

A GUIDE TO CHARITABLE GAMING IN ONTARIO

(Ce document est disponible en français)

What is "charitable gaming" and how is it regulated in Ontario?

"Charitable gaming" refers to lottery schemes permitted by a licence under the Criminal Code (Canada). Typically these may include bingo, raffles, break open tickets and social gaming events held by charitable and religious organizations. Charitable organizations are regulated by licensing policies and the terms and conditions of the licences issued by the province or municipalities under authority of an Order-in-Council. The commercial sector of the charitable gaming industry is regulated by the *Gaming Control Act, 1992* and Regulations.

Who can get a licence to conduct a lottery scheme?

Canada's Criminal Code permits charitable and religious organizations to conduct a lottery scheme to raise funds pursuant to a licence being issued. Organizations must have a demonstrated charitable or religious mandate to qualify. The courts have determined that the term "charitable" refers to organizations which provide programs for:

- a) the relief of poverty;
- b) the advancement of education;
- c) the advancement of religion;
- d) other charitable purposes beneficial to the community.

The following pre-requisites are mandatory to be considered eligible for a lottery licence:

- Organizations must have been in existence for at least one (1) year before being considered eligible for lottery licences.
- The organization must have a place of business in Ontario, demonstrate that it is established to provide charitable services in Ontario and use proceeds for objects or purposes which benefit Ontario residents.

The primary purposes of an organization are determined by considering:

- the mandate of the organization as set out in its incorporation documents or documents stating the organization's objects;
- the objects of the organization as described in its application for licence;
- the services which have actually been provided by the organization to the community.

What types of charitable and religious organizations are eligible?

Types of organizations in the four categories of charitable mandate include those providing for:

(a) THE RELIEF OF POVERTY

Organizations providing assistance to:

- the sick and dying;
- disabled persons;
- the homeless;
- victims of crime;
- rehabilitating young offenders and parolees.

Funds may be provided to individuals or families where the relief is a short-term or one-time payment intended to relieve an exceptional or unusual condition or circumstance (e.g. helping a family whose house has burnt down).

(b) THE ADVANCEMENT OF EDUCATION

To be eligible, an organization must provide public programs which:

- are geared to scholastic and vocational training for individuals and lead to a recognized diploma or certificate;

- advance a recognized field of knowledge which leads to an accredited degree, diploma or certificate;
- do not include professional development.

Examples of organizations that could be eligible:

- elementary and secondary public and Roman Catholic separate schools;
- accredited colleges and universities;
- private schools registered with Revenue Canada as a charitable organization;
- parent/teacher associations or other groups which are non-profit entities and which support one of the above types of institutions;
- scholarship or bursary funds registered with Revenue Canada as a charitable organization.

(c) THE ADVANCEMENT OF RELIGION

Religious organizations must demonstrate that programs and services assist in the delivery of religious services and programs to the community. A religious body is considered charitable when its activities serve religious purposes for the public good. Other activities that advance religion include:

- organizing and providing religious instruction, and performing pastoral and missionary work; and
- establishing and maintaining buildings for worship and other religious use.

(d) ANY PURPOSE BENEFICIAL TO THE COMMUNITY

To qualify an organization must demonstrate that:

- it is operated on a not-for-profit basis, and its purposes include charitable or religious objects;
- its services are offered to a significant portion of the public; and
- the proposed use of proceeds are consistent with its mandate.

Eligible organizations include those with mandates in:

- culture and arts;
- health and welfare;
- physical education;
- community support;
- youth sports where majority of players are under 18;
- service to the community (service clubs).

What lottery schemes does the Province licence?

The province licences the following events:

- Bingo events with prize boards over \$5,500;
- Super jackpot games;
- Ticket raffle lotteries for total prizes over \$50,000;
- Lotteries held in conjunction with another gaming event licensed by the provincial office including break open tickets at bingo events;
- Provincial break open ticket lotteries;
- All lottery schemes conducted in unorganized territories;
- All lottery schemes at a designated Fair or Exhibition;
- Social gaming events.

What lottery schemes do municipalities licence?

A Municipality may issue licences to conduct the following lottery schemes:

- Bingo events with prize boards \$5,500 and under;
- Media bingo events;
- Ticket raffle lotteries for total prizes \$50,000 and under;
- All break open ticket lotteries not licensed by the provincial office;
- Bazaars.

How does my organization apply for a lottery licence?

- Determine what type of lottery scheme your organization intends to conduct;
- Obtain the appropriate application form from your local municipal office or the province;
- Complete the form according to the instructions on the form and the policies provided by the municipal office or as set out in the guide for that lottery event.

Do I have to include anything with the application form?

First time applicants should, in addition to the materials required with the application as identified in the licensing policies, provide the following information or documents:

- A copy of its articles of incorporation or constitution and/or by-laws;
- A copy of its budget or financial statements for the preceding and coming years;
- Any other information that will assist in determining the charitable nature of the objects and purposes. This could include an annual report, charitable number for income-tax purposes, the fact that it meets the reporting requirements of the Charities Accounting Act;
- The proposed use of proceeds must be consistent with the primary objects and purposes of the organization which must be of a charitable nature consistent with at least one of the four classifications of charitable purposes.

How will my application be evaluated?

The following questions may be used to determine the eligibility of the applicant:

- Does the organization qualify as a charitable or religious organization?
- Is the organization established to provide charitable services in Ontario and use proceeds for objects or purposes which benefit Ontario residents?
- Does the organization restrict its mandate to any segment of the community?
- Does a significant portion of the community benefit by the fund raising of the applicant?
- Is the applicant properly organized such that it is separate from any other organization? i.e. legally, financially, organizationally.
- Has the applicant been in operation for at least one (1) year and have a proven charitable mandate? If not, it is not eligible.
- Are there at least 3 persons who will assume full responsibility for the operation and conduct of the event?
- What will the proceeds of the licensed event be used for and is the intended use consistent with the classification?
- Does the organization have a place of business in Ontario?

What types of organizations are not charitable for lottery licensing purposes?

Types of organizations which cannot be considered charitable include:

- social clubs;
- professional associations, unions, employee groups;
- elected representative groups including municipal, regional, provincial and federal governments;
- government ministries, agents or bodies;
- political lobby groups;
- political parties;
- adult hobby groups;
- private sports clubs (e.g. golf/curling);
- adult sports teams.

If one of these groups wish to raise funds to donate to charities, it must become recognized as a charitable organization with an established charitable mandate, either through incorporation or by constitution and by-laws, and apply for lottery licences to be used for

projects or donations that are consistent with its charitable mandate.

What is the *Gaming Control Act, 1992* and who does it affect?

The *Gaming Control Act, 1992* is an Act to regulate the individuals and businesses who supply goods, services and equipment to charitable and religious organizations that have been licensed to conduct lottery schemes. The Act provides, among other things, for:

- registration of businesses and individuals as suppliers (e.g. all bingo halls where more than one event is conducted per week, manufacturers of break open tickets and bingo paper etc.) and gaming assistants;
- the types of gaming premises, services and equipment that can be provided;
- the regulation of registrants.

The Regulations under the *Act* prescribe the manner in which things are to be done including:

- Exempting persons or classes of persons from registration;
- Defining classes or types of registrants;
- Fees payable.

Where do I find the provincial office?

Alcohol and Gaming Commission of Ontario
Gaming Registration & Lotteries
20 Dundas Street West, 7th Floor
Toronto, Ontario
M5G 2N6

Phone: (416) 326-8700
Toll free in Ontario: 1-800-522-2876
FAX: (416) 326-8711

Where can I get a copy of the *Gaming Control Act, 1992* and the Regulations?

Published copies of the *Gaming Control Act, 1992* and Regulations may be purchased at:

PUBLICATIONS ONTARIO

To order publications in Toronto
call: 326-5300

from other communities in Ontario
call: 1-800-668-9938

or write to:

Publications Ontario
5th Floor, 880 Bay St.,
Toronto, Ontario
M7A 1N8

Prepayment is required for priced publications. Make cheques payable to the Minister of Finance. Master Card and Visa are accepted.

This fact sheet contains an outline of policies and procedures and is intended to be an information document. For regulatory requirements please refer to the *Gaming Control Act, 1992*, the Regulations under the *Act* and the Terms and Conditions of licences issued. For copies of the policies and procedures, please contact your municipal office or the provincial licensing office.

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