



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Application for a Class C Bingo Hall Staff Report to Council

Report Number: 2022-11

Department(s): Legislative Services

Author(s): Flynn Scott, Manager of Regulatory Services

Meeting Date: February 28, 2022

Recommendations

1. That the report entitled Application for a Class C Bingo Hall dated February 28th, 2022 be received; and,
2. That Council approves or denies Market Brewing Company's application and that decision be forwarded to the Alcohol and Gaming Commission of Ontario for final consideration; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to present an application for a Class C Bingo Hall licence for Council's consideration.

Background

Market Brewing Company ("MBC") is a local brewery, located at 4-17775 Leslie Street, that has submitted an application to the Alcohol and Gaming Commission of Ontario ("AGCO") to become an approved Class C Bingo Hall. As part of the provincial application process, MBC must first obtain Town Council's approval to open a new hall. Council's consideration is required to either approve or deny the application, however, the Registrar of the AGCO has discretion to review Council's decision. The Registrar will notify the applicant and Town Council of the final decision in writing.

Bingo Halls are regulated by the province and are required to be registered and approved by the AGCO in order to operate. Class C Bingo Halls are limited to operating no more than 3 bingo events in any seven day period. There is also an extensive application process through the AGCO, which includes, but is not limited to:

- confirmation of compliance with municipal zoning requirements and by-laws;
- approval from the municipal council in support of a new bingo hall;
- a map outlining the proposed location and existing registered bingo halls within a 30km radius;
- a description of the proposed operation, including prize amounts and logistics, number of game sessions and days, financial details for charity donations, etc.;
- a list of charities supporting the opening of a new hall;
- an extensive background check of the applicant, including a review of demonstrated experience in the operation of a bingo hall;
- details of the proposed facility, including floor plans, seating capacity, etc.;
- posting public notice of intention to open a new bingo hall for public and stakeholder input; and
- a summary outlining the benefits to the community in opening a new bingo hall.

A copy of MBC's application submission to the AGCO has been included in this report, which contains all documents required for consideration (see **Attachment #1**).

Council's Legislative Authority

The AGCO provides the following criteria for Council when evaluating a bingo hall application:

1. That there be fair and equal access to the charitable gaming marketplace;
2. That charitable organizations have the opportunity to maximize lottery fundraising dollars while recognizing the impact on other charitable organizations currently conducting bingos;
3. That decisions respecting new bingo halls be made in the best interests of the local and regional communities where the proposed bingo hall is to be located; and
4. That there be public input into the decisions concerning proposed new bingo halls or relocations of existing bingo halls.

When considering a bingo hall application, Council has the authority to:

1. approve the application;
2. deny the application;
3. hold a public meeting to obtain further information upon which to base their decision and to allow the applicant and respondents to outline their position in a public forum;
4. require additional information from the applicant to substantiate the proposal or address any concerns of Council;

5. require the applicant fund an independent market study to be undertaken at the direction of and reporting to Council to determine the impact would have on existing halls and charitable licensees.

Council's decision will be forwarded to the AGCO as a part of the overall application package. It is important to note that any decision by Council may be appealed within 14 days to the AGCO directly. The Registrar of the AGCO has discretion to review Council's decision and will notify the applicant and Council of the final decision in writing.

Discussion

MBC currently operates as a local brewery in Newmarket, located at 4-17775 Leslie Street, and intends to maintain its business classification status. The property is zoned Mixed Employment (EM), which permits the use of a bingo hall. MBC has applied to the AGCO to operate coordinated bingo nights for no more than 3 events in any seven day period as an adjunct service to their existing business practices.

Public Notice Requirements

As part of the application process, MBC was required to post public notice in the community for public and stakeholder feedback. MBC posted public notice in The Era Newmarket on September 23, 2021, which included all necessary requirements and directed input to be received by the Town.

As a direct result of the public notice posted, the Town received three formal oppositions to MBC's application. This included correspondence received from Bingo World and Gaming, which is a bingo hall currently in operation in Newmarket, in addition to opposition from the Ontario Charitable Gaming Association and Newmarket Charitable Gaming Association – both of which fundraise through Bingo World and Gaming's operations. Bingo World and Gaming is currently operating as a Class A Bingo Hall pursuant to AGCO's licensing framework.

MBC has provided a list of charitable organizations that supports their application to operate a Class C Bingo Hall in Town. This list includes:

- Inn from the Cold
- Newmarket Food Pantry
- Rose of Sharon
- PKD Foundation of Canada (York Region Chapter)
- Ontario SPCA Provincial Education & Animal Centre

MBC has also provided four formal letters of support to accompany this list and all public consultation correspondence received by the Town is included in this report (see **Attachment #2**).

Conclusion

As part of MBC's application to the AGCO to operate a Class C Bingo Hall, Council's consideration is required to either approve or deny the application. Council's decision should evaluate the overall community benefit in opening a new bingo hall and the impact to existing bingo halls or charitable organizations by doing so. A copy of Council's decision will be forwarded to the AGCO and a final decision by the Registrar will be provided, in-writing, to both the applicant and the Town.

Business Plan and Strategic Plan Linkages

This report aligns with Council's Strategic Priorities for Economic Leadership by attracting, retaining, and expanding jobs through innovation, collaboration, and urbanization.

Consultation

Public Notice was posted on September 23, 2021 in The Era Newmarket newspaper by the applicant directly. All correspondence received has been included in this report.

Human Resource Considerations

None.

Budget Impact

The Town currently licences bingos and lotteries in accordance with provincial legislation. If MBC's application is approved and operated as proposed, Town staff anticipates approximately \$1,980 per month or \$23,760 annually in licensing revenues.

Attachments

Attachment #1 – MBC Application

Attachment #2 – Public Input

Approval

Lisa Lyons, Town Clerk/Director, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

Contact

Flynn Scott, Manager of Regulatory Services, Legislative Services