

Authority: Item 5, Corporate Administration
Committee Report 04-010
(FCS04078)
CM: June 9,2004

Bill No. 134

The Corporation of the City of Hamilton

BY-LAW NO. 04-134

LOTTERY LICENSING BY-LAW

WHEREAS section 207 of The Criminal Code provides that a charitable or religious organization may conduct and manage a lottery scheme for charitable objects or purposes, subject to licensing and such terms and conditions as may be imposed;

AND WHEREAS the Lieutenant Governor of Ontario by Order-in-Council 2688/93, did empower a municipal council to issue lottery licences to charitable or religious organizations;

AND WHEREAS the City of Hamilton Act 1999, Statutes of Ontario, 1999 Chapter 14, Schedule C, did incorporate as of January 1, 2001, the municipality the "City of Hamilton";

AND WHEREAS the City of Hamilton is successor to the former area municipalities of: The Corporation of the Town of Ancaster, The Corporation of the Town of Dundas, The Corporation of the Town of Flamborough, The Corporation of the Township of Glanbrook, The Corporation of the City of Hamilton, and the Corporation of the City of Stoney Creek, which may be referred to in this by-law collectively as the "former area municipalities";

AND WHEREAS the City of Hamilton Act 1999 provides that the by-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton, and four of the former area municipalities have lottery licensing by-laws;

AND WHEREAS it is intended to repeal and replace Town of Ancaster By-law 96-35, Town of Flamborough By-law 86-9-L, City of Stoney Creek By-laws 870-79 and 4535-97, and City of Hamilton By-law 98-205, and enact a new lottery licensing by-law applicable across the entire City of Hamilton;

NOW THEREFORE the Council of the City of Hamilton enacts **as follows:**

1. In the matter of licensing charitable gaming and in the application of this by-law, reference shall be had to the provisions of The Criminal Code, Order-in-Council, Provincial Terms and Conditions and Provincial Policies, as they may be amended or replaced from time to time, and in particular the following definitions are adopted for the purposes of this by-law:
 - (a) "City" means The City of Hamilton;
 - (b) "Council" means the council of the City;
 - (c) "hearing" includes a hearing or an opportunity given for a hearing, where an applicant or licensee may show cause why the licence should be granted, or not refused, revoked, or suspended, with or without conditions;
 - (d) "law" shall include The Criminal Code, Order-in-Council, Provincial Terms and Conditions, as applicable, and as they may be amended or replaced from time to time;
 - (e) "lottery licensing clerk" means a person appointed for the purposes of inspection or enforcement of by-laws of the City and lottery licensing policies of the Province;
 - (f) "Licensing Committee" means the City of Hamilton Licensing Committee established by Council;
 - (g) "Lottery Licence Administrator" means the City Clerk, the acting City Clerk in his or her absence, or the persons the City Clerk may designate from time to time to issue licences in his or her stead;
 - (h) "Order-in-Council" means Order-in-Council No. 2688/93, as may be amended or replaced from time to time;
 - (i) "Provincial Policies" includes the Lottery Licensing Policy Manual, issued by the Ministry of Consumer and Business Services, and any other written policy for the issuance of charitable gaming licences supplied by or through the Ministry to municipalities for their use, as they may be amended or replaced from time to time;
 - (j) "Provincial Terms and Conditions" means the documents issued by the Ministry of Consumer and Business Services, being terms and conditions which apply to municipal and other lottery licences and including any application and report forms referred to or being part of such documents, as they may be amended or replaced from time to time, including those titled:
 - (i) Regular and Special Bingo Licence Terms and Conditions,
 - (ii) Media Bingo Licence Terms and Conditions,
 - (iii) Raffle Licence Terms and Conditions,

- (iv) Break Open Ticket Licence Terms and Conditions, and
 - (v) Bazaar Licence Terms and Conditions;
 - (vi) Bingo Sponsors' Association Pooling of Funds Terms and Conditions,
 - (vii) Binao Sponsors' Association Electronic Funds Transfer Terms and Conditions.
- (k) "Secretary" means the secretary of the Licensing Committee;
 - (l) The definitions for "Act" and "lottery scheme" found respectively in The Criminal Code, R.S.C. 1985, Chapter C-46, sections 1 and 207; and
 - (m) The definitions of "charitable object or purpose", "Director" and "person" found in the Order-in-Council.
- 2.**
- (1) Subject to the terms of this or other by-laws, or the directions of Council:
 - (a) Administration of this By-law shall be by the staff of the City Clerk's Department;
 - (b) Enforcement of this By-law shall be by lottery licensing clerks of the City under the direction of the Lottery Licence Administrator, and by police in accordance with the Police Services Act, R.S.O. 1990, c. P.15; and
 - (c) In place of the Council, the City of Hamilton Licensing Committee shall, for the purpose of lottery licensing under this By-law, hear the parties to a hearing or afford the parties an opportunity to be heard, and make decisions and recommendations from hearings so held.
 - (2) Every lottery licensing clerk is hereby appointed a lottery licence officer.
 - (3) The Lottery Licence Administrator shall receive licence applications and materials on behalf of the City, review applications and the conduct of lotteries, instruct lottery licence officers, issue or deny licences, and generally carry out any act or inquiry, and make any report necessary to administer the licensing of lottery schemes on behalf of the City, in accordance with the law, Provincial Policies and this by-law or other directions of Council.
 - (4) The Lottery Licence Administrator duties include ensuring:
 - (a) Applications are complete, signed and on the forms supplied by the province; and

- (b) That the applicant has paid the fees required for the lottery, for the term of the licence, prior to processing the application, and that the term of the licence does not exceed one year.
 - (5) Where an application or applicant fails to comply with the requirements of subsection **(4)** or the Lottery Licence Administrator instructions in that regard, the application shall be returned and not processed further.
- 3. Licences may be approved, issued, suspended, cancelled or refused by the Lottery Licence Administrator or Council pursuant to the Order-in-Council, Provincial Terms and Conditions, Provincial Policies and this by-law for the following types of lottery schemes:
 - (a) Bingo,
 - (b) Media Bingo,
 - (c) Raffle,
 - (d) Break Open Ticket Lottery, and
 - (e) Lottery schemes at a Bazaar.
- 4. No one shall conduct a lottery scheme in the City of Hamilton unless a licence has been issued for that lottery under the Order-in Council; is in force on the occasion of the lottery scheme; and where the licence was not issued by the City, approval, as may be required by law or Provincial Policies, has been obtained from the City.
- 5.
 - (1) An application for a municipal licence shall be made to the Lottery Licence Administrator at least 30 days prior to the date on which the lottery scheme is to occur, or where there is more than one lottery scheme applied for in the application, at least 30 days prior to the date of the first lottery scheme applied for.
 - (2) A request for approval of a provincial licence shall be made to the Lottery Licence Administrator at least 90 days prior to the date of the lottery scheme applied for.
- 6.
 - (1) A person applying for a licence shall make the application in writing, filing the application, materials and fees required to be supplied under the terms of this By-law and the law.
 - (2) The applicant shall be responsible for ensuring that:
 - (a) all forms are properly completed and signed where necessary;
 - (b) truthful information is provided in forms required, or in responses supplied to enquiries made under this By-law;

- (c) any other information as may be required for the kind and class of lottery by the Provincial Policies, the law or this By-law, or as may be required by the Lottery Licence Administrator to identify the applicant, the charitable organization and its owner or operator, the charitable purposes, and nature of the lottery which the applicant proposes to licence, is supplied;
 - (d) prior to issuance of the licence, any correction of information supplied under (a), (b) or (c) is brought to the attention of the Lottery Licence Administrator in writing;
 - (e) all necessary and required information, materials and fees are delivered to the Lottery Licence Administrator; and
 - (9) all lottery reports and documentation required for previous licences, if any, have been submitted to and received by the City.
7. (1) A person applying for a licence shall pay a licence fee at the time the application is submitted, being three percent of the retail value of all prizes, or in the case of a lottery scheme at a bazaar, three percent of the retail value of all prizes and ten dollars per wheel per day for wheels of fortune.
- (2) No licence shall be issued until the licence fee has been paid.
- (3) Refunds of licence fees are subject to the following:
- (a) A refund of the licence fee may be made to the applicant where an application for a licences is withdrawn by the applicant before issuance, surrendered by the applicant after issuance, or where a licence or renewal of a licence is refused or denied.
 - (b) Where a licence is revoked or suspended, no refund will be issued for the event or events not yet held under the licence.
 - (c) Despite any other clause, no refund of fees shall be made for a raffle licence where one or more raffle tickets have already been sold.
 - (d) A request for a refund of licence fees must be submitted in writing to the licensing authority no more than 30 days after the date of the event for which the refund is being requested.
 - (e) No refund will be issued unless all required documentation has been submitted to the Licensing Authority within 30 days after the date of the event for which the refund is being requested.
- (4) A charitable organization shall pay to the City an administration fee, as set out in Schedule 1 of this By-law, for conducting an Organization Eligibility Review.

- (5) A charitable organization shall pay to the City an administration fee, as set out in Schedule 2 of this By-law, for the review and processing of a request for a letter of municipal concurrence to the charitable organization receiving a provincial gaming licence.
 - (6) A charitable organization shall pay to the City an administrative fee, as set out in Schedule 3 of this By-law, for the review and processing of a request for permission for the charitable organization to sell raffle tickets or hold a draw in the City of Hamilton where the actual licence has been issued by another municipality.
 - (7) A licensee shall pay to the City, at the time of submission of each request for a change to the licence, an administration fee, as set out in Schedule 4 of this By-law, for the review and processing of a requested change to an issued licence.
- 8.** The Lottery Licence Administrator shall use and apply the Order-in-Council, Provincial Policies, Provincial Terms and Conditions, and this by-law, where applicable, to the decision to deny or approve licences, or to recommend revocation or suspension of licences under this by-law.
- 9.**
- (1) Lottery Licence Administrator upon receipt of a proper, completed application and fees will review the application against the Order-in-Council, Provincial Policies, Provincial Terms and Conditions, and the provisions of this by-law.
 - (2) Applicants and licencees shall, as a condition of obtaining or continuing to hold a licence, permit inspections or inquires by lottery licence officers as may be reasonably requested.
 - (3) Lottery Licence Administrator may send notice of comments or non-compliance under this section to the applicant or licensee.
- 10.**
- (1) Subject to (2), the Lottery Licence Administrator shall:
 - (a) refuse to issue the licence, where the investigation under this by-law indicates the lottery scheme does not comply with the Criminal Code, Order-in-Council, Provincial Policies, Provincial Terms and Conditions, or the provisions of this by-law, or where the lottery event if held would not so comply;
 - (b) refuse to issue the licence where the investigation under this by-law indicates the requirements or conditions for licensing the applicant or issuing the applicable licence under this by-law, including those imposed by the Criminal Code, Order-in-Council, Provincial Policies, Provincial Terms and Condition to be met, are not met, or where it is determined that the application is incomplete or contains false or misleading information, or where the proceeds from the lottery will

not be used to the direct benefit of the residents of this municipality, or where the fees have not been paid; or

- (c) approve the licence where (a) or (b) do not apply, or where Council has approved issuance of the licence.
- (2) Where the Director notifies the City that a person is not eligible for a licence, no licence shall be issued to that person, and where the person already holds a licence under which a lottery scheme has not been held the City shall notify the Director of the existing licence and the licence may be revoked under section 12.
 - (3) Where the Lottery Licence Administrator refuses to issue a licence under this section, a dated, written notice shall be sent to the applicant or licensee of the refusal of their licence, and the grounds on which such refusal is based.
- 11.**
- (1) Subject to (2), the applicant or licensee is entitled to a hearing before the Licensing Committee where the decision of the Lottery Licence Administrator is to refuse a licence, and the parties to such a hearing shall be the City and the applicant or licensee.
 - (2) To obtain a hearing before the Licensing Committee over the refusal to issue a licence, the Applicant or licensee shall within thirty days from the date contained in the notice sent under subsection 10(3) above, file a written request for a hearing with the Secretary of the Licensing Committee together with the grounds for appeal of the decision of the Lottery Licence Administrator, which request shall include any change to their address for receipt of notice of the hearing.
 - (3) The Secretary, where written request of applicant or licensee meeting the requirements and time limits in subsection (2) is received, shall schedule a hearing before the Licensing Committee, and send written notice of the hearing to the parties, which notice may be personally delivered or sent by regular or registered mail.
 - (4) A hearing under this section shall be commenced by the Licensing Committee within 60 days from the date of receipt of the notice under (2).
- 12.**
- (1) The Lottery Licence Administrator may recommend that a hearing be held to consider whether a licence should be revoked or suspended, where the Lottery Licence Administrator finds:
 - (a) the lottery scheme is being operated in contravention of, or if held or continued would be in contravention of, the Criminal Code, Order-in-Council, Provincial Policies, Provincial Terms and Conditions, or the provisions of this by-law;

- (b) where the requirements or conditions for licensing the applicant, issuing the applicable licence or holding the lottery scheme under this by-law, including those imposed by the Criminal Code, Order-in-Council, Provincial Policies, Provincial Terms and Condition to be met, are not being met, or where it is determined that the information supplied to obtain the licence was incomplete or contained false or misleading information, or where the proceeds from the lottery are not being used to the direct benefit of the residents of this municipality, or where the fees have not been paid; or
 - (c) where the Director notifies the City that a licensee is not eligible for a licence.
- (2) Council may direct the Lottery Licence Administrator to send a written notice to the Licensing Committee to hold a hearing for revocation or suspension of a licence, or attaching of terms or conditions to the licence, on the grounds as provided for in this section, section 14 or section 17.
- (3) The recommendation of the Lottery Licence Administrator shall be in writing and contain the grounds upon which the licence is recommended to be suspended or revoked, and be sent to the licensee and the Secretary.
- (4) The licensee is entitled to a hearing before the Licensing Committee into the recommendation of the Lottery Licence Administrator, and the parties to the hearing shall be the City and the licensee.
- (5) Where the Secretary receives the recommendation of the Lottery Licence Administrator or City Council to hold a hearing, the Secretary shall arrange a hearing date with the Licensing Committee and send written notice of the hearing to the licensee and the Lottery Licence Administrator.
- (6) The written notice in (5) shall include or attach the grounds as provided by the Lottery Licence Administrator or Council.
- 13.**
 - (1) The Licensing Committee shall hold a hearing in respect of the matter as arranged by the Secretary.
 - (2) The Licensing Committee may consider the Statutory Powers Procedure Act, R.S.O. 1990, Chapter S.22, in respect of the hearing and conduct of hearings, the failure of the applicant or licensee to attend the hearing, and its decisions and recommendations.
 - (3) The Licensing Committee shall have regard to the following matters where relevant, as may be raised at a hearing:
 - (a) the law, Provincial Policies and this by-law;
 - (b) circumstances and facts raised by evidence of the parties;

- (c) the legitimate interests of the applicant or licensee; and
 - (d) whether the lottery is or will be carried on in compliance with the law, Provincial Policies and this by-law.
- (4) The Licensing Committee, after a hearing or opportunity for a hearing is provided, may recommend to Council that a licence be granted or refused, suspended or revoked, on the grounds for such decisions provided for in this By-law.
- (5) The Licensing Committee shall forward a report to Council on the final decision arising from each hearing or opportunity for a hearing.
- (6) After Council has made a decision in respect of the recommendation of the Licensing Committee, the Secretary shall send notice of a decision to refuse, revoke or suspend a licence to the applicant or licensee by personal delivery, or to their last known address by registered mail, and such revocation or suspension is effective upon such notice being mailed or personally delivered.
14. (1) Council in its discretion, after considering the report of the Licensing Committee from a hearing, may grant or refuse a licence, suspend or revoke a licence, or attach terms or conditions to the licence or issuance of the licence pursuant to this by-law or the Order-in-Council, all without a hearing, having regard to the matters considered by the Committee at the hearing in subsection 13(3), and having regard to the law, Provincial Policies and this by-law, which discretion shall be exercised on the grounds set out within this by-law or the Order-in-Council.
- (2) The grounds in subsection (1), include the grounds in this By-law and the Order-in-Council which permit the rejection of an application for a licence, the refusal of a licence, the grounds upon which the Lottery Licence Administrator may recommend revocation or suspension of a licence, and the ground that a term or condition is required to ensure compliance with the law, Provincial Policies and this by-law.
- (3) Council may direct the Licensing Committee to hold a hearing or give an opportunity for a hearing, and in respect of a hearing or opportunity for a hearing that has already occurred may direct a new or further hearing, on such issues as Council may specify.
- (4) Where the decision of Council is to issue a licence the Lottery Licence Administrator shall issue the licence on the terms or conditions directed by Council.
- (5) When the Licensing Committee has held a hearing and reported to Council, and City Council has made a decision to deny or revoke a licence, or to refuse the renewal or transfer of a licence, any re-hearing or hearing with

respect to that licence shall be not considered for one year from the date of Council's decision.

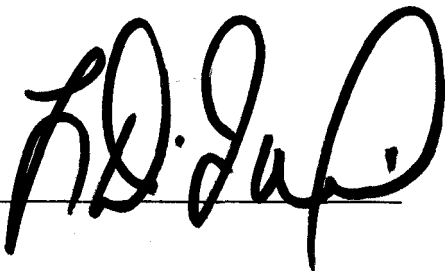
15. Every licence is personal to the holder thereof, and no licence is transferable without the consent in writing of the Lottery Licence Administrator or Council.
16. A licence certificate issued under this by-law is the property of the Council and the licensee shall return it to the Lottery Licence Administrator within 7 days after the date of the occasion or the date of the last occasion for which it was issued.
17.
 - (1) Licensees and members in charge of lotteries shall comply with the terms of the law, Provincial Policies and this By-law, and the terms and conditions of their licences, and no licensee shall cause or permit their employee, agent or other persons carrying on or engaging in the lottery on their behalf, to fail to so comply.
 - (2) Compliance with the provisions of the law and this by-law is a term and condition of,
 - (a) the issuance of a licence; and
 - (b) the remaining in force of a licence.
 - (3) The breach of a term and condition of this by-law, or the failure to comply to a request or demand authorized under the law or this by-law, by an applicant, licensee or member in charge of a lottery, is cause for the refusal to issue, suspension or revocation of a licence under sections 10, 12 or 14.
18. Every licensee shall comply with the following terms and conditions:
 - (1) Comply with all provisions of the law and this by-law.
 - (2) Provide the full name, address of residence, and home telephone number of every member designated to be in charge of the lottery on behalf of the licensee, and immediately advise the Lottery Licence Administrator, in writing, of any change.
 - (3) For financial reporting purposes designate a financial year end, and failing which, the licensee shall be deemed to have a financial year end of December 31.
 - (4) Where the Provincial Terms and Conditions permit a licensee to create rules and use them for the lottery, a copy of the proposed rules shall be submitted for approval to the Lottery Licence Administrator prior to their use, and Lottery Licence Administrator shall approve them for use by the licensee if they are not contrary to the law or Provincial Policies.

- (5) Produce the lottery licence immediately upon demand by a lottery licence officer or a police officer.
 - (6) Keep and maintain a record for each lottery event, of all persons, both members and non-members assisting in the conduct and management of the lottery, and the amount of compensation paid.
 - (7) Where the Provincial Terms and Conditions permit a licensee to pay for an expense or other charge by cash with a receipt in place of a cheque, the licensee shall ensure a written receipt is retained, which contains the name, address and signature of the person to whom the cash is paid.
 - (8) Notify the Lottery Licence Administrator in writing, of the failure or refusal to award the prizes specified in the licence on the date specified, along with the reasons for such failure or refusal and the names and addresses of any winners left unpaid, within seven days of such date, and make available any books and records of the lottery scheme for review upon demand.
 - (9) Deliver the licence certificate to the Lottery Licence Administrator immediately upon the revocation or suspension of the licence, or where no further lottery events will be held under the licence,
 - (10) Provide copies of Lottery Trust Account Bank Statements and cancelled cheques from such accounts to the Lottery License Administrator within 30 days of each month's end.
- 19.** A lottery licence officer or a police officer shall, at all reasonable times, be given direct and unencumbered access by the licensee, to enquire into the nature, management and conduct of a lottery scheme, and to all books and records of the licensee relating to the lottery, before or after the issue of a licence and the holding of the lottery, to ensure there is compliance with the law and that an application for a licence can be properly considered.
- 20.**
- (1) It is a term of the licence, where a police officer has reasonable and probable grounds to believe there exists a breach of the law in relation to the lottery scheme or that the holding of the lottery scheme will result in a breach of the law, that the police officer may order the licensee or its officers, agents or servants to cease and desist from further conducting the lottery scheme upon threat of prosecution for failure to comply.
 - (2) Where an order has been made under subsection (1), the police officer shall, in addition to any other action, provide a report of the incident to the Lottery Licence Administrator.
- 21,** No licensee shall prevent, hinder, molest or interfere, or permit a servant, agent or employee of the licensee to prevent, hinder, molest or interfere, with a lottery licence officer or police officer in doing anything the lottery licence officer or police officer is authorized to do by or under this by-law.


22. (1) A notice given or required to be given to an applicant or licensee under this By-law, may be sent by facsimile, regular mail or registered mail to a number or address supplied by the applicant or licensee, or delivered personally to the applicant or licensee, or to a member in charge listed in the application or licence.
- (2) Notwithstanding any other section of this By-law, a notice of refusal to issue, or a notice of revocation or suspension of a licence is effective upon personal delivery to a member in charge of the lottery listed in the application or licence.
23. In the event of a conflict between the provisions of this by-law and any Federal or Provincial act, or an Order-in-Council of the Province passed under the authority of section 207 of The Criminal Code, or the Provincial Terms and Conditions or Provincial Policies, the provisions of such Act, Orders-in-Council, term, condition or policy prevail to the extent of such conflict.
24. Should a court of competent jurisdiction declare a part or the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law.
25. Town of Ancaster By-law 96-35, the Town of Flamborough By-law 86-9-L, City of Hamilton By-law 98-204 and the City of Stoney Creek By-laws 870-79 and 4535-97 and amendments thereto are repealed.
26. This by-law may be referred to as the "Lottery Licensing By-law".
27. This by-law comes into force and effect on the date of its passing and enactment.

PASSED this 16th day of June 2004.

MAYOR



CITY CLERK



Schedule "1" to City of Hamilton By-law 04-134

Organization Eligibility Review

1. Where an organization in the City of Hamilton wishes to conduct lottery schemes as a method of raising funds, the following types of organizations are required to undergo an eligibility review prior to a Municipal Lottery Licence application being considered:
 - a) An organization which has never held a lottery licence issued by the City;
 - b) An organization which has been licenced by the City before, but has not held a licence in two (2) years since the date of their most recent lottery licence application; and
 - c) An organization which has changed its name and/or mandate since its last lottery licence was issued or since the organization's eligibility for lottery licensing was reviewed.
2. An organization which does not meet the criteria listed in Section 1 of this Schedule does not need to undergo an eligibility review.
3. When an organization wishes to undergo an organization eligibility review, it shall submit a request for such a review to the Lottery Licence Administrator, and include with its request:
 - a) a copy of its current corporate documents, such as letters patent, constitution and/or by-laws;
 - b) a copy of its budget for the preceding and current years;
 - c) a copy of the Revenue Canada Notification of Registration letter, if applicable;
 - d) a detailed outline of programs and services which benefit the Hamilton community, including what the programs are, how they are delivered to clients, specific costs, supporting materials required, etc.;
 - e) a copy of the organizations most recent financial statements;
 - f) the organizations year-end date;
 - g) a listing of the organization's current board of directors or executive, including home address and telephone number for each;
 - h) an administration fee payable to the City; and
 - i) any other documentation as may be required by the Lottery Licence Administrator.
4. A request for an eligibility review will not be deemed to have been received until all of the documentation listed in Section 3 of this schedule has been received, or the requirement to submit certain documents has been waived by the Lottery Licence Administrator.
5. The administrative fee for an Organization Eligibility Review is \$25.00.

6. The City will notify the organization of its decision, in writing, regarding the organization's eligibility within two weeks of receiving the request.
7.
 - a) An organization may submit a lottery licence application at the same time it submits documentation for the eligibility review, but the application will not be processed until the organization has been deemed eligible for lottery licensing by the City.
 - b) Where an organization does submit a lottery licence application along with the documentation for an eligibility review, and the organization is deemed ineligible for lottery licensing, the application will also be deemed to be denied and Section 10 of City of Hamilton By-law 98-204 will apply.
 - c) Where an organization does not submit a lottery licence application along with the documentation for an eligibility review, and the organization is deemed ineligible for lottery licensing, Section 10 of City of Hamilton By-law 98-204 will not apply.
8. Payment of the administration fee in no way guarantees the City will find the organization eligible to conduct lottery schemes.
9. The Administration fee is non-refundable.

Schedule "2" to City of Hamilton By-law 04-134

Municipal Concurrence for Provincial Lottery Licences

1. Where an organization requests from the City a letter of municipal concurrence to the organization receiving a provincial gaming licence, the organization shall submit to the City:
 - (a) the request for such a letter, in writing;
 - (b) a copy of the lottery application being submitted to the Province; and
 - (c) a cheque for the Administrative fee, made payable to the City.
2. The Administrative Fee for issuing a letter of Municipal Concurrence is \$25.00.
3. Payment of the administration fee in no way guarantees the City will issue a letter of municipal concurrence.
4. The Administration fee is non-refundable.

Schedule "3" to City of Hamilton By-law 04-134

Approval for Inter-municipal Ticket Sales

1. Where an organization, licenced by the Province or a municipality other than the City of Hamilton to conduct a raffle lottery scheme, wishes to sell raffle tickets or hold one or more draws in the City of Hamilton, the organization shall submit to the City:
 - (a) The request for permission, in writing;
 - (b) A copy of the Raffle Lottery Licence; and
 - (c) a cheque for the Administrative fee, made payable to the City.
2. The Administrative Fee for issuing a letter of Municipal Concurrence is \$25.00.
3. Payment of the administration fee in no way guarantees the City will grant permission to sell raffle tickets or hold draws in the City of Hamilton.
4. The Administration fee is non-refundable.

Schedule "4" to City of Hamilton By-law 04-134

Changes to issued Lottery Licences

1. A licence change application is required for any of the following situations:
 - a) For any Licence
 - To change the approved use of proceeds
 - Any change not specifically listed in this policy
 - b) Bingo Licences
 - To Add, Change or Remove a date and/or time from a licence
 - To change a game format (type of games played, order of games, etc.)
 - To change Bingo card prices
 - To change the prize board
 - To change the game format (type of games played, order of games, etc.)
 - c) Nevada/Break Open Ticket Licences
 - To extend the time period of the licence
 - To change the ticket seller information
 - To change the number of boxes on a licence
 - To transfer boxes from one licence to another
 - d) Raffle Licences
 - To change the date or location of a draw
 - To change the number of tickets being sold under the licence
 - To change the raffle prize board
 - To add or remove early bird draws from the licence
 - e) Bazaar Licences
 - To change the date or location of the bazaar
 - To change the type of game(s) being played at the bazaar
2. Any request for a change to an issued licence must be submitted in writing, signed by two bona fide members of the organization, explaining why the change is being requested, and supported by the following documentation:
 - (a) A copy of the current licence;
 - (b) A cheque made payable to the City of Hamilton for the amount of the administrative fee plus any additional licensing fees as required;
 - (c) If the change is relating to Bingo schedules, prize boards, bingo paper prices or game formats, a copy of both the old and the new game schedules;
 - (d) If the change is related to a raffle, a copy of the revised raffle ticket; and
 - (e) Any other documentation as may be required by the Lottery Licence Administrator.

3. Where an organization has requested a change to a licence, and the request is submitted at least one week prior to the event for which the change is occurring, the administration fee is \$25.00.
4. Where an organization has requested a change to a licence, and the request is submitted less than one week prior to the event for which the change is occurring, the administration fee is \$50.00.
5. Where a charitable or non-profit organization has been deemed eligible by the City of Hamilton to run a lottery licensing scheme, and that organization has been issued a licence to run a lottery scheme in the City, a change for a licence cannot be approved where the request is submitted after the date of the event or period for which the change is requested. Changing an item on an issued licence without authorization from the Licensing Authority is a contravention of Provincial Terms and Conditions, and may result in an organization's licence being suspended or revoked, future licence applications being denied, and/or the Ontario Provincial Police and/or the Alcohol and Gaming Commission of Ontario being notified of the violation.
6. Where a Bingo Hall Operator, Break Open Ticket Marketing Agent, Third Party Seller or the staff of a Bingo Hall Operator, Break Open Ticket Marketing Agent or Third Party Seller facilitates, permits or otherwise authorizes or allows for an unapproved change to a licence to occur (such as allowing an unlicensed event at a Bingo Hall to occur, or delivery of Break Open Tickets on an expired licence), the Ontario Provincial Police and/or the Alcohol and Gaming Commission of Ontario will be notified of the violation.
7. Where a change to a licence also involves an increase to a prize board and/or the number of events, the organization must submit the difference, if any, between the licensing fee already paid and the new fee owing.
8. Where a change to a licence also involves a decrease to a prize board, the organization cannot deduct an expected refund resulting from the decreased prize board from the administration fee. An organization must submit the full administration fee, and if it feels it is entitled to a refund, to submit a request for said refund at the same time. Should the requested change be approved by the City, a refund, if required, will be issued by separate cheque.
9. Multiple changes to a licence submitted as different requests require an administration fee payment for each change request. Multiple changes to a licence submitted in the same request are subject to only one administrative fee.
10. In the case of a Bingo event, where one organization is declining to run an event(s) it has been licenced for, and that event(s) is to be run by a different organization, only the organization declining to run the event(s) will be responsible for the payment of the fee. Only one fee shall be required, even though two licence changes will occur. The organization which is adding the event(s) is still responsible for the additional licensing fee for the added event(s).

11. There shall be no administration fee required when the request for a change to a licence is due to an error by the Lottery Licensing Department.
12. Payment of the administration fee in no way guarantees approval of the requested licence change.
13. The administration fee is non-refundable.

Authority: Item 7, Economic
Development & Planning
Committee
Report: 07-007 (PED07130)

CM: April 25, 2007

Bill No.147

CITY OF HAMILTON

BY-LAW NO. 07-147

**To Amend By-law No. 04-134,
Being the LOTTERY LICENSING BY-LAW**

WHEREAS Section 207 of the Criminal Code provides that a charitable or religious organization may conduct and manage a lottery scheme for charitable objects or purposes, subject to licensing and such terms and conditions as may be imposed;

AND WHEREAS the Lieutenant Governor of Ontario, by Order-in-Council 2688/93, did empower a municipal council to issue lottery licences to charitable or religious organizations;

AND WHEREAS on the 16th day of June, 2004, the Council of the City of Hamilton passed and enacted By-law No. 04-134, being the LOTTERY LICENSING BY-LAW;

AND WHEREAS it is necessary to amend By-law No. 04-134;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 04-134 is hereby amended by deleting subsection 7(1) in its entirety and by substituting in its place the following subsection;

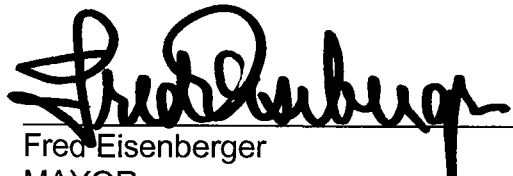
“7. (1) A person applying for a licence shall pay a licence fee at the time the application is submitted, being three percent of the retail value of all prizes or;

(a) in the case of a lottery scheme at a bazaar, three percent of the retail value of all prizes and ten dollars per wheel per day for wheels of fortune;

(b) on and after the day such a licence fee is permitted by the Registrar of Alcohol and Gaming, in the case of a bingo, \$165.00 per event.”

2. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 16th day of May, 2007



Fred Eisenberger
MAYOR



Kevin C. Christenson
CLERK

CITY OF HAMILTON

BY-LAW NO. 08-186

To Change the Name of the City of Hamilton Licensing Committee to the Hamilton Licensing Tribunal

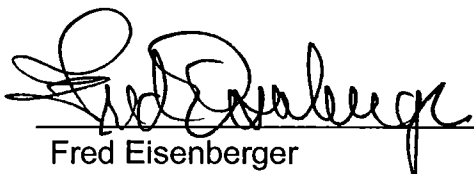
WHEREAS Council of the City of Hamilton established, under Section 23.5 of the Municipal Act, 2001, S.O. 2001, c. 25, the "City of Hamilton Licensing Committee" which, for the purpose of business and lottery licensing, hears the parties to a hearing or affords the parties an opportunity to be heard, and makes decisions and recommendations from hearings so held;

AND WHEREAS Council of the City of Hamilton has resolved to change the name of the City of Hamilton Licensing Committee to the Hamilton Licensing Tribunal;

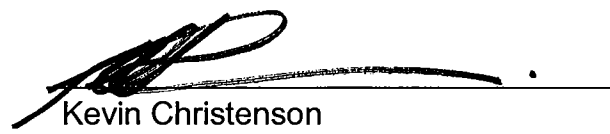
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Every occurrence of:
 - (a) the term "City of Hamilton Licensing Committee"; and
 - (b) any similar term having the same meaning as the term "City of Hamilton Licensing Committee", but which term is not identical,in By-law Nos. 04-134, 06-234, 07-170 and 08-169, all as amended, is deleted and replaced with the term "Hamilton Licensing Tribunal".
2. Every By-law, whether or not it is referred to in section 1, which uses the term "City of Hamilton Licensing Committee" or a similar term having the same meaning, shall be, where the context requires, deleted and replaced with the term "Hamilton Licensing Tribunal".

PASSED and ENACTED this 7th day of August, 2008.



Fred Eisenberger
Mayor



Kevin Christenson
City Clerk