

COURT OF APPEAL FOR ONTARIO

B E T W E E N:

IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*, RSO 1990, c. C.34, by Order-in Council 210/2024 respecting permitting international play in an online provincial lottery scheme

**MOTION RECORD OF ATLANTIC LOTTERY CORPORATION,
BRITISH COLUMBIA LOTTERY CORPORATION, LOTTERIES AND GAMING
SASKATCHEWAN AND MANITOBA LIQUOR and LOTTERIES CORPORATION
(Motion for Leave to Intervene)**

April 8, 2024

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(Motion for Leave to Intervene)**

NOTICE OF MOTION

The Proposed Interveners, Atlantic Lottery Corporation (“**ALC**”), British Columbia Lottery Corporation (“**BCLC**”), Lotteries and Gaming Saskatchewan (“**LGS**”) and Manitoba Liquor and Lotteries Corporation (“**MBLL**”) will make a Motion to the Court on May 1, 2024 at 10:00 a.m., or as soon after that time as the Motion can be heard, at the courthouse, Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

PROPOSED METHOD OF HEARING: The Motion is to be heard in person.

THE MOTION IS FOR:

- (a) an order granting ALC, BCLC, LGS and MBLL leave to intervene in this matter as added parties or alternatively, as friends of the Court, pursuant to rule 13.03(2) of the *Rules of Civil Procedure* and in accordance with the Order of the Honourable Justice van Rensburg dated March 1, 2024 on the following terms:
 - (i) the Proposed Interveners may file a factum in the matter;

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- (ii) the Proposed Interveners shall have, collectively, one hour of oral submissions to argue the question in this Reference;
 - (iii) the Affidavit of William Hill filed in this Motion shall be included in the Court's record, which the Proposed Interveners may rely on for the merits hearing;
 - (iv) the Proposed Interveners may adduce further evidence and rely on it for the merits hearing, subject to any direction this Court may make in respect of scheduling;
 - (v) no costs shall be awarded either for or against the Proposed Interveners in respect of this Motion or this matter; and
- (b) such further and other relief as this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE:

- (a) The Proposed Interveners are corporations invested by the governments of their respective jurisdictions with the exclusive authority to conduct and manage (among other things) online gambling. The Proposed Interveners return 100% of their profits to the governments of their respective jurisdictions in order to fund health care, education, supports for First Nations and Indigenous groups, social services and other vital government programs.

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- (b) Although Part VII of the *Criminal Code*, R.S.C., 1985, c. C-46 broadly prohibits most forms of gaming and betting, provincial lottery corporations are permitted on behalf of the provinces to conduct and manage lottery schemes, including online gambling, within the relevant province pursuant to an exception under subsection 207(1)(a) of the *Criminal Code*.
- (c) ALC has the sole legal authority to conduct and manage, and/or operate online gambling, as agent for provincial governments or provincial crown corporations in Atlantic Canada. Similarly, each of BCLC, LGS and MBLL has the sole legal authority to conduct online gambling in British Columbia, Saskatchewan and Manitoba, respectively.
- (d) Each of ALC, BCLC, LGS and MBLL offers lawful online gambling platforms to residents of their respective jurisdictions.
- (e) ALC, BCLC, LGS and MBLL are members of the Canadian Lottery Coalition (the “**Coalition**”). The Coalition seeks to combat illegal online gambling being advertised and offered to residents in each member’s jurisdiction by private companies who lack any lawful basis to offer their services (“**Illegal Operators**”) and who do so contrary to various prohibitions on gambling in the *Code*.
- (f) In April 2022, the Government of Ontario opened its online gaming market to certain private companies, including foreign entities who market their gaming platforms in international markets (the “**iGO Operators**”). No other

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province in Canada has opened its online gaming market to private companies in this way.

- (g) iGO Operators can operate legally in Ontario if they register with the Alcohol and Gaming Commission of Ontario (“**AGCO**”) and enter into operating agreements with iGaming Ontario, a wholly-owned subsidiary of the AGCO charged with conducting and managing certain online gaming in Ontario. iGO Operators must abide by the AGCO’s standards and provincial regulations as well as any terms and conditions in their operating agreements. The actions of authorized iGO Operators in Ontario are thus regulated by the AGCO.
- (h) Significantly, iGO Operators, including their affiliates, have no lawful basis to market or offer their gaming platforms outside Ontario, including in the jurisdictions of ALC, BCLC, LGS and MBLL. AGCO’s regulatory standards for iGO Operators recognize as much. They admonish iGO Operators that “[g]ames on gaming sites *shall be provided only within Ontario*, unless they are conducted in conjunction with the government of another province” (emphasis added).
- (i) Notwithstanding the clear prohibitions in the *Criminal Code* and AGCO’s own regulatory standards, a number of iGO Operators or their affiliates are illegally advertising and offering online gambling to Canadians outside of Ontario. Some of these iGO Operators are also redirecting Canadians

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outside Ontario who visit the iGO Operator's Ontario website to illegal mirror websites that offer the same online gaming services but are not regulated by the AGCO or any other Canadian gaming regulatory authority.

- (j) Illegal online gambling gives rise to a number of pressing public policy concerns, including: (i) the diversion of significant amounts of money, which would otherwise be used to fund important government programs, from ALC, BCLC, LGS, MBLL and other provincial lottery corporations to private companies, including foreign entities; (ii) money laundering and other financial security risks; (iii) an increased risk of problem gambling, because Illegal Operators do not consistently implement protective measures to ensure players enjoy online gaming products and services responsibly; and (iv) a lack of regulation or oversight within the appropriate Canadian jurisdiction and associated enforcement difficulties.

- (k) ALC, BCLC, LGS and MBLL have observed a marked proliferation of advertising and use of illegal online gambling in provinces other than Ontario alongside the launch of the Ontario iGaming market. That proliferation has included the unlawful presence of iGO Operators or their affiliates in the jurisdictions of ALC, BCLC, LGS and MBLL, as noted above. The iGO Operators or their affiliates who operate illegally outside Ontario comprise the majority of illegal online gambling revenues in the provinces in which ALC, BCLC, LGS and MBLL operate.

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- (l) The AGCO has taken the position that it does not have the jurisdiction to regulate the illegal activities of iGO Operators or their affiliates outside of Ontario, even if those iGO Operators are licensed in Ontario. The AGCO has also stated that it will not be taking action against such offending iGO Operators.
- (m) Ontario now wishes to open the iGaming market further by permitting players participating in legal online gambling to participate in games involving players located outside of Canada. ALC, BCLC, LGS and MBLL have grave concerns that this expansion of the iGaming market will further enable iGO Operators or their affiliates to expand their illegal online gambling services to individuals outside of Ontario, resulting in harm to those individuals, to ALC, BCLC, LGS and MBLL, and to Canadians living in the Atlantic provinces, British Columbia, Saskatchewan, Manitoba and elsewhere in Canada.
- (n) This Reference raises issues of national importance: it concerns the legality of certain popular elements of online gambling, and whether online gambling within Canada can legally include international participants. The outcome of the Reference could have the effect of substantially increasing illegal gambling that is currently occurring in Canadian provinces outside of Ontario.

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- (o) These issues are of great public importance given the prevalence of illegal online gambling in Canada, and the actions that iGO Operators or their affiliates have had on Canadians both within Ontario and elsewhere in Canada. The public importance of the issues raised in this Reference militates in favour of granting leave to the Proposed Interveners to intervene in this matter.
- (p) The nature of this Reference and the issues to be resolved concern the operation of online gambling operators both within and outside Ontario, including jurisdictions in which the Proposed Interveners operate. ALC, BCLC, LGS and MBLL have real, substantial and demonstrated interests in the subject matter at issue in this Reference and the outcome this Reference will have in their respective jurisdictions, which could adversely affect them.
- (q) Given their experience as provincial lottery corporations, their expertise in administering legal online gambling platforms, and their research and efforts in combatting illegal online gambling throughout Canada as part of the Coalition, the Proposed Interveners will make useful and unique contributions to the Court in this matter.
- (r) The Proposed Interveners' submissions will be focused on opposing a broad interpretation of section 207 of the *Code* that expands a province's authority to conduct and manage "in that province". The Proposed

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Interveners have important and unique perspectives on the issues raised in this Reference that are distinct from those offered by the Attorney General of Ontario.

- (s) The proposed intervention will not cause injustice or prejudice to the parties. There is no prospect of delay as a timetable has already been set by the Court and the Proposed Intervention's motion adheres to that timetable. If granted leave, the Proposed Interveners will comply with whatever limits this Court deems appropriate regarding the materials to be submitted and the duration of oral submissions.
- (t) The Proposed Interveners bring this Motion in good faith.
- (u) The Order of the Honourable Justice van Rensburg dated March 1, 2024.
- (v) Rules 1.04, 13 and 37 of the *Rules of Civil Procedure*.
- (w) Such further and other grounds as counsel may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) The Affidavit of William Hill, affirmed April 8, 2024;
- (b) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

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April 8, 2024

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Court File No. COA-24-0185

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PROCEEDING COMMENCED AT
TORONTO

NOTICE OF MOTION

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Saskatchewan and Manitoba Liquor and Lotteries Corporation

Court File No. COA-24-0185

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LOTTERIES AND GAMING SASKATCHEWAN AND
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(Motion for Leave to Intervene)**

AFFIDAVIT OF WILLIAM HILL

I, William Hill, of the Town of Oakville, in the Province of Ontario, MAKE OATH
AND SAY:

1. The proposed interveners, Atlantic Lottery Corporation (“**ALC**”), British Columbia Lottery Corporation (“**BCLC**”), Lotteries and Gaming Saskatchewan (“**LGS**”) and Manitoba Liquor and Lotteries Corporation (“**MBLL**”, and together with ALC, BCLC and LGS, the “**Proposed Intervenors**”) are regional or provincial lottery corporations authorized to conduct and manage gambling and betting within their respective jurisdictions. As further described below, the Proposed Intervenors (along with Loto Québec and the Saskatchewan Indian Gaming Authority) are members of the Canadian

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Lottery Coalition (the “**Coalition**”), a consortium of regional and provincial gambling corporations that seek to combat illegal online gambling.

2. I am the Executive Director of the Coalition. In my capacity as Executive Director, which I have held since September 2023, I have coordinated the efforts of the Coalition’s various members to combat the problem of illegal online gambling. These efforts include coordinating and sharing information with law enforcement and various levels of government; conducting research on the impact of illegal online gambling on Coalition members; and directing the Coalition’s legal activities.

3. I have more than a decade of experience working in the Canadian gambling industry, for both public and private entities. From 2009 to 2021, I worked for the Ontario Lottery and Gaming Corporation (“**OLG**”) in varying positions, including Special Adviser to the President and Chief Executive Officer from 2015 to 2018 and Vice President of Strategic Partnerships from 2018 to 2021. After leaving OLG, I worked as a management consultant and in business development for private online gaming operators.

4. Through my work with the Coalition and with the benefit of my fifteen years of experience in the gambling industry, I have become very familiar with the online gambling landscape not only in the jurisdictions where Coalition members operate but also across Canada. As such, I have knowledge of the matters contained in this Affidavit. Where I do not have personal knowledge of the matters set out herein, I have stated the source of my information and, in all such cases, believe it to be true.

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5. The Proposed Interveners wish to intervene in this matter as they have an interest in the subject matter of this Reference will be affected by its outcome.

A. The Proposed Interveners

6. As noted above, the Proposed Interveners are provincial (or in the case of ALC, regional) lottery corporations. Provincial lottery corporations are authorized to conduct and manage lottery schemes (including online gambling such as online casino games, online poker and sports betting) in their respective jurisdictions pursuant to an exemption under section 207(1)(a) of the *Criminal Code*. All other for-profit gambling and betting, including through the operation of online gambling websites, is prohibited under the *Code* unless such activities are conducted and managed in accordance with the various other narrow exemptions set out therein.

7. ALC was established pursuant to an agreement by among provincial governments and provincial crown corporations in Atlantic Canada. ALC's mandate is to provide government-regulated and responsible products for those Atlantic Canadians who choose to game.

8. BCLC is a provincial Crown corporation that conducts and manages all legal commercial gambling products in the province of British Columbia, including online gambling. Its activities are regulated by the British Columbia Gaming Policy and Enforcement Branch.

9. LGS is a provincial Crown corporation that oversees all lotteries and gaming in the province. LGS provides management oversight for commercial gambling in

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Saskatchewan, ensuring that lotteries, casinos, VLTs, and online gambling are operated in a socially responsible manner for the benefit of the people of Saskatchewan.

10. MBLL is a provincial Crown corporation that oversees the sale of liquor and gambling within the province of Manitoba. MBLL is regulated by The Liquor, Gaming and Cannabis Authority of Manitoba and meets the needs of the Manitoba government by making the greatest possible contribution to the economic and social well-being of the Province of Manitoba.

11. All profits generated by the Proposed Interveners are used to fund health care, education, supports for First Nations and Indigenous groups, social services and other vital government programs in the jurisdictions where they operate. As a result, residents in the Atlantic Provinces, British Columbia, Manitoba and Saskatchewan are the ultimate beneficiaries of the revenues earned by the Proposed Interveners from players who engage with their respective gambling offerings.

12. The Proposed Interveners are regulated by the governments of the provinces in which they operate and are required to comply with strict requirements, including those related to financial reporting and anti-money laundering. As regulated entities, they are also required to implement measures that promote responsible gambling, creating a safer gambling experience for players.

13. Each of the Proposed Interveners has the sole legal authority, or acts as agent to the provincial lottery corporation with such legal authority, to offer online gambling products and services in its respective jurisdiction, including sports betting, lottery and

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casino games. Each of them does so through proprietary websites that are “geo-blocked” such that they are only available to persons in the respective province or provinces of each Proposed Intervener.

14. Notwithstanding the fact that no companies other than the Proposed Interveners are authorized to operate online gambling platforms in the Atlantic Provinces, British Columbia, Manitoba and Saskatchewan, numerous companies offer gambling platforms illegally in these provinces (and, indeed, throughout Canada).

B. The Canadian Lottery Coalition

15. As mentioned above, the Proposed Interveners are all members of the Canadian Lottery Coalition. The Coalition is a consortium of provincial gambling corporations devoted to combatting the proliferation of illegal gambling websites in their respective jurisdictions. The members of the Coalition are ALC, BCLC, LGS, MBLL, the Saskatchewan Indian Gaming Authority and Loto-Québec.

16. The Coalition was formed due to concerns about private, unregulated companies illegally promoting their gambling websites to residents in the Atlantic Provinces, British Columbia, Manitoba, Saskatchewan and Québec, making it difficult for those residents to distinguish which online gambling platforms are lawful and legally regulated from those that are not. Illegal operators do not geo-block their websites and indeed solicit and welcome customers across Canada.

17. The Coalition has taken an evidence-based approach to understanding the scope of illegal online gambling in the respective jurisdictions of its members and has used this

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information to inform the public about the existence of such illegal gambling sites and to lobby governments to assist in curtailing such activities. For example, the Coalition has engaged with government and industry stakeholders, emphasizing the growing market for illegal online gambling in Canada and the resulting harms on its members and Canadians.

18. Data from H2 Gambling Capital, a recognized authority on market data and intelligence in the gambling industry worldwide, estimates that illegal online Canadian gambling revenues in 2023 amounted to approximately \$1.86 billion. Notably, a clear majority of these illegal revenues went to entities that are registered iGO Operators (as defined below).

C. Online Gambling in Canada and the Launch of iGaming Ontario

19. Until recently, only provincial lottery corporations such as the Proposed Interveners have had the authority to conduct and manage online gambling platforms within their respective provinces in accordance with the exemptions under the *Criminal Code*. Although private companies and other operators also advertised and offered online gambling services to Canadians in various provinces, they did so illegally in violation of Canada's *Criminal Code*.

20. In July 2021, however, the Province of Ontario established iGaming Ontario as a wholly-owned subsidiary of the Alcohol and Gambling Commission of Ontario ("**AGCO**") with the intent of opening a regulated, gambling market through which private companies could legally provide online gambling services and products to Ontarians.

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21. iGaming Ontario's online gambling market went "live" on April 4, 2022. Under the new regime, existing operators who were marketing and offering online gambling services to Ontarians illegally were given until October 31, 2022 to register with iGaming Ontario and enter into contracts to become authorized to provide legal internet gambling and betting to individuals in Ontario. Since that time, dozens of third-party operators have registered with iGaming Ontario (the "**iGO Operators**").

22. iGO Operators are required to enter into an operating agreement with iGaming Ontario. As part of that agreement, iGO Operators are subject to regulation and oversight by the AGCO. Specifically, iGO Operators must operate pursuant to the *Registrar's Standards for Internet Gaming* (the "**AGCO's Standards**"). Under the AGCO's Standards, iGO Operators are required to, among other things, implement responsible gambling practices, abide by applicable law, and avoid misleading advertising and promotions. A copy of the Standards is attached hereto as **Exhibit 1**. The AGCO is responsible for enforcing the Standards as against iGO Operators.

23. To date, Ontario remains the only jurisdiction in Canada that permits private companies to advertise and offer online gambling services to Canadians.

D. The Proliferation of Illegal Online Gambling in Canada

24. The Coalition has observed a marked proliferation of illegal online gambling in provinces other than Ontario alongside the launch of the Ontario iGaming market. According to H2's data, the estimated online gambling revenue generated in 2020 by illegal operators from Canadian players was approximately \$1.34 billion. By 2023, as

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noted above, that number has grown to an estimated \$1.86 billion, reflecting an increase in revenue of roughly 40%.

25. The launch of the Ontario iGaming market has led to confusion among Canadians about lawful online gambling options. According to Ipsos, one of Canada's largest market research companies, 27% of Atlantic Canadians, 29% of individuals in Manitoba and Saskatchewan and 39% of British Columbians incorrectly believe that both the provincial lottery corporations and unlicensed operators are operating legally within their respective jurisdictions. This confusion is unsurprising given that many online gambling operators misrepresent themselves as providing lawful gambling services in Canada. Attached hereto as **Exhibit 2** is a copy of a news release from Ipsos summarizing these findings.

26. To the Coalition's alarm, many iGO Operators are among the most prominent illegal operators advertising online gambling to Canadians outside of Ontario, including in the jurisdictions of the Proposed Interveners. As noted above, these iGO Operators have no lawful authorization to offer any online gambling services outside of Ontario. These include ubiquitous television advertisements during prominent sporting events; venue advertisements physically located in the provinces of the Proposed Interveners; online advertisements of all kinds; and various forms of print and billboard media.

27. Most problematic of all, most iGO Operators are also illegally offering online gambling to Canadians resident in the provinces of the Proposed Interveners, either directly or through affiliates. Indeed, iGO Operators or their affiliates comprise a large majority of the illegal online gambling offered in Canada outside Ontario. I am informed

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by various members of the Coalition and investigators retained by the Coalition, and believe that when a person outside Ontario attempts to register to gamble online with iGO Operators, some of these Operators allow a person to gamble without restriction. In other cases, the iGO Operators will recognize that a person is outside Ontario but encourage that person to visit a parallel website, whether operated by the same legal entity or a corporate affiliate, that mirrors the Ontario website (such as at a “.com” domain). Based on the information available to the Coalition, few iGO Operators deny access to their services to Canadians from outside Ontario entirely, even though they all have the technical ability to do so.

28. In addition to flouting the *Criminal Code*, the actions of these iGO Operators conflict with the regulatory standards promulgated by AGCO, the Ontario regulator. Standard 3.02 of the AGCO’s Standards specifically provides that “[g]ames on gaming sites *shall be provided only within Ontario*, unless they are conducted in conjunction with the government of another province” (emphasis added). The AGCO has also specifically admonished in its Standard 1.01 that “[o]perators are expected to ensure that the Standards related to the operation of their gaming site are met, *regardless of the entity that is carrying out the related activities*” (emphasis added).

29. Nevertheless, the AGCO has taken the position in correspondence with the Coalition that it does not have the jurisdiction to regulate the illegal activities of iGO Operators or their affiliates outside of Ontario, even if those iGO Operators are licensed in Ontario. The AGCO has also stated that it will not be taking action against such offending iGO Operators.

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E. The Harm to the Proposed Interveners and Canadians Resulting from Illegal Online Gambling

30. The Proposed Interveners have suffered and continue to suffer direct harm from illegal online gambling. Most significantly, when Canadians engage in online gambling on platforms hosted by illegal operators, they unwittingly divert significant sums of money to private operators that would otherwise have gone to support public programs. Unlike illegal operators who operate for their own profit, the Proposed Interveners, like all Coalition members, return 100% of their profits to the governments of their respective jurisdictions in order to fund vital government programs.

31. Beyond lost revenues, Coalition members have also been forced to spend money to combat the growing problem of illegal operators. Each of the Proposed Interveners has been forced to incur expenses to fight illegal gambling, educate players about illegal gambling and otherwise mitigate their harm. These expenses have reduced the profits that they could otherwise return to their provincial governments.

32. Canadians are also harmed by the actions of illegal operators in other ways. To state the obvious, illegal operators are not subject to the same regulatory scrutiny as legal operators such as Coalition members are. As a result, these operators are not accountable to provide their gambling products and services in a socially responsible manner. For example, there is no requirement for them to implement age-of-majority controls or other responsible gambling features. Similarly, these illegal operators do not face the same financial data reporting regulations or pay any taxes, leading to increased risks of fraud and money laundering.

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F. The Proposed Intervener's Interest in this Reference

33. I understand that this Reference involves the interpretation of section 207 of the *Criminal Code* and whether section 207 permits players participating in legal online gambling to participate in games and betting involving players located outside of Canada. A copy of the Notice of Reference filed by the Attorney General of Ontario on February 23, 2024 is attached to this Affidavit as **Exhibit 3**. A copy of the Order of Justice Van Rensberg dated March 1, 2024 regarding the conduct of this Reference is attached as **Exhibit 4**.

34. The Proposed Interveners have a substantial interest in legal proceedings that may bear on the scope and nature of a Province's authority to offer legal gambling services and products. The Proposed Interveners have accordingly participated on multiple occasions, in various capacities, in legal proceedings that concern such issues. For example, I am aware that the Supreme Court of Canada granted BCLC leave to intervene in *Atlantic Lottery Corp. Inc. v. Babstock*,¹ a putative class action against ALC on behalf of users of video lottery terminal games in Newfoundland and Labrador. Similarly, the Supreme Court of Nova Scotia granted ALC leave to intervene in *Hi-Fi Novelty Co. et al. v. Nova Scotia (Attorney General)*,² an application challenging, *inter alia*, the constitutionality of certain regulations under the Nova Scotia *Lottery Act* and *Theatres and Amusements Act*.

¹ [2020 SCC 19](#).

² [1992 CanLII 14937 \(NSSC\)](#).

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35. I am also aware that BCLC participated in *Earth Future Lottery (P.E.I.) (Re)*,³ which was a reference to the Prince Edward Island Supreme Court (Appeal Division) (as it was then known) concerning the lawfulness of a lottery based in Prince Edward Island selling lottery tickets to players around the world by means of the Internet. BCLC also participated in the subsequent appeal of that decision to the Supreme Court of Canada.⁴

36. The Proposed Interveners seek to intervene in this Reference because they are concerned that the outcome of the Reference could lead to the further proliferation of illegal online gambling in the jurisdictions in which they operate and across Canada. Although it is not currently clear to me precisely how the Government of Ontario plans to implement the proposed reforms to certain online games within the iGaming marketplace, it appears that by allowing dozens of iGO Operators to enter the market, the Ontario market has been spread too thin. Certain games (such as online poker or certain forms of sports betting) require certain volume of players to be viable, and some or all iGO Operators do not have a sufficient volume of players for these games. With the proposed reforms, it appears that the Government of Ontario intends to solve this problem by allowing the iGO Operators to access larger pools of players serviced by their affiliates in other countries, well beyond Ontario's borders. But it is unclear how the iGO Operators would ensure that such gaming continued to be conducted and managed by iGaming Ontario, as is required by the *Criminal Code*.

³ [2002 PESCAD 8](#).

⁴ Reference re Earth Future Lottery, [2003 SCC 10](#).

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37. In contrast to the predicament apparently facing the iGO operators, the Proposed Interveners do not have a similar “player liquidity” problem as they share player pools for certain games across their platforms. This provides an advantage for the Proposed Interveners over iGO Operators, and a disincentive for Canadians resident in the provinces of the Proposed Interveners to switch their play to iGO Operators.

38. Whatever solution the Attorney General ultimately proposes, the Proposed Interveners have grave concerns that a broad interpretation of section 207 would allow the Province of Ontario to conduct and manage online gambling outside of Ontario’s borders. In particular, the Proposed Interveners are concerned that Ontario’s solution to the iGaming “player liquidity” problem will remove one of the few remaining hurdles iGO Operators face to attract customers from outside Ontario. What is more, the Proposed Interveners are concerned that any expansion of Ontario’s power to conduct and manage gaming outside Ontario will embolden illegal operators, including some iGO Operators operating illegally outside Ontario, to offer and expand their unlawful online gambling services to Canadians who live in the jurisdictions of the Proposed Interveners.

39. For the reasons noted above, such an interpretation would result in significant further harm to the Proposed Interveners and deprive Canadians from the benefits of vital social programs funded by those lottery corporations’ legitimate revenues. As a result, the Proposed Interveners are bringing this motion for leave to intervene in good faith to ensure that their real and direct interests in the issues to be resolved on the Reference are protected.

AFFIRMED remotely by William Hill,
stated as being located in the Town of
Oakville, in the Province of Ontario, before
me at the City of Toronto, in the Province
of Ontario, on the 8th day of April, 2024, in
accordance with O. Reg 431/20,
Administering Oath or Declaration
Remotely.



Jacqueline Houston

Commissioner for Taking Affidavits
(or as may be)

JACQUELINE HOUSTON

Will Hill

WILLIAM HILL

This is Exhibit "1" referred to in the Affidavit of William Hill affirmed by William Hill of the Town of Oakville, in the Regional Municipality of Halton, before me at the City of Toronto, in the Province of Ontario, on April 8, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JACQUELINE HOUSTON

Registrar's Standards for Internet Gaming

Last Updated:

2024-02-28

The Registrar Standards for Internet Gaming came into force on April 4, 2022 when Ontario's new igaming market launched.



[Print Version](#)

Introduction

The Standards-Based Approach

Under the *Gaming Control Act, 1992* (GCA) the Registrar is authorized to establish risk-based standards to regulate Ontario's gaming sector. The objective of a standards-based regulatory model is to shift the focus from requiring registrants to comply with a specific set of rules or processes, which tend to be prescriptive in nature, towards the broader regulatory outcomes or objectives they are expected to achieve. These regulatory outcomes are reflected in the "Standards" established herein.

In most cases, these Standards are drafted at a high level of generality, with the aim being to capture the purpose behind the rule. This offers greater flexibility for regulated entities to determine the most efficient and effective way of meeting the outcomes required, which in turn helps reduce regulatory burden and support market innovation. Since there may be many ways for a registrant to meet the Standards, they have the flexibility to determine what works best for

their business, thereby strengthening regulatory outcomes without needlessly burdening regulated entities. Further, the flexibility inherent in a Standards-Based model allows the Alcohol and Gaming Commission of Ontario (AGCO) to focus its resources on key risks and to deliver a modernized approach to gaming regulation in a rapidly evolving industry.

Registrar’s Authority

OLG (Ontario Lottery and Gaming Corporation), iGaming Ontario, Operators, and gaming-related suppliers are required to comply with the GCA and Regulation 78/12. Specifically, Sections 3.8 and 3.9 of the GCA require registrants, employees and other persons retained by OLG and iGaming Ontario to comply with the Standards and Requirements established by the Registrar. The GCA provides the Registrar with the authority to establish Standards and Requirements for the conduct, management and operation of gaming sites, lottery schemes or businesses related to a gaming site or a lottery scheme or for related goods or services.

To Whom the Standards Apply

Standards and Requirements established by the Registrar will apply to OLG with respect to its internet gaming site, to iGaming Ontario with respect to its activities, and to all registered internet gaming Operators in Ontario. Additionally, certain Standards and Requirements also apply to registered gaming-related suppliers.

Operators are expected to ensure that the Standards related to the operation of their gaming site are met, regardless of the entity that is carrying out the related activities. Depending on the circumstances, the Registrar may hold an Operator, a gaming-related supplier, or both, accountable for meeting a particular Standard.

The Registrar may direct any registered supplier to comply with any additional Standards and Requirements, as considered necessary to enhance and preserve the integrity of and public confidence in gaming in Ontario. The Registrar may also propose additional terms of registration specific to an Operator or other registrant to give effect to the purposes of the GCA.

The Registrar may refuse a registration if the applicant is carrying on activities that would be in contravention of the Standards, if the applicant were registered.

Standards and Requirements for Sport and Event Betting

The AGCO recognizes that sport and event betting is an integral part of internet gaming. The AGCO has taken an integrated approach where the standards and requirements for sport and event betting are embedded within the *Registrar’s Standards for Internet Gaming*. This integrated structure means that the *Registrar’s Standards for Internet Gaming* will generally apply to sport and event betting. The standards and requirements apply to all sports, esports, novelty, betting exchange, and fantasy sports products, and includes various bet types such as single-event, in-game, pool, parlay, and exchange bets. Virtual sports are not a type of sport and event betting, thus standards specific to sport and event betting do not apply.

The Registrar’s Standards for Internet Gaming — Composition

This document includes only the Registrar’s Standards for Internet Gaming, applicable to regulated internet gaming sites in Ontario.

The “Standards and Requirements” are divided into the six identified risk themes, under which theme-specific Standards and Requirements are provided. The six identified risk themes which make up the “Standards and Requirements” include:

- 1. Entity Level
- 2. Responsible Gambling
- 3. Prohibiting Access to Designated Groups and Player Account Management
- 4. Ensuring Game Integrity and Player Awareness
- 5. Information Security and Protection of Assets
- 6. Minimizing Unlawful Activity Related to Gaming

Requirements

For certain Standards, further and more explicit direction is provided through one or more specific “Requirements”. These Requirements establish the minimum obligations a registrant must achieve to fulfill the corresponding Standard.

Guidance

Included as part of a number of the Standards and Requirements is a corresponding section which provides regulatory guidance specific to the given standard or requirement. Guidance serves to provide registrants with greater clarity as to the purpose or intent behind a given Standard or Requirement.

Definitions

[Amended: February, 2022]

Term	Definition
AGCO	AGCO means the Alcohol and Gaming Commission of Ontario.
Authenticator	Authenticator is the means or mechanism by which an individual is identified and verified by the system.
Auto-wagering	Auto-wagering is a game feature whereby the player can elect to bet during a game without having to manually activate the betting feature each time a bet is made.

Term	Definition
Bet	A Bet is an amount of money at risk in a wager.
Board	Board refers to either the entire Board of Directors of an Operator or gaming-related supplier (as the case may be) or a committee of the Board that has been delegated a particular element of Board oversight (e.g. audit, compliance, etc.) For purposes of clarity, “Board” does not include the iGaming Ontario Board.
Bot	A Bot is a software application that runs automated tasks over the internet.
Control Activity Matrix	A summary of all control activities used to address the regulatory risks identified by the AGCO and achieve the regulatory outcomes reflected in the Standards and Requirements.
Controls or Control Activities	Controls or control activities include the individual policies, procedures, business processes, monitoring systems, structures, accountabilities, tools and instruments that comprise the control environment management establishes to address the regulatory risks identified by the AGCO and achieve the regulatory objectives reflected in the Standards and Requirements.
Deactivated Account	A Deactivated account is a player account which has been made no longer available to the player for log on and use.
Dormant Account	A Dormant account is a player account which has been temporarily frozen due to inactivity and made unavailable for player log on and use.
Eligible Individuals	Eligible individuals are those persons who are not prohibited from accessing gaming sites or playing lottery schemes under Standard 3.1.
eSports	Multiplayer video games played competitively for spectators; eSports are

Term	Definition
	considered a sport for the purpose of these Standards.
Fantasy Sports	Any pay-to-play sport betting product (fantasy sports contests are considered a type of sport betting for the purpose of these Standards) provided by an operator wherein consumers can assemble a virtual team composed of real in a given sport and compete against other virtual teams based on the performance of those players in real matches.
FINTRAC	FINTRAC means the Financial Transactions and Reports Analysis Centre of Canada.
Free-to-play Games	Free-to-play Games refer to games, including those offered for promotional purposes, that provide players the option to play without paying or betting.
Gaming-related supplier	Gaming-related supplier has the same meaning as it does in Ontario Regulation 78/12, made under the <i>Gaming Control Act, 1992</i> .
Game outcome	The result of a wager.
Game session	A game session is the playing of any of the applicable lottery schemes, and begins when a player starts playing a game for real money. A gaming session ends when a player exits a game.
Gaming site	Gaming site means an electronic channel maintained for the purpose of playing or operating a lottery scheme.
Gaming supplies	Gaming supplies refers to gaming equipment that could influence or is integral to the conduct, management or operation of a lottery scheme.

Term	Definition
Gaming system	Gaming system includes hardware, software, applications and all associated components of gaming supplies and the technology environment.
GCA	GCA means the <i>Gaming Control Act, 1992</i> .
igaming	igaming refers to lottery schemes conducted and managed by OLG or iGaming Ontario that are played or operated through the internet, but does not include OLG lottery products.
Independent Integrity Monitor	Any supplier registered by the Registrar to perform the Independent Integrity Monitor role pursuant to Standard 4.32, which provides services to, among others, regulators, or operators to receive, assess, and distribute unusual/suspicious betting alerts and has the expertise to analyze and evaluate the accuracy and severity of received unusual/suspicious betting alerts.
Independent oversight function	Independent oversight function has the meaning ascribed to it in Standard 1.02.
Lottery scheme	Lottery scheme has the same meaning as in subsection 207(4) of the Criminal Code (Canada).
Manual controls	Manual controls are human-performed control activities.
Notification Matrix	Notification matrix is the policy document that lists the obligations of Operators and gaming-related suppliers to notify the AGCO in specifically delineated circumstances.
Novelty Events	Any bet placed on a non-sporting event where real-world factual occurrences are the contingency on which an outcome is determined and in accordance with

Term	Definition
	Standard 4.34.
OLG	OLG means the Ontario Lottery and Gaming Corporation.
OPP	OPP means the Ontario Provincial Police.
Operator	Operator has the same meaning as it does in Ontario Regulation 78/12, made under the <i>Gaming Control Act, 1992</i> , and further includes OLG and iGaming Ontario.
Peer-to-peer games	Peer-to-peer games are a type of lottery scheme where players gamble against each other rather than against the house.
Randomness or Chance	Randomness or Chance is observed unpredictability and absence of a pattern in a set of events that have definite probabilities of occurrence.
Registrar	Registrar means the Registrar established under the <i>Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996</i> .
Self-excluded persons	Self-excluded persons are individuals who participate in a process to exclude themselves voluntarily from gaming sites.
Sensitive Data	Sensitive data includes but is not limited to player information and data relevant to determining game outcomes.
Single-player games	Single player games are any games which are not considered to be peer-to-peer games.

Term	Definition
Slots	Casino games of a reel-based type (includes games that have non-traditional reels).
Sport and Event Betting	<p>Any bet on occurrences related to sports, competitions, matches, and other types of activities which meet the criteria articulated in Standard 4.34, and which excludes games or events where the outcome is determined or controlled by a random number generator, peer-to-peer play, or an operator. Sport and event betting includes:</p> <ul style="list-style-type: none"> • Bets on fantasy sports, esports, and novelty events, but does not include bets on virtual sports. <p>• Sport and Event Bets include, but are not limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange betting, in-game betting, proposition bets, and straight bets.</p>
Sport/Event Governing Body	An organization that prescribes final rules and enforces codes of conduct (including prohibitions on betting by insiders on events overseen by the sport governing body) for a sporting event and the participants in the event.
Synthetic Lottery Products	Any bet that is part of a scheme operated by a third-party where the outcome is derived from a separate underlying lottery draw operated by a different operator.
iGaming Ontario	iGaming Ontario means the lottery subsidiary as set out in the <i>Alcohol, Cannabis and Gaming Regulation and Public Protection Act, 1996</i> and under its regulation.
System Accounts	System accounts are all accounts that are used to manage the system.
Virtual Sports	A computer-generated presentation of a random number draw that provides sport-like visual presentation for entertainment purposes only. The outcome of the “event” is determined by a random number generator, rather than real-world sport or novelty events or players. Virtual sports are not considered a type of sport and event betting.

Entity Level

The intent of this risk theme is to ensure that regulated entities have a sound control environment, and an organizational structure that promotes good governance, accountability and oversight, as well as transparency in dealings with the AGCO.

The regulatory risks associated with this theme are:

- Lack of appreciation and understanding of critical elements of a risk-based control environment
- Lack of defined Board mandate and independent oversight of management
- No mechanism for reporting wrong-doing
- Inadequately documented management policies and procedures to define and align accountability skills and competence
- Lack of understanding about expected ethical behaviour
- Lack of transparency in decision-making
- Individual knowingly fails to comply

Management Integrity

1.01 There shall be a commitment to character, integrity and high ethical values demonstrated through attitude and actions. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. All applicable laws and regulations shall be adhered to.
2. Matters identified in management letters from internal and external auditors and matters identified by the Registrar shall be responded to in a timely manner.
3. Operators and gaming-related suppliers shall create and abide by a code of conduct which addresses, at a minimum, conflicts of interest and transparency in dealings with the Registrar. Operators and gaming-related suppliers will be responsible for employee compliance with the code, where such employees play games provided by the Operator or supplier. The code of conduct must be regularly reviewed by the organization's senior management.

***Guidance:** Management in the context of this Standard refers to executives and senior-level management who have the day-to-day responsibility of managing the business of the organization.*

Sound Control Environment

1.02 Operators and gaming-related suppliers shall develop, document and implement formal control activities to address the regulatory risks identified by the AGCO and achieve the regulatory objectives reflected in the Standards and Requirements. Control activities must be authorized by the appropriate level of management. (Also applicable to Gaming-Related Suppliers) [Amended: February, 2022]

Requirements – At a minimum:

1. A process shall be in place to periodically review control activities for effectiveness in meeting the Standards and Requirements and to document, remedy and adjust the controls where deficiencies or gaps are found.
2. Substantial changes to the Operator's control environment shall be communicated to the Registrar in a timely manner.

3. Control activities must be available to the AGCO (or its designate) for regulatory assurance purposes.
4. Operators and gaming related suppliers who run critical gaming systems shall develop a control activity matrix. An operator's control activity matrix shall summarize all controls related to the gaming site, including where the operator works with third-party suppliers, including platform providers.
5. Operators shall have their control activities assessed by an independent oversight function for alignment with the Standards and Requirements.

Guidance: *Independent oversight may be exercised by an internal audit body and/or external auditor, as considered appropriate by the Operator and as acceptable to the Registrar. The Registrar recognizes that oversight practices may vary by Operator depending on their size, ownership structure, scope and complexity of operations, corporate strategy and risk profile. Whatever the case, the independent oversight function should be responsible for auditing the organization's compliance management framework, identifying, managing and reporting on risks the organization is or might be exposed to and exercising oversight that is independent from operational management. It should also have direct and unrestricted access to the Board.*

1.03 Management overrides of the control activities shall be clearly documented and made available to the Registrar upon request. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Approval from at least two senior-level managers is required in order to override any control activity, and in each instance the override shall be reported to the Board or other governance structure where a Board does not exist.

Guidance: *The intent of this Standard is to allow senior-level management to override controls on a one-off basis in necessary circumstances and to ensure that appropriate documentation is maintained for auditing purposes. This Standard is not intended to address permanent changes to the control environment.*

1.04 Operators must establish, implement and maintain controls to support preparation of financial reports which comply with all applicable accounting standards, rules and good practices.

Organizational Structure and Capabilities

1.05 A personnel security screening process shall be in place for any director or officer, and any employee, agent or consultant, at a level that is appropriate for the individual's role in the organization. (Also applicable to Gaming-Related Suppliers)

1.06 Employees must have the competence, skills, experience and training required to execute control activities that are relevant to their responsibilities. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Employees involved in performing control activities must be trained and have knowledge of the organization's control environment, the regulatory risks that the controls are designed to mitigate, and the regulatory objectives reflected in the Standards and Requirements.

1.07 Organizational structures shall be designed to promote a sound control environment and proper segregation of duties to ensure that the possibility for collusion or unauthorized or illegal activities is minimized. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Employees shall be given the appropriate and documented authority and responsibility to carry out their job functions, subject to supervision.
2. The adequacy of segregation of duties as they relate to player protection, game integrity and protection of assets shall be regularly reviewed by the organization's internal audit group or other independent oversight function acceptable to the Registrar.
3. Operators must maintain an up to date organizational chart showing key reporting lines and relationships, and make it available to the Registrar upon request.

1.08 Management clearly understands its accountability and authority for the control environment. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Management shall have been trained and have knowledge of the organization's control environment, the regulatory risks that the controls are designed to mitigate, and the regulatory objectives reflected in the Standards and Requirements.

1.09 Information, including logs, related to compliance with the law, the Standards and Requirements and/or adherence with control activities shall be retained for a minimum of three (3) years, unless otherwise stated. (Also applicable to Gaming-Related Suppliers)

Oversight

1.10 Compliance with the Standards and Requirements shall be documented in an organized manner to ensure that the information is capable of being reviewed and audited by an independent oversight function. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Documentation shall be reviewed and analyzed to ensure compliance with the Standards and Requirements, and approved by management.
2. Internal and external auditors shall be granted access to all relevant systems, documentation (including control activities) and resources for the purpose of conducting an audit.
3. Where directed, Operators and gaming-related suppliers shall retain an independent auditor acceptable to the Registrar to carry out audits required by the Registrar and provide copies of the audit reports to the Registrar.

***Guidance:** The intent of this Requirement is to allow the Registrar to direct third party audits where considered necessary for regulatory assurance purposes. Although the auditor would be retained by the Operator or gaming-related supplier in these circumstances, it would report directly to the Registrar.*

4. In reviewing control activities for compliance with the Standards and Requirements, internal and external auditors shall take into account the Registrar's expectations, as articulated herein.

1.11 Primary accountability for compliance resides with the Board, or other governance structure, where a Board does not exist, and there shall be evidence that the Board, or other governance structure, has carried out its responsibility in this respect. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. A compliance oversight function shall be established that is independent of the activities it oversees.

Guidance: Overall responsibility for compliance monitoring should ideally rest with a chief compliance officer or if such person does not exist, a member of senior management. 38

2. An internal audit function shall be established that regularly audits the organization's control environment and compliance management framework and exercises oversight that is independent from operational management. The internal audit function shall have the authority to independently review any aspect of the operations.

Guidance: Where this is not feasible given the organization's size or structure, audits should be carried out by another independent oversight function.

3. The compliance oversight function and internal audit or other independent oversight function shall have direct and unrestricted access to the Board, or other governance structure, and shall report on all important issues regarding compliance on a regular basis or as necessary.
4. The Board, or other governance structure, shall establish a committee or committees to oversee the organization's compliance and audit oversight functions, with appropriate terms of reference addressing composition and accountabilities.
5. Members of the Board, or other governance structure, and of any committees established to oversee the organization's compliance and audit oversight functions shall understand the business's operations, initiatives and major transactions, and shall have the skills, training, experience and independence to carry out their fiduciary responsibilities.

1.12 There shall be an independent “whistleblowing” process to allow employees to anonymously report deficiencies or gaps in the control environment as well as incidents of possible non-compliance with the controls, Standards and Requirements, or the law. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Operators shall ensure issues raised through the “whistleblowing” process are addressed and communicated to the Board in a timely manner.

1.13 Registrants shall engage with the Registrar in a transparent way. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum, Operators shall:

1. Provide reports regarding any incident or matter that may affect the integrity or public confidence in gaming, including any actions taken to prevent similar incidents from occurring in the future, in accordance with the established notification matrix.
2. Provide reports regarding any incident of non-compliance with the law, Standards and Requirements or control activities, including any actions taken to correct the cause of non-compliance, in accordance with the established notification matrix.
3. Make available any data, information and documents requested by the Registrar.

1.14 The Operator shall ensure that investigators (OPP or Registrar) are able to monitor and participate in games.

Customer Service

1.15 A mechanism shall be in place to allow players to contact the Operator in a timely fashion with issues and complaints relating to their player account, funds management, game play or any matter related to compliance with the Standards and Requirements. The Registrar shall be notified of any such issues or complaints, in accordance with the established notification matrix.

Requirements - At a minimum;

1. Operators must have clear service standards and must make these available to players.
2. Disputes must be resolved under Ontario and Canadian law.

1.17 Relevant information about the AGCO shall be displayed and easily accessible to the player.

Third Party Management

1.18 Operators and gaming-related suppliers shall only contract with reputable suppliers. (Also applicable to Gaming-Related Suppliers)

1.19 Operators are responsible for the actions of third parties with whom they contract for the provision of any aspect of the Operator’s business related to gaming in Ontario and must require the third party to conduct themselves in so far as they carry out activities on behalf of the operator as if they were bound by the same laws, regulations, and standards.

1.20 Operators and gaming-related suppliers shall maintain a list of suppliers that provide them with goods or services in relation to lottery schemes and shall make it available to the Registrar upon request. (Also applicable to Gaming-Related Suppliers)

1.21 Operators must ensure that no independent third parties that engage in direct-to-consumer marketing, direct-to-consumer promotion, or player referral services for the Operator under contract, in exchange for commissions, or for any other form of compensation also undertake such activities related to online gaming sites that facilitate or accept wagers from players in Ontario without an AGCO registration.

***Guidance:** This Standard covers the activities of those entities that Operators and others in the gaming industry commonly refer to as “affiliates” or “marketing affiliates”, which are often paid or otherwise compensated to refer to customers to another business’ products, services, or websites through direct-to-consumer marketing services. This commonly understood term used among gaming registrants and other entities involved in gaming, and known as “affiliates” or “marketing affiliates”, is used here for guidance purposes only, and is distinct from how that term may be used in any other regulatory scheme.*

Unregulated Activities

Last Updated:
2022-10-31

1.22 Operators and gaming-related suppliers must cease all unregulated activities if, to carry out those same activities in iGaming Ontario’s regulated online lottery scheme, it would require registration under the GCA.

Operators and gaming-related suppliers shall not enter into any agreements or arrangements with any unregistered person who is providing the operator or gaming-related supplier with any goods or services if, to provide those goods and services in iGaming Ontario’s regulated online lottery scheme, it would require registration under the GCA. [Added: October, 2022]

Responsible Gambling

Responsible gambling is a key AGCO priority and central to the public interest. The intent of this risk theme is to ensure that gaming is provided in a way that seeks to minimize potential harm and promote a responsible gaming environment.

Regulatory Risks associated with this theme include:

- Inappropriate advertising practices targets minors.
- Advertising is false and misleadingly deceptive to attract the public.
- Advertising deemed to promote excessive play.
- Players allowed to play excessively.
- Responsible gaming controls not designed into environment and product.
- Players are unaware of risks to problem gambling and options to self- control.

Policies and Culture

2.01 Operators shall implement and follow policies and procedures that will identify, prevent and minimize the risks of harm from gaming to players. These policies and procedures shall be reviewed and evaluated regularly for effectiveness to ensure that they follow industry best practices and that the stated objectives of the policies and procedures are achieved. All staff, including senior management staff, shall be trained on the content and application of the policies and procedures at the time they are retained by the Operator and at regular intervals after.

Requirements – At a minimum:

1. Policies and procedures for responsible gambling must be integrated into the control activities, forming a part of the control activities.
2. Training for managers and staff on responsible gambling policies and procedures should be in addition to any training on the control activities. These training programs should be regularly evaluated to include current best practice research and employee feedback.
3. As part of regular review of responsible gambling policies and procedures to ensure that they meet industry best practices, Operators and the provincial agencies shall consult with stakeholders, including players and responsible gambling practitioners and researchers, to assess, improve and address the harms associated with gaming.
4. As part of the regular review of responsible gambling policies and procedures, staff understanding of the policies and procedures, the fundamental concepts of responsible gambling and problem gambling and the impact of their job duties on player protection shall be assessed. Any gaps identified must be addressed.

2.02 The OLG and iGaming Ontario shall implement and follow policies and procedures to ensure that their activities facilitate and support the identification, prevention and minimization of the risks of harm of gaming to players.

Requirements – At a minimum:

1. Policies and procedures for responsible gambling must be integrated into the control activities, forming a part of the control activities.

2. Training for managers and staff on responsible gambling policies and procedures should be in addition to any training on the control activities. These training programs should be regularly evaluated to include current best practice research and employee feedback.

Marketing and Advertising

2.03 Advertising, marketing materials and communications shall not target high-risk, underage or self-excluded persons to participate in lottery schemes, shall not include underage individuals, and shall not knowingly be communicated or sent to high-risk players. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum, materials and communications shall not:

1. Be based on themes, or use language, intended to appeal primarily to minors.
2. Appear on billboards or other outdoor displays that are directly adjacent to schools or other primarily youth-oriented locations.
3. Use or contain cartoon figures, symbols, role models, social media influencers, celebrities, or entertainers who would likely be expected to appeal to minors.
4. Use active or retired athletes, who have an agreement or arrangement made directly or indirectly between an athlete and an operator or gaming-related supplier, in advertising and marketing except for the exclusive purpose of advocating for responsible gambling practices.
5. Use individuals who are, or appear to be, minors to promote gaming.
6. Appear in media and venues, including on websites, and in digital or online media, directed primarily to minors, or where most of the audience is reasonably expected to be minors.
7. Exploit the susceptibilities, aspirations, credulity, inexperience or lack of knowledge of all potentially high-risk persons, or otherwise extoll the virtues of gaming.
8. Entice or attract potentially high-risk players. Instead, measures shall be in place to limit marketing communications to all known high-risk players.

Note: The AGCO published [Guidance on amendments to Standard 2.03](#) on February 8, 2024.

2.04 Marketing, including advertising and promotions, shall be truthful, shall not mislead players or misrepresent products.

Requirements – At a minimum, materials and communications shall not:

1. Imply that playing a lottery scheme is required in order to fulfill family or social obligations or solve personal problems.
2. Promote playing a lottery scheme as an alternative to employment, as a financial investment, or as a requirement for financial security
3. Contain endorsements by well-known personalities that suggest that playing lottery schemes has contributed to their success.
4. Encourage play as a means of recovering past gaming or other financial losses.
5. Be designed so as to make false promises or present winning as the probable outcome.
6. Imply that chances of winning increase:
 - a. The longer one plays;
 - b. The more one spends; or
 - c. Suggest that skill can influence the outcome (for games where skill is not a factor);
7. Portray, suggest, condone or encourage gaming behaviour that is socially irresponsible or could lead to financial, social or emotional harm.
8. Suggest that gaming can provide an escape from personal or professional problems.
9. Portray gaming as indispensable or as taking priority in life; for example, over family, friends or professional or educational commitments,

10. Suggest that gaming can enhance personal qualities, for example, that it can improve self-image or self-esteem, or is a way to gain control, superiority, recognition or admiration,
11. Suggest peer pressure to gamble nor disparage abstention,
12. Link gaming to seduction, sexual success or enhanced attractiveness,
13. Portray gaming in a context of toughness or link it to resilience or irresponsible play, or
14. Suggest gaming is a rite of passage.
15. Offer a product or promotion that is not reasonably attainable without incurring substantial losses.

2.05 Advertising and marketing materials that communicate gambling inducements, bonuses and credits are prohibited, except on an operator’s gaming site and through direct advertising and marketing, after receiving active player consent.

Guidance:

- *This standard does not prohibit the use of inducements, bonuses and credits.*
- *This standard prohibits all public advertising, including targeted advertising and algorithm-based ads.*
- *Direct marketing and advertising includes but is not limited to: direct messaging via social media, emails, texts, and phone calls.*

2.06 Permitted advertising and marketing materials that communicate gambling inducements, bonuses and credits must, at a minimum:

1. **Disclose all material conditions and limitations of the offer at its first presentation on the gaming site, with all other conditions and limitations no more than one click away.**
2. **Not be described as free unless the inducement, bonus or credit is free. If the player has to risk or lose their own money or if there are conditions attached to their own money, the offer must disclose those terms and may not be described as free.**
3. **Not be described as risk-free if the player needs to incur any loss or risk their own money to use or withdraw winnings from the risk-free bet.**

2.07 Players must be provided an opt-in process whereby they actively consent to receiving any direct advertising and marketing of inducements, bonuses and credits, and must be provided a method to withdraw their consent at any time, where such marketing and advertising materials are available.

Guidance: direct marketing and advertising includes but is not limited to: direct messaging via social media, emails, texts, and phone calls.

Supporting Informed Decision Making

2.08 A systematic approach is used to support, integrate, and disseminate information to enable players to make informed decisions and encourage safer play.

Requirements – At a minimum:

1. Responsible gambling materials and information about obtaining help shall be available, visible and accessible to all players. Responsible gaming material should include information about:
 - a. How games work and about common misconceptions,
 - b. Lower risk gaming behaviours including how responsible gambling tools work,

- c. Gaming harms, and
 - d. The variety of support services available to players, including information and support services available to players that may provide specialized information (e.g., self-assessment, and play management tools)
2. Information about financial and time-based gaming limits shall be made available to all players.
 3. Information about self-exclusion programs shall be available, visible and accessible to all players.
 4. Advertising and marketing materials shall contain a responsible gambling message.
 5. All information related to responsible gambling shall be regularly and periodically reviewed and updated to ensure that it is accurate, up to date and in line with industry good practice.
 6. Operators will periodically measure whether players are aware of the information provided and whether they considered the information to be readily available. Any gaps must be addressed.

2.09 The registration page and pages within the player account shall prominently display a responsible gambling statement, the online link, as well as the number for Connex Ontario, and provide a link to a page that provides responsible gambling materials, information, resources and support for people experiencing problems with gaming.

Guidance: The referral to the page that provides responsible gambling materials and information about obtaining help in Ontario may be a page maintained by the Operator or a third party.

Identifying and Assisting Individuals Who May Be Experiencing Harm

2.10 A mechanism shall be in place to monitor player risk profiles and behaviours for the purpose of detecting signs of players potentially experiencing harm.

Requirement – At a minimum,

1. Operators shall include a risk profile for players at high-risk of experiencing gambling-related harm.

2.11 Assistance for players who may be experiencing harms from gaming is readily available and systematically provided.

Requirements – At a minimum:

1. All employees who interact with players shall be knowledgeable about a variety of help resources and are able to provide that information upon request from players or affected others.
2. Players shall be provided with easily accessible contact information of at least one organization in Ontario, dedicated to treating and assisting people experiencing harm from gaming.
3. Operators shall develop and implement responsible gambling policies, procedures and training to assess, detect and address situations where players may be experiencing harm. In these cases, operators shall implement interventions that are tailored to the severity of the situations in which players may be experiencing harm.
4. Responsible gambling policies shall be reviewed periodically for effectiveness.
5. Live customer support shall be made available 24/7.

2.12 Employees shall understand the importance of responsible gambling and how their jobs impact player protection as well as the fundamental concepts of responsible gambling and problem gambling.

Requirements – At a minimum:

1. All employees shall receive mandatory training which is refreshed regularly, to include current best practice research and employee feedback.
2. All employees who interact with players shall receive training in a program designed to identify and respond appropriately to players who may be showing signs of problem gambling and to assist players who may be experiencing harm from gaming.
3. Training for managers and staff for responsible gambling policies and procedures should be in addition to any training on the control activities. These training programs should be regularly evaluated to include current best practice research and employee feedback.
4. Employees shall understand the operator's commitment to responsible gambling and how it is integrated throughout operations.
5. Employees shall understand the harms associated with gaming as well as essential prevention and mitigation concepts.

Self-Exclusion and Breaks in Play

2.13 Individuals shall have the option to take a break in play, in addition to a formal self-exclusion program. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Users shall have the option to initiate a short-term break in their play.
2. Operators shall provide the option to take a one day, one week, one month, two month, or three month break.
3. Once an individual initiates a break, they shall be unable to place further wagers during the time period of the break.

2.14 Operators shall provide a voluntary self-exclusion program for their site. [Amended February 2023]

Requirements – At a minimum:

1. Operators' self-exclusion programs shall be well promoted and easily accessible.
2. The self-exclusion registration process shall be efficient and support-oriented, and shall include the provision of resources and information about where to get help.
3. The terms and conditions of the self-exclusion program shall be clearly worded, including: the player's obligations under the agreement, the consequences of self exclusion, and the process for returning to play safely.
4. Clearly defined term lengths that must include options for terms lasting six months, one year and five years.
5. Once an individual self-excludes, they shall be immediately logged out of their account and unable to login in for the duration of their exclusion.
6. Operators must, as soon as is practicable, take all reasonable steps to prevent any marketing material, incentives or promotions from being sent to the self-excluded individual for the duration of the self-exclusion period.
7. Once a player self excludes, the wager is brought to an end.
 - a. Operators shall refund a player's wager if the player enrolls in a self-exclusion program prior to the commencement of an event or series of events on which the outcome of the wager is determined.

- b. Operators are not required to refund a player’s wager if the player enrolls in a self-exclusion program after the commencement of an event or series of events on which the outcome of the wager is determined.
- 8. Operators must maintain a register of those excluded with appropriate records (name, address, other details, and any membership or account details that may be held by the registrant)
- 9. Operators shall take active steps to identify, and if required, remove self-excluded persons from the gaming site when they are found to be in breach of their self-exclusion agreement.
- 10. A mechanism shall be in place to facilitate the return of the balance of unused funds to a self-excluded individual, when requested by the individual.

Note: Once directed by the Registrar, Operators will be required to participate in a coordinated, centralized self-exclusion program, that shall be in place to allow players to automatically exclude themselves from all online Operator platforms, including OLG.

Game Design and Features

2.15 Game designs and features shall be clear and shall not mislead the player. This Standard does not apply to sport and event betting products.
(Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

- 1. Game design shall not give the player the perception that speed of play or skill affects the outcome of the game when it does not.
- 2. After the selection of game outcome, the game shall not make a variable secondary decision which affects the result shown to the player. If the outcome is chosen that the game will lose then the game shall not substitute a particular type of loss to show to the player (i.e. near miss).
- 3. Where the game requires a pre-determined pattern (for example, hidden prizes on a map), the locations of the winning spots shall not change during play, except as provided for in the terms governing play.
- 4. Games shall not display amounts or symbols that are unachievable.
- 5. Free-to-play games available through the gaming site or related websites shall not misrepresent or mislead players as to the likelihood of winning or prize distribution of similar games, and shall have the same odds of winning as games played for money.
- 6. The denomination of each credit shall be clearly displayed on game screens.

2.15.1 The method of making bets in sport and event betting must be straightforward and understandable. Information must be made available so that the player is clearly informed of the details of the bet prior to making the bet. All selections in a bet must be displayed to the player. (Also applicable to Gaming-Related Suppliers) [Amended: February, 2022]

Requirements — At a minimum:

- 1. Bets on multiple events (parlays) must be identified as parlays.
- 2. The player must be informed that a bet selected by the player has or has not been accepted.
- 3. Where the player has placed a bet and the odds, payout odds, or prices of the bet change prior to the bet being confirmed by the operator, the player must have the option of confirming or withdrawing the bet (with refund of the bet). This requirement may not apply to an option for automatic acceptance of changes in bets described in Requirement 4 below.
- 4. Where operators offer an option of automatic acceptance of changes in bets offered, the player must manually opt in to activate this this functionality and must be able to opt out at any time. The details of this auto-accept function and any options for the function must be clearly explained to the player prior to their consent to the application of the function.

- 5. The player must be informed of the period in which bets can be made on an event or series of events and bets cannot be placed after the close of the betting period.
- 6. Free to play sport and event betting games must not mislead players about the odds, payouts or any element of a bet for value available in sport and event betting.
- 7. All bets and payouts must be expressed in Canadian currency.

Guidance: This Standard is not intended to prohibit or preclude in-play betting.

2.15.2 Players must be able to access information regarding available sport and event bets without having to place a bet. This information includes:

Requirements — At a minimum:

- 1. Information on the bets available;
- 2. Odds, payouts and prices for available bets;
- 3. In a dynamic betting environment, including those where individuals’ wagers are gathered into pools:
 - a. The most up-to-date odds and payouts;
 - b. The up-to-date total value of the pool for market pools and pool bets that are offered.

2.15.3 Reputable and legitimate data source(s) must be used to determine the outcome of a bet. These data source(s) shall be made available to the player upon request. (Also applicable to Gaming-Related Suppliers) [Amended: February, 2022]

2.16 Game designs and features shall help to prevent extended, continuous and impulsive play and facilitate low risk play behaviours. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

- 1. Games shall not encourage players to chase their losses, or increase the amount they have decided to gamble, or continue to gamble after they have indicated that they want to stop.
- 2. Games shall not provide auto-play features for slots.
- 3. Game play shall be initiated only after the player has placed a wager and activated play. No player shall be forced into game play by selecting the game for review or reviewing information about how the game is played or how bets are made.
- 4. A player should commit to each game individually, releasing and then depressing the ‘start button’ or taking equivalent action. Continued contact with a button, key or screen should not initiate a new game.

2.17 The gaming system must not offer functionality which facilitates playing multiple slots games at the same time. This includes, but is not limited to, split screen or multi-screen functionality. (Also applicable to Gaming-Related Suppliers)

Combining multiple slots titles in a way which facilitates simultaneous play is not permitted.

2.18 It must be a minimum of 2.5 seconds from the time a game is started until the next game cycle can be commenced. It must always be necessary to release and then depress the ‘start button’ or take equivalent action to commence a game cycle. (Also applicable to Gaming-Related Suppliers)

A game cycle starts when a player depresses the ‘start button’ or takes equivalent action to initiate the game and ends when all money or money’s worth staked or won during the game has been either lost or delivered to, or made available for collection by the player and the start button or

equivalent becomes available to initiate the next game.

A player should commit to each game cycle individually, continued contact with a button, key or screen should not initiate a new game cycle.

2.19 For slots games, the gaming system must not permit a customer to reduce the time until the result is presented. (Also applicable to Gaming-Related Suppliers)

Requirements: At a minimum:

1. Features such as turbo, quick spin and slam stop are not permitted. This is not intended to be an exhaustive list but to illustrate the types of features the requirement is referring to.

Note: This Standard does not apply to bonus/feature games where an additional stake is not wagered.

2.20 For slots games, the gaming system must not use auditory or visual effects that are associated with a win for returns which are less than or equal to last total amount wagered. (Also applicable to Gaming-Related Suppliers) [Amended: February, 2022]

2.21 For slots games, gaming sessions must clearly display a customer's net position (the total of all winnings minus the sum of all losses since the start of the session), in Canadian dollars. (Also applicable to Gaming-Related Suppliers) [Amended: February, 2022]

2.22 Players shall have the means to track the passage of time. (Also applicable to Gaming-Related Suppliers)

Limit Setting Features

2.23 Players shall be provided with an easy and obvious way to set gaming limits (financial and time-based) upon registration and at any time after registration. (Also applicable to Gaming-Related Suppliers) [Amended: February, 2022]

Requirements – At a minimum:

1. Players shall be provided with the option to set loss and deposit limits during registration.
2. Operators must offer players the options of setting limits on any number of the following:
 - a. Deposit limits, where the amount a player deposits into their account is limited over a period of time chosen by the player,
 - b. Loss limits, where the amount lost (i.e., winnings subtracted from the amount spent) is restricted.
3. The period or duration of the financial or time-based limits offered must include, 24 hours, 7 days and one month. Where the player sets simultaneous periods (e.g., a deposit limit for a day and for a week), the lowest limit must apply.
4. Financial and time limit functions must be easy to find, reach and initiate or change at any time after the player has registered and opened an account.

2.24 Where a gaming limit has been previously established by a player, a request by the player to relax or eliminate that limit shall only be implemented after a cooling-off period of at least 24 hours. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. The Operator must not relax or eliminate a gaming limit without a request from the player and only after the expiry of the cooling-off period.

Prohibiting Access to Designated Groups and Player Account Management

The overall intent of this theme is to protect the public interest and game integrity by ensuring that those individuals set out in Ontario Regulation 78/12 of the *Gaming Control Act, 1992* are prohibited from participating in lottery schemes and that lottery schemes are conducted in accordance with the *Criminal Code of Canada* (i.e., within the province of Ontario).

The identified regulatory risks under this theme are:

- Individuals prohibited from games of chance have access
- Selling product outside jurisdiction

Eligibility

3.01 Only eligible individuals are permitted to create a player account, and only individuals who hold a valid player account are permitted to log on to their account and gamble.

Requirements – At a minimum:

1. The following individuals are not eligible to play games on a gaming site:
 - a. An individual under 19 years of age except where the individual is at least 18 years of age and is accessing the gaming site solely for the purpose of purchasing a lottery ticket;
 - b. Every individual who advises the Operator that the individual is participating in a self-exclusion process that applies to the site;
 - c. An individual who is known by the Operator to have been restricted from accessing the gaming site or playing a lottery scheme as a condition of a court order;
 - d. Individuals who the Operator has reason to believe have been excluded from the site under subsection 3.6(1) of the GCA;
 - e. Officers, members of the board of directors or partners of the Operator;
 - f. Executives or staff of a trade union who represent or negotiate on behalf of employees employed at the site;
 - g. Employees of registered suppliers who maintain or repair gaming equipment at the site;
 - h. Members or employees of the AGCO;
 - i. Officers, members of the board of directors, or employees of OLG or iGaming Ontario, unless they are within the description set out in subsection 22(6) of Ontario Regulation 78/12.
2. Individuals described in Requirement 1 above are not eligible for prizes, with the exception of self-excluded individuals.

3.01.1 Operators shall not knowingly permit an individual to engage in any of the following prohibited activities and shall take steps to actively monitor and prevent such prohibited activity from occurring:

- An individual with access to non-public information related to an event or an individual who may impact the outcome of an event or bet type is prohibited from betting on any event overseen by the relevant sport/event governing body.

- Athletes, coaches, managers, owners, referees, and anyone with sufficient authority to influence the outcome of an event are prohibited from betting on events overseen by the relevant sport or event governing body.
- Owners (any person who is a direct or indirect legal or beneficial owner of 10 percent or greater) of a sport governing body or member team are prohibited from betting on any event overseen by the sport governing body or any event in which a member team of that sport or event governing body participates.
- Those involved in a sport or event may not be involved in compiling betting odds for the competition in which they are involved.

Requirements – At a minimum:

1. Operators must make reasonable efforts to inform any entity with which they have an information sharing relationship, including independent integrity monitors, sport betting operators, the appropriate governing authority for the sport or event and any other organizations or individuals identified by the Registrar if an individual is found to have engaged in prohibited activity under Standard 3.01.1.
2. Individuals found to have engaged in prohibited activity in Standard 3.01.1 shall not be eligible for prizes.

3.02 Games on gaming sites shall be provided only within Ontario, unless they are conducted in conjunction with the government of another province.
(Also applicable to Gaming-Related Suppliers)

Requirements — At a minimum:

1. Operators must put in place mechanisms to detect and dynamically monitor the location of a player attempting to play a game and to block unverified attempts to play a game. Player location checks subsequent to the initial location check shall occur at reasonable intervals determined by the Operator that minimize the risk of play outside of Ontario. Depending on the location of the player/device, longer or shorter periods may be justified.
2. Operators must put in place mechanisms to detect software, programs, virtualization and other programs capable of circumventing player location detection.

Note: If a lottery scheme is being provided in conjunction with another province, individuals in that province may be permitted to be on the gaming site.

3.03 If the list of prohibited and excluded individuals changes, all registered player information shall be re-verified to ensure that all registered players are still eligible to play, and if they are not eligible, they are prohibited from gaming. The accuracy of the list maintained by the Operator should be periodically reviewed by the Operator.

Registration and Account Creation

3.04 Relevant player information shall be collected and saved upon registration and shall be demonstrated to be complete, accurate and validated before a player account is created for the player.

Requirements – At a minimum, the following information shall be gathered upon registration:

1. Name.
2. Date of birth.
3. Address.
4. Method of identification for subsequent log on, such as user name.

5. Player contact information.

6. Information required by the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and the regulations under it.

3.05 Before a player account is created, players shall affirm that all player information provided upon registration is complete and accurate.

Player Account Maintenance and Transactions

3.06 Player information shall be kept complete and accurate.

3.07 Prior to participating in game play, players must affirm that they are fit for play.

3.08 All player accounts shall be uniquely identifiable. (Also applicable to Gaming-Related Suppliers)

3.09 Players may have only one player account per gaming site.

3.10 There shall be an auditable trail of events that is logged and available relating to account creation and activation, account deactivation and account changes. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum, an auditable trail of events shall be available for the following:

1. Information relating to player identification and verification.
2. Information regarding or related to contracts with the player.

3.11 Players shall acknowledge and accept the terms of the contract governing the player’s account and game play prior to account creation and shall acknowledge and accept any subsequent material changes to the terms of the contract when logging in. At all times, the terms of the contract and the operation of the contract must comply with the Standards and Requirements and applicable Ontario laws.

3.12 All players shall be authenticated prior to accessing their player account and being permitted to gamble. Third parties are not permitted to access a player’s account. (Also applicable to Gaming-Related Suppliers)

Requirements: At a minimum,

1. Players must be given the option to use multi-factor authentication when logging in.

3.13 All player account transactions shall be recorded and logged in an accurate and complete manner. (Also applicable to Gaming-Related Suppliers)

3.14 Player account information shall be made readily available to the player. (Also applicable to Gaming-Related Suppliers)

3.15 Information about player account transactions shall be made readily available and clear to the player. (Also applicable to Gaming-Related Suppliers) [Amended: February, 2022]

Requirements – At a minimum, the gaming system shall give the player access to the following information:

1. Deposit and withdrawal history, and current balance.
2. Method and source of funds used for transactions.
3. Date and time of previous login.
4. Gaming event and transaction history (game session outcomes and game transactions) including, in sport and event betting, the date and time of past and current bets, and the date and time at which past bets were settled, and information about current bets.
5. Total monies wagered for session and/or period of time.
6. Total monies won or lost for session and/or period of time.
7. Account balance at start and end of session.

3.16 All player account transactions shall be uniquely identifiable and traceable to a unique individual player account. (Also applicable to Gaming-Related Suppliers)

Deactivation and Dormant Accounts

3.17 Reasonable efforts shall be made to inform players of player funds remaining in dormant accounts.

3.18 Players may elect to deactivate their player account at any time and, once the election is made, the account is deactivated.

3.19 Where necessary, a player account may be deactivated by the Operator.

3.20 A player account shall be deactivated if requested by the Registrar.

3.21 If player information is removed, it must be retained in accordance with Standard 1.09 or other records retention requirement that may apply.

3.22 Where an account becomes dormant or is deactivated by a player or another authorized individual, the player shall be able to recover the balance of their account owing to them.

Ensuring Game Integrity and Player Awareness

The overall intent of this theme is to ensure that gaming in Ontario is conducted with honesty and integrity and that players have sufficient information to make informed decisions prior to gaming.

The identified regulatory risks under this theme are:

- Inability to regulate all components.
- Related parties winning at a higher relative percentage than the public.
- Players have insufficient information to make an informed choice.

- Game and system lack integrity.
- Game procedures not followed.
- Game and systems fail.
- Potential compromising of betting markets through activities such as insider betting or game manipulation.

Game Integrity

4.01 All gaming activities and financial transactions shall be conducted fairly and honestly, and must be independently verifiable. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Continuous independent monitoring and recording of lottery schemes and cash (and cash equivalent) handling must be in place to support the verification of:
 - a. Adherence to required game rules by players and employees or, in sport and event betting, the processing and redemption, if any, of the bet fairly, honestly and in accordance with the terms of the bet placed by the player, including applicable betting rules;
 - b. Confirmation of outcomes of lottery schemes;
 - c. Prize payment to the proper person;
 - d. Accuracy of financial transactions.
2. Continuous logs shall be maintained for critical gaming systems including to track financial accounting and game state history.

4.02 There shall be appropriate, accurate and complete records of transaction and game state and play information kept and made available for the purposes of (Also applicable to Gaming-Related Suppliers):

1. **Ensuring timely investigations can be performed by the Registrar.**
2. **Capturing information needed to continue a partially complete game within a reasonably defined time.**
3. **Resolving disputes in a fair and timely manner.**
4. **Ensuring player complaints can be resolved.**
5. **Tracking all relevant player information (including funds information).**
6. **Tracking all relevant individual gaming sessions and game play information.**
7. **Tracking all relevant information related to events (including significant events).**
8. **Tracking of game enabling, disabling and configuration changes.**

Guidance: *There should be an adequate amount of storage, capacity and retention of logged information. The appropriate capacity, design and monitoring of the logging facilities should be in place to ensure that logging is not interrupted for a technical reason that could have been prevented.*

4.03 There shall be a mechanism in place to ensure that if logging is interrupted, compensating manual controls are used, where reasonable. (Also applicable to Gaming-Related Suppliers)

4.04 The gaming system shall be capable of providing custom and on-demand reports to the Registrar. (Also applicable to Gaming-Related Suppliers)

Guidance: *the intent is to ensure that the Registrar can receive information in an appropriate format when necessary. Examples are: a list of all games hosted by the website, or a list of all active player accounts.*

4.05 Game specifications must be documented that clearly indicate (Also applicable to Gaming-Related Suppliers):

1. **The objectives of the game;**
2. **The wagers that may be made;**
3. **How the game is operated and played;**
4. **Odds of winning for each prize available to players;**
5. **The advantage of the operator in relation to each wager.**

4.06 Prior to placing a bet or wager, the player shall be provided with sufficient information to make informed decisions about betting or wagering based on chances of winning, the way the game is played, and how prizes and payouts are made. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Comprehensive and accurate information that explains the applicable terms governing play must be easily available to the player prior to the placing of a bet or wager through such supports as “game rules”, “help” or “how to play” pages placed prominently to allow players to easily locate them. All reasonable steps must be taken to ensure the content is understandable.
2. The explanatory content shall:
 - a. indicate the methods of how players may participate in the game and provide instructions and any terms for each of these methods,
 - b. provide clear instructions on how to interact with the game,
 - c. provide clear descriptions of what constitutes a winning outcome,
 - d. indicate any restrictions on play or betting (e.g., play duration limits, maximum wins),
 - e. contain comprehensive, accurate and understandable information on the odds of winning, payout odds, or returns to players,
 - f. indicate prize value units (e.g., currency or credits),
 - g. provide any other information on elements that will affect play (e.g., the number of decks or frequency of shuffles in virtual card games, the method of in-game betting) or results (e.g., how progressive jackpots work, number and kind of tokens to be collected to enter a bonus round, the rules and behaviour in a bonus round, how the results of pool betting in sport and event betting work, the procedures for confirming the results),
 - h. contain the same information and be consistent across all languages it is provided in.
3. If certain outcomes, prizes or features are only available under limited circumstances, the explanatory content must clearly indicate what these circumstances are.
4. Where speed of interaction has an effect on the player’s chances of winning, players must be informed that the speed of connection or processor may have an effect on the game.
5. Where player skill and/or strategy has an impact on the player’s chances of winning, players must be informed that their skill and/or strategy will have an impact on their chances of winning.
6. For all peer-to-peer games, players must be informed of possible communication loss and the impact to the player in such an event.
7. The denomination of each credit shall be clearly displayed.
8. The units of displayed prizes and payouts (e.g. denominational units, currency) must be clear.
9. Cash out options and how to redeem winning bets in sport and event betting.
10. Players shall be provided with information that indicates circumstances in which a game can be declared void.

4.07 Information provided to players prior to and during game play shall not mislead players or misrepresent games. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum, information shall not:

1. Describe any outcomes, prizes, or features that are not achievable.
2. Encourage play as a means of recovering past gambling or other financial losses.
3. Be designed so as to make false promises or present winning as the probable outcome.
4. Imply that chances of winning increase:
 - a. The longer one plays;
 - b. The more one spends; or
 - c. Suggest that skill can influence the outcome (for games where skill is not a factor);
5. Use language that suggests the probability of a particular outcome is more likely to occur than its actual probability. Examples include the use of the terms, “due”, “overdue”, “ready”, and “ready to hit”.
6. Mischaracterize the nature of the game by giving it a commonly accepted name, such as “European Roulette”, if the game does not operate as a player would reasonably expect.

4.08 All igaming games, random number generators and components of igaming systems that accept, process, determine outcome of, display, and log details about player bets, including any subsequent modifications, must either be approved by the Registrar or certified by an independent testing laboratory registered by the Registrar, as per the AGCO’s *ITL Certification Policy*, prior to being provided for any gaming site. [Amended: April, 2023]

Guidance: For greater certainty, this Standard applies to gaming equipment used in Live Dealer games that contains electronic components.

4.09 Gaming systems and gaming supplies shall be provided, installed, configured, maintained, repaired, stored, and operated in a way that ensures the integrity, safety and security of the gaming supplies and systems. (Also applicable to Gaming-Related Suppliers) [Amended: October, 2022]

Requirements – At a minimum:

1. Only games and remote gaming servers approved by the Registrar or certified by an independent testing laboratory registered by the Registrar shall be used on the gaming site.
2. The Registrar shall be immediately notified where there is any problem with the integrity or security of the gaming system or gaming supplies.
3. Monitoring and testing shall be performed throughout the life of the gaming system and gaming supplies to ensure they are operating as approved.
4. In the event of any suspected integrity or security problem with a gaming system or gaming supply, logs of the current state of the gaming system and gaming supply, and any supportive evidence shall be preserved.
5. Operators shall monitor the payback of their live games to detect any behaviour that may indicate faulty performance.
6. Gaming suppliers shall take immediate action, conduct timely investigations, and make any necessary corrections when there is a problem with the integrity or security of gaming systems.

4.10 Where there are suspected game or system faults that may impact game integrity or fairness including the integrity or fairness of sport and event betting (e.g., influencing a player’s chances of winning or the return to players), Operators shall make the game unavailable to players until the issue has been resolved. In the case of sport and event betting, making a game unavailable may include the suspension of betting, the withholding of funds, and the refund of any bet until a gaming system fault has been resolved. Operator decisions must be fair, reasonable, and made in good faith.

4.11 Production, testing and development systems shall be logically separated. (Also applicable to Gaming-Related Suppliers)

4.12 Game outcomes and sport and event betting transactions shall be recoverable, where technically possible, so that player bets can be settled appropriately. (Also applicable to Gaming-Related Suppliers)

4.13 In any case where there is a game or system fault, including where game outcomes or sport and event betting transactions are not recoverable, the Operator shall have clearly defined policies and processes in respect of treating the player fairly when resolving the player's transactions. These policies and processes shall be made available to players. (Also applicable to Gaming-Related Suppliers)

4.14 Mechanisms shall be in place to allow a game to be recreated up to and including the last communicated state to the player. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Selected electronic game elements and game outcomes shall be logged before they are displayed to the player.
2. Information shall be captured that is needed to continue a partially complete game within a reasonable period of time.

4.15 A player's bet and the outcome of the game shall be clearly displayed, easy to understand, and available for a sufficient length of time for the player to review. (Also applicable to Gaming-Related Suppliers)

4.16 Games shall pay out accurately, completely and within a reasonable time of winning, subject to checks and verifications. (Also applicable to Gaming-Related Suppliers)

Collusion and Cheating

4.17 Operators shall have mechanisms in place to appropriately deter, prevent and detect collusion and cheating.

4.18 All relevant activities related to the detection of collusion and cheating shall be logged.

4.19 Players shall be provided with clear information on the process to report activities related to collusion and cheating, including the suspected use of bots. The process must be simple to use and readily accessible to a player seeking to make a report.

Requirements – At a minimum:

1. Complaints by players about unfair treatment, cheating and collusion must be investigated.
2. Information about the Operator's policies and procedures to deter, prevent and detect unfair behaviour, cheating and collusion, including the suspension or disabling of accounts and any recovery of funds, must be made available to the public on request.
3. Where an investigation, whether initiated by the Operator or as a result of a player complaint, results in the suspension or disabling of a player account, records of the investigation identifying the activities, the reason for the investigation (including whether it was initiated as the result of a player complaint) and any relevant evidence should be retained in accordance with Standard 1.09.
4. The Registrar shall be informed, in accordance with the notification matrix, of any incident that an Operator reasonably believes constitutes an incident of intentional cheating while playing a lottery scheme.

4.20 Where speed of interaction has an effect on the player's chances of winning, the Operator shall take reasonable steps to ensure the player is not unfairly disadvantaged due to gaming system related performance issues.

4.21 Service interruptions shall be responded to and dealt with in a way that does not disadvantage players. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum, the gaming system shall:

1. Inform players that the speed of connection or processor may have, or appear to have, an effect on the game;
2. Recover from failures that cause interruptions to the game in a timely fashion;
3. Where appropriate, void bets;
4. Retain sufficient information to be able to restore events to their pre-failure state, if possible;
5. Pay players the amount won up to that point, or return bets to players where a game cannot be continued after a service interruption, whichever is the better outcome for the player.

Peer-to-Peer Games

4.22 In peer-to-peer games, Operators must implement measures intended to deter, prevent and detect the use by players of software programs to automatically participate in game play (referred to as a bot) or to provide the player with an unfair advantage over other players.

Requirements – At a minimum:

1. Operators must clearly provide notice to players of peer-to-peer games that the use of such software is not permitted and, if a player is found to have used such software, it will be considered to be cheating and the player may be sanctioned by the Operator accordingly.

4.23 Games must be conducted in a manner that ensures players are treated fairly and not unfairly disadvantaged by other players. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Measures intended to deter, prevent, and detect unfair behaviour, collusion and cheating, including the suspected use of bots, must be implemented.
2. Information regarding specific game elements (such as a player's hand or cards) shall not be accessible to give advantage to any player during games, unless by the player themselves.
3. A mechanism shall be in place to ensure that a player cannot play against themselves or occupy more than one seat at an individual table.
4. Gaming systems must retain a record of relevant activities to facilitate investigation and be capable of suspending or disabling player accounts and player sessions.
5. Operators must monitor the effectiveness of their policies and procedures.
6. As a minimum deterrent, players must be informed that accounts may be closed if the player has cheated, colluded or acted unfairly towards another player.

Determination of Game Outcomes

4.24 Games must operate according to their game specifications and the outcomes must be determined in accordance with the terms governing play and prevailing payouts as they are described to the player. Sport and event betting must be conducted fairly, honestly and in accordance with the terms of the bet placed by the player. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. All possible game outcomes (winning and losing outcomes) shall be available in each play, unless clearly explained to the player.
2. The probability of game outcomes in virtual games shall be the same as in the associated live game (e.g., card games), unless the differences are set out in the terms governing play and communicated to players.
3. The probability of achieving a specific game outcome shall be constant and independent of game history, player or any other factor, unless clearly explained in the terms governing play. Where the game outcome is intended to be random (e.g., dice games or slot games), the outcome must not be dependent or based upon any history or other factors.
4. Sport and event bets shall be accepted, processed, and settled in accordance with the terms of the bet placed by the player, including any applicable betting rules.

4.25 Bets shall be committed before the determination of game outcomes. Any wager received after the determination of game outcomes associated with the wager shall be voided and returned to the player. (Also applicable to Gaming-Related Suppliers)

4.25.1 In sport and event betting, bets must be settled fairly and in accordance with the terms of the bet placed by the player and any applicable betting rules that were available to the player when the bet was placed. Where raised, the reasons for the settlement must be clearly and promptly provided to the player. (Also applicable to Gaming-Related Suppliers)

4.25.2 The results of bets on sporting or other events must be provided to players making bets on the events. Any change of results must be made available. Account balances will be updated as the results of wagers are confirmed. (Also applicable to Gaming-Related Suppliers)

4.25.3 Sport and event betting operators shall have controls in place to ensure the accuracy and timeliness of sport and event results data. (Also applicable to Gaming-Related Suppliers)

Randomness of Game Outcomes

4.26 A mechanism shall be in place to randomly select game elements used to determine game outcomes. This Standard does not apply to sport and event betting products.(Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Initial values and conditions shall be selected and used to seed the random selection process in a way that ensures the randomness of the resulting game outcomes and avoids any correlation of selected game elements with elements selected by any other instances of the mechanism.

2. The selected game elements and their associated game outcomes shall not be influenced, affected or controlled by the amount wagered, or by the style or method of play unless the conditions are changed and are disclosed clearly to the player.
3. The mechanism used to select game elements and their associated game outcomes shall be impervious to outside influences (such as electro-magnetic interference, devices within or external to the gaming system; the characteristics of the communication channel between the system and the end player device, the player or the Operator) and its components shall not be subject to deterioration that impacts, before any scheduled replacement lifecycle, the randomness of selection.
4. The selected game elements and their associated game outcomes shall not be altered, discarded or otherwise manipulated through a secondary decision by the game program and shall not be impacted by load on the gaming system.
5. Any failure by the mechanism to randomly select game elements, including an interruption in the selection process, must be identified and responded to quickly and appropriately to minimize the effect on players.

4.27 Mechanisms used to select game elements and their associated game outcome must be capable of being monitored and inspected to ensure the integrity of the mechanisms and its component devices and the randomness of the generated outcomes. This Standard does not apply to sport and event betting products. (Also applicable to Gaming-Related Suppliers)

Game Management

4.28 Terms governing play must not be changed during a game session unless the player is made aware of the change before the player places any wagers in the game. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Where applicable, game interface changes made by the player shall be appropriately limited by the gaming system to ensure that information and representation of the game remains fair and accurate and in accordance with the terms governing play.
2. Information on the current state of multi-state games must be clearly displayed,
3. Displays of jackpot amounts that change over time should be updated as frequently as practicable and particularly after the amount has been reset after a win.
4. Odds in sport and event betting sometimes change prior to or during an event. Changes in odds must be updated and publicly available to all players. This is not intended to entitle a player who has previously placed a bet to receive new odds on that bet.

4.29 Game sessions must be appropriately secured and checked for authenticity. (Also applicable to Gaming-Related Suppliers)

4.30 There shall be a player activity time-out that automatically logs the player out or ends the player's session after a specified period of inactivity. (Also applicable to Gaming-Related Suppliers)

Downloadable Game Content

4.31 All critical functions, including the generation of the outcome of any game, shall be generated by the gaming system, independent of the end player device.

Guidance: The intent is for the Operator to maintain control (i.e., security, integrity) of all critical game functions.

Sport and Event Betting Integrity

4.32 Sport and event betting operators shall have risk management measures in place to mitigate the betting integrity risk associated with sport and event betting, including insider betting and event manipulation. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Operators shall establish controls to identify unusual or suspicious betting activity and report such activity to an independent integrity monitor.

Unusual betting activity is a betting pattern that deviates, including statistically, from the activity otherwise exhibited by patrons and reasonably expected by an operator or independent integrity monitor, which may indicate potential suspicious activity in the betting or the underlying sport or other event. Unusual betting activity may include the size of a patron’s wager or increased wagering volume on a particular event or wager type.

Suspicious betting activity is unusual betting activity that cannot be explained and is indicative of match fixing, the manipulation of an event, misuse of inside information, or other illicit activity.

2. Independent integrity monitors shall not have any perceived or real conflicts of interests in performing the independent integrity monitor role, including such as acting as an operator or as an oddsmaker.
3. Independent integrity monitors shall promptly disseminate reports of unusual betting activity to all member sport betting operators.
4. All sport and event betting operators shall review such reports and notify their independent integrity monitor of whether they have experienced similar activity.
5. If an independent integrity monitor finds that previously reported unusual betting activity rises to the level of suspicious activity, they shall immediately notify any entity with which they have an information sharing relationship, including independent integrity monitors, sport betting operators, the appropriate governing authority for the sport or event, and any other organizations or individuals identified by the Registrar.
6. All independent integrity monitors receiving such a report shall share such report with their member sport betting operators.
7. Independent integrity monitors shall facilitate collaboration and information sharing to enable the investigation of and response to prohibited activity associated with the suspicious betting activity as directed by the Registrar.
8. Independent integrity monitors shall provide, in accordance with the notification matrix, the Registrar with:
 1. All reports of unusual betting activity;
 2. If the activity was determined to be suspicious; and
 3. The actions taken by the independent integrity monitor.

Guidance: *The Registrar will publish a list of registered independent integrity monitors.*

4.33 An operator receiving a report of suspicious activity under Standard 4.32 may suspend or cancel sport and event betting on events related to the report or withhold associated customer funds. To this end, an Operator must ensure that it has reserved itself the authority to suspend betting, void bets, and withhold associated customer funds. The Operator’s decision to suspend or cancel sport and event betting, or withhold associated customer funds, on events related to the report must be fair, reasonable, and made in good faith.

4.34 Operators offering sport and event betting products shall ensure that all bets offered meet the following criteria [Amended: February, 2022]:

1. The outcome of the event being bet on can be documented and verified;

2. The outcome of the event being bet on can be generated by a reliable and independent process;
3. The outcome of the event being bet on is not affected by any bet placed;
4. The majority of participants in the event or league are 18 years of age or older; event shall be broadly defined as assessing total participants in the event/league, rather than in a particular heat, game, match or final contest in the overall sporting event;
5. For sporting events being bet on, the event must be effectively supervised by a sport governing body which must, at minimum, prescribe final rules and enforces codes of conduct that include prohibitions on betting by insiders (not applicable to novelty bets);
6. There are integrity safeguards in place which are sufficient to mitigate the risk of match-fixing, cheat-at-play, and other illicit activity that might influence the outcome of bet upon events;
7. The bet is not on a past event for which the outcome is publicly known;
8. The bet is not reasonably objectionable;
9. The event being bet on does not involve animal fighting or cruelty;
10. Bets on assets and financial markets (e.g., stocks, bonds, currencies, real property) are prohibited;
11. Bets which expose players to losses greater than the amount wagered are prohibited;
12. Bets which mimic the structure of financial instruments, products, or markets are prohibited;
13. Bets on synthetic lottery products and bets on lottery outcomes are prohibited;
14. The event being bet on is conducted in conformity with all applicable laws;
15. Bets on minor league sports in Canada, including the Canadian Hockey League (CHL), are prohibited.

Guidance:

- *For the purpose of Req. 8, reasonably objectional bets include bets on events which are unethical, allow entertainment to be derived from human suffering or death or involve non-consensual violence or injury.*
- *Req. 12 applies to contracts for difference including spread betting.*

Live Dealer Game Integrity

Last Updated:
2022-10-31

4.35 Access to live dealer gaming supplies shall be restricted to individuals with a business need. (Also applicable to Gaming-Related Suppliers). [Added: October, 2022]

Requirements – At a minimum:

1. Access privileges are granted, modified, and revoked based on employment status and job requirements and all activities associated with these actions logged.
2. Access privileges are independently reviewed and confirmed on a periodic basis.

4.36 Operators must have controls in place to ensure live dealer game presenters do not compromise the integrity of a game. [Added: October, 2022]

Public Safety and Protection of Assets

The overall intent of this theme is to ensure that assets (e.g., gaming equipment and systems) are protected and that customer information and funds are safeguarded.

The identified regulatory risks under this theme are:

- People are not safe;
- Assets and customer information are not safeguarded; and
- Unauthorized individuals have access to prohibited areas.

IT Standards

Information Technology

5.01 A recognized industry standard framework shall be used to manage the information technology (IT) control environment to support compliance with the Standards and Requirements. (Also applicable to Gaming-Related Suppliers)

Security Management

5.02 Users shall be granted access to the gaming system based on business need. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Access privileges are granted, modified and revoked based on employment status and job requirements and all activities associated with these actions are logged.
2. Access privileges are independently reviewed and confirmed on a periodic basis.

5.03 Access to gaming information systems shall be monitored, logged and shall be traceable to a specific individual, either through the assignment of uniquely assigned accounts to individual users or such other reasonable method. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. All system accounts (or other accounts with equivalent privileges) shall be restricted to staff that provide IT support, and mechanisms shall be in place to secure and monitor use of those accounts.

5.04 Processes shall be in place to ensure that only authorized individuals are permitted to open system accounts. (Also applicable to Gaming-Related Suppliers)

5.05 Industry accepted components, both hardware and software, shall be used where possible. (Also applicable to Gaming-Related Suppliers)

5.06 Any connection or interface between the gaming system and any other system, whether internal or external third party, shall be monitored, hardened and regularly assessed to ensure the integrity and security of the gaming system. (Also applicable to Gaming-Related Suppliers)

5.07 Mechanisms shall be in place to ensure the reliability, integrity and availability of the gaming system. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Operators shall ensure that a disaster recovery site is in place.

5.08 There shall be a suitably secure physical environment in place to prevent unauthorized access to the gaming system and to ensure the protection of assets. (Also applicable to Gaming-Related Suppliers)

5.09 Gaming systems, infrastructure, data, activity logs and all other related components shall be protected from threats, vulnerabilities, attacks or breaches. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. All users shall be authenticated.
2. The appropriateness and effectiveness of steps taken to harden technology components shall be regularly assessed.
3. Patches to correct any security risks shall be updated regularly.

5.10 Security monitoring activities shall be logged in an auditable manner, monitored, promptly analyzed and a report prepared and escalated as appropriate. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Attempts to attack, breach or access gaming system components in an unauthorized manner shall be responded to in a timely and appropriate manner.
2. Intrusion attempts shall be actively detected and where possible prevented from causing disruption or outage of the gaming system.
3. There shall be adequate logging to capture and monitor any attempts to attack, breach or access in an unauthorized manner any components of the gaming system. There shall be an appropriate escalation procedure.

5.11 Independent assessments shall be regularly performed by a qualified individual to verify the adequacy of gaming system security and all of its related components. (Also applicable to Gaming-Related Suppliers)

5.12 Operators and gaming related suppliers must inform themselves of the current threats and risks to the security, integrity, and availability of the gaming systems and related components that they operate or supply. Operators must have in place policies and procedures to mitigate such risks and threats. Gaming related suppliers must inform their customers of any material threat or risk to the security or integrity of the gaming systems that they supply or operate. (Also applicable to Gaming-Related Suppliers)

Change Management

5.13 A system development lifecycle that considers security and processing integrity shall be in place for gaming system technology developed in-house. (Also applicable to Gaming-Related Suppliers)

5.14 Due diligence must be performed on all acquired gaming system technology to ensure security and processing integrity requirements are met. (Also applicable to Gaming-Related Suppliers)

5.15 A testing strategy to address changes in technology shall be in place to ensure that deployed gaming systems operate as intended. (Also applicable to Gaming-Related Suppliers)

5.16 All gaming system changes shall be appropriately, consistently and clearly documented, reviewed, tested and approved. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. All gaming system technology components are installed and maintained in accordance with the appropriate change management procedures.
2. Requests for changes and maintenance of the gaming system are standardized and are subject to change management procedures.
3. Emergency changes are approved, tested, documented, and monitored.
4. Change management procedures shall account for segregation of duties between development and production.
5. Only dedicated and specific accounts may be used to make changes.

5.17 Operators must have both preventative and detective measures in place to ensure that no unauthorized or unintentional changes are made to the gaming system.

Requirement — At a minimum:

1. There must be a mechanism to validate that installed software is the certified software.

5.18 Post implementation reviews shall be performed to ensure that changes have been correctly implemented and the outcomes shall be reviewed and approved. (Also applicable to Gaming-Related Suppliers)

5.19 All change related documentation and information shall be captured, stored and managed in a secure and robust manner. (Also applicable to Gaming-Related Suppliers)

5.20 The implementation of software related updates, patches or upgrades shall be regularly monitored, documented, reviewed, tested and managed with appropriate management oversight and approval. (Also applicable to Gaming-Related Suppliers)

5.21 A mechanism shall be in place to regularly monitor, document, review, test and approve upgrades, patches or updates to all gaming-related hardware components as they become end of life, obsolete, shown to have weaknesses or vulnerabilities, are outdated or have undergone other maintenance. (Also applicable to Gaming-Related Suppliers)

5.22 Appropriate release and configuration management processes with support systems shall be in place to support both software and hardware related changes. (Also applicable to Gaming-Related Suppliers)

5.23 Only dedicated and specific accounts may be used to make changes. (Also applicable to Gaming-Related Suppliers)

Data Governance

5.24 Data governance shall be in place to address data processing integrity and protection of sensitive data. (Also applicable to Gaming-Related Suppliers)

5.25 Sensitive data, including player information and data relevant to determining game outcomes, shall be secured and protected from unauthorized access or use at all times. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. The gaming system shall ensure that data is appropriately backed up in a manner that allows it to be completely and accurately restored.
2. Data backups shall be stored off-site in a secure location and in accordance with applicable policies and laws.

5.26 Player information shall be securely protected and its usage controlled.

Requirements – At a minimum:

1. Data collection and protection requirements for player personal information shall meet those set out in the *Freedom of Information and Protection of Privacy Act*.
2. Player personal information shall only be used for the lottery schemes conducted and managed respectively by the OLG or iGaming Ontario, unless there is prior approval.

5.27 Communication of sensitive game data shall be protected for integrity. (Also applicable to Gaming-Related Suppliers)

5.28 Procedures shall be established and documented for IT operations and incident management, including managing, monitoring and responding to security and processing integrity events. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. Proactive monitoring and detection of errors in the gaming system and related components shall be in place. Action shall be immediately taken to correct incidents of non-compliance with the Standards and Requirements or control activities.
2. There shall be time synchronization of the gaming system environment and related components.
3. Event data shall be retained to provide chronological information and logs to enable the reconstruction, review and examination of the time sequences of processing.

Architecture and Infrastructure

5.29 The gaming system architecture and all its related components shall demonstrate security in depth. (Also applicable to Gaming-Related Suppliers)

5.30 All gaming systems and devices shall validate inputs before inputs are processed. (Also applicable to Gaming-Related Suppliers)

5.31 The gaming system shall only display the minimum information about the gaming system to unauthorized users and during system malfunctions to minimize the risk of compromising the gaming system or the privacy of information. (Also applicable to Gaming-Related Suppliers)

5.32 All remote access methods shall be appropriately secured and managed. (Also applicable to Gaming-Related Suppliers)

Guidance: The intent is to ensure that wireless communication is not present in areas where it could be potentially harmful (e.g. data centres).

5.34 All components shall be hardened as defined by industry and technology good practices prior to going live and as part of any changes. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. All default or standard configuration parameters shall be removed from all components where a security risk is presented.

5.35 Access shall be appropriately restricted to ensure that the domain name server records are kept secure from malicious and unauthorized changes. (Also applicable to Gaming-Related Suppliers)

Data and Information Management

5.36 All private encryption keys shall be stored on secure and redundant media that are only accessible by authorized management personnel. (Also applicable to Gaming-Related Suppliers)

5.37 Encryption algorithms and key lengths shall be regularly assessed for security vulnerabilities. (Also applicable to Gaming-Related Suppliers)

5.38 The gaming system architecture shall limit the loss of data and session information. (Also applicable to Gaming-Related Suppliers)

System Account Management

5.39 The gaming system shall be able to change, block, deactivate or remove system accounts in a timely manner upon termination, change of role or responsibility, suspension or unauthorized usage of an account. (Also applicable to Gaming-Related Suppliers)

5.40 A secure authenticator that meets industry good practices shall be used to identify users and their accounts to ensure that only authorized individuals are permitted to access their system account on the gaming system. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. The gaming system shall automatically lock out accounts where any identification and authorization requirement is not met after a defined number of attempts.
2. Multi-factor authentication shall be implemented as part of a secure authenticator.

5.41 The gaming system shall ensure that all access to the system is fully attributable to, and logged against, a unique user identification. (Also applicable to Gaming-Related Suppliers)

5.42 Only the minimum access rights shall be granted to each system account on the gaming system and access rights shall be clearly documented. (Also applicable to Gaming-Related Suppliers)

5.43 All temporary and guest accounts shall be disabled immediately after the purpose for which the account was established is no longer required. (Also applicable to Gaming-Related Suppliers)

5.44 System accounts and system access rights for the gaming system shall be regularly reviewed and updated. (Also applicable to Gaming-Related Suppliers)

5.45 A log of account owners shall be kept and regularly reviewed and updated. (Also applicable to Gaming-Related Suppliers)

5.46 A mechanism shall be in place to ensure that the assignment of administrator accounts is approved by the Operator’s management and that usage is monitored for appropriateness. (Also applicable to Gaming-Related Suppliers)

5.47 Inappropriate use of system accounts on the gaming system shall be logged, reviewed and responded to within a reasonable period of time. (Also applicable to Gaming-Related Suppliers)

5.48 Inappropriate use of administrator accounts shall be reported to the Registrar in accordance with the notification matrix. (Also applicable to Gaming-Related Suppliers)

Software

Note: The following Standards apply to the following types of software: 1) Modified commercial off-the-shelf software, 2) Proprietary developed software, and 3) software specifically developed by the OLG or iGaming Ontario.

5.49 Software used for the gaming system shall be developed using industry good practices. (Also applicable to Gaming-Related Suppliers)

5.50 Software development methodologies used shall be clearly documented, regularly updated and stored in an accessible, secure and robust manner. (Also applicable to Gaming-Related Suppliers)

5.51 An appropriate system shall be in place to manage the software development and ongoing software management lifecycle. (Also applicable to Gaming-Related Suppliers)

5.52 All software development roles shall be segregated during and after release of code to a production environment. (Also applicable to Gaming-Related Suppliers)

5.53 An appropriate audit trail of authority and management review of code for software shall be established. (Also applicable to Gaming-Related Suppliers)

5.54 Controls shall be in place to ensure software is appropriately secured and access is appropriately restricted throughout development. (Also applicable to Gaming-Related Suppliers)

5.55 Authorized management staff shall review and approve software documentation to ensure that it is appropriately and clearly documented.

5.56 Source code and compiled code shall be securely stored. (Also applicable to Gaming-Related Suppliers)

Guidance: Compiled code could be digitally signed or hashed (including each time there is a change) in a manner that allows for external verification.

5.57 The promotion or movement of code from testing through other environments to production shall be accompanied by the appropriate documentation and approvals. (Also applicable to Gaming-Related Suppliers)

5.58 All promotion of code from development to production shall only be performed by production support staff and not by development staff. (Also applicable to Gaming-Related Suppliers)

5.59 Appropriate testing environments shall be in place to allow for thorough testing of any code before it is put into production. (Also applicable to Gaming-Related Suppliers)

5.60 Access to production environments shall be restricted from development personnel. (Also applicable to Gaming-Related Suppliers)

Note: This does not preclude granting of temporary supervised access for conducting technical investigations that may only be performed on the production environment.

5.61 Development code shall not be present in the production environment. (Also applicable to Gaming-Related Suppliers)

5.62 A mechanism shall be in place to verify the integrity of the software that is deployed to production, including before changes are implemented, as well as on an ongoing basis. (Also applicable to Gaming-Related Suppliers)

5.63 Appropriate release and configuration management systems shall be in place to support software development. (Also applicable to Gaming-Related Suppliers)

5.64 All code developed by a third party shall be tested to ensure it meets industry good practices and that it performs to meet its purpose prior to being added to the testing environment and prior to integration testing. (Also applicable to Gaming-Related Suppliers)

5.65 All code developed by a third party shall pass integration testing before it is added to production. (Also applicable to Gaming-Related Suppliers)

5.66 Mechanisms shall be in place to ensure that bugs are identified and addressed prior to, and during, production. (Also applicable to Gaming-Related Suppliers)

5.67 Quality assurance processes, including testing, shall take place during development and prior to the release of any code. (Also applicable to Gaming-Related Suppliers)

5.68 All components, where appropriate, shall be tested for the purposes for which they will be used. (Also applicable to Gaming-Related Suppliers)

Funds Management

Deposits

5.69 Players may be permitted to deposit funds into their player accounts only after the appropriate verifications and authorization.

Requirements – At a minimum, deposits shall be verified and authorized to ensure the following:

1. Deposits made are appropriately authorized by a financial services provider.

Note: Cryptocurrency is not legal tender and shall not be accepted.

Withdrawals

5.70 Players are permitted to withdraw funds from their player account only after the appropriate verifications and authorization.

Requirements – At a minimum:

1. Withdrawals shall be verified and authorized to ensure the following, before a withdrawal is permitted:
 - a. The withdrawal is being made by a holder of the account; and
 - b. The withdrawal is being transferred to an account of which the player is a legal holder.

5.71 Players are permitted to withdraw funds from their player account in an accurate and complete fashion and as soon as is practicable, subject to appropriate authorization and verification.

Funds Maintenance and Transactions

5.72 Player funds shall be clearly and appropriately managed.

5.73 All player funds deposited in respect of igaming lottery schemes conducted and managed by the OLG shall be held in an OLG account. iGaming Ontario shall take steps to ensure that all player funds deposited in respect of igaming lottery schemes conducted and managed by iGaming Ontario are subject to oversight by iGaming Ontario and available to players.

5.74 Operators shall not extend credit or lend money to players or refer players to credit providers or imply or infer that a player should seek additional credit to play games.

5.75 No player's account is permitted to have a negative funds balance. A player's account with a negative funds balance must be suspended and no transactions permitted after the negative funds balance arises. No transaction is permitted until the negative funds balance is eliminated. No bet will be accepted that could result in a negative funds balance.

Guidance: This Standard is not intended to prohibit the resettlement of bets when reasonable and necessary.

5.76 Players shall be provided with a clear and accurate representation of their funds account balance that is easily accessible and readily available at all times. (Also applicable to Gaming-Related Suppliers)

Requirements – At a minimum:

1. The player balance shall be displayed in Canadian dollars.

5.77 Players shall be provided with unambiguous information about all player account fees prior to making a withdrawal or deposit.

5.78 Players shall be informed clearly and specifically of all rules and restrictions regarding deposits and withdrawals and access to funds in connection with deposits and withdrawals.

5.79 Funds shall not be transferred between player accounts.

5.80 Adjustments to player accounts shall be made accurately and only by authorized individuals.

5.81 Adjustments to player accounts shall be recorded and logged in an accurate and complete manner. (Also applicable to Gaming-Related Suppliers)

5.82 Players shall be provided with accurate, clear and specific reasons for any adjustments made to their accounts. (Also applicable to Gaming-Related Suppliers)

Minimizing Unlawful Activity Related to Gaming

The overall intent of this theme is to protect the public interest and public safety by ensuring that unlawful and criminal activity does not take place in gaming in Ontario.

The identified regulatory risks under this theme are:

- Gaming used as a vehicle for money laundering
- Gaming used as a vehicle for fraud or theft
- Internal theft is occurring
- Cheat at play materializes within the gaming environment

6.01 Mechanisms shall be in place to reasonably identify and prevent unlawful activities at the gaming site.

Requirements – At a minimum, the Operator shall:

1. Conduct periodic risk assessments to determine the potential for unlawful activities, including money laundering, fraud, theft and cheat at play.
2. Ensure that all relevant individuals involved in the operation, supervision or monitoring of the gaming site shall remain current in the identification of techniques or methods that may be used for the commission of crimes at the gaming site.
3. Appropriately monitor player and employee transactions, including the ongoing analysis of incident reports and suspicious transactions for possible unlawful activity.
4. Report suspicious behaviour, cheating at play and unlawful activities in accordance with the established notification matrix.

6.02 Anti-money laundering policies and procedures to support obligations under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act (PCMLTFA)* shall be implemented and enforced.

Requirements – At a minimum:

1. Copies of all reports filed with FINTRAC and supporting records shall be made available to the Registrar in accordance with the established notification matrix.
2. Operators shall ensure their anti-money laundering internal controls align with those of the designated reporting entity under the PCMLTFA.

Requirements – At a minimum, the Operator shall:

1. Implement policies, procedures and controls that specify times and situations, based on the assessment of risk, where the Operator will ascertain and reasonably corroborate a player’s source of funds.
2. Implement risk-based policies and procedures that provide for escalating measures to deal with players who engage in behaviour that is consistent with money laundering indicators, including the refusal of transactions or exclusion of the player.
3. Ensure that mechanisms are in place to share information, in a lawful manner, about high-risk or suspicious activities with other Operators which may also be subject to similar activity.

Appendix

[Amended: February, 2022]

Regulatory Risks

Risk Theme	Regulatory Risk
Entity Level	<ul style="list-style-type: none"> • Lack of appreciation and understanding of critical elements of a risk based control environment • Lack of defined Board mandate and independent oversight of management • No mechanism for reporting wrong doing • Inadequately documented management policies and procedures to define and align accountability skills and competence • Lack of understanding about expected ethical behavior • Lack of transparency in decision making • Individual knowingly fails to comply
Responsible Gambling	<ul style="list-style-type: none"> • Inappropriate advertising practices targets minors • Advertising is false and misleadingly deceptive to attract the public • Advertising deemed to promote excessive play • Players allowed to play excessively • Responsible gaming controls not designed into environment and product • Players are unaware of risks to problem gambling and options to selfcontrol

Risk Theme	Regulatory Risk 71
Prohibiting Access to Designated Groups	<ul style="list-style-type: none"> • Individuals prohibited from games of chance have access • Selling product outside jurisdiction
Ensuring Game Integrity and Player Awareness	<ul style="list-style-type: none"> • Inability to regulate all components • Related parties winning at a higher relative percentage than the public • Players have insufficient information to make an informed choice • Game and system design lack integrity • Game procedures are not followed • Game and systems fail • Compromising betting markets through activities such as insider betting or game manipulation
Public Safety and Protection of Assets	<ul style="list-style-type: none"> • People are not safe • Assets and customer information are not safe-guarded • Unauthorized individuals have access to prohibited areas
Minimizing Unlawful Activity Related to Gaming	<ul style="list-style-type: none"> • Gaming used as a vehicle for money laundering • Gaming used as a vehicle for fraud or theft • Internal theft is occurring • Cheat at play materializes within the gaming environment

This is Exhibit "2" referred to in the Affidavit of William Hill affirmed by William Hill of the Town of Oakville, in the Regional Municipality of Halton, before me at the City of Toronto, in the Province of Ontario, on April 8, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JACQUELINE HOUSTON



PRESS RELEASE

How much is too much? Nearly half of Canadians think gambling ads have gotten out of hand.

Ipsos polling finds that Canadians are experiencing fatigue from gambling advertising.

Toronto, ON, January 16, 2023 – Just eight months after the Ontario government launched a regulated online gambling market in their province, Ontarians and Canadians alike are making more online bets than ever — and marketing for betting platforms has hit a fever pitch, from banner ads and billboards to primetime TV.

But as the iGaming market booms, there are signs that the sheer volume of advertising could have a negative cumulative effect. New polling and social listening data from Ipsos finds that nearly half of Canadians (48%) say they agree (17% strongly; 31% somewhat) that the amount and volume of advertising is excessive and needs to be cut back.

This situation has been developing since April 2022, when Ontario's provincial government opened a regulated online gambling market in their province, enabling dozens of "grey market" private betting companies to register as legal operators.

In the following months, online gambling has flourished in Ontario, and across the country:

- 47% of Ontario adults surveyed say they've done some form of online gambling across four types of activities in the past year (compared to 40% of all Canadian adults).
- 35% of Ontarians have played online casino games (e.g. slots, poker, table games); compared to 30% of all Canadians.
- 24% of Ontarians have played online bingo (compared to 20% of all Canadians).
- 30% of Ontarians have tried sports betting (compared to 22% of all Canadians).

The popularity of online casino gambling has even exceeded that of in-person betting. Before the pandemic, upwards of 40% of Canadians would report going to a casino at least once a year. In 2022, that figure dropped to 26%, compared with the 30% of Canadians who report playing casino games through an app or website.

But while the surge in publicity may be boosting the overall number of gamblers, we are also seeing signs that the marketing push is leading to ad fatigue.

Ipsos found that 63% of Canadians now agree (21% strongly; 42% somewhat) there should be limits on the amount and/or placement of advertising. This statement is agreed upon across the country — even in provinces without regulated online gambling markets — with support ranging from 59% in BC to 69% in Atlantic Canada.





PRESS RELEASE

When it comes to social media, critics are even more vocal. A social listening analysis conducted by Ipsos found that negative posts about sports betting advertising had increased by 820% between July 2022 and October 2022.

But the quantity of ads and sponsorships isn't the only issue. When it comes to the quality and enjoyability of commercials themselves, Canadians are hardly more enthusiastic: 42% said the ads are not very likeable/enjoyable to watch; ranging from a high of 49% of Albertans down to a low of 36% in both BC and Atlantic Canada. The harshest criticism is from the 18–24-year-old range, with 54% agreeing that gambling ads are not likeable — the highest among all other age groups.

It's clear that iGaming creative must be more compelling and efficient. But it also must be more relevant and regionally precise: Ipsos' study suggests that despite the high volume of ads, few are failing to educate their audience, leading to a false sense of understanding about who can legally operate betting sites in different provinces.

When Canadians were asked which types of companies were legally permitted to operate online gambling and sports betting in their province, the results were anything but clear:

- Nationally, 37% said it was the provincial government's lottery corporation.
- Another 6% thought it was private betting companies...
- ...And 37% think it is both government and private.
- One in five simply didn't know.

Awareness does vary by province. In Ontario, 49% said both government and private companies are eligible, which is technically correct. In Quebec, a slim majority (54%) said it's the government who is legal to operate (also technically correct) — but many in Quebec also thought that online gambling was private, a combo of government and private, or simply don't know. And other provinces are even less clear: Although all other regions of this country (outside of Ontario) only have the government as the legal option, many residents of those provinces think that both the government and private betting companies are permitted to operate:

- 39% in BC
- 42% in Alberta
- 29% in SK/MB,
- 27% in Atlantic Canada.





PRESS RELEASE

About the Study

These are some of the findings of an Ipsos poll conducted between November 17 to 22, 2022. For this survey, a sample of 2,002 Canadians aged 18+ was interviewed. Quotas and weighting were employed to ensure that the sample's composition reflects that of the Canadian population according to census parameters. The precision of Ipsos online polls is measured using a credibility interval. In this case, the poll is accurate to within ± 2.5 percentage points, 19 times out of 20, had all Canadians aged 18+ been polled. The credibility interval will be wider among subsets of the population. All sample surveys and polls may be subject to other sources of error, including, but not limited to coverage error, and measurement error.

For more information on this news release, please contact:

Scott Morasch
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About Ipsos

Ipsos is one of the largest market research and polling companies globally, operating in 90 markets and employing over 18,000 people.

Our passionately curious research professionals, analysts and scientists have built unique multi-specialist capabilities that provide true understanding and powerful insights into the actions, opinions and motivations of citizens, consumers, patients, customers or employees. Our 75 solutions are based on primary data from our surveys, social media monitoring, and qualitative or observational techniques.

Our tagline "Game Changers" sums up our ambition to help our 5,000 customers move confidently through a rapidly changing world.

Founded in France in 1975, Ipsos has been listed on the Euronext Paris since July 1, 1999. The company is part of the SBF 120 and Mid-60 indices and is eligible for the Deferred Settlement Service (SRD). ISIN code FR0000073298, Reuters ISOS.PA, Bloomberg IPS:FP

www.ipsos.com



This is Exhibit "3" referred to in the Affidavit of William Hill affirmed by William Hill of the Town of Oakville, in the Regional Municipality of Halton, before me at the City of Toronto, in the Province of Ontario, on April 8, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JACQUELINE HOUSTON

Ministry of the
Attorney General

Constitutional Law Branch

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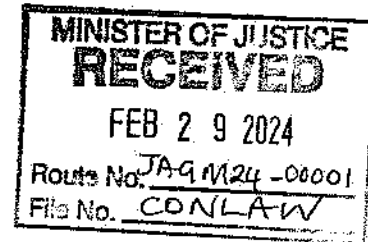
E-mail: joshua.hunter@ontario.ca

Ministère du
Procureur général

Direction du droit constitutionnel

Édifice McMurtry-Scott
4^e étage, 720 rue Bay
Toronto ON M7A 2S9

Tél: (416) 908-7465



26 February 2024

Attn: Hon. Matt Wiebe
Room 104, Legislative Building
450 Broadway
Winnipeg MB R3C 0V8

RE: *Reference re iGaming*, Ontario Court of Appeal File No. COA-24-CV-0185

Dear Minister Wiebe:

Please find enclosed a notice of reference in this matter. If you require any further information, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Josh Hunter".

Josh Hunter
Senior Counsel

Court of Appeal File No. COA-24-CV-0185

COURT OF APPEAL FOR ONTARIO

**IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the
Courts of Justice Act, RSO 1990, c. C.34, by Order-in-Council 210/2024 permitting
international play in an online provincial lottery scheme**

NOTICE OF REFERENCE

WHEREAS Her Honour the Lieutenant-Governor, by Order-in-Council 210/2024 dated the 2nd day of February, 2024 has referred to the Court of Appeal the following question:

Would legal online gaming and sports betting remain lawful under the *Criminal Code* if its users were permitted to participate in games and betting involving individuals outside of Canada as described in the attached Schedule? If not, to what extent?

Les jeux et paris sportifs en ligne légaux demeureraient-ils légaux en vertu du *Code criminel* si ses utilisateurs étaient autorisés à participer à des jeux et paris auxquels prennent part des personnes de l'extérieur du Canada, comme il est décrit dans l'annexe ci-jointe? Sinon, dans quelle mesure?

TAKE NOTICE that the Court of Appeal will hold a hearing November 26 to 28, 2024 at Osgoode Hall, 130 Queen Street West, Toronto in order to determine the answer to the said question.

AND TAKE NOTICE that Counsel for the Attorney General of Ontario will be making submissions on the said question.

NOTICE of this proceeding is hereby provided by the Attorney General of Ontario to all Attorneys General, who may intervene as of right. Attorneys General wishing to intervene must serve notice of their intention to intervene, along with a statement of up to one page setting out their position on the reference question, on the Attorney General of Ontario and file the notice with

the Court of Appeal for Ontario by **March 15, 2024**.

ANY ATTORNEYS GENERAL who wish to deliver a record in this proceeding may do so with leave of the Court. Motions for leave to file a record must be served and filed by **April 8, 2024**. Any response from the Attorney General of Ontario must be served and filed by **April 26, 2024**. The motions will be heard on **May 1, 2024**.

FURTHER DIRECTIONS will follow regarding the conduct of this proceeding, including a timetable for the delivery of materials and a process for the participation of other interveners, with leave.

TAKE NOTICE that the address for service of the Attorney General of Ontario in this matter is as follows:

Attorney General of Ontario
Civil Law Division
720 Bay Street, 4th Floor Toronto, ON M7A 2S9
Email: joshua.hunter@ontario.ca

February 23, 2024

THE ATTORNEY GENERAL OF ONTARIO
Crown Law Office - Civil
720 Bay Street, 8th Floor
Toronto, ON M7A 2S9

**Josh Hunter / Ananthan Sinnadurai /
Hera Evans / Jennifer Boyczuk**
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Counsel for the Attorney General of Ontario

TO: ATTORNEYS GENERAL

**IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*,
RSO 1990, c. C.34, by Order-in-Council 210/2024 respecting expanding iGaming to include players located outside
Ontario**

**Court of Appeal File No.:
'COA-24-CV-0185**

COURT OF APPEAL FOR ONTARIO

Proceedings commenced at Toronto

NOTICE OF REFERENCE

**THE ATTORNEY GENERAL OF
ONTARIO**

Crown Law Office - Civil
720 Bay Street, 8th Floor
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Hera Evans / Jennifer Boyczuk**
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Counsel for the Attorney General of Ontario



Ontario

**Executive Council of Ontario
Order in Council**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

WHEREAS

Part VII of the *Criminal Code* creates a number of offences related to gaming and betting.

Section 207(1)(a) of the *Criminal Code* provides that notwithstanding any of the provisions of Part VII relating to gaming and betting, "it is lawful for the government of a province, either alone or in conjunction with the government of another province, to conduct and manage a lottery scheme in that province, or in that and the other province, in accordance with any law enacted by the legislature of that province."

iGaming Ontario has been established as a Crown agent to conduct and manage legal online gaming and sports betting as provided through prescribed lottery schemes in accordance with the *Criminal Code* and the *Gaming Control Act, 1992*, and the regulations made under those Acts. iGaming Ontario does this pursuant to and in accordance with the *Alcohol and Gaming Commission of Ontario Act, 2019*, the *Gaming Control Act, 1992*, and Ontario Regulations 722/21 and 78/12 (collectively, the "Gaming Control Legislation").

Legal online gaming and sports betting benefits the public by providing a lawful alternative to the illicit gaming market; by providing measures to mitigate against the harms associated with gaming and betting (including money laundering, fraud, and addiction); by facilitating greater consumer choice; and by generating public revenue.

Players participating in legal online gaming and sports betting must be located in Ontario and are not entitled to participate in games or betting involving players located outside of Ontario. Some individuals in Ontario continue to access internet gaming and betting schemes which are not conducted and managed by iGaming Ontario and which involve players located outside of Ontario.

By permitting players participating in legal online gaming and sports betting to participate in games and betting involving players located outside of Canada, Ontario could channel players away from unlawful gaming and betting schemes operating without any oversight into a lawful alternative that is conducted and managed by the province. Ontario's conduct and management of the scheme as it operates in this province would ensure that the public interest is secured through greater protections for players and the broader public, as well as the generation of revenue for the public purse.

While Ontario would like to permit players participating in legal online gaming and sports betting to participate in games and betting involving players outside of Canada, there is uncertainty about whether doing so would be consistent with the requirements of the *Criminal Code* as they have been interpreted to date.

It is in the public interest that the issue of whether an online lottery scheme conducted and managed by a province which permits its users to participate in games and sports betting involving players outside of Canada is lawful under the *Criminal Code* be settled authoritatively as soon as possible.

THEREFORE, there be referred to the Court of Appeal for Ontario for hearing and consideration pursuant to section 8 (1) of the *Courts of Justice Act*, R.S.O. 1990, c. C.43 the following question:

1. Would legal online gaming and sports betting remain lawful under the *Criminal Code* if its users were permitted to participate in games and betting involving individuals outside of Canada as described in the attached Schedule? If not, to what extent?

ATTENDU QUE

La partie VII du *Code criminel* établit un certain nombre d'infractions liées aux jeux et aux paris.

L'alinéa 207(1)(a) du *Code criminel* prévoit que, malgré les dispositions de la partie VII relatives aux jeux et aux paris, « le gouvernement d'une province, seul ou de concert avec celui d'une autre province, peut mettre sur pied et exploiter une loterie dans la province, ou dans celle-ci et l'autre province, en conformité avec la législation de la province ».

Jeux en ligne Ontario a été établie à titre d'organisme de la Couronne pour diriger et gérer des jeux et des paris sportifs en ligne légaux fournis par une loterie conformément au *Code criminel* et à la *Loi de 1992 sur la réglementation des jeux* et aux règlements pris en vertu de ces lois. Jeux en ligne Ontario exerce ses activités aux termes de la *Loi de 2019 sur la Commission des alcools et des jeux de l'Ontario*, de la *Loi de 1992 sur la réglementation des jeux* et des *Règlements de l'Ontario 722/21 et 78/12* (collectivement, la « législation sur la réglementation des jeux ») et conformément à ceux-ci.

Les jeux et les paris sportifs en ligne légaux profitent au public en offrant une solution de rechange légale au marché des jeux illicites, en prévoyant des mesures visant à atténuer les méfaits associés aux jeux et aux paris (notamment le blanchiment d'argent, la fraude et la dépendance), en facilitant le choix des consommateurs et en générant des recettes publiques.

Les joueurs qui participent à des jeux et à des paris sportifs en ligne légaux doivent être situés en Ontario et n'ont pas le droit de participer à des jeux ou des paris auxquels prennent part des joueurs situés à l'extérieur de l'Ontario. Certaines personnes en Ontario continuent d'avoir accès à des jeux et des paris sur Internet qui ne sont pas dirigés et gérés par Jeux en ligne Ontario et auxquels participent des joueurs situés à l'extérieur de l'Ontario.

En permettant aux joueurs qui participent à des jeux et paris sportifs en ligne légaux de participer à des jeux et paris auxquels prennent part des joueurs situés à l'extérieur du Canada, l'Ontario pourrait détourner les joueurs des jeux et des paris illégaux exploités sans aucune surveillance en leur offrant une solution de rechange légale dirigée et gérée par la Province. La direction et la gestion du système

par l'Ontario, tel qu'il fonctionne dans cette province, veillerait au respect de l'intérêt public grâce à une protection accrue des joueurs et du grand public, ainsi que par la génération de revenus pour le trésor public.

Bien que l'Ontario souhaite permettre aux joueurs qui participent à des jeux et à des paris sportifs en ligne légaux de participer à des jeux et des paris auxquels prennent part des joueurs de l'extérieur du Canada, il n'est pas certain que cela serait conforme aux exigences du *Code criminel* telles qu'elles ont été interprétées jusqu'à présent.

Il est dans l'intérêt public de régler dès que possible et de manière définitive la question à savoir si une loterie en ligne dirigée et gérée par une Province qui permet à ses utilisateurs de participer à des jeux et des paris sportifs auxquels prennent part des joueurs de l'extérieur du Canada est légale en vertu du *Code criminel*.

PAR CONSÉQUENT, la question qui suit est renvoyée à la Cour d'appel de l'Ontario pour examen, en vertu du paragraphe 8 (1) de la *Loi sur les tribunaux judiciaires*, L.R.O. 1990, ch. C.43 :

1. Les jeux et paris sportifs en ligne légaux demeureraient-ils légaux en vertu du *Code criminel* si ses utilisateurs étaient autorisés à participer à des jeux et paris auxquels prennent part des personnes de l'extérieur du Canada, comme il est décrit dans l'annexe ci-jointe? Sinon, dans quelle mesure?



Recommended: Attorney General
Recommandé par : le procureur général



Concurred: Chair of Cabinet
Appuyé par : la présidence du Conseil des ministres

Approved and Ordered: FEB 02 2024
Approuvé et décrété le :



Lieutenant Governor
La lieutenante-gouverneure

Schedule

The role of iGaming Ontario

iGaming Ontario conducts and manages legal internet gaming and sports betting in Ontario when provided through private sector Operators. iGaming Ontario enters into agreements with private sector Operators pursuant to which those Operators act on behalf of and as agents for iGaming Ontario. In this capacity, the Operators offer internet games, including games of chance and mixed chance and skill played for money, as well as sports betting, on behalf of iGaming Ontario to individuals physically located in Ontario. These individuals access games and sports betting by registering for and logging into an electronic channel (for example, a gaming application or website) maintained by the operator ("iGO Site"). Players who are not physically located in Ontario are not permitted to participate in these games or sports betting.

iGaming Ontario is the operating mind of the iGO Sites and conducts and manages them pursuant to the Gaming Control Legislation, its operating agreements and the iGaming Ontario Policies ("iGO policies") made thereunder.

The role of Operators

Operators and their suppliers apply for registration by the AGCO pursuant to the *Gaming Control Act, 1992*.

The AGCO will only register those Operators who act with honesty; integrity; in accordance with the law; and in the public interest. In assessing the eligibility of an operator for registration, the AGCO will carry out risk assessments and conduct due diligence investigations, including assessments of each Operator's character, financial history, and competence, in accordance with section 9 of the *Gaming Control Act, 1992*.

iGaming Ontario, as the operating mind of the lottery scheme, only enters into agreements with Operators that meet its stringent requirements, including those governing anti-money laundering measures; player risk assessment; system standards; security; and insurance.

In operating iGO Sites as agents of iGaming Ontario, Operators are responsible for complying with the terms of their operating agreements with iGaming Ontario and the iGO policies; the terms and conditions of registration by the AGCO; the standards established by the Registrar of the AGCO; any other applicable standards and requirements, in accordance with section 22 of the *Gaming Control Act, 1992*; as well as all applicable law.

Internet gaming with international play

Under this model, players in Ontario will be able to participate in peer-to-peer games, including games of chance and mixed chance and skill played for money, and sports betting, involving players outside of Canada. Players located outside of Ontario but within Canada would not be permitted to participate in games or betting in the absence of an agreement between Ontario and the province or territory in which those players are located.

Players physically located in Ontario will continue to access games and sports betting through iGO Sites. Players outside of Canada would access games and sports betting through the Operator's gaming application or website available in their jurisdiction (the "International Site").

iGaming Ontario will continue to conduct and manage the iGO Sites through its agents, the Operators. However, operators would not act as agents of iGaming Ontario in operating the International Sites. Those sites, along with the players using them, would be subject to the relevant jurisdiction's legal and regulatory regime.

In particular, and among others, the following key aspects of iGaming Ontario's conduct and management of the iGO Sites would remain but would not apply to International Sites:

- **Player management:** iGaming Ontario would continue to ensure the identity, legal age, and eligibility of players located in Ontario.
- **Gaming funds:** iGaming Ontario would continue to maintain control and oversight of wagering and payouts to players located in Ontario. iGaming Ontario will also continue to control the gross gaming revenue ("GGR") accruing from the operation of the iGO Sites, including requiring that GGR be kept separate from the Operator's other funds, including in respect of operations outside of Canada, and providing that GGR is the sole and absolute property of iGaming Ontario until iGO pays the Operators their defined revenue share.
- **Game Eligibility and Rules of Play:** iGaming Ontario will continue to determine the games which may be offered to players in Ontario through iGO Sites. iGO will also retain the ability to establish a maximum rake for the peer-to-peer games played on iGO sites. The AGCO's standards governing rules of play will continue to apply.
- **Technology:** iGaming Ontario will retain a royalty-free right and licence to use each Operator's intellectual property, including technology assets, in relation to players in Ontario. Operators would not be obligated to locate their technology assets in Ontario.
- **Data:** iGaming Ontario will retain full and unrestricted access and control of all gaming data; player registration; and transaction data as it relates to players in Ontario. iGaming Ontario will ensure sensitive data associated with players in Ontario is secured and protected from unauthorized access.
- **Branding and Marketing:** iGO Sites will continue to prominently display the iGaming Ontario logo. Operators must comply with iGaming Ontario's policies and directions regarding marketing and advertising.
- **Audit and oversight:** iGaming Ontario will retain the right to audit and inspect Operators' books of accounts and other records, materials, information, and data as they relate to the operation of the iGO Site during the term of the agreements with Operators and for a period of seven years thereafter.

iGaming Ontario will retain the right to audit and inspect all aspects of an Operator's security regime as it relates to the operation of an iGO Site.

iGaming Ontario and the Financial Transactions and Reports Analysis Centre of Canada will maintain the right to conduct audits and inspections of operators to ensure compliance with iGaming Ontario's requirements and the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

Separately, the AGCO will continue to have independent regulatory oversight of iGaming Ontario, Operators, and their suppliers. This oversight authority will include the ability to conduct compliance assurance activities, including audits, inspections, and the gathering of targeted data from operators and suppliers.

- **Customer Care:** Established customer care and dispute resolution programs will continue to operate for the benefit of players using iGO Sites, and any finding by iGaming Ontario will be binding on an Operator in respect of a customer care issue or a dispute. Any dispute by an Ontario player relating to the *Criminal Code* or the Gaming Control Legislation must be resolved in the provincial or federal court of competent jurisdiction in Ontario.
- **Anti-Money Laundering:** iGaming Ontario will maintain robust anti-money laundering and terrorist financing ("AML") programs on iGO Sites, including ensuring that Operators comply with iGO's AML policy on the detection, prevention, and deterrence of potential money laundering.
- **Responsible Gambling:** iGaming Ontario will maintain rigorous responsible gambling initiatives on iGO Sites, including requiring that operators obtain accreditation with the Responsible Gambling Council's "RG Check" program and maintain an iGaming self-exclusion registry for players in Ontario. The AGCO's standards prohibiting certain types of bonusing and inducements will continue to apply.
- **Anti-cheating:** The AGCO's standards governing anti-cheating measures on iGO Sites and the games accessible therein will continue to apply. These standards include the presence of measures to deter, prevent and detect cheating; to investigate complaints of cheating made by players in Ontario; and to notify the AGCO's OPP detachment of incidents of cheating for possible criminal investigation.
- **Monitoring, Suspension and Termination:** iGO will maintain sole and absolute discretion regarding the monitoring of Operators for compliance with its requirements, and may suspend and/or terminate the Operating Agreement if the Operator does not comply with its obligations.

Annexe

Le rôle de Jeux en ligne Ontario

Jeux en ligne Ontario dirige et gère des jeux et des paris sportifs sur Internet légaux en Ontario lorsqu'ils sont offerts par l'intermédiaire d'exploitants privés. Jeux en ligne Ontario conclut des ententes avec des exploitants privés en vertu desquelles ces exploitants agissent au nom et à titre de mandataires de Jeux en ligne Ontario. À ce titre, les exploitants offrent des jeux sur Internet, notamment des jeux de hasard et des jeux où se mêlent le hasard et l'adresse et où l'on joue de l'argent, ainsi que des paris sportifs, pour le compte de Jeux en ligne Ontario à des personnes physiquement situées en Ontario. Ces personnes accèdent aux jeux et paris sportifs en s'inscrivant et en se connectant à un canal électronique (par exemple, une application de jeu ou un site Web) géré par l'exploitant (« site iGO »). Les joueurs qui ne sont pas physiquement situés en Ontario ne sont pas autorisés à participer à ces jeux ou paris sportifs.

Jeux en ligne Ontario est l'âme dirigeante des sites iGO et les dirige et les gère conformément à la législation sur la réglementation des jeux et à ses ententes d'exploitation et politiques connexes (« politiques d'iGO »).

Le rôle des exploitants

Les exploitants et leurs fournisseurs présentent une demande d'inscription à la CAJO en vertu de la *Loi de 1992 sur la réglementation des jeux*.

La CAJO n'inscrira que les exploitants qui agissent avec honnêteté, intégrité, conformément à la loi et dans l'intérêt public. Lorsqu'elle évalue l'admissibilité d'un exploitant à l'inscription, la CAJO procède à des évaluations des risques et effectue des enquêtes de diligence raisonnable, notamment des évaluations de la moralité, des antécédents financiers et de la compétence de chaque exploitant, conformément à l'article 9 de la *Loi de 1992 sur la réglementation des jeux*.

Jeux en ligne Ontario, en tant qu'âme dirigeante du système de loterie, ne conclut des ententes qu'avec les exploitants qui satisfont à ses exigences strictes, notamment celles qui régissent les mesures de lutte contre le blanchiment d'argent, l'évaluation des risques pour les joueurs, les normes du système, la sécurité et l'assurance.

En exploitant des sites iGO en tant qu'agents de Jeux en ligne Ontario, les exploitants sont responsables de se conformer aux modalités de leurs ententes d'exploitation avec Jeux en ligne Ontario et aux politiques d'iGO, aux modalités et conditions d'inscription de la CAJO, aux normes établies par le registraire de la CAJO, et à toutes autres normes et exigences applicables, conformément à l'article 22 de la *Loi de 1992 sur la réglementation des jeux*, ainsi que toute loi applicable.

Jeux sur Internet au niveau international

En vertu de ce modèle, les joueurs de l'Ontario pourront participer à des jeux entre pairs, notamment des jeux de hasard et des jeux où se mêlent le hasard et l'adresse et où l'on joue de l'argent, ainsi que des paris sportifs, auxquels prennent part des joueurs de l'extérieur du Canada. Les joueurs situés à l'extérieur de l'Ontario, mais au Canada ne seraient pas autorisés à participer à des jeux ou à des paris en l'absence d'une entente entre l'Ontario et la province ou le territoire où ces joueurs sont situés.

Les joueurs physiquement situés en Ontario pourront continuer d'accéder aux jeux et aux paris sportifs par l'intermédiaire des sites iGO. Les joueurs de l'extérieur du Canada auraient accès aux jeux et aux paris sportifs par l'intermédiaire de l'application de jeu ou du site Web de l'exploitant disponible sur leur territoire (le « site international »).

Jeux en ligne Ontario continuera de diriger et de gérer les sites iGO par l'entremise de ses agents, les exploitants. Toutefois, les exploitants n'agiraient pas à titre de mandataires de Jeux en ligne Ontario dans le cadre de l'exploitation des sites internationaux. Ces sites, ainsi que les joueurs qui les utilisent, seraient soumis au régime juridique et réglementaire du territoire concerné.

En particulier, et entre autres, les principaux aspects suivants de la direction et de la gestion des sites iGO par Jeux en ligne Ontario demeureraient en vigueur, mais ne s'appliqueraient pas aux sites internationaux :

- **Gestion des joueurs :** Jeux en ligne Ontario continuerait de vérifier l'identité, l'âge légal et l'admissibilité des joueurs situés en Ontario.
- **Fonds de jeu :** Jeux en ligne Ontario continuerait de contrôler et de surveiller les paris et les paiements associés aux joueurs situés en Ontario. Jeux en ligne Ontario continuera également de contrôler les revenus bruts tirés des jeux (RBJ) découlant de l'exploitation des sites iGO, entre autres en exigeant que les RBJ soient conservés séparément des autres fonds de l'exploitant, notamment en ce qui concerne les activités à l'extérieur du Canada, et en prévoyant que les RBJ soient la propriété exclusive et absolue de Jeux en ligne Ontario jusqu'à ce qu'iGO verse aux exploitants leur part de revenus déterminée.
- **Admissibilité aux jeux et règles de jeu :** Jeux en ligne Ontario continuera de déterminer les jeux qui peuvent être offerts aux joueurs de l'Ontario par l'entremise des sites iGO. iGO conservera également la capacité d'établir une commission maximale pour les jeux entre pairs joués sur les sites iGO. Les normes de la CAJO régissant les règles de jeu continueront de s'appliquer.
- **Technologie :** Jeux en ligne Ontario conservera un droit et une licence libres de redevances pour utiliser la propriété intellectuelle de chaque exploitant, y compris les actifs technologiques, en lien avec des joueurs en Ontario. Les exploitants ne seraient pas tenus de conserver leurs actifs technologiques en Ontario.
- **Données:** Jeux en ligne Ontario conservera un accès et un contrôle totaux et sans restriction de toutes les données de jeu, de l'inscription des joueurs et des données sur les transactions relatives aux joueurs en Ontario. Jeux en ligne Ontario veillera à ce que les données sensibles associées aux joueurs en Ontario soient sécurisées et protégées contre tout accès non autorisé.
- **Image de marque et marketing :** Les sites iGO continueront d'afficher bien en évidence le logo de Jeux en ligne Ontario. Les exploitants doivent se conformer aux politiques et directives de Jeux en ligne Ontario en matière de marketing et de publicité.
- **Vérification et surveillance :** Jeux en ligne Ontario conservera le droit de vérifier et d'inspecter les livres comptables et autres dossiers, documents, renseignements et données des exploitants en lien avec l'exploitation du site iGO pendant la durée des ententes avec les exploitants et pendant une période de sept ans par la suite.

Jeux en ligne Ontario conservera le droit de vérifier et d'inspecter tous les aspects du régime de sécurité d'un exploitant en ce qui a trait à l'exploitation d'un site iGO.

Jeux en ligne Ontario et le Centre d'analyse des opérations et déclarations financières du Canada conserveront le droit d'effectuer des vérifications et des inspections des exploitants afin de s'assurer de la conformité aux exigences de Jeux en ligne Ontario et à la *Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes*.

Séparément, la CAJO continuera d'exercer une surveillance réglementaire indépendante sur Jeux en ligne Ontario, les exploitants et leurs fournisseurs. Ce pouvoir de surveillance comprendra la capacité de mener des activités d'assurance de la conformité, notamment des

vérifications, des inspections et la collecte de données ciblées auprès des exploitants et des fournisseurs.

- **Service à la clientèle** : Les programmes établis de service à la clientèle et de règlement des différends se poursuivront au profit des joueurs qui utilisent les sites iGO, et toute conclusion à laquelle parvient Jeux en ligne Ontario aura force exécutoire pour l'exploitant relativement à une question de service à la clientèle ou à un différend. Toute contestation de la part d'un joueur ontarien concernant le *Code criminel* ou la législation sur la réglementation des jeux doit être réglée par le tribunal provincial ou fédéral compétent en Ontario.
- **Lutte contre le blanchiment d'argent** : Jeux en ligne Ontario maintiendra de solides programmes de lutte contre le blanchiment d'argent et le financement du terrorisme sur les sites iGO, notamment en veillant à ce que les exploitants se conforment à la politique d'iGO sur la détection, la prévention et la dissuasion en matière de blanchiment d'argent potentiel.
- **Jeu responsable** : Jeux en ligne Ontario maintiendra des initiatives rigoureuses de jeu responsable sur ses sites, notamment en exigeant que les exploitants obtiennent une accréditation « JR vérifié » du Conseil du jeu responsable et tiennent un registre d'autoexclusion des jeux en ligne pour les joueurs de l'Ontario. Les normes de la CAJO interdisant certains types de prime et d'incitation continueront de s'appliquer.
- **Anti-tricherie** : Les normes de la CAJO régissant les mesures anti-tricherie sur les sites iGO et sur les jeux qui y sont accessibles continueront de s'appliquer. Ces normes comprennent la présence de mesures visant à dissuader, prévenir et détecter la tricherie, enquêter sur les plaintes de tricherie déposées par des joueurs en Ontario et aviser le détachement de la PPO de la CAJO des incidents de tricherie en vue d'une éventuelle enquête criminelle.
- **Surveillance, suspension et résiliation** : iGO continuera de surveiller la conformité des exploitants à ses exigences, et pourra suspendre ou résilier, à sa seule et entière discrétion, l'entente d'un exploitant si celui-ci ne respecte pas ses obligations.

This is Exhibit "4" referred to in the Affidavit of William Hill affirmed by William Hill of the Town of Oakville, in the Regional Municipality of Halton, before me at the City of Toronto, in the Province of Ontario, on April 8, 2024 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



Commissioner for Taking Affidavits (or as may be)

JACQUELINE HOUSTON

Court of Appeal File No.: COA-24-CV-0185

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE JUSTICE
VAN RENSBURG

) FRIDAY, THE 1ST
) DAY OF
) MARCH, 2024

IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*, RSO 1990, c. C.34, by Order-in-Council 210/2024 respecting permitting international play in an online provincial lottery scheme

ORDER

WHEREAS Her Honour the Lieutenant-Governor, by Order-in-Council 210/2024 dated the 2nd day of February, 2024 has referred to the Court of Appeal the following question:

Would legal online gaming and sports betting remain lawful under the *Criminal Code* if its users were permitted to participate in games and betting involving individuals outside of Canada as described in the attached Schedule [to the Order-in-Council]? If not, to what extent?

Les jeux et paris sportifs en ligne légaux demeureraient-ils légaux en vertu du *Code criminel* si ses utilisateurs étaient autorisés à participer à des jeux et paris auxquels prennent part des personnes de l'extérieur du Canada, comme il est décrit dans l'annexe [du Décret] ci-jointe? Sinon, dans quelle mesure?

AND WHEREAS notice of this Reference has been given to the federal, provincial, and territorial Attorneys General.

THIS MOTION, made by the Attorney General of Ontario for directions, including directions regarding the method of giving notice to the public of the above-mentioned reference, was heard on February 23 and March 1, 2024 by videoconference.

ON READING the Motion Record of the Attorney General of Ontario and hearing the submissions of Counsel for the Attorney General of Ontario,

1. **THIS COURT ORDERS** that the Attorney General of Ontario have carriage of the reference.

2. **THIS COURT ORDERS** that the Attorney General of Ontario file a Statement of Particulars by March 1, 2024.

3. **THIS COURT ORDERS** that any Attorney General wishing to participate in this reference may intervene as of right by serving a notice of their intention to participate, including up to one page setting out their proposed position, on the Attorney General of Ontario and file the notice with the Court by March 15, 2024. The address for service for the Attorney General of Ontario shall be:

Attorney General of Ontario
Civil Law Division
720 Bay Street, 4th Floor Toronto, ON M7A 2S9
Email: joshua.hunter@ontario.ca

4. **THIS COURT ORDERS** that any Attorney General wishing to lead evidence serve a motion for leave to lead evidence on the Attorney General of Ontario and file the motion with the Court by April 8, 2024.


5. **THIS COURT ORDERS** that notice of this reference be published by posting a copy of this Order on the website of the Government of Ontario (news.ontario.ca) from March 11, 2024 to April 5, 2024.

6. **THIS COURT ORDERS** that any party interested in seeking leave to intervene in this reference serve a motion for leave to intervene on the Attorney General of Ontario and file the motion with the Court by April 8, 2024.
7. **THIS COURT ORDERS** that the Attorney General of Ontario may respond to any motions for leave to intervene or leave to file evidence by April 26, 2024.
8. **THIS COURT ORDERS** that Motions for leave to intervene or leave to file evidence shall be heard May 1, 2024.
9. **THIS COURT ORDERS** that the hearing of the reference shall be scheduled for November 26 to 28, 2024.
10. **THIS COURT ORDERS** that further directions regarding the conduct of this proceeding, including a timetable for the delivery of materials, be deferred to future case conferences to be scheduled.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

MAR - 1 2024

PER / PAR: 



Registrar
Court of Appeal for Ontario

IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*, RSO 1990, c. C.34, by Order-in-Council 210/2024 respecting permitting international play in an online provincial lottery scheme

Court of Appeal File No.:
COA-24-CV-0185

COURT OF APPEAL FOR ONTARIO

Proceedings commenced at Toronto

ORDER

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IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*, RSO 1990, c. C.34, by Order-in Council 210/2024 respecting permitting international play in an online provincial lottery scheme

Court File No. COA-24-0185

COURT OF APPEAL FOR ONTARIO

PROCEEDING COMMENCED AT
TORONTO

**AFFIDAVIT OF WILLIAM HILL
AFFIRMED APRIL 8, 2024**

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IN THE MATTER OF A REFERENCE to the Court of Appeal pursuant to section 8 of the *Courts of Justice Act*, RSO 1990, c. C.34, by Order-in Council 210/2024 respecting permitting international play in an online provincial lottery scheme

Court File No. COA-24-0185

COURT OF APPEAL FOR ONTARIO

PROCEEDING COMMENCED AT
TORONTO

**MOTION RECORD OF ATLANTIC LOTTERY CORPORATION,
BRITISH COLUMBIA LOTTERY CORPORATION, LOTTERIES
AND GAMING SASKATCHEWAN AND MANITOBA LIQUOR &
LOTTERIES CORPORATION
(Motion for Leave to Intervene)**

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