h) prescribing the goods or services related to the conduct, management or operation of a gaming event that a registered supplier or registered gaming assistant may provide;

(i) prescribing requirements or standards for goods or services provided by registered suppliers and registered gaming assistants in relation to gaming events;

(j) prescribing the fees or other consideration that registered suppliers may charge;

(k) prescribing rules related to the scheduling of gaming events;

(k.1) prescribing requirements and criteria for the purposes of subsection 3.6 (1);

(k.2) REPEALED: 1996, c. 26, s. 4 (23).

- (l) requiring and setting standards for security and surveillance at gaming events;
- (m) prescribing rules of play for games of chance;
- (m.1) prescribing rules governing the use of credit extended to players of games of chance;
- (m.2) prescribing rules relating to the handling of money and money equivalents received from players of games of chance;
- (n) requiring and governing books, accounts and other records to be kept by registered suppliers, including prescribing time schedules for their retention;
- (o) governing trust accounts of registered suppliers, including the holding and disbursement of money in respect of those accounts;
- (p) prescribing the manner in which registered suppliers maintain their trust accounts and other records;
- (q) requiring registered suppliers or registered gaming assistants to make returns and furnish information to the Registrar;
- (r) requiring any information required to be furnished or contained in any form or return to be verified by statutory declaration;
- (s) REPEALED: 1996, c. 26, s. 4 (25).
- (t) respecting any matter necessary to facilitate the implementation of this Act. 1992, c. 24, s. 48; 1993, c. 25, s. 43 (1-3); 1996, c. 26, s. 4 (22-25); 1999, c. 12, Sched. L, s. 19 (18); 2002, c. 18, Sched. E, s. 4 (12).

**Restriction**

(2) A regulation made under this Act may be general or specific in nature. 1993, c. 25, s. 43 (4).

**49. OMITTED (AMENDS OR REPEALS OTHER ACTS).** 1992, c. 24, s. 49.

**50. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).** 1992, c. 24, s. 50.

**51. OMITTED (ENACTS SHORT TITLE OF THIS ACT).** 1992, c. 24, s. 51.

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**Gaming Control Act, 1992**  
**Loi de 1992 sur la réglementation des jeux**

**ONTARIO REGULATION 385/99**

**GAMES OF CHANCE CONDUCTED AND MANAGED BY THE ONTARIO LOTTERY AND GAMING CORPORATION**

**Consolidation Period:** From December 14, 2001 to the e-Laws currency date.

Last amendment: O.Reg. 478/01.

*This Regulation is made in English only.*

**DEFINITIONS AND APPLICATION OF REGULATION**

**1. In this Regulation,**

“casino” means a place that is kept for the purpose of playing a prescribed lottery scheme, but does not include a charity casino or a slot machine facility;

“charity casino” means a charity casino as defined in the *Ontario Lottery and Gaming Corporation Act, 1999*;

“chip” means a symbol of value that is issued for the playing of games of chance in a casino or charity casino and that is redeemable for cash at the casino or at a charity casino, as the case may be;

“gaming employee” means an individual who is employed in the operation of a casino, charity casino, slot machine facility or prescribed lottery scheme, whose regular duties require access to any area of the premises used for gaming-related purposes and who does not supervise other individuals, but does not include an employee whose activities, in the opinion of the Registrar, do not affect the integrity of the operation of the gaming premises;

“gaming equipment” means equipment, including a slot machine, that,

- (a) could influence the outcome of a game of chance that is held in a casino, charity casino or slot machine facility or that is a prescribed lottery scheme, or
- (b) is integral to the conduct, management or operation of a game of chance described in clause (a);

“gaming key employee” means an individual who is employed in the operation of a gaming premises that is a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme and who,

- (a) exercises significant decision-making authority with respect to the operation of the gaming premises,
- (b) is the head of a department that is responsible for human resources, accounting, audit, purchasing or compliance with respect to the gaming premises,
- (c) in the opinion of the Registrar, supervises gaming employees employed in the operation of the gaming premises, or
- (d) under contract with the Ontario Lottery and Gaming Corporation or the operator of the gaming premises, provides training to individuals in gaming, dealing, equipment installation, maintenance or repairs or any other gaming-related aspect of the premises;

“gaming management system” means any computer-based equipment or equipment that relies on mechanical or electronic devices used in the operation of a game of chance held in a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme, and includes links connected to progressive slot machines, computerized keno games, computerized systems for monitoring slot machines, stand-alone progressive systems for table games that have progressive jackpots and equipment used for recording or transmitting gaming information or information about transactions relating to gaming security;

“gaming-related supplier” means a person, other than the Ontario Lottery and Gaming Corporation, who,

- (a) manufactures, provides, installs, maintains or repairs gaming equipment or provides gaming services that,
  - (i) could influence the outcome of a game of chance that is held in a casino, charity casino or slot machine facility or that is a prescribed lottery scheme, or
  - (ii) is integral to the conduct, management or operation of a game of chance described in subclause (i),
- (b) provides, installs, maintains or repairs a surveillance system for a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme,

- (c) manufactures, provides, installs, maintains, repairs or operates a gaming management system,
- (d) operates a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme, or
- (e) under contract with the Ontario Lottery and Gaming Corporation or the operator of a gaming premises that is a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme, provides training to individuals in gaming, dealing, equipment installation, maintenance or repairs or any other gaming-related aspect of the gaming premises, but is not a registered gaming key employee;

“non-gaming-related supplier” means a person who provides goods or services that relate to the construction, furnishing, repair, maintenance or business of a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme, but that are not directly related to the playing of games of chance, and includes a landlord of premises used for gaming-related purposes;

“operator” means the Ontario Lottery and Gaming Corporation or a registered gaming-related supplier who operates a gaming premises that is a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme under contract with the Ontario Lottery and Gaming Corporation;

“prescribed lottery scheme” means a lottery scheme that is prescribed by section 2;

“Registrar” means the Registrar of Alcohol and Gaming;

“slot machine” has the same meaning as in subsection 198 (3) of the *Criminal Code* (Canada);

“slot machine facility” means a place that is kept for the purpose of playing a game of chance operated on or through a slot machine, and includes the premises where services ancillary to the game of chance are provided, but does not include a casino or a charity casino;

“token” means a symbol of value that is issued for playing slot machines and that is redeemable for cash at a gaming premises;

“trade union” means a trade union within the meaning of the *Labour Relations Act, 1995* that represents persons employed in a gaming premises. O. Reg. 385/99, s. 1; O. Reg. 208/00, s. 2.

2. The following lottery schemes are prescribed for the purposes of clause (b) of the definition of “game of chance” in subsection 1 (1) of the Act:

1. A lottery scheme operated on or through a slot machine.
2. A lottery scheme played on tables or wheels of fortune, including card games, roulette, keno, and dice games. O. Reg. 208/00, s. 3.

#### CLASSES OF REGISTRANTS

3. The following classes of suppliers are established for the purposes of registration under the Act:

1. Gaming-related supplier.
2. Non-gaming-related supplier.
3. Trade union. O. Reg. 385/99, s. 3.

4. No person, other than the Ontario Lottery and Gaming Corporation or a registered gaming-related supplier, is authorized to do any of the actions described in the definition of “gaming-related supplier” in section 1. O. Reg. 385/99, s. 4; O. Reg. 208/00, s. 4.

5. (1) No person, other than the Ontario Lottery and Gaming Corporation or a person registered as a non-gaming-related supplier or gaming-related supplier, is authorized to do any of the actions described in the definition of “non-gaming-related supplier” in section 1. O. Reg. 385/99, s. 5 (1); O. Reg. 208/00, s. 5.

(2) A person who provides goods or services for the operation of a gaming premises is exempt from the requirement to register as a non-gaming-related supplier and from subsection (1) if the person has obtained a written certificate of exemption from the Registrar stating that,

- (a) in the opinion of the Registrar,
  - (i) in any 12-month period starting April 1 and ending March 31 of the next year, the value of the goods or services that the person provides to any one gaming premises does not exceed \$100,000 and that the total value of the goods or services that the person provides to all casinos, charity casinos, slot machine facilities and premises used for a prescribed lottery scheme does not exceed \$300,000, or
  - (ii) the person’s business is regulated by the government of Ontario or Canada or an agency of them and the regulating body has carried out a due diligence investigation of the person that is satisfactory to the Registrar; and
- (b) the Registrar is satisfied that issuing the certificate is not contrary to the public interest.
- (3) The certificate of exemption shall identify the business premises of the person who is exempted.

(4) A holder of a certificate of exemption shall produce it on demand and, if the holder is a corporation or partnership, notify the Registrar in writing immediately of all changes in the officers, directors or partners.

(5) A certificate of exemption ceases to be effective if,

- (a) the Registrar determines that the certificate is contrary to the public interest and so notifies the holder;
- (b) the value of the goods or services that the holder had provided exceeds the limits set out in subclause (2) (a) (i) and the certificate was not issued under subclause (2) (a) (ii); or
- (c) the expiry date set out on the certificate has passed.

(6) A holder of a certificate of exemption shall notify the Registrar in writing within five days of any change in address or material change in any person who is the owner or beneficial owner of the business for which the certificate of exemption is issued.

(7) A holder of a certificate of exemption that ceases to be effective under clause (5) (a) or (b) shall immediately notify the Registrar of that fact and return the certificate to the Registrar.

(8) A holder of a certificate of exemption issued under subclause (2) (a) (ii) shall immediately notify the Registrar if the person's business ceases to be regulated by the government of Ontario or Canada or an agency of them. O. Reg. 385/99, s. 5 (2-8).

**6.** The following classes of gaming assistants are established for the purpose of registration under the Act:

1. Gaming key employee.

2. Gaming employee. O. Reg. 385/99, s. 6.

7. No person, other than a registered gaming key employee, is authorized to do any of the actions described in the definition of "gaming key employee" in section 1. O. Reg. 385/99, s. 7.

8. No person, other than a registered gaming employee, is authorized to do any of the actions described in the definition of "gaming employee" in section 1. O. Reg. 385/99, s. 8.

9. (1) An individual is exempt from the requirement to register as a gaming key employee or gaming employee if,

- (a) the individual is employed by a registered non-gaming-related supplier or by the holder of a certificate of exemption mentioned in subsection 5 (2) and the individual is not an individual described in subsection (2); or
- (b) the individual is employed by a registered gaming-related supplier who manufactures, provides, installs, maintains or repairs gaming equipment or a gaming management system and the individual completes and files with the Registrar the information return that is required under subsection 16 (3).

(2) An individual whose regular duties of employment require access to any area of a slot machine facility used for gaming-related purposes or who supervises such an individual is not exempt from the requirement to register as a gaming key employee or gaming employee. O. Reg. 385/99, s. 9.

#### APPLICATIONS

**10.** (1) An application for registration or renewal of registration as a supplier or a gaming assistant under this Regulation shall be in a form provided by the Registrar and shall state the class or classes of registration for which the applicant is applying and an address for service in Ontario.

(2) The application shall be accompanied by the fee established by the board of the Commission. O. Reg. 385/99, s. 10 (1, 2).

(3) An application for registration as a gaming key employee or gaming employee shall be accompanied by an offer of employment by an operator or a non-gaming-related supplier. O. Reg. 385/99, s. 10 (3); O. Reg. 208/00, s. 6.

(4) The offer of employment mentioned in subsection (3),

- (a) must be signed by an authorized signing official;
- (b) must be conditional on the application being granted; and
- (c) must not have been withdrawn before the application is granted. O. Reg. 385/99, s. 10 (4).

**11.** (1) Upon receiving a completed application under section 10, the Registrar shall consider the application and either grant it or refuse it. O. Reg. 385/99, s. 11 (1).

(2) If an application for registration or renewal of registration as a gaming key employee or gaming employee is accompanied by an offer of employment by an operator, the Registrar shall not grant the application unless the operator has submitted an application to the Registrar for registration as a gaming-related supplier, is a registered gaming-related supplier or the Ontario Lottery and Gaming Corporation. O. Reg. 385/99, s. 11 (2); O. Reg. 208/00, s. 7 (1).

(3) If an application for registration or renewal of registration as a gaming key employee or gaming employee is accompanied by an offer of employment by a non-gaming-related supplier, the Registrar shall not grant the application unless

the supplier has submitted an application to the Registrar for registration as a non-gaming-related supplier or is a registered non-gaming-related supplier or the holder of a certificate of exemption mentioned in subsection 5 (2).

(4) Upon granting an application, the Registrar shall issue a certificate of registration to the applicant stating the expiry date of the registration.

(5) A registration that is granted or renewed expires four years from the date set out on the certificate of registration. O. Reg. 385/99, s. 11 (3-5).

(6) Despite subsection (5), the registration of a gaming employee or gaming key employee shall terminate if,

- (a) the Registrar refuses an application for registration or renewal of registration as a gaming-related supplier by the operator named in the registrant's registration;
- (b) the Registrar refuses an application for registration or renewal of registration as a non-gaming-related supplier by the non-gaming-related supplier named in the registrant's registration;
- (c) the registration of the operator or the non-gaming-related supplier named in the registrant's registration is terminated; or
- (d) the registrant's employment with the operator or the non-gaming-related supplier named in the registrant's registration is terminated. O. Reg. 385/99, s. 11 (6); O. Reg. 208/00, s. 7 (2).

(7) The Registrar shall revive the registration of a gaming key employee or gaming employee that has terminated under subsection (6) if,

- (a) within 30 days after the termination of the registration, the registrant applies to the Registrar to have the name of the operator or the non-gaming-related supplier named in the registration replaced with the name of another operator or non-gaming-related supplier; and
- (b) the Registrar grants the application. O. Reg. 385/99, s. 11 (7); O. Reg. 208/00, s. 7 (3).

(8) An application described in clause (7) (a) shall be accompanied by an offer of employment by the operator or the non-gaming-related supplier named in the application that,

- (a) must be signed by an authorized signing official;
- (b) must be conditional on the application being granted; and
- (c) must not have been withdrawn before the application is granted. O. Reg. 385/99, s. 11 (8); O. Reg. 208/00, s. 7 (4).

(9) The Registrar shall grant an application described in clause (7) (a) if it is complete. O. Reg. 385/99, s. 11 (9).

**12.** A registered gaming key employee or registered gaming employee who is employed by the Ontario Lottery and Gaming Corporation is exempt from the requirement in clause 5 (1) (b) of the Act to have a registered supplier named in the registration. O. Reg. 385/99, s. 12; O. Reg. 208/00, s. 8.

#### TERMS OF REGISTRATION

**13.** (1) The requirements set out in sections 14 to 34 for registrants are terms of their registration. O. Reg. 385/99, s. 13 (1).

(2) REVOKED: O. Reg. 208/00, s. 9.

#### CERTIFICATES

**14.** (1) Every supplier registered under this Regulation shall prominently display the supplier's certificate of registration or a copy of the certificate at the business premises identified in the supplier's registration.

(2) Every gaming assistant registered under this Regulation shall carry the certificate of registration when carrying out any duties of employment. O. Reg. 385/99, s. 14.

#### STANDARDS AND RECORDING

**15.** Every supplier registered under this Regulation and every gaming assistant registered under this Regulation who provides goods or services with respect to a game of chance shall comply with,

- (a) the standards for the goods and services that the Registrar specifies to ensure the safety, security and integrity of the games of chance; and
- (b) the requirements that the Registrar specifies with respect to the recording and maintaining of financial and related information in a timely, accurate and auditable manner. O. Reg. 385/99, s. 15.

#### RESPONSIBILITIES FOR EMPLOYEES AND SUPPLIERS

**16.** (1) Every supplier registered under this Regulation shall be responsible for the conduct of every person employed by the supplier in the performance of their duties in relation to the supplier's registration.

(2) Every supplier registered under this Regulation shall ensure that every individual employed by the supplier in relation to the supplier's registration has the registration required to perform the functions assigned to or carried out by the employee.

(3) Every supplier registered under this Regulation shall ensure that its employees who provide goods or services for the operation of a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme and who are not required to be registered as gaming assistants, complete and file with the Registrar an information return about those goods and services, in the form and within the time specified by the Registrar.

(4) Every operator of a gaming premises shall comply with the Registrar's policy on access to the premises by its suppliers and their employees.

(5) Every supplier registered under this Regulation and every holder of a certificate of exemption mentioned in subsection 5 (2) shall ensure that its employees who provide goods or services for the operation of a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme, comply with the Registrar's policy on access to the premises. O. Reg. 385/99, s. 16.

**17.** (1) An operator of a gaming premises shall not contract with or employ a person to do anything with respect to the provision of goods or services to the premises that the person is not authorized to do under this Regulation.

(2) A supplier registered under this Regulation shall provide a list to the Registrar, in the form and within the time specified by the Registrar, of the names of all persons whom the supplier employs or contracts with in relation to the supplier's registration.

(3) A supplier registered under this Regulation shall notify the Registrar in writing of the names of all gaming assistants who are registered as gaming employees or gaming key employees whom the supplier ceases to employ. O. Reg. 385/99, s. 17.

#### FLOOR PLAN

**18.** (1) An operator shall not provide gaming premises or provide goods or services with respect to the playing of a game of chance at a gaming premises unless,

- (a) the operator has submitted to the Registrar a floor plan of the premises; and
- (b) the Registrar has approved the floor plan.

(2) The floor plan shall show the location of all gaming equipment, count rooms, cages and other equipment and facilities.

(3) An operator who proposes to make changes to the approved floor plan shall submit to the Registrar for approval a floor plan of the premises showing the proposed changes.

(4) In determining whether to approve a floor plan under subsection (1) or changes to a floor plan under subsection (3), the Registrar shall have regard to security at the premises and the integrity of the operations at the premises.

(5) An operator shall ensure that its operations are conducted in accordance with the floor plan approved by the Registrar. O. Reg. 385/99, s. 18.

#### SURVEILLANCE PLAN

**19.** (1) An operator shall not provide gaming premises unless,

- (a) the operator has submitted to the Registrar a surveillance plan (including diagrams, where appropriate) for the surveillance of activities related to the playing of games of chance at the premises; and

(b) the Registrar has approved the surveillance plan as meeting or exceeding the minimum standards established by the Registrar for security.

(2) The surveillance plan shall include,

- (a) a floor plan of the premises showing the placement of all surveillance equipment in relation to the areas under surveillance;

(b) a description of the surveillance equipment and its capabilities;

(c) a description of the operator's policies and procedures with respect to surveillance, including the areas of the premises under surveillance, the types of activities that are recorded and the periods of time for which recordings of activities are kept;

(d) a description of the operator's policies and procedures with respect to access to the surveillance equipment and the areas of the premises in which it is placed; and

(e) a description of the operator's plan for carrying out surveillance if the surveillance equipment in use fails.

(3) An operator who proposes to make changes to the approved surveillance plan shall submit to the Registrar for approval an amendment to the surveillance plan showing the proposed changes.

(4) In determining whether to approve a surveillance plan under subsection (1) or changes to a surveillance plan under subsection (3), the Registrar shall have regard to security at the premises and the integrity of the operations at the premises.

(5) An operator shall ensure that its operations are conducted in accordance with the policies and procedures relating to the surveillance plan approved by the Registrar.

(6) If there is a failure of surveillance capability in the premises, the operator shall ensure that no games of chance are conducted, managed or operated until the use of the surveillance is restored. O. Reg. 385/99, s. 19.

#### SECURITY

**20.** (1) An operator shall not provide gaming premises unless,

- (a) the operator has submitted to the Registrar its policies and procedures relating to security at the premises; and
- (b) the Registrar has approved the policies and procedures.

(2) The policies and procedures shall include,

- (a) a detailed description of the responsibilities of the security department;
- (b) procedures for handling and moving money and money equivalents and any gaming equipment or devices, including playing cards and dice;
- (c) procedures for transferring money between the premises and a financial institution;
- (d) procedures for ensuring the security of equipment at the premises;
- (e) procedures for dealing with persons suspected of having used counterfeit money, money equivalents or forged or stolen cheques, traveller's cheques, credit cards, debit cards or smart cards, that distinguish the procedures to be followed according to whether the suspect is within the premises or has left;
- (f) procedures for preventing individuals described in section 32 from playing games of chance in the premises;
- (g) procedures for dealing with persons trespassing on the premises;
- (h) procedures for protecting players who have won large sums of money; and
- (i) procedures for evacuating the premises in an emergency.

(3) An operator who proposes to make changes to the approved policies and procedures for security shall submit to the Registrar for approval the amended policies and procedures showing the proposed changes.

(4) In determining whether to approve the policies and procedures under subsection (1) or changes under subsection (3), the Registrar shall have regard to security at the premises and the integrity of the operations at the premises.

(5) An operator shall ensure that its operations are conducted in accordance with the policies and procedures relating to security approved by the Registrar. O. Reg. 385/99, s. 20.

#### GAMING EQUIPMENT

**21.** (1) A registered gaming-related supplier shall not provide, install, maintain or repair gaming equipment or provide, install, maintain, repair or operate a gaming management system for a gaming premises unless the Registrar has approved the gaming equipment or the system, as the case may be, for use.

(2) A registered gaming-related supplier shall not provide gaming equipment or a gaming management system for a gaming premises except in accordance with the Registrar's approval.

(3) A registered gaming-related supplier shall not modify the gaming equipment or gaming management system approved by the Registrar without the prior written approval of the Registrar for the modification and shall disclose to the Registrar all of the modifications at the time of requesting the Registrar's approval for a modification.

(4) In determining whether to approve gaming equipment or a gaming management system under subsection (1) or modifications under subsection (2), the Registrar,

- (a) shall have regard to the technical integrity, safety and security of the equipment or the system, as the case may be, including its accounting capability, and the integrity of the games of chance held at the gaming premises;
- (b) may require that the equipment or the system, as the case may be, be tested with respect to the factors mentioned in clause (a) at the expense of the supplier; and
- (c) may approve, without testing, the equipment or the system, as the case may be, if it has been approved in another jurisdiction where gaming is legal.

(5) The supplier shall inform the Registrar in writing immediately if the supplier becomes aware of any problem with the integrity, security or accounting capability of any gaming equipment or gaming management system at the gaming premises.

(6) The Registrar may revoke the approval of any gaming equipment or gaming management system if there is a problem with the integrity, security or accounting capability of any gaming equipment or gaming management system. O. Reg. 385/99, s. 21.

**22.** (1) An operator of a gaming premises shall not permit any person to use gaming equipment at the premises if the equipment has been, in any way, tampered with so that it could affect,

- (a) its integrity, security or accounting capability; or
- (b) the outcome or payout of a game of chance held at the premises.

(2) The operator shall not permit any person to use an electrical, mechanical or other device, including a calculator or a computer, in the gaming premises if the device could assist in projecting the outcome of a game of chance, keep track of cards that have been dealt or change probabilities or playing strategies used in a game of chance. O. Reg. 385/99, s. 22.

**23.** (1) A registered gaming-related supplier shall not, in any location other than a gaming premises, install, maintain or repair gaming equipment or install, maintain, repair or operate a gaming management system for a gaming premises unless,

- (a) the supplier has submitted to the Registrar a security plan to ensure the security of the equipment or the system, as the case may be, the security of the location and the integrity of the games of chance held at the gaming premises; and
- (b) the Registrar has approved the security plan.

(2) The security plan shall include,

- (a) a floor plan of the location showing the placement of all security equipment in relation to the areas covered by the plan;
- (b) a description of the security equipment and its capabilities;
- (c) a description of the supplier's policies and procedures with respect to security, including areas of the location covered by the plan, procedures for the handling and moving of the gaming equipment or the gaming management system and procedures for dealing with persons trespassing on the location; and
- (d) a description of the supplier's plan for maintaining security if the security equipment in use fails.

(3) A supplier who proposes to make changes to the security plan shall submit to the Registrar for approval an amendment to the security plan showing the proposed changes.

(4) In determining whether to approve a security plan under subsection (1) or changes to a security plan under subsection (3), the Registrar shall have regard to,

- (a) the security of the gaming equipment and the gaming management system;
- (b) the security of the premises in which the gaming equipment or the gaming management system may be located on a permanent or temporary basis; and
- (c) the security of modes of transportation used to move the gaming equipment or the gaming management system. O. Reg. 385/99, s. 23.

#### INTERNAL CONTROLS

**24.** (1) An operator of a gaming premises shall put in place a system of internal controls that meets the minimum standards established by the Registrar to ensure the safe handling and movement of money and money equivalents in the premises and the maintenance of timely and accurate accounting information and data.

(2) The internal control system shall contain a description of the procedures that the operator has adopted to ensure compliance with sections 27 and 28.

(3) An operator of a casino or charity casino shall have an independent licensed public accountant review the internal control system and prepare a report on whether or not the system is in compliance with the policies of the Registrar on internal controls and with the operator's stated internal control system.

(4) An operator of a slot machine facility shall, if required to do so by the Registrar, have an independent licensed public accountant review the internal control system and prepare a report on whether or not the system is in compliance with the policies of the Registrar on internal controls and with the operator's stated internal control system.

(5) An accountant's report prepared pursuant to subsection (3) or (4) shall set out all suggestions for improvements or changes to the internal control system.

(6) The operator shall submit a report under this section to the Registrar within the time period specified by the Registrar.

(7) The operator shall implement all changes to the internal control system required by the Registrar within the time period specified by the Registrar.

(8) The Registrar may require the operator to make changes to the internal control system at any time.

(9) In determining whether to require an operator to make changes to the internal control system, the Registrar shall consider, in addition to the Registrar's policies on internal controls, whether the system provides reasonable assurance that,

- (a) financial records and reporting will be accurate, reliable and prepared on a timely basis;
- (b) the potential for error and fraud has been minimized;
- (c) money and money equivalents will be safeguarded; and
- (d) efficient operations are promoted.

(10) An operator shall pay the costs of a report mentioned in this section.

(11) An operator shall ensure that its operations are conducted in accordance with the internal control system approved by the Registrar. O. Reg. 385/99, s. 24.

#### CHIPS AND TOKENS

**25.** (1) An operator shall not issue or permit the use of chips or tokens for playing games of chance, or redeem those chips or tokens, unless the Registrar has approved the chips or tokens.

(2) An operator shall not issue or permit the use of approved chips or tokens for playing of games of chance except in accordance with the approval.

(3) A gaming-related supplier shall not supply chips or tokens to an operator unless the Registrar has approved them.

(4) A gaming-related supplier shall not supply approved chips or tokens to an operator except in accordance with the approval.

(5) The Registrar may approve a chip or token that,

- (a) does not resemble the coinage of Canada;
- (b) is designed and manufactured to minimize the possibility of counterfeiting;
- (c) in the case of a chip, is designed and manufactured to permit the value of each chip in a stack of chips to be distinguished when viewed on a closed-circuit television;
- (d) bears the manufacturer's name or a distinctive logo or other mark identifying the manufacturer;
- (e) bears the name of the issuer; and
- (f) except in the case of non-value chips used exclusively for the playing of roulette, indicates the value of the chip or token.

(6) The Registrar may approve, without testing, chips or tokens that have been approved in another jurisdiction where gaming is legal.

(7) A gaming-related supplier, including an operator, seeking the Registrar's approval of chips or tokens shall pay the costs incurred in having them examined or tested. O. Reg. 385/99, s. 25.

**26.** (1) An operator of a casino or charity casino shall have a primary and secondary set of value chips at all times unless there are reasons that make compliance with this requirement impractical and the Registrar authorizes the non-compliance in writing.

(2) The secondary set of chips shall consist of chips of a different colour than those in the primary set and may be limited to chips in denominations of \$20 or more.

(3) An operator shall remove the primary set of chips from play if,

- (a) the chips in the set are in some way defective;
- (b) the operator believes that there are counterfeit chips in play; or
- (c) the Registrar has reasonable grounds for believing that the circumstances set out in clause (a) or (b) exist and requests the removal.

(4) The operator shall inform the Registrar immediately whenever the operator removes the primary set of chips from play.

(5) Upon removing the primary set of chips from play, the operator shall replace it with the secondary set of chips and obtain a new secondary set of chips. O. Reg. 385/99, s. 26.

#### LARGE CASH TRANSACTIONS

**27.** (1) Unless an operator complies with subsection (2), the operator shall not,

- (a) redeem \$10,000 or more worth of chips or tokens from a player for cash in any transaction;

- (b) at a casino, accept \$10,000 or more in cash as a wager at any gaming activity at which chips are not customarily used for wagering; or
  - (c) in any cash transaction, sell \$10,000 or more worth of chips or tokens to a player.
- (2) On doing any of the activities described in clauses (1) (a), (b) and (c), the operator shall record,
- (a) the player's name and permanent address after verifying them by examining a valid driver's licence, passport or similar piece of identification bearing the player's photograph;
  - (b) the particulars of the document used to verify the player's name and permanent address and the number of the document;
  - (c) the date and amount of the transaction; and
  - (d) the name, position title and signature of the person completing the transaction and recording the information on behalf of the operator.
- (3) The operator shall forward daily to the operator's accounting department the information recorded and shall keep it for five years. O. Reg. 385/99, s. 27.
- 28.** (1) An operator shall log and aggregate all cash transactions of an amount of \$2,500 or more occurring within a 24-hour period between the operator and a specific patron, or a person who the operator knows or has reason to believe is the patron's agent, at the cage, gaming table, slot department, pit or foreign exchange booth.
- (2) An operator shall log and aggregate all cash transactions of an amount under \$2,500 occurring within a 24-hour period between the operator and a patron, or a person who the operator knows or has reason to believe is the patron's agent, at the cage, gaming table, slot department, pit or foreign exchange booth if any officer or employee of the operator has reason to believe that the transaction is one of a series of transactions that together may amount to \$10,000 or more in a 24-hour period.
- (3) When the transactions logged and aggregated pursuant to subsections (1) and (2) amount to \$10,000 or more, the identification and record-keeping requirements set out in section 27 apply. O. Reg. 385/99, s. 28.

#### CREDIT

- 29.** (1) No operator of a gaming premises shall permit a player to play games of chance at the premises other than on a cash basis but the operator of a casino may provide credit to players in the casino in accordance with this section.
- (2) In this section,
- “countercheque” means a pre-printed instrument signed by a player in a casino that is endorsed “for deposit only” to a bank account of the operator of the casino;
- “credit” means an authorization to draw a countercheque to facilitate playing games of chance in a casino.
- (3) Before the operator of a casino approves a credit limit for a player, an employee employed in the credit department of the casino shall prepare a credit file for the player.
- (4) The credit file shall include a credit application form containing,
- (a) the player's name, residential address and telephone number and the number of years the player has resided at that address;
  - (b) if applicable, the player's business address and telephone number;
  - (c) if the player is employed, the name of the player's employer, the number of years that the employer has employed the player, the business carried on by the employer and the player's occupation;
  - (d) if the player is self-employed, a statement that the player is self-employed, the number of years of self-employment and the business carried on by the player;
  - (e) if the player is retired, a statement of that fact;
  - (f) the name and address of the financial institutions at which the player has accounts and the numbers of those accounts;
  - (g) the credit limit requested by the player and the sources of income and the value of assets reported in support of the request;
  - (h) the name of each casino, in any jurisdiction, at which the player has a line of credit and its amount;
  - (i) the approximate amount of all other outstanding indebtedness; and
  - (j) the player's signature acknowledging the following statement included at the bottom of the credit application form:
- “I certify that I have reviewed all of the information provided above and that it is true and accurate. I authorize (insert name of the operator of the casino) to conduct the investigations pertaining to the above information that it considers necessary for the approval of my credit limit.”

(5) Before the operator of a casino approves a credit limit for a player, an employee employed in the credit department of the casino or a gaming key employee who is authorized under the casino's internal control system that complies with section 24 must be satisfied as to,

- (a) the player's identity and residential address;
- (b) the player's outstanding indebtedness; and
- (c) the player's account numbers at financial institutions, the dates on which they were opened, the current balances, if available, and the average balances of the accounts over the preceding 12 months.

(6) The employee shall record the name and title of the persons providing verification of the information mentioned in subsection (5).

(7) No person, other than a gaming key employee who is employed in the credit department of the casino or who is authorized under the casino's internal control system that complies with section 24, may approve a credit limit and any increases to it on behalf of the operator of the casino.

(8) The operator of a casino shall submit the operator's policies and procedures with respect to credit to the Registrar.

(9) If a player reaches the approved credit limit and requests an increase, the operator may consider the request but shall not increase the player's credit limit until at least 24 hours have elapsed since the player made the request.

(10) A request for an increase in a credit limit shall be made in writing.

(11) A player at a casino shall have no more than 30 banking days to repay money advanced on credit by the operator of the casino.

(12) If a player does not repay the money advanced within 30 banking days, the operator of the casino shall immediately deposit the player's countercheque. O. Reg. 385/99, s. 29.

#### GAMES OF CHANCE AND RULES OF PLAY

**30.** (1) An operator of a gaming premises shall submit to the board of the Commission for its approval a complete description of each game of chance that it intends to offer for play at the premises. O. Reg. 208/00, s. 10 (1).

(2) The description shall include,

- (a) a summary of the game, including its objectives, the rules of the game, the method of play and the wagers that may be made;
- (b) the chances of winning the game and the advantage of the operator in relation to each wager; and
- (c) a description of the equipment, if any, used in the playing of the game. O. Reg. 385/99, s. 30 (2); O. Reg. 208/00, s. 10 (2).

(3) REVOKED: O. Reg. 208/00, s. 10 (3).

(4) An operator of a gaming premises shall ensure that the games of chance offered for play at the premises are approved by the board and played in accordance with the rules approved by the board. O. Reg. 208/00, s. 10 (4).

(5) REVOKED: O. Reg. 208/00, s. 10 (5).

(6) The operator of a gaming premises shall, on request, provide a player with a description of the rules of play of any game of chance offered for play at the gaming premises, except for games played on slot machines.

(7) The operator of a gaming premises shall ensure that a sign indicating the maximum and minimum wagers permitted at a game of chance offered for play at the gaming premises is posted at each table at which the game is played and is clearly visible to the players at that table. O. Reg. 385/99, s. 30 (6, 7).

#### ADVERTISING

**31.** (1) An operator of a gaming premises shall not in any way engage in advertising, or permit anyone with whom the operator contracts, to engage in advertising that,

- (a) implies that playing games of chance promotes or is required for social acceptance, personal success, financial success or the resolution of any economic, social or personal problems;
- (b) contains endorsements by well-known personalities that suggest that playing games of chance has contributed to their success;
- (c) is specifically directed at encouraging individuals under 19 years of age to play games of chance; or
- (d) compares playing games of chance offered at the gaming premises to other forms of gaming in Ontario.

(2) An operator shall not enter into a contract with a person under which the person offers gifts or the chance of receiving gifts as an inducement for individuals to play games of chance.

(3) A supplier registered under this Regulation who supplies advertising for a casino, charity casino, slot machine facility or the premises used for a prescribed lottery scheme shall ensure that the advertising does not contravene the restrictions set out in subsection (1). O. Reg. 385/99, s. 31.

#### PERSONS PROHIBITED FROM PLAYING GAMES OF CHANCE

**32.** (1) An operator of a gaming premises shall not permit the following individuals to play games of chance at the premises:

1. Individuals under 19 years of age.
2. Individuals who appear to be intoxicated.
3. An individual who the operator has reason to believe has been excluded from the premises under subsection 3.6 (1) of the Act.
4. Every individual who advises the operator that the individual is participating in a self-exclusion process mentioned in clause (3) (c) that has not been terminated.
5. Members or employees of the Commission.
6. Officers, directors or partners of the operator.
7. REVOKED: O. Reg. 208/00, s. 11 (2).
8. Directors, officers and employees of the Ontario Lottery and Gaming Corporation.
9. Executives and staff of a trade union who represent or negotiate on behalf of gaming employees at the gaming premises. O. Reg. 385/99, s. 32 (1); O. Reg. 208/00, s. 11.

(2) An operator of a casino shall not permit gaming key employees or gaming employees employed by the operator to play games of chance at any gaming premises operated by the operator.

(2.1) Despite paragraph 8 of subsection 32 (1), an operator of a casino may permit employees of the Ontario Lottery and Gaming Corporation to play games of chance at the casino if,

- (a) they are registered as gaming employees; or
- (b) under the Act or this Regulation, they are not required to register as a gaming assistant in order to act as employees of the Corporation. O. Reg. 478/01, s. 1.

(3) If required by the Registrar, an operator shall implement and comply with a policy and program approved by the board of the Commission that provides,

- (a) a process to identify players who may have a problem with or addiction to gambling;
- (b) a process to provide information to every player whom the operator identifies under clause (a);
- (c) a process for players to exclude themselves from playing games of chance; and
- (d) a process for players who have excluded themselves from playing games of chance to terminate the exclusion. O. Reg. 385/99, s. 32 (2, 3).

**33.** A gaming key employee or a gaming employee shall not play games of chance at any gaming premises operated by his or her employer. O. Reg. 385/99, s. 33.

#### CHANGE OF INFORMATION

**34.** Every supplier registered under this Regulation shall notify the Registrar in writing within five days of any change in the officers, directors or partners of the supplier or of any change in the holders of 5 per cent or more of any shares of the supplier. O. Reg. 385/99, s. 34.

#### EXCLUSION OF INDIVIDUALS FROM GAMING PREMISES

**35.** For the purposes of subsection 3.6 (1) of the Act, the following are prescribed as criteria for refusing an individual access to a gaming premises:

1. The individual has been excluded from premises where gaming occurs by any other jurisdiction where gaming is legal.
2. The individual has cheated at a game of chance held in a casino or at any other place where games of chance are played.
3. The individual has been denied registration or renewal of registration as a gaming assistant or as a supplier.
4. The individual has been registered as a gaming assistant or as a supplier and the registration has been suspended or revoked.

5. The individual has acted in a way that would adversely affect public confidence that games of chance and casino operations in general are free from criminal or corrupting elements and are conducted in accordance with the principles of honesty and integrity. O. Reg. 385/99, s. 35; O. Reg. 208/00, s. 12.

**36.** (1) Before the board of the Commission issues a direction to the Ontario Lottery and Gaming Corporation requiring it to refuse to allow an individual access to its gaming premises in Ontario, it shall serve a notice of the proposed direction on the individual by registered mail to the individual's last known address. O. Reg. 208/00, s. 13 (1).

(2) If the board does not hold a hearing under section 10 of the *Alcohol and Gaming Regulation and Public Protection Act, 1996* before issuing the direction, the notice of the proposed direction shall,

- (a) identify the individual;
- (b) set out the reasons for refusing access to the individual;
- (c) advise the individual of the right to make written submissions to the board as to why the individual should not be refused access to gaming premises of the Ontario Lottery and Gaming Corporation; and
- (d) state the time period, which shall be at least 15 days after service of the notice, within which the individual may make the submissions mentioned in clause (c). O. Reg. 385/99, s. 36 (2); O. Reg. 208/00, s. 13 (2).

(3) If the board holds a hearing under section 10 of the *Alcohol and Gaming Regulation and Public Protection Act, 1996* before issuing the direction, the notice of the proposed direction shall,

- (a) identify the individual;
- (b) set out the reasons for refusing access to the individual;
- (c) state the date, time and place of the hearing; and
- (d) advise the individual of the right,
  - (i) to attend the hearing and to make representations, with or without counsel, as to why the individual should not be refused access to gaming premises of the Ontario Lottery and Gaming Corporation, or
  - (ii) to make written submissions to the board before the hearing as to why the individual should not be refused access to gaming premises of the Ontario Lottery and Gaming Corporation. O. Reg. 385/99, s. 36 (3); O. Reg. 208/00, s. 13 (3, 4).

**37.** (1) After considering whatever submissions an individual makes under clause 36 (2) (c) or after holding a hearing mentioned in subsection 36 (3), as the case may be, the board of the Commission shall issue a direction to the Ontario Lottery and Gaming Corporation requiring it to refuse to allow an individual access to its gaming premises in Ontario, if the board is satisfied that it should do so based on the criteria set out in section 35. O. Reg. 385/99, s. 37 (1); O. Reg. 208/00, s. 14.

(2) The direction shall include,

- (a) the individual's name, as well as known aliases, if any;
- (b) the individual's date of birth, if known;
- (c) the individual's last known home and business address; and
- (d) if available, a physical description and a recent photograph of the individual.

(3) The board shall serve a copy of the direction on the individual by registered mail at the individual's last known address. O. Reg. 385/99, s. 37 (2, 3).

**38.** (1) After five years have elapsed since the issuing of a direction against an individual under section 37, the individual may make a written request to the board of the Commission asking that it revoke the direction.

(2) The individual shall state the grounds for the request, along with all necessary detail in support of it.

(3) The board shall revoke the direction if it is satisfied that the individual has shown cause why the direction should be revoked.

(4) The board may hold a hearing for the purpose of deciding whether to revoke the direction but it is not obliged to do so. O. Reg. 385/99, s. 38 (1-4).

(5) If the board is satisfied that the individual has shown cause why the direction should be revoked, it shall issue a direction to that effect to the Ontario Lottery and Gaming Corporation and, on receiving it, the Corporation shall no longer refuse the individual access to its gaming premises in Ontario. O. Reg. 208/00, s. 15.

(6) The board shall serve a copy of the direction issued under subsection (5) on the individual by registered mail addressed to the individual's last known address. O. Reg. 385/99, s. 38 (6).

## REGISTRAR'S INQUIRY OR INVESTIGATION

**38.1** (1) If, following an inquiry or investigation under subsection 9 (1.1) of the Act, the Registrar is of the opinion that a person may not be suitable to be a member of the Board of the Ontario Lottery and Gaming Corporation or to exercise significant decision-making authority with respect to the conduct, management or operation of games of chance, the Registrar shall advise the person of that fact and the reasons for the opinion.

(2) The person is entitled to make submissions to the Registrar with respect to the inquiry or investigation before the Registrar forms a final opinion. O. Reg. 208/00, s. 16.

## FEES

**39.** (1) The fees established by the board of the Commission and approved by the Minister responsible for the administration of the Act are payable for each year during the term of a registration and shall be paid to the Registrar in equal yearly instalments.

(2) The registration of a registrant expires if the registrant does not pay a yearly instalment fee on or before the day specified by the Registrar. O. Reg. 385/99, s. 39.

**40.** (1) An applicant for registration or a registrant under this Regulation shall pay to the Registrar the amount that the Registrar determines based on an assessment of the costs of an investigation if the Registrar determines that an investigation under section 9 of the Act is necessary with respect to the applicant or registrant.

(2) The Registrar shall use the amount paid by the applicant or registrant to pay the reasonable costs of the investigation and shall return the balance, if any, to the applicant or registrant. O. Reg. 385/99, s. 40.

## TRANSITIONAL PROVISIONS

**41.** (1) The registration of a supplier registered as a casino operator or casino gaming-related supplier under Ontario Regulation 69/94 or as a site holder or slot machine supplier under Ontario Regulation 368/98 immediately before this Regulation comes into force shall continue as the registration of a gaming-related supplier, subject to all terms of the previous registration that are not inconsistent with this Regulation.

(2) The registration of a supplier registered as a casino non-gaming-related supplier under Ontario Regulation 69/94 immediately before this Regulation comes into force shall continue as the registration of a non-gaming-related supplier, subject to all terms of the previous registration that are not inconsistent with this Regulation.

(3) The registration of a supplier registered as a trade union under Ontario Regulation 69/94 immediately before this Regulation comes into force shall continue as the registration of a trade union, subject to all terms of the previous registration that are not inconsistent with this Regulation.

(4) The registration of a gaming assistant registered as a casino key employee under Ontario Regulation 69/94 or as a site holder key employee or slot machine supplier key employee under Ontario Regulation 368/98 immediately before this Regulation comes into force shall continue as the registration of a gaming key employee, subject to all terms of the previous registration that are not inconsistent with this Regulation.

(5) The registration of a gaming assistant registered as a casino employee under Ontario Regulation 69/94 or as a site holder employee or slot machine supplier employee under Ontario Regulation 368/98 immediately before this Regulation comes into force shall continue as the registration of a gaming employee, subject to all terms of the previous registration that are not inconsistent with this Regulation. O. Reg. 385/99, s. 41.

**42. OMITTED (REVOKE OTHER REGULATIONS).** O. Reg. 385/99, s. 42.

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Français

## Gaming Control Act, 1992

### ONTARIO REGULATION 68/94

#### **REGISTRATION OF SUPPLIERS AND GAMING ASSISTANTS — GAMES OF CHANCE HELD UNDER A LICENCE**

**Consolidation Period:** From January 24, 2008 to the [e-Laws currency date](#).

Last amendment: O. Reg. 10/08.

*This is the English version of a bilingual regulation.*

#### DEFINITIONS

**1. In this Regulation,**

“bingo caller” means an individual who is employed by a registered supplier and who, on behalf of the supplier, operates the equipment used for the random selection of numbers and calls the numbers at the playing of a lottery scheme for which a licence is required; (“meneur de jeu”)

“bingo hall owner or operator” means a person who owns or operates a class of bingo hall mentioned in section 15 and who provides facilities, equipment, callers, security, storage, event co-ordination or other related services with respect to the bingo hall; (“propriétaire ou exploitant de salle de bingo”)

“bingo paper or break open ticket manufacturer” means a person who manufactures for sale or distribution to another person bingo paper or break open tickets used in the playing of a lottery scheme for which a licence is required; (“fabricant de feuilles de bingo ou de billets à fenêtres”)

“break open ticket seller” means a person who sells break open tickets used in the playing of a lottery scheme for which a licence is required if the seller sells the tickets on behalf of a licensee at a premises other than the licensee’s premises; (“vendeur de billets à fenêtres”)

“croupier” means an individual who is employed by a registered supplier and who, on behalf of the supplier, deals cards, supervises the playing of a lottery scheme for which a licence is required, operates wheels or otherwise facilitates the playing of the lottery scheme; (“croupier”)

“gaming equipment manufacturer” means a person who manufactures for sale or distribution to another person any device or thing used in the playing of a lottery scheme for which a licence is required, except bingo paper and break open tickets; (“fabricant de matériel de jeu”)

“gaming equipment supplier” means a person who distributes, supplies, rents, leases or sells any device or thing used in the playing of a lottery scheme for which a licence is required, including bingo paper, break open tickets, gaming tables, wheels, chips, tokens or number verifiers, but does not include a gaming equipment manufacturer or a bingo paper or break open ticket manufacturer; (“fournisseur de matériel de jeu”)

“gaming premises manager” means an individual who is employed by a registered supplier and who, on behalf of the supplier, manages premises kept for the playing of a lottery scheme for which a licence is required by supervising other registered gaming assistants or by managing facilities, equipment, security or other related services; (“directeur de lieu réservé au jeu”)

“gaming services employee” means an individual who is employed by a registered supplier and who provides the supplier with administrative, management, consulting or sales services with respect to the organization of a lottery scheme for which a licence is required; (“employé de services relatifs au jeu”)

“gaming services supplier” means a person who provides gaming services for a lottery scheme for which a licence is required, including arranging the scheme, providing management, administrative or consulting services, supplying the services of registered gaming assistants or providing other related services, but does not include a bingo hall owner or operator. (“fournisseur de services relatifs au jeu”) O. Reg. 68/94, s. 1.

#### CLASSES OF REGISTRANTS AND GAMING PREMISES

**2. The following classes of suppliers are established for the purpose of registration under the Act:**

1. Bingo hall owner or operator.
2. Gaming services supplier.
3. Gaming equipment supplier.

4. Gaming equipment manufacturer.
5. Bingo paper or break open ticket manufacturer.
6. Break open ticket seller. O. Reg. 68/94, s. 2.
3. No person other than a supplier registered as a bingo hall owner or operator is authorized to do any of the actions described in the definition of "bingo hall owner or operator" in section 1. O. Reg. 68/94, s. 3.
4. No person other than a supplier registered as a gaming services supplier or a casino gaming-related supplier is authorized to do any of the actions described in the definition of "gaming services supplier" in section 1. O. Reg. 68/94, s. 4.
5. No person other than a supplier registered as a gaming equipment supplier or a casino gaming-related supplier is authorized to do any of the actions described in the definition of "gaming equipment supplier" in section 1. O. Reg. 68/94, s. 5.
6. No person other than a supplier registered as a gaming equipment manufacturer or a casino gaming-related supplier is authorized to do any of the actions described in the definition of "gaming equipment manufacturer" in section 1. O. Reg. 68/94, s. 6.
7. No person other than a supplier registered as a bingo paper or break open ticket manufacturer is authorized to do any of the actions described in the definition of "bingo paper or break open ticket manufacturer" in section 1. O. Reg. 68/94, s. 7.
8. No person other than a supplier registered as a break open ticket seller or a lottery retailer under Ontario Regulation 281/07 (Lotteries) made under the Act is authorized to do any of the actions described in the definition of "break open ticket seller" in section 1. O. Reg. 10/08, s. 1.
9. The following classes of gaming assistants are established for the purpose of registration under the Act:
  1. Gaming premises manager.
  2. Gaming services employee.
  3. Bingo caller.
  4. Croupier. O. Reg. 68/94, s. 9.
10. No person other than a gaming assistant registered as a gaming premises manager is authorized to do any of the actions described in the definition of "gaming premises manager" in section 1. O. Reg. 68/94, s. 10.
11. No person other than a gaming assistant registered as a gaming services employee is authorized to do any of the actions described in the definition of "gaming services employee" in section 1. O. Reg. 68/94, s. 11.
12. No person other than a gaming assistant registered as a bingo caller is authorized to do any of the actions described in the definition of "bingo caller" in section 1. O. Reg. 68/94, s. 12.
13. (1) No person other than a gaming assistant registered as a croupier is authorized to do any of the actions described in the definition of "croupier" in section 1.  
 (2) A gaming assistant registered as a casino key employee or a casino employee under Ontario Regulation 69/94 shall not be registered as a croupier under this Regulation. O. Reg. 626/94, s. 1.
14. The following classes of persons are exempt from registration as suppliers or gaming assistants under the Act:
  1. Individuals who provide services with respect to the playing of a lottery scheme for which a licence is required but who do not receive any remuneration or promise of remuneration for any of those services except for payment of an honorarium or out of pocket expenses as permitted under the terms of the licence.
  2. Licensees who provide goods or services to themselves.
  3. Full-time employees of a licensee, including those whose primary duty is fund raising, but not including persons whose primary duty is to provide gaming services that a registered supplier or registered gaming assistant would provide.
  4. Owners or operators of premises who grant leases of premises kept for the playing of a lottery scheme for which a licence is required but who do not have an interest in the lottery scheme played at the premises, unless the owners or operators are engaged in other activities that would require them to register under the Act.
  5. Owners or operators of premises who grant leases of premises kept for the playing of a lottery scheme for which a licence is required at which no more than one bingo event is conducted in any seven-day period, unless the owners or operators are engaged in other activities that would require them to register under the Act.
  6. Individuals who are employed as runners at a bingo event to verify winning numbers held by players and who may also sell bingo paper, unless they are engaged in other activities that would require them to register under the Act.
  7. Employees of a registered break open ticket seller, unless they are engaged in other activities that would require them to register under the Act. O. Reg. 68/94, s. 14.

15. For the purposes of the registration of a bingo hall owner or operator, the following classes of bingo halls are established as gaming premises:

1. A Class A bingo hall is 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.
2. A Class B bingo hall is a premises operated not for profit, by a licensee, an association of licensees or a person who in the opinion of the Registrar of Alcohol and Gaming 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.
3. A Class C bingo hall is 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. O. Reg. 68/94, s. 15; O. Reg. 55/98, s. 1.

#### APPLICATIONS

16. (1) An application for registration or renewal of registration as a supplier of a class mentioned in section 2 or as a gaming assistant of a class mentioned in section 9 shall be in a form provided by the Registrar of Alcohol and Gaming and shall state the class or classes of registration for which the applicant is applying and an address for service in Ontario. O. Reg. 68/94, s. 16 (1); O. Reg. 55/98, s. 1.

- (2) The application shall be accompanied by the fee payable in accordance with section 33 and that is sufficient to cover,
  - (a) the term of registration that the Registrar of Alcohol and Gaming indicates to the applicant will apply, in the case of an application for the first renewal of a registration that was originally granted before December 16, 1993; or
  - (b) the term of the registration that the applicant is applying for, in all other cases. O. Reg. 68/94, s. 16 (2); O. Reg. 55/98, s. 1.

#### REGISTRATION OF SUPPLIERS

17. Every person who, on February 1, 1993, was actively engaged in the business of providing goods or services with respect to the playing of a lottery scheme for which a licence is required is exempt from section 4 of the Act until April 1, 1993. O. Reg. 68/94, s. 17.

18. (1) The Registrar of Alcohol and Gaming may grant conditional registration as a supplier of a class mentioned in section 2 to a person who,

- (a) on February 1, 1993, was actively engaged in the business of providing goods or services with respect to the playing of a lottery scheme for which a licence is required; and
- (b) on or before March 2, 1993, submits a completed application for registration as a supplier of a class mentioned in section 2. O. Reg. 68/94, s. 18 (1); O. Reg. 55/98, s. 1.

(2) Upon granting a conditional registration to a person, the Registrar of Alcohol and Gaming shall send the person a certificate stating that the person has been conditionally registered under the Act. O. Reg. 68/94, s. 18 (2); O. Reg. 55/98, s. 1.

(3) A conditional registration expires on the earliest of the following days:

1. The day on which the Registrar of Alcohol and Gaming grants the registrant's application for registration or serves on the registrant a notice of a proposed order to refuse the application for registration.
2. January 31, 1995, if it is not renewed under subsection (4).
3. January 31, 1996, if it is renewed under subsection (4). O. Reg. 68/94, s. 18 (3); O. Reg. 809/94, s. 1 (1-3); O. Reg. 55/98, s. 1.

(4) The Registrar of Alcohol and Gaming shall renew a conditional registration that has not expired if, before February 1, 1995, the registrant submits an application for renewal to the Registrar of Alcohol and Gaming. O. Reg. 68/94, s. 18 (4); O. Reg. 809/94, s. 1 (4); O. Reg. 55/98, s. 1.

(5) The application for renewal shall be in a form provided by the Registrar of Alcohol and Gaming and shall be accompanied by the fee set out in the Schedule that is sufficient to cover a registration that would expire on January 31, 1996. O. Reg. 68/94, s. 18 (5); O. Reg. 809/94, s. 1 (5); O. Reg. 55/98, s. 1.

(6) Section 13 of the Act does not apply to the expiration of a conditional registration. O. Reg. 68/94, s. 18 (6).

19. (1) Upon receiving a completed application for registration or renewal of registration as a supplier of a class mentioned in section 2, the Registrar of Alcohol and Gaming shall consider the application and either grant it or refuse it. O. Reg. 68/94, s. 19 (1); O. Reg. 55/98, s. 1.

(2) Upon granting an application, the Registrar of Alcohol and Gaming shall issue a certificate of registration to the applicant stating the expiry date of the registration. O. Reg. 68/94, s. 19 (2); O. Reg. 55/98, s. 1.

(3) A registration that is granted expires,

- (a) on January 31, 1995 if the registrant holds a conditional registration that has not been renewed before the registration is granted;
  - (b) on January 31, 1996 if the registrant holds a conditional registration that has been renewed before the registration is granted;
  - (c) one year from the day on which it is granted if it is granted before December 16, 1993 but not in a case described in clause (a) or (b); or
  - (d) two years from the day on which it is granted, in all other cases. O. Reg. 68/94, s. 19 (3); O. Reg. 809/94, s. 2.
- (4) A registration that is renewed expires,
- (a) at a time that the Registrar of Alcohol and Gaming determines but that is not later than two years from the day on which it is renewed, if the registration was originally granted before December 16, 1993 and is being renewed for the first time; or
  - (b) two years from the day on which it is renewed, in all other cases. O. Reg. 68/94, s. 19 (4); O. Reg. 55/98, s. 1.

#### REGISTRATION OF GAMING ASSISTANTS

**20.** Every person who, on February 1, 1993, was actively engaged in the business of participating in or facilitating in any manner the playing of a lottery scheme for which a licence is required is exempt from section 5 of the Act until July 31, 1993. O. Reg. 68/94, s. 20.

**21.** (1) The Registrar of Alcohol and Gaming may grant conditional registration as a gaming assistant of a class mentioned in section 9 to a person who,

- (a) on February 1, 1993, was actively engaged in the business of participating in or facilitating in any manner the playing of a lottery scheme for which a licence is required; and
- (b) on or before May 1, 1993, submits a completed application for registration as a gaming assistant of a class mentioned in section 9. O. Reg. 68/94, s. 21 (1); O. Reg. 55/98, s. 1.

(2) Upon granting a conditional registration to a person, the Registrar of Alcohol and Gaming shall send the person a certificate stating that the person has been conditionally registered under the Act. O. Reg. 68/94, s. 21 (2); O. Reg. 55/98, s. 1.

(3) A conditional registration expires on the earliest of the following days:

1. The day on which the Registrar of Alcohol and Gaming grants the registrant's application for registration or serves on the registrant a notice of a proposed order to refuse the application for registration.
2. July 31, 1994, if it is not renewed under subsection (4).
3. July 31, 1995, if it is renewed under subsection (4). O. Reg. 68/94, s. 21 (3); O. Reg. 809/94, s. 3 (1); O. Reg. 55/98, s. 1.

(4) The Registrar of Alcohol and Gaming shall renew a conditional registration that has not expired if, before August 1, 1994, the registrant submits an application for renewal to the Registrar of Alcohol and Gaming. O. Reg. 68/94, s. 21 (4); O. Reg. 55/98, s. 1.

(5) The application for renewal shall be in a form provided by the Registrar of Alcohol and Gaming and shall be accompanied by the fee set out in the Schedule that is sufficient to cover a registration that would expire on July 31, 1995. O. Reg. 68/94, s. 21 (5); O. Reg. 55/98, s. 1.

(6) Section 13 of the Act does not apply to the expiration of a conditional registration. O. Reg. 809/94, s. 3 (2).

**22.** (1) Upon receiving a completed application for registration or renewal of registration as a gaming assistant of a class mentioned in section 9, the Registrar of Alcohol and Gaming shall consider the application and either grant it or refuse it. O. Reg. 68/94, s. 22 (1); O. Reg. 55/98, s. 1.

(2) Upon granting an application, the Registrar of Alcohol and Gaming shall issue a certificate of registration to the applicant stating the expiry date of the registration. O. Reg. 68/94, s. 22 (2); O. Reg. 55/98, s. 1.

(3) A registration that is granted expires,

- (a) on July 31, 1994 if the registrant holds a conditional registration that has not been renewed before the registration is granted;
- (b) on July 31, 1995 if the registrant holds a conditional registration that has been renewed before the registration is granted;
- (c) one year from the day on which it is granted if it is granted before December 16, 1993 but not in a case described in clause (a) or (b); or
- (d) two years from the day on which it is granted, in all other cases. O. Reg. 68/94, s. 22 (3).

- (4) A registration that is renewed expires,
- at a time that the Registrar of Alcohol and Gaming determines but that is not later than two years from the day on which it is renewed, if the registration was originally granted before December 16, 1993 and is being renewed for the first time; or
  - two years from the day on which it is renewed, in all other cases. O. Reg. 68/94, s. 22 (4); O. Reg. 55/98, s. 1.
- (5) Section 13 of the Act does not apply to the expiration of a conditional registration. O. Reg. 68/94, s. 22 (5).

**23.** All classes of gaming assistants mentioned in section 9 are exempt from the requirement in clause 5 (1) (b) of the Act to have a registered supplier named in their registration. O. Reg. 68/94, s. 23.

#### AMENDMENTS AND CANCELLATIONS

**24.** (1) A supplier of a class mentioned in section 2 may, before the expiry of the supplier's registration, apply to the Registrar of Alcohol and Gaming to have any of the following added to the registration:

1. Another class of supplier mentioned in section 2.
2. The class of casino gaming-related supplier.
3. The class of casino non-gaming-related supplier. O. Reg. 68/94, s. 24 (1); O. Reg. 55/98, s. 1.

(2) A supplier registered as a bingo hall owner or operator may, before the expiry of the supplier's registration, apply to the Registrar of Alcohol and Gaming to add to the registration a class of bingo hall for which the registration will be effective. O. Reg. 68/94, s. 24 (2); O. Reg. 55/98, s. 1.

(3) A registered gaming assistant of a class mentioned in section 9 may, before the expiry of the registration, apply to the Registrar of Alcohol and Gaming to have another class of gaming assistant mentioned in section 9 added to the registration. O. Reg. 626/94, s. 2; O. Reg. 55/98, s. 1.

(4) **REVOKE**D: O. Reg. 626/94, s. 2.

(5) An application under this section shall state the addition for which the applicant is applying and shall be submitted to the Registrar of Alcohol and Gaming in a form provided by him or her. O. Reg. 55/98, s. 2.

(6) An applicant shall pay to the Registrar of Alcohol and Gaming, when making the application,

- the amount of the registration fee for the class for which the applicant is applying, prorated for the number of months then remaining before the expiry of the applicant's registration, if the application is made by a supplier; or
- the amount of the registration fee for the class for which the applicant is applying, if the application is made by a gaming assistant. O. Reg. 68/94, s. 24 (6); O. Reg. 55/98, s. 1.

(7) For the purposes of clause (6) (a) a part of a month shall count as a full month. O. Reg. 68/94, s. 24 (7).

**25.** (1) A supplier of a class mentioned in section 2 may, before the expiry of the supplier's registration, apply to the Registrar of Alcohol and Gaming to have any or all of the classes of supplier or bingo hall, except for one class, deleted from the registration. O. Reg. 68/94, s. 25 (1); O. Reg. 55/98, s. 1.

(2) An application under this section shall state the deletion for which the applicant is applying and shall be submitted to the Registrar of Alcohol and Gaming in a form provided by the Registrar of Alcohol and Gaming. O. Reg. 68/94, s. 25 (2); O. Reg. 55/98, s. 1.

(3) Upon granting an application under this section, the Registrar of Alcohol and Gaming shall refund to the applicant the amount of the registration fee that relates to the deletion and that is prorated for the number of full months then remaining before the expiry of the registration. O. Reg. 68/94, s. 25 (3); O. Reg. 55/98, s. 1.

**26.** The expiry date of a registration does not change if the Registrar of Alcohol and Gaming grants an application under section 24 or 25. O. Reg. 68/94, s. 26; O. Reg. 55/98, s. 1.

**27.** If, under section 16 of the Act, the Registrar of Alcohol and Gaming cancels a registration of a supplier of a class mentioned in section 2, the Registrar of Alcohol and Gaming shall refund to the supplier the amount of the applicable registration fee that is prorated for the number of full months then remaining before the time on which the registration would have expired if it had not been cancelled. O. Reg. 68/94, s. 27; O. Reg. 55/98, s. 1.

#### TERMS OF REGISTRATION

**28.** (1) The requirements set out in sections 29 to 32 for registered suppliers of a class mentioned in section 2 or registered gaming assistants of a class mentioned in section 9 are terms of their registration. O. Reg. 68/94, s. 28.

(2) The requirements set out in sections 29 to 32 that are terms of registration of a registered break open ticket seller are also terms of registration of a lottery retailer registered under Ontario Regulation 281/07 (Lotteries) made under the Act who does any of the actions described in the definition of "break open ticket seller" in section 1. O. Reg. 10/08, s. 2.

**29.** (1) Every registered supplier of a class mentioned in section 2 shall be responsible for the conduct of every person employed by the supplier in the performance of their duties in relation to the supplier's registration. O. Reg. 68/94, s. 29 (1).

(2) Every registered supplier of a class mentioned in section 2 shall keep the Registrar of Alcohol and Gaming informed in writing of all registered gaming assistants who provide services to the supplier. O. Reg. 68/94, s. 29 (2); O. Reg. 55/98, s. 1.

**30.** Every supplier registered as a bingo hall owner or operator shall provide facilities, equipment, callers, security, storage and event co-ordination in respect of every gaming premises that the supplier owns or operates. O. Reg. 68/94, s. 30.

**31.** (1) For the purposes of section 26 of the Act, the premises at which a registered supplier of a class mentioned in section 2 shall keep the records required under the Act shall not be a dwelling unless the Registrar of Alcohol and Gaming approves the premises in writing. O. Reg. 68/94, s. 31 (1); O. Reg. 55/98, s. 1.

(2) No registered supplier of a class mentioned in section 2 shall provide goods or services with respect to the playing of a lottery scheme for which a licence is required except at the business premises identified in the supplier's registration or such other premises as the Registrar of Alcohol and Gaming approves in writing. O. Reg. 68/94, s. 31 (2); O. Reg. 55/98, s. 1.

(3) Every registered supplier of a class mentioned in section 2 shall prominently display the supplier's certificate of registration or a copy of the certificate at the business premises identified in the supplier's registration.

(4) In addition to subsection (3), every supplier registered as a bingo hall owner or operator shall prominently display the supplier's certificate of registration or a copy of the certificate at each bingo hall that the supplier owns or operates. O. Reg. 68/94, s. 31 (3, 4).

**31.1** (1) A registered bingo hall owner or operator shall not permit the following individuals to play games of chance at the bingo hall:

1. Individuals who appear to be intoxicated.
2. Officers, directors or partners of the registrant.
3. Employees of the registrant who are registered under this Regulation.

(2) A registered gaming services supplier who operates a Monte Carlo event under the authority of a licence shall not permit the individuals described in paragraphs 1 to 3 of subsection (1) to play games of chance at the location identified in the licence. O. Reg. 626/94, s. 3.

**32.** (1) Every registered supplier of a class mentioned in section 2 and registered gaming assistant of a class mentioned in section 9 shall comply with the terms of,

- (a) the licence for the lottery scheme in respect of which the person provides goods or services; and
- (b) any order of the Lieutenant Governor in Council made under the authority of the *Criminal Code* (Canada) in respect of the licence.

(2) A registered gaming assistant of a class mentioned in section 9 shall wear, while on duty, in a visible manner the photo identification portion of the certificate of registration. O. Reg. 68/94, s. 32 (1, 2).

(3) A registrant whose registration is revoked, suspended or cancelled or who requests cancellation of registration under section 16 of the Act shall immediately return to the Registrar of Alcohol and Gaming by registered mail,

- (a) the registrant's certificate of registration, if the registrant is a supplier; and
- (b) the registrant's certificate of registration and identification card, if the registrant is a gaming assistant. O. Reg. 68/94, s. 32 (3); O. Reg. 55/98, s. 1.

#### FEES

**33.** (1) The fees set out in the Schedule are payable for each year during the term of a registration and shall be paid to the Registrar of Alcohol and Gaming at the time the application is made, unless he or she authorizes their payment in equal instalments, in the case of a registration having a term of two years. O. Reg. 55/98, s. 3.

(2) The registration of a registrant expires if the registrant does not pay a yearly instalment of fees on the day specified by the Registrar of Alcohol and Gaming. O. Reg. 68/94, s. 33 (2); O. Reg. 55/98, s. 1.

**34.** (1) Subject to subsection (2), upon refusing to grant an application for registration or renewal of registration as a supplier of a class mentioned in section 2, the Registrar of Alcohol and Gaming shall refund to the applicant the registration fee less,

- (a) \$75 in the case of a bingo hall owner or operator of a Class C bingo hall or a break open ticket seller; or
- (b) \$250 in all other cases. O. Reg. 68/94, s. 34 (1); O. Reg. 55/98, s. 1.

(2) Upon refusing to grant an application for registration as a supplier of a class mentioned in section 2 to an applicant who holds a conditional registration under section 18 immediately before the application is refused, the Registrar of Alcohol and Gaming shall refund to the applicant the amount of the registration fee that is prorated for the number of full months then remaining before,

- (a) January 31, 1995, if the conditional registration has not been renewed under subsection 18 (4); or
- (b) January 31, 1996, if the conditional registration has been renewed under subsection 18 (4). O. Reg. 68/94, s. 34 (2); O. Reg. 809/94, s. 4; O. Reg. 55/98, s. 1.

**35.** (1) An application for registration under this Regulation shall pay to the Registrar of Alcohol and Gaming the amount of \$10,000 or such other amount as he or she determines, if he or she determines that an investigation under section 9 of the Act is necessary with respect to the applicant. O. Reg. 55/98, s. 4.

(2) The Registrar of Alcohol and Gaming shall use the amount paid by the applicant to pay the reasonable costs of the investigation and shall return the balance, if any, to the applicant. O. Reg. 68/94, s. 35 (2); O. Reg. 55/98, s. 1.

**36.** The following fees are payable to the Registrar of Alcohol and Gaming for the services indicated:

1.	Replacement certificate of registration as a supplier of a class mentioned in section 2	\$50
2.	Replacement certificate of registration as a gaming assistant of a class mentioned in section 9	25
3.	Replacement identification card for a gaming assistant of a class mentioned in section 9	25

O. Reg. 68/94, s. 36; O. Reg. 55/98, s. 1.

**37. OMITTED (REVOKE OTHER REGULATIONS).** O. Reg. 68/94, s. 37.

**SCHEDULE  
REGISTRATION FEES**

Item	Applicant	Annual Fee
1.	A bingo hall owner or operator of,	
	(a) a Class A bingo hall	\$10,000 for each hall
	(b) a Class B bingo hall	\$2,000 for each hall
	(c) a Class C bingo hall	\$500 for each hall
2.	A bingo hall owner or operator of the following bingo halls where break open tickets are sold in conjunction with the conduct of a bingo event,	
	(a) a Class A bingo hall	\$2,000 for each hall in addition to the fees set out in clause (a) of item 1
	(b) a Class B bingo hall	\$500 for each hall in addition to the fees set out in clause (b) of item 1
	(c) a Class C bingo hall	\$200 for each hall in addition to the fees set out in clause (c) of item 1
3.	A gaming services supplier	\$3,000
4.	A gaming equipment supplier	\$1,000
5.	A gaming equipment manufacturer	\$2,000
6.	A bingo paper or break open ticket manufacturer	\$10,000
7.	A break open ticket seller	\$200
8.	A gaming premises manager	\$50
9.	A gaming services employee	\$50
10.	A bingo caller	\$50
11.	A croupier	\$50

O. Reg. 68/94, Sched.

Français

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**Gaming Control Act, 1992**  
**Loi de 1992 sur la réglementation des jeux**

**ONTARIO REGULATION 197/95**  
**GENERAL — GAMES OF CHANCE HELD UNDER A LICENCE**

**Consolidation Period:** From April 1, 2000 to the e-Laws currency date.

Last amendment: O. Reg. 210/00.

*This Regulation is made in English only.*

**APPLICATION**

1. This Regulation applies to every registered gaming services supplier within the meaning of Ontario Regulation 68/94 who operates lottery schemes that are,
  - (a) conducted and managed by one or more charitable or religious organizations pursuant to a licence issued, under the authority of the Lieutenant Governor in Council, by the Registrar of Alcohol and Gaming or by a First Nation licensing authority; and
  - (b) played on 50 or more days in a year at the same gaming premises. O. Reg. 197/95, s. 1; O. Reg. 59/98, s. 1.

**SURVEILLANCE**

2. (1) The supplier shall not begin operations at the gaming premises until the Registrar of Alcohol and Gaming is satisfied that the surveillance of the operations will comply with this Regulation. O. Reg. 197/95, s. 2 (1); O. Reg. 59/98, s. 1.

(2) The supplier shall submit a written surveillance plan, including diagrams, where appropriate, to the Registrar of Alcohol and Gaming for approval and the plan shall include,

- (a) a floor plan of the gaming premises, showing the placement of all surveillance equipment in relation to the areas to be viewed;
  - (b) a description of the surveillance equipment and its capabilities;
  - (c) a description of the supplier's policies and procedures with respect to surveillance;
  - (d) a description of the supplier's plan for carrying out surveillance if the surveillance equipment in use fails; and
  - (e) a description of the supplier's policies and procedures respecting access to the surveillance room mentioned in clause (3) (a). O. Reg. 197/95, s. 2 (2); O. Reg. 59/98, s. 1.
- (3) The Registrar of Alcohol and Gaming shall not approve a surveillance plan unless,
- (a) it designates at least one room in the gaming premises to be used exclusively for surveillance of operations;
  - (b) the interior of the surveillance room mentioned in clause (a) is not visible to the public; and
  - (c) the surveillance equipment in the gaming premises includes a closed-circuit television system that complies with subsection (4). O. Reg. 197/95, s. 2 (3); O. Reg. 59/98, s. 1.
- (4) The closed-circuit television system in the gaming premises shall include,
- (a) light sensitive cameras with pan, zoom and tilt capabilities that can be placed behind a dome or one-way mirror that conceals the cameras from view and permits clear views, from various vantage points, of,
    - (i) the gaming conducted at each gaming table and the activities in the pits, including all gaming table surfaces, so that the wagers, chips, cash and card values and the outcomes of each game are capable of being observed,
    - (ii) all drop boxes, tip boxes and the numbers affixed to the boxes and to each gaming table,
    - (iii) the movement of cash, chips, tokens, drop boxes, drop buckets and tip boxes,
    - (iv) all persons on the gaming floor,
    - (v) all entrance and exit doors to the gaming premises,
    - (vi) the soft and hard count rooms and all activities occurring in those rooms, and

- (vii) the cashier's cage and all transactions conducted in it and in front of it, so as to permit identification of the currency, chips, tokens, bill and credit slips and other paperwork involved in the transactions;
- (b) video monitors and video recorders, with time and date insertion capabilities, that tape what is being viewed by cameras in the system; and
- (c) video printers with the capability to generate instantaneously upon command a clear, still copy of the image depicted on the videotape recording.

(5) The supplier shall not put an approved surveillance plan into effect except in accordance with the approval. O. Reg. 197/95, s. 2 (4, 5).

(6) The supplier shall not alter any material component of the surveillance plan without the prior written approval of the Registrar of Alcohol and Gaming. O. Reg. 197/95, s. 2 (6); O. Reg. 59/98, s. 1.

3. The supplier shall ensure that gaming assistants employed in surveillance at the gaming premises have no other gaming-related duties. O. Reg. 197/95, s. 3.

4. (1) The supplier shall ensure that,

- (a) the closed-circuit television system in the gaming premises, including the videotape recording, is operated at all times during the hours of operation of the gaming premises; and
- (b) sufficient lighting is present in all areas of the gaming premises to permit clear video reproductions.

(2) The supplier shall retain the master tape of all videotape recordings in a secure area for at least seven days after they are made. O. Reg. 197/95, s. 4 (1, 2).

(3) The supplier shall ensure that videotape recordings of activities that are or appear to be illegal are not destroyed without the Registrar of Alcohol and Gaming's written approval. O. Reg. 197/95, s. 4 (3); O. Reg. 59/98, s. 1.

5. (1) The supplier shall ensure that the surveillance room is used exclusively for surveillance of activities in the gaming premises. O. Reg. 197/95, s. 5 (1).

(2) The supplier shall maintain a log, which shall be available for inspection by representatives of the board of the Alcohol and Gaming Commission of Ontario at any time, of all surveillance activities at the gaming premises. O. Reg. 59/98, s. 2.

(3) The log shall include,

- (a) the names of all persons who enter and leave the surveillance room;
- (b) a summary of all activities monitored by persons engaged in surveillance at the gaming premises that are or appear to be illegal, including the date and time of the surveillance and the names of persons monitoring the activities;
- (c) the date and time at which the tapes in the videotape recorders are changed and names of the persons changing the tapes; and
- (d) a record of all malfunctions in surveillance equipment. O. Reg. 197/95, s. 5 (3).

#### SECURITY

6. (1) The supplier shall establish a security department that is independent from the surveillance department.

(2) The responsibilities of the security department include,

- (a) providing for the security of gaming equipment;
- (b) providing security for the cashier's cages and count rooms and restricting entry to them to authorized persons only;
- (c) limiting the distribution of keys to those parts of the gaming premises to which access is restricted to authorized persons;
- (d) monitoring and accompanying the movement of money and money equivalents;
- (e) monitoring for cheating and thefts;
- (f) controlling crowds as necessary;
- (g) evacuating the gaming premises in an emergency;
- (h) reporting to the supplier all incidents threatening security at the gaming premises;
- (i) preparing and maintaining records of all incidents reported to the supplier under clause (h); and
- (j) maintaining a daily log of all security activities. O. Reg. 197/95, s. 6.

## RULES OF PLAY

7. The rules of play for a lottery scheme described in section 1 shall be the same as the rules of play approved by the board of the Alcohol and Gaming Commission of Ontario for games of chance conducted and managed by the Ontario Lottery and Gaming Corporation. O. Reg. 210/00, s. 2.

## RECORDS

8. The supplier shall maintain, for a period of at least five years, the following records relating to the lottery schemes operated by the supplier:

1. Records of all written and unwritten contracts of purchase or sale of gaming equipment or services made by the supplier indicating,
  - i. the name and address of the person with whom the supplier contracted,
  - ii. a description of the equipment or services, and
  - iii. the amount of payments made under the contract.
2. Daily computations of the drop and win or loss for each game offered at the gaming premises.
3. Banking records of all accounts used by the supplier that clearly identify all transactions made in connection with the operation of the lottery schemes conducted from the gaming premises. O. Reg. 197/95, s. 8.
9. (1) The supplier shall not redeem \$10,000 or more worth of chips for cash from one person in a transaction, accept \$10,000 or more in cash as a wager from one person at a gaming activity at which chips are not customarily used for wagering or sell in any transaction \$10,000 or more worth of chips to a person unless the supplier makes a record of,
  - (a) the person's name and permanent address after verifying them by examining a valid driver's licence, passport or similar piece of identification bearing the person's photograph;
  - (b) the document used to verify the person's name and permanent address and the number of the document;
  - (c) the date and amount of the transaction;
  - (d) the name, position title and signature of the person who completes the transaction and records the information on behalf of the supplier.
 (2) The information recorded shall be forwarded daily to the supplier's accounting department and shall be kept for five years.
   
 (3) The supplier shall log and aggregate all cash transactions of \$2,500 or more occurring within a 24-hour period between the supplier and one person, or another person who the supplier knows or has reason to believe is the person's agent, at the cage, gaming table or pit.
   
 (4) The supplier shall log and aggregate all cash transactions under \$2,500 occurring within a 24-hour period between the supplier and one person, or another person who the supplier knows or has reason to believe is the person's agent, at the cage, gaming table or pit if any officer or employee of the supplier has reason to believe that the transaction is one of a series of transactions that together may amount to \$10,000 or more in a 24-hour period.
   
 (5) When transactions that are logged and aggregated under subsections (3) and (4) amount to \$10,000 or more, the identification and record-keeping requirements set out in subsection (1) apply. O. Reg. 197/95, s. 9.

## INTERNAL CONTROL SYSTEM

10. (1) The supplier shall implement an internal control system that complies with the internal control policies issued by the Registrar of Alcohol and Gaming and provides reasonable assurance that,

- (a) the financial records that the supplier is required to maintain under this Regulation are accurate, reliable and prepared on a timely basis;
- (b) the potential for error and fraud is minimized;
- (c) the duties and responsibilities of gaming assistants at the gaming premises are appropriately segregated;
- (d) money and money equivalents are safeguarded; and
- (e) efficient operations are promoted. O. Reg. 197/95, s. 10 (1); O. Reg. 59/98, s. 1.

(2) At the end of the first year of operation of the gaming premises, the supplier shall have the internal control system reviewed by an independent licensed public accountant at the supplier's own expense to ensure that the system complies with subsection (1). O. Reg. 197/95, s. 10 (2).

(3) The supplier shall submit the accountant's report to the Registrar of Alcohol and Gaming within three months of the end of the first year of operation of the gaming premises. O. Reg. 197/95, s. 10 (3); O. Reg. 59/98, s. 1.

(4) In all subsequent years after the first year of operation of the gaming premises, the supplier shall include in its annual financial statements a statement whether the internal control system complies with subsection (1). O. Reg. 197/95, s. 10 (4).

(5) The supplier shall not implement any material changes to the internal control system without advising the Registrar of Alcohol and Gaming in writing of the changes. O. Reg. 197/95, s. 10 (5); O. Reg. 59/98, s. 1.

#### COMPLIANCE COMMITTEE

**11.** (1) The supplier shall establish a committee that is responsible for ensuring that the supplier complies with this Regulation.

(2) The committee shall consist of a minimum of five members, two of whom shall be persons who,

- (a) are not interested persons in the supplier within the meaning of section 8 of the Act;
- (b) do not have a contract with the supplier; and
- (c) are not employees of the supplier.

(3) At least one member of the committee shall be a member of the Law Society of Upper Canada and at least one member of the committee shall be a public accountant licensed in Ontario.

(4) The committee shall meet once a month during the first year of operation of the gaming premises and after that once every three months. O. Reg. 197/95, s. 11 (1-4).

(5) The supplier shall provide the Registrar of Alcohol and Gaming with the minutes of all meetings of the compliance committee. O. Reg. 197/95, s. 11 (5); O. Reg. 59/98, s. 1.

#### REPORTS

**12.** (1) The supplier shall submit to the Registrar of Alcohol and Gaming, within three months of the supplier's fiscal year end, corporate and consolidated financial statements, to which schedules are appended setting out all related party transactions, on its operations. O. Reg. 197/95, s. 12 (1); O. Reg. 59/98, s. 1.

(2) The supplier shall submit to the Registrar of Alcohol and Gaming a copy of all annual and quarterly filings that it makes with a securities commission in any jurisdiction. O. Reg. 197/95, s. 12 (2); O. Reg. 59/98, s. 1.

(3) The supplier shall provide such other information or material required by the Registrar of Alcohol and Gaming within the time period required. O. Reg. 197/95, s. 12 (3); O. Reg. 59/98, s. 1.

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**Gaming Control Act, 1992**  
**Loi de 1992 sur la réglementation des jeux**

**ONTARIO REGULATION 281/07**  
**LOTTERIES**

**Consolidation Period:** From January 24, 2008 to the e-Laws currency date.

Last amendment: O. Reg. 11/08.

***This Regulation is made in English only.***

**DEFINITIONS AND APPLICATION OF REGULATION**

**Definitions**

**1. In this Regulation,**

“lottery” means a game of chance that is played using a lottery ticket and that is not operated on or through a slot machine or played on tables or wheels of fortune;

“lottery equipment” means,

- (a) a lottery ticket,
- (b) on-line terminals, electronic ticket checkers and similar equipment that, in the opinion of the Registrar, is integral to the conduct, management or operation of a lottery, but does not include telecommunications equipment, or
- (c) other equipment that could influence the outcome of a lottery;

“lottery equipment supplier” means a person, other than the Ontario Lottery and Gaming Corporation or the Interprovincial Lottery Corporation, who,

- (a) manufactures, provides, installs, tests, maintains or repairs lottery equipment or provides gaming services that,
  - (i) could influence the outcome of a lottery, or
  - (ii) in the opinion of the Registrar, are integral to the conduct, management or operation of a lottery,
- (b) manufactures, provides, installs, tests, maintains or repairs a lottery management system;

“lottery management system” means any computer-based equipment or software used in the operation of a lottery and includes computerized systems for monitoring lottery equipment and equipment used for recording or transmitting gaming information or information about transactions in a lottery;

“lottery retailer” means a person authorized by the Ontario Lottery and Gaming Corporation to sell lottery tickets to the public;

“lottery retailer manager” means an individual who is employed by a lottery retailer that sells lottery tickets to the public and who, in the opinion of the Registrar,

- (a) exercises significant decision-making authority with respect to the operation of lotteries by the retailer, or
- (b) supervises employees or other persons employed by the retailer in operating lotteries;

“lottery ticket” means a ticket or other means of participating in a lottery;

“prescribed lottery” means a lottery prescribed by section 2;

“Registrar” means the Registrar of Alcohol and Gaming. O. Reg. 281/07, s. 1.

**Prescribed lottery**

- 2. A lottery is prescribed for the purposes of clause (b) of the definition of “game of chance” in subsection 1 (1) of the Act. O. Reg. 281/07, s. 2.**

**CLASSES OF REGISTRANTS**

**Classes of suppliers**

- 3. The following classes of suppliers are established for the purposes of registration under the Act:**

1. Lottery equipment supplier.
2. Lottery retailer. O. Reg. 281/07, s. 3.

**Lottery equipment supplier**

4. No person, other than the Ontario Lottery and Gaming Corporation, the Interprovincial Lottery Corporation or a registered lottery equipment supplier, is authorized to do any of the actions described in the definition of "lottery equipment supplier" in section 1. O. Reg. 281/07, s. 4.

**Lottery retailer**

5. No person, other than the Ontario Lottery and Gaming Corporation or a registered lottery retailer, is authorized to do any of the actions described in the definition of "lottery retailer" in section 1. O. Reg. 281/07, s. 5.

**Class of gaming assistants**

6. The class of lottery retailer manager is established as a class of gaming assistants for the purpose of registration under the Act. O. Reg. 281/07, s. 6.

**Lottery retailer manager**

7. No person, other than a registered lottery retailer or a registered lottery retailer manager, is authorized to do any of the actions described in the definition of "lottery retailer manager" in section 1. O. Reg. 281/07, s. 7.

## APPLICATIONS

**Form and contents of application**

8. An application for registration or renewal of registration as a supplier or a gaming assistant under this Regulation shall be in a form provided by the Registrar and shall state the class or classes of registration for which the applicant is applying and an address for service in Ontario. O. Reg. 281/07, s. 8.

**Response of Registrar**

9. (1) Upon receiving a completed application under section 8, the Registrar shall consider the application and either grant it or refuse it. O. Reg. 281/07, s. 9 (1).

(2) Upon granting an application, the Registrar shall issue a certificate of registration to the applicant stating the expiry date of the registration. O. Reg. 281/07, s. 9 (2).

(3) A registration that is granted or renewed expires within four years from the date set out on the certificate of registration. O. Reg. 281/07, s. 9 (3).

(4) Despite subsection (3), the registration of a lottery retailer shall terminate if the retailer's contract with the Ontario Lottery and Gaming Corporation that authorizes the retailer to sell lottery tickets to the public is terminated. O. Reg. 11/08, s. 1.

## TERMS OF REGISTRATION

**Terms of registration**

10. The requirements set out in sections 11 to 17 for registrants are terms of their registration. O. Reg. 281/07, s. 10.

**Certificates**

11. (1) Every lottery retailer registered under this Regulation shall ensure that the retailer's certificate of registration or a copy of the certificate is prominently displayed at the business premises identified in the retailer's registration or is kept in a place that the Registrar approves where the document is immediately available for inspection. O. Reg. 11/08, s. 2.

(2) Every gaming assistant registered under this Regulation shall carry or have immediate access to their certificate of registration when carrying out any duties of employment. O. Reg. 281/07, s. 11 (2).

**Standards and recording**

12. Every supplier registered under this Regulation and every gaming assistant registered under this Regulation who provides goods or services with respect to a lottery shall comply with,

- (a) the standards for the goods and services that the Registrar specifies to ensure the safety, security and integrity of the lottery; and
- (b) the requirements that the Registrar specifies with respect to the recording and maintaining of financial and related information in a timely, accurate and auditable manner. O. Reg. 281/07, s. 12.

**Responsibilities for employees and suppliers**

13. (1) Every supplier registered under this Regulation shall be responsible for the conduct of every person employed by the supplier in the performance of their duties in relation to the supplier's registration. O. Reg. 281/07, s. 13 (1).

(2) Every lottery retailer registered under this Regulation shall ensure that every lottery retailer manager employed by the retailer in relation to the retailer's registration has the registration required to perform the functions assigned to or carried out by the employee. O. Reg. 281/07, s. 13 (2).

(3) At the request of the Registrar, every supplier registered under this Regulation shall complete and file with the Registrar, in the form and within the time the Registrar specifies, an information return about,

- (a) its employees who are not required to be registered as gaming assistants but who provide goods or services for the operation of a lottery; and
- (b) all persons with whom it contracts in relation to the supplier's registration. O. Reg. 281/07, s. 13 (3).

(4) Every supplier registered under this Regulation shall ensure that its employees who provide goods or services for the operation of a lottery or the premises used for a lottery comply with the Registrar's policy on access to the premises. O. Reg. 281/07, s. 13 (4).

#### **Contractual obligations of lottery retailer**

**14.** A registered lottery retailer shall comply with its contractual obligations to the Ontario Lottery and Gaming Corporation. O. Reg. 281/07, s. 14.

#### **Lottery equipment**

**15.** (1) A registered lottery equipment supplier shall not provide, install, maintain or repair lottery equipment or provide, install, maintain, repair or operate a lottery management system unless the Registrar has approved the lottery equipment or the lottery management system, as the case may be, for use. O. Reg. 281/07, s. 15 (1).

(2) A registered lottery equipment supplier shall not provide lottery equipment or a lottery management system except in accordance with the Registrar's approval. O. Reg. 281/07, s. 15 (2).

(3) A registered lottery equipment supplier shall not modify the lottery equipment or lottery management system approved by the Registrar without the prior written approval of the Registrar for the modification and shall disclose to the Registrar all of the modifications at the time of requesting the Registrar's approval for a modification. O. Reg. 281/07, s. 15 (3).

(4) In determining whether to approve lottery equipment or a lottery management system under subsection (1), (2) or modifications under subsection (3), the Registrar,

- (a) shall have regard to the technical integrity, safety and security of the equipment or the system, as the case may be, including its accounting capability, and the integrity of the lotteries;
- (b) may require that the equipment or the system, as the case may be, be tested with respect to the factors mentioned in clause (a) at the expense of the supplier; and
- (c) may approve, without testing, the equipment or the system, as the case may be, if it has been approved in another jurisdiction where lotteries are legal. O. Reg. 281/07, s. 15 (4).

(5) The supplier shall inform the Registrar in writing immediately if the supplier becomes aware of any problem with the integrity, security or accounting capability of any lottery equipment or lottery management system. O. Reg. 281/07, s. 15 (5).

(6) The Registrar may revoke the approval of any lottery equipment or lottery management system if there is a problem with the integrity, security or accounting capability of any lottery equipment or lottery management system, as the case may be. O. Reg. 281/07, s. 15 (6).

#### **Security plan**

**16.** (1) A registered lottery equipment supplier shall not install, maintain or repair lottery equipment or install, maintain, repair or operate a lottery management system unless,

- (a) the supplier has submitted to the Registrar a security plan to ensure the security of the equipment or the system, as the case may be, and the integrity of the lottery; and
- (b) the Registrar has approved the security plan. O. Reg. 281/07, s. 16 (1).

(1.1) A lottery equipment supplier is exempt from subsection (1) with respect to the installation, maintenance or repair of lottery equipment that is an on-line terminal, electronic ticket checker or similar equipment if the work is done at the premises of a lottery retailer or at the premises of the Ontario Lottery and Gaming Corporation. O. Reg. 11/08, s. 3.

(2) The security plan shall include,

- (a) a floor plan of the location used for the installation, maintenance or repair of lottery equipment or a lottery management system, showing the placement of all security equipment in relation to the areas covered by the plan;
- (b) a description of the security equipment and its capabilities;

(c) a description of the supplier's policies and procedures with respect to security, including areas of the location covered by the plan, procedures for the handling and moving of the lottery equipment or lottery management system and procedures for dealing with persons trespassing on the location; and

(d) a description of the supplier's plan for maintaining security if the security equipment in use fails. O. Reg. 281/07, s. 16 (2).

(3) A supplier who proposes to make changes to the security plan shall submit to the Registrar for approval an amendment to the security plan showing the proposed changes. O. Reg. 281/07, s. 16 (3).

(4) In determining whether to approve a security plan under subsection (1) or changes to a security plan under subsection (3), the Registrar shall have regard to,

- (a) the security of the lottery equipment and lottery management system;
- (b) the security of the premises in which the lottery equipment or lottery management system is located on a permanent or temporary basis; and
- (c) the security of modes of transportation used to move the lottery equipment or lottery management system. O. Reg. 281/07, s. 16 (4).

#### **Internal controls**

17. (1) A registered lottery equipment supplier shall put in place a system of internal controls that achieves the control objectives identified by the Registrar to ensure the integrity of the lottery equipment. O. Reg. 281/07, s. 17 (1).

(2) If the Registrar so requires, the lottery equipment supplier shall have an independent licensed public accountant review the internal control system and prepare,

- (a) a report on whether or not the system achieves the control objectives identified by the Registrar; or
- (b) a report on whether or not the system is in compliance with the policies of the Registrar on internal controls and with the supplier's stated internal control system. O. Reg. 281/07, s. 17 (2).

(3) An accountant's report mentioned in subsection (2) shall set out suggestions for improvements or changes to the internal control system. O. Reg. 281/07, s. 17 (3).

(4) The lottery equipment supplier shall submit a report mentioned in subsection (2) to the Registrar within the time period specified by the Registrar. O. Reg. 281/07, s. 17 (4).

(5) The Registrar may require the lottery equipment supplier to make changes to the internal control system at any time. O. Reg. 281/07, s. 17 (5).

(6) The lottery equipment supplier shall implement all changes to the internal control system required by the Registrar within the time period specified by the Registrar. O. Reg. 281/07, s. 17 (6).

(7) In determining whether to require a lottery equipment supplier to make changes to the internal control system, the Registrar shall consider, in addition to the control objectives identified by the Registrar, whether the system provides reasonable assurance that,

- (a) financial records and reporting will be accurate, reliable and prepared on a timely basis;
- (b) the manufacturing, installation, maintenance or repair of the lottery equipment ensures the technical integrity, safety and security of the lottery equipment;
- (c) the potential for error and fraud has been minimized;
- (d) lottery tickets will be safeguarded; and
- (e) efficient operations are promoted. O. Reg. 281/07, s. 17 (7).

(8) The lottery equipment supplier shall pay the costs of a report mentioned in subsection (2). O. Reg. 281/07, s. 17 (8).

(9) A registered lottery equipment supplier shall ensure that its operations are conducted in accordance with the internal control system approved by the Registrar. O. Reg. 281/07, s. 17 (9).

#### **GENERAL**

##### **Change of information**

18. Every supplier registered under this Regulation shall notify the Registrar in writing within five days of any change in the officers, directors or partners of the supplier or of any change in the holders of 5 per cent or more of any shares of the supplier. O. Reg. 281/07, s. 18.

##### **Rules of play**

19. Despite section 3.7 of the Act and Ontario Regulation 385/99 (Games of Chance Conducted and Managed by the Ontario Lottery and Gaming Corporation) made under the Act, the rules of play approved by the Board for the playing of games of chance do not apply to a lottery established by the Ontario Lottery and Gaming Corporation or the Interprovincial Lottery Corporation. O. Reg. 281/07, s. 19.

20. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 281/07, s. 20.

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