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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 respecting  
permitting international play in an online provincial lottery scheme**

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**MOTION RECORD OF THE PROPOSED INTERVENERS,  
NSUS GROUP INC. AND NSUS LIMITED  
(*Motion for Leave to Intervene, returnable May 1, 2024*)**

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April 8, 2024

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**COURT OF APPEAL FOR ONTARIO**

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**NOTICE OF MOTION OF THE PROPOSED INTERVENERS,  
NSUS GROUP INC. AND NSUS LIMITED  
(*Motion for Leave to Intervene*)**

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**THE MOVING PARTIES**, NSUS Group Inc. (“**NSUS Group**”) and NSUS Limited (together, “**NSUS**”) will make a motion to a Judge to be heard on May 1, 2024 at Osgoode Hall, 130 Queen St. West, Toronto.

**PROPOSED METHOD OF HEARING:** The motion is to be heard orally.

**THE MOTION IS FOR:**

1. An Order granting NSUS leave to intervene in this Reference as a friend of the court pursuant to rules 13.02 and 13.03(2) of the *Rules of Civil Procedure* on the following terms:
  - (a) NSUS will be permitted to file a factum of 30 pages or such other length as the Court may deem appropriate;
  - (b) NSUS will be permitted to make oral submissions at the hearing of the Reference;  
and
  - (c) There shall be no costs award made for or against NSUS on this motion or in the Reference.

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2. Such further and other relief as counsel may advise and this Honourable Court may permit.

**THE GROUNDS FOR THE MOTION ARE:**

**A. The Proposed Interveners**

3. The proposed intervener NSUS Group is a Canadian corporation that owns and operates GGPoker, the world's largest online poker room. GGPoker is operated through a number of international subsidiaries, including subsidiaries incorporated in Malta, the Republic of Ireland, and the Isle of Man.
4. GGPoker has repeatedly been recognized as a leader in online poker, with the highest traffic in the global market. GGPoker offers a range of innovative online poker and casino games and unique features that enhance the gaming experience.
5. In Ontario, GGPoker is made available by the proposed intervener NSUS Limited, an Irish corporation that is wholly-owned by NSUS Group, under the brand GGPoker.ca ("**GGPoker Ontario**"). GGPoker Ontario is the largest online poker room in Ontario.
6. NSUS Limited is registered as an internet gaming operator with the Alcohol and Gaming Commission of Ontario ("**AGCO**"). NSUS Limited has also entered into an operating agreement with iGaming Ontario ("**iGO**").
7. GGPoker Ontario can be accessed through a desktop game client downloaded through GGPoker.ca, a Canadian website registered with the AGCO, or through mobile apps that can be downloaded from third-party app stores.

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8. As a registered operator, NSUS Limited is subject to the *Registrar's Standards for Internet Gaming* (the "**Standards**"), a comprehensive set of risk-based standards for internet gaming in Ontario. NSUS Limited must also provide 20% of its gross gaming revenue to iGO and pay the AGCO an annual license fee of \$100,000, along with recovery costs. The license fee is discounted against the recovery costs, which typically exceed \$100,000.

**B. Regulated internet gaming in Ontario is restricted to a closed liquidity system**

9. Under the Standards, registered operators are not permitted to provide internet gaming products to individuals physically located outside of Ontario.
10. Accordingly, NSUS Limited restricts access to GGPoker Ontario to eligible players who are physically located in Ontario.
11. As a result of this restriction, participation in liquidity pools for peer-to-peer games like online poker must be limited to players physically located in Ontario, in what is known as a "closed liquidity" system, as compared to an "open liquidity" system that would allow Ontarians to participate in games and liquidity pools with players in other jurisdictions.

**C. Disadvantages of a closed liquidity system in Ontario**

12. There are significant disadvantages to limiting Ontario's regulated market to a closed liquidity system that arise due to the disparity between the number of players available in Ontario compared to the number of players available around the world, and have a particularly acute impact on online poker.
13. In particular:

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- (a) A closed liquidity system seriously limits the range of experiences for cash games of online poker, in particular by making it difficult for Ontario players to find higher stakes games that are available in the international market;
- (b) A closed liquidity system also restricts the experiences in online poker tournaments, as fewer players result in a smaller potential prize pool and shorter tournament play than what is available in the international market;
- (c) As a result of the diminished online poker experience in Ontario, Ontario players are driven to the online poker products of unregulated black market operators who are not required to comply with the Standards, undermining the effectiveness of Ontario's regulatory regime;
- (d) Less play in the regulated market also results in lower revenues for the government and registered operators, who derive revenues in online poker from commissions based on the number of Ontario players participating; and
- (e) A closed liquidity system also hinders poker operators from efforts to detect collusion and fraud by making it easier for players to engage in "chip dumping", collusion and making it harder for operators to identify suspicious patterns of play.

**D. The Reference will determine the legality of an open liquidity system in Ontario**

14. Ontario now seeks to implement an open liquidity system that would permit players in Ontario to participate in regulated internet gaming involving players outside of Canada, as reflected in its Order in Council 210/2024 approved and ordered February 2, 2024.

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15. Ontario has referred to the Court of Appeal for Ontario the 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?”
16. The Reference will determine the legality of an open liquidity system in Ontario.
17. Ontario’s proposal to permit open liquidity for internet gaming is set out in the Schedule to the Order in Council.

**E. NSUS should be granted leave to intervene**

**1. NSUS Group has a substantial and identifiable interest in the subject matter of the Reference**

18. NSUS has a substantial and identifiable interest in the Court’s resolution of this issue as the owner and operator of GGPoker, the world’s largest online poker room, as well as GGPoker Ontario, Ontario’s largest online poker room.
19. This interest will be significantly impacted by the Court’s decision in the Reference, which will determine the legality of an open liquidity system for peer-to-peer gaming in Ontario.
20. In particular, the Court’s decision as to whether Ontario’s proposed open liquidity system is permitted under the *Criminal Code* will impact NSUS in the following ways:
  - (a) The Court’s decision will affect the quality of the poker experience for players on GGPoker Ontario, which will impact NSUS’s ability to provide the best possible gaming products for Ontarians. As noted above, restrictions on open liquidity leads



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to fewer players, a less diverse offering of cash games, and smaller tournaments with smaller prize pools;

(b) The Court's decision will, in turn, impact NSUS's revenues from the Ontario market because it will impact NSUS' ability to draw new and returning players to its platform and defend its market share against unregulated black market operators;

(c) The Court's decision will also affect NSUS's ability to take effective steps against collusion and fraud, which could have a broader impact on NSUS's global reputation and operations; and

(d) The Court's decision will affect whether GGPoker Ontario can offer other games and features which are only economically viable with a sufficiently large liquidity pool.

21. Given that GGPoker Ontario is the largest poker room in Ontario, and poker is uniquely impacted by the liquidity model, the magnitude of these impacts on NSUS is distinct among regulated internet gaming operators in Ontario.

22. The Court's decision in this Reference will also be an important precedent for other provinces and territories seeking to regulate internet gaming, potentially impacting NSUS' offering in these other jurisdictions.

## **2. NSUS has a distinct and important perspective to offer the Court**

23. NSUS has a distinct perspective from the Attorney General of Ontario and any other potential interveners which will assist the Court in resolving the issues in the Reference.

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24. NSUS's perspective is distinct from the Province of Ontario, which acts as the regulator through the AGCO and conducts and manages internet gaming in Ontario through iGO, whereas NSUS is the subject of regulatory oversight.
25. As a registered operator under Ontario's regime and in the international market, NSUS has first-hand knowledge of how online poker in Ontario and registered operators are impacted by a closed liquidity system, as well as market experience in what users expect from their online poker experience.
26. NSUS also has the practical understanding of how Ontario's proposal will function and can assist the Court with contextualizing those facts within the legal framework.
27. Given NSUS's dominance in the global online poker market and how uniquely impacted poker is by liquidity issues, NSUS's perspective is also distinct from other registered operators in Ontario and elsewhere. No other registered operators in Ontario have a comparable interest or expertise in how closed liquidity impacts online poker.

### **3. NSUS's intended submissions**

28. If granted leave to intervene, NSUS intends to make the following submissions:
  - (a) An open liquidity system for peer-to-peer internet gaming, such as poker, will lead to more effective regulatory oversight of internet gaming in Ontario. An open liquidity system creates an opportunity to provide a higher quality experience for Ontarians, enabling registered operators to effectively compete with unregulated black market operators and drawing Ontarians away from the black market.

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- (b) Ontario is entitled to adopt an open liquidity system under s. 207(1)(a) of the *Criminal Code*, and in particular:
- (i) Section 207(1)(a) of the *Criminal Code* permits a province to “conduct and manage” gaming in that province, and in doing so carves out an exception to the general prohibition on gaming in Canada under s. 206 where it is done under the regulation of a provincial government;
  - (ii) The regulatory scheme for internet gaming in Ontario falls within this exception because all internet gaming in Ontario is done under the regulation of the provincial government;
  - (iii) Section 207(1)(a) does not limit the policy choices that provincial governments can adopt in how they conduct and manage gaming in their respective provinces, including the policy choice to adopt an open liquidity model; and
  - (iv) Permitting Ontario players to participate in open liquidity pools does not change the fact that all aspects of internet gaming in Ontario occur under the regulation of the provincial government, in accordance with s. 207(1)(a) of the *Criminal Code*; it simply changes the conditions that apply to internet gaming in Ontario.
- (c) The decision in *Earth Future Lottery (P.E.I.) (Re)*, 2002 PESCAD 8, aff’d 2003 SCC 10 is distinguishable. In particular, that case was about the extent to which a charity could conduct and manage a lottery outside of the province under s.

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207(1)(b). All elements of the lottery, including the international components, were to be conducted and managed by the charity. In contrast, in Ontario's proposal, the provincial government would only be conducting and managing internet gaming within the province, whereas gaming outside the province would be conducted and managed by private operators in various international jurisdictions. The only difference is that Ontario would be implementing a policy decision to permit its provincial gaming market to interact with the international market through open liquidity.

- (d) The adoption of an open liquidity system in Ontario is supported by the experience in international jurisdictions that have implemented regulatory frameworks for internet gaming, including the United Kingdom, Germany, Netherlands, Sweden, Denmark, Romania, the Czech Republic, Switzerland, Greece, Belgium, Lithuania, Latvia, Estonia, Bulgaria, and Malta.

**4. NSUS's intervention will not unduly delay the proceeding or prejudice the parties**

- 29. If granted leave to intervene, NSUS commits to the following in order to avoid any delay, injustice or prejudice to the parties:
  - (a) NSUS will abide by any schedule set by the Court and comply with any terms and conditions imposed on its intervention;
  - (b) NSUS will not file any additional evidence or unduly expand the issues;
  - (c) NSUS will not seek costs associated with the intervention; and

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- (d) NSUS will avoid duplicative submissions by working collaboratively with the parties and other interveners.
30. Rules 13.02, 13.03, 37, 39 and 61.16 of the *Rules of Civil Procedure*, RRO 1990, Reg 194.
31. Section 8 of the *Courts of Justice Act*, RSO 1990, c C.43.
32. Such further and other grounds as counsel may advise.

**THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED** at the hearing of the motion:

33. Affidavit of Sarne Lightman affirmed April 8, 2024 with exhibits;
34. Such further and other material as this Honourable Court may permit.

April 8, 2024

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

**COURT OF APPEAL FOR ONTARIO**

Proceeding commenced at Toronto

**NOTICE OF MOTION OF THE PROPOSED  
INTERVENERS, NSUS GROUP INC. AND NSUS  
LIMITED  
*(Motion for Leave To Intervene)***

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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**

**AFFIDAVIT OF SARNE LIGHTMAN**

**(Affirmed on April 8, 2024)**

I, Sarne Lightman, of the City of Toronto, in the Province of Ontario, AFFIRM:

1. I am the Managing Director of GGPoker at NSUS Group Inc. ("**NSUS Group**"), which proposes to intervene in this proceeding alongside its wholly-owned subsidiary, NSUS Limited (together, "**NSUS**"), and as such have personal knowledge of the matters contained in this affidavit. Where I do not have personal knowledge, I state the source of my information and believe it to be true.

2. I make this affidavit on behalf of NSUS in support of its motion for leave to intervene in this proceeding as a friend of the Court pursuant to Rules 13.02 and 13.03 of the *Rules of Civil Procedure*.

**A. The Proposed Interveners****1. NSUS Group and GGPoker**

3. NSUS Group is a Canadian corporation that owns and operates GGPoker, the world's largest online poker room, through a number of international subsidiaries, as set out below.



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4. GGPoker has repeatedly been recognized as a leader in online poker, winning several awards for its innovation and online operations. GGPoker offers a range of innovative online poker and casino games and unique features that enhance the gaming experience.

5. Launched in 2017, GGPoker started as a business-to-business (B2B) network providing services to internet gaming providers. It soon launched its own branded poker rooms, GGPoker.com and GGPoker.co.uk, and through its Maltese operation (detailed below) expanded its network into European markets.

6. In 2021, GGPoker's network surpassed that of its largest competitor, PokerStars, and became the world's largest online poker room. This was reported in an article by Poker Industry PRO, attached as **Exhibit "A"**. In July 2022, GGPoker's online player traffic comprised nearly half of the total online player traffic on international "dot-com" websites, averaging 6,839 concurrent cash game seats, and making it larger than all other online poker rooms combined. This was reported in an article by Poker Industry PRO, attached as **Exhibit "B"**.

7. According to third party reporting, GGPoker currently has the highest traffic and the highest number of average concurrent cash game seats in the global market. Copies of traffic data published by Poker Industry PRO and by PokerScout, a website which monitors real money online poker sites, are attached as **Exhibit "C"** and **Exhibit "D"** respectively.

## **2. International structure and licensing**

8. GGPoker is operated through a number of wholly-owned subsidiaries of NSUS Group, including subsidiaries incorporated in Malta, the Republic of Ireland, and the Isle of Man. NSUS's

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international subsidiaries have obtained licenses in a number of regulated jurisdictions around the world. For example:

- (a) In 2017, NSUS Limited, an Irish corporation, was issued a license by the United Kingdom Gambling Commission.
- (b) In 2020, NSUS Malta Limited, a Maltese corporation, was issued a license by the Malta Gaming Commission. NSUS Malta Limited also holds operating licenses in the Netherlands (2021) and Germany (2022).
- (c) In 2021, GG International Limited, an Isle of Man corporation, was issued a license by the Isle of Man Gambling Supervision Commission.

9. As set out in greater detail below, GGPoker is made available in Ontario by NSUS Limited under the brand GGPoker.ca. NSUS Limited is registered as an internet gaming operator with the Alcohol and Gaming Commission of Ontario (“AGCO”) and operates GGPoker.ca on behalf of iGaming Ontario (“iGO”) pursuant to an operating agreement.

10. Based on its experience operating the world’s largest poker room, NSUS Group has extensive knowledge of the regulatory regimes that apply to gaming in all major international jurisdictions, in addition to its direct experience with registration in the jurisdictions noted above.

### **3. The regulation of internet gaming in Ontario**

11. On April 4, 2022, the Ontario government became the first province in Canada to establish a regulated market for internet gaming.

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12. Under Ontario's internet gaming regulatory regime, private internet gaming operators who wish to offer internet gaming products directly to Ontarians must register with the AGCO and comply with the *Registrar's Standards for Internet Gaming*, a comprehensive set of risk-based standards including with respect to manager integrity, oversight, customer service, responsible gaming, marketing and advertising, game design and integrity, and data management, among others (the "**Standards**"). A copy of the Standards is attached as **Exhibit "E"**.

13. In addition to registering with the AGCO, prospective operators must also sign an operating agreement with iGO, a subsidiary of the AGCO which conducts and manages internet gaming in the Province of Ontario. Under the operating agreements, registered operators offer internet gaming products in Ontario on behalf of and as an agent for iGO.

14. Registered gaming operators in Ontario provide 20% of all gross gaming revenue to iGO, which is ultimately remitted to the Province of Ontario. In addition, registered gaming operators are required to pay the AGCO an annual license fee of \$100,000. There are also administration fees, referred to as AGCO recovery costs, which are periodically payable to the AGCO. The license fee is discounted against the recovery costs, which typically exceed \$100,000.

15. This regulatory structure is designed to be compliant with s. 207(1)(a) of the *Criminal Code*, which provides the Government of Ontario with regulatory jurisdiction over gaming in Ontario by allowing it to "conduct and manage a lottery scheme" in Ontario.

16. Prior to the advent of a regulated market in Ontario, private internet gaming operators had no means of registration in Ontario.

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#### 4. NSUS Limited and GGPoker Ontario

17. As noted above, NSUS Group's wholly-owned subsidiary NSUS Limited, an Ireland corporation, is registered with the AGCO as an internet gaming operator. A copy of NSUS Limited's current registration with the AGCO is attached as **Exhibit "F"**. NSUS Limited has been a registered operator with the AGCO since registration first became available on April 4, 2022.

18. NSUS Limited entered into an operating agreement with iGO effective September 30, 2022.

19. NSUS Limited owns and operates GGPoker.ca, a Canadian website. GGPoker.ca is registered with the AGCO as NSUS Limited's gaming site.

20. Through GGPoker.ca, players can download an Ontario-specific desktop game client to access the GGPoker Ontario gaming product, referred to as "**GGPoker Ontario**". NSUS Limited also offers a mobile app called "GGPoker Ontario" for Ontario residents which can be downloaded from third-party app stores. The GGPoker.ca desktop game client and the GGPoker Ontario mobile app together are referred to as the "**GGPoker Ontario Applications**".

21. Pursuant to the Standards, access to the GGPoker Ontario Applications is restricted to eligible players who are physically located in Ontario. NSUS Limited has implemented a geo-location mechanism that verifies the real-time physical location of players attempting to access the GGPoker Ontario Applications. This mechanism does not allow individuals to access the GGPoker Ontario Applications if they are physically located outside of Ontario.

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22. GGPoker Ontario is the largest online poker room in Ontario. A copy of data published by Poker Industry PRO showing that GGPoker Ontario currently has the highest online poker traffic in the Ontario market is attached as **Exhibit “G”**.

## **B. The Reference**

### **1. The disadvantages of a closed liquidity system in Ontario**

23. Under Ontario’s regulated market, internet gaming in Ontario is restricted to players who are physically located in Ontario. Registered operators are not permitted to provide internet gaming products to individuals physically located outside of Ontario.

24. This means that for games that operate based on liquidity pools—in other words, peer-to-peer games where multiple players are playing against each other live for real money contributed by the players, which notably includes online poker—participation in those liquidity pools must be restricted to users physically located in Ontario.

25. From a policy perspective, there are significant disadvantages to limiting Ontario’s regulated market to a closed liquidity system for peer-to-peer internet gaming, rather than an open liquidity system that permits Ontario players to play against international users, particularly for online poker.

26. In particular, a closed liquidity system which limits the pool of potential players to only those in Ontario severely limits the range of poker game experiences available for Ontario players compared to the experiences available in the broader international market. This is because of the disparity between the number of players available in Ontario compared to the number of players available around the world.

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**i. Impacts on cash games**

27. First, a closed liquidity system limits the range of experiences for cash games of online poker. A cash game is a live game of online poker between real people who buy into the game using their real money and play until they give up their seat. Cash games depend on finding suitable players to play against each other who are active on the platform at the same time. The pool of players available to participate in a cash game is very limited if only players physically located in Ontario and online at that moment are eligible.

28. This limited pool of potential players in turn limits the diversity of games that the market can offer for a player to participate in. Poker players have varying skill levels, financial means and other attributes that will affect the types of poker games in which they are interested in playing. Since a live cash game depends on multiple players available at the same time and interested in playing the same type of game, the smaller the market, the lower the likelihood that there will be a sufficient number of players to support different game types. Accordingly, there is a much greater diversity of poker game types and player experiences available in the international market compared to a closed market such as Ontario.

29. The clearest example is table stakes. Different poker players seek out cash games with higher or lower blinds (a type of forced bet) and buy-in amounts depending on a number of personal factors. A closed market with limited players cannot support a diversity of game stakes. In particular, it becomes exceedingly difficult for players to find higher stakes games because they are simply not available in that limited market. Large proportions of players tend to seek out low to medium stakes, leaving fewer high stakes players—typically, the most serious poker players—to play against each other.

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30. For example, depending on the time of day, an Ontario player who wishes to play a cash game with higher stakes (such as a \$5/\$10 blinds game with a minimum buy-in of \$200), will have a very hard time finding players to play against due to the very small pool of players available and the proportionately smaller pool of players interested in playing at those higher stakes. Having global liquidity solves that concern as the pool of players is considerably larger, making it easier to find other players willing to play at the same stake level.

**ii. Impacts on tournament play**

31. A closed liquidity model similarly restricts the available experiences for players in online poker tournaments. In a poker tournament, unlike a cash game, players buy in to the tournament through an entry fee, which contributes towards the potential prize pool, and play for chips until only one player remains. Prizes are distributed from the prize pool based on the order in which players are eliminated from the tournament (as a result of losing all of their chips).

32. Under a closed liquidity system, the number of players is inherently smaller. This in turn means that the potential prize pool, which is primarily funded by the entry fees from the participating players, is also smaller, making playing in the tournament less interesting. More players and higher prize pools also means that players can play more for less money—the more players participating in a poker tournament, the longer the tournament will last, even if the entry fee remains the same.

33. For example, both GGPoker Ontario and GGPoker (the global platform) hold a weekly poker tournament called the “GGMasters”. The prize pool offered for the GGMasters in Ontario is \$50,000 (CAD), whereas the prize pool for the same tournament on the global platform is \$500,000 (USD). This difference is solely due to the lower number of players in Ontario.

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34. The result is that poker players in Ontario have a significantly diminished online poker experience in the regulated market compared to players who can participate in the international market, in a range of game offerings suited to their interests. The closed liquidity model places Ontarians at a disadvantage compared to poker players in other jurisdictions, who are able to compete against players worldwide.

**iii. Regulatory challenges in competing with black market operators**

35. The significantly constrained poker experiences that registered operators are able to provide within Ontario's existing closed liquidity model adversely impact the effectiveness of regulatory oversight, as large numbers of Ontario players are driven to participate in online poker games hosted by unregulated black market operators who are able to offer competitive experiences. These unregulated operators are able to provide a greater diversity of cash games, allowing players to easily find other players to play against at the level of their choice. They are also able to provide poker tournaments with higher prize pool amounts.

36. Unlike the registered operators, unregulated black market operators in Ontario do not have an obligation to comply with the Standards, including the rules pertaining to anti-money laundering controls, responsible gaming obligations, and the security and integrity of their gaming applications, among others. This undermines the effectiveness of Ontario's regulatory scheme. While some operators participating illegally in the Ontario market may be regulated in other markets (affording some measure of protection to Ontarians albeit not necessarily in accordance with the AGCO's standards), other black market operators may be entirely unregulated and engage in practices that cause risks to players or the public, such as by insecurely handling players' funds or personal information, exploiting addictive behaviours, and facilitating money laundering.



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**iv. Limits on revenue**

37. A closed liquidity system also generally limits the revenue that the government and registered operators can generate through online poker. Unlike in sports betting or casino games, where players play “against the house” and operators can generate increased revenue from a single player, in poker, players play against each other, and the operator generates revenue based on the number of participants by taking a commission. This means that registered operators along with the government would earn greater revenue from larger numbers of Ontarian players.

38. When online poker is not meeting the needs of Ontario players, they will either play less or seek out games from unregulated black market operators who offer games involving larger international participant pools. Either way, the result is less play in the regulated market and reduced revenues for the government and registered operators.

**v. Reduced ability to detect collusion and fraud**

39. Finally, higher player participation in an open liquidity system also helps poker operators guard against collusion and fraud. For example, in a closed liquidity system in a small jurisdiction like Ontario, poker players will always play against the same players, leading to familiarity and the ability to seek out specific opponents. This increases the risk of “chip dumping” or collusion, which can be used for money laundering purposes. It is much harder to engage in these practices in an open liquidity system. More players also make it easier for poker operators to identify suspicious patterns of play to deter fraud, given the larger set of available data.

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**vi. Conclusion on closed vs. open liquidity**

40. Overall, restrictions on expanding liquidity to players outside of Ontario seriously limits the poker experiences available to Ontario players and is a significant impediment to the successful transition of online poker in Ontario to an effective regulated market.

41. Notably, many European jurisdictions which have implemented regulated internet gaming regimes allow for open liquidity, including Germany, Netherlands, Sweden, the United Kingdom, Denmark, Romania, the Czech Republic, Switzerland, Greece, Belgium, Lithuania, Latvia, Estonia, Bulgaria, and Malta.

**2. Ontario is proposing an open liquidity model in Ontario**

42. On February 2, 2024, the Ontario government approved and ordered Order in Council 210/2024, setting out a proposal for an open liquidity model in Ontario and ordering a reference to the Court of Appeal pursuant s. 8(1) of the *Courts of Justice Act* (the “**Reference**”). The Order in Council was published on February 16, 2024.

43. Ontario’s proposal to permit open liquidity for internet gaming is set out in the Schedule to the Order in Council. Under the proposal, players within Ontario would be able to participate in peer-to-peer games involving players located outside of Canada. Registered operators would continue to provide gaming products to eligible players through registered applications and sites in Ontario as agents of iGO, and in accordance with Ontario’s regulatory requirements. Operators would also continue to provide gaming products to players outside of Ontario on their international applications and sites, outside of their relationship with iGO and in accordance with the regulatory requirements of the international jurisdictions in which they operate. However, registered

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operators would be permitted to allow Ontario players to participate in the same games and liquidity pools as players outside of Ontario on their international platforms.

44. With respect to Canadian players in provinces and territories outside of Ontario, the Schedule states that “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.”

45. The question referred to the Court of Appeal for Ontario in the Order in Council is: “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?” Copies of the Order in Council and Schedule are attached as **Exhibits “H”** and **“I”**, respectively.

46. On February 29, 2024, the Attorney General of Ontario filed its Statement of Particulars in the Reference with the Court of Appeal. A copy of the Statement of Particulars is attached as **Exhibit “J”**.

### **C. NSUS meets the test for intervention**

47. NSUS seeks leave to intervene in the Reference based on its substantial and identifiable direct interest in the subject matter, and its important and distinct perspective, which will assist the Court in resolving the issues.

#### **1. NSUS has a direct interest in the Reference**

48. The Reference will determine the legality of an open liquidity system for online peer-to-peer gaming in Ontario. NSUS has a substantial and identifiable interest in the Court’s resolution

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of this issue as the owner and operator of GGPoker, the world's largest online poker room, as well as GGPoker Ontario, the largest online poker room in the Ontario market. As set out above, regulated online poker in Ontario is significantly impacted by the closed liquidity model, since the draw of online poker depends in large part on the number of available players and the size of the available liquidity pool.

49. In particular, the Court's decision as to whether Ontario's proposed open liquidity system is permitted under the *Criminal Code* will impact NSUS in the following ways:

- (a) The Court's decision will affect the quality of the poker experience for players on GGPoker Ontario, which will impact NSUS's ability to provide the best possible gaming products for Ontarians. As noted above, restrictions on open liquidity leads to fewer players, a less diverse offering of cash games, and smaller tournaments with smaller prize pools;
- (b) The Court's decision will, in turn, impact NSUS's revenues from the Ontario market because it will impact NSUS' ability to draw new and returning players to its platform and defend its market share against unregulated black market operators;
- (c) The Court's decision will also affect NSUS's ability to take effective steps against collusion and fraud, which could have a broader impact on NSUS's global reputation and operations; and
- (d) Finally, the Court's decision will affect GGPoker Ontario's ability to offer other games and features which are only economically viable with a sufficiently large liquidity pool.

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50. Given that GGPoker Ontario is the largest poker room in Ontario, and poker is uniquely impacted by the liquidity model as compared to other types of internet games, the magnitude of these impacts on NSUS is distinct among registered internet gaming operators in Ontario.

51. Beyond determining the legality of Ontario's proposal, the Court's decision in this Reference will also be an important precedent for other provinces and territories seeking to regulate internet gaming, potentially impacting NSUS' offering in these other jurisdictions. In particular, the Court's analysis will involve describing and interpreting aspects of the regulatory framework in Ontario to which NSUS is subject, including the provisions of the *Criminal Code* that shape the permissible scope of gaming in Canada. Accordingly, this decision will shape the regulatory landscape for other provinces that seek to adopt regulatory schemes, which will impact NSUS's business interests in those markets.

## **2. NSUS has a distinct and important perspective to offer the Court**

52. If granted leave to intervene, NSUS will offer the Court a distinct perspective from the Attorney General of Ontario and any other potential interveners.

53. NSUS's perspective is distinct from the Province of Ontario, which acts as the regulator through the AGCO and conducts and manages internet gaming in Ontario through iGO. As a registered operator under Ontario's regime and in the international market, NSUS has first-hand knowledge of how online poker in Ontario and registered operators are impacted by a closed liquidity system, as well as market experience in what users expect from their online poker experience. It also has a distinct perspective from the government as the subject of regulatory oversight, rather than the regulator who enforces the requirements.

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54. NSUS's perspective is also distinct from other registered operators in Ontario and elsewhere who may seek leave to intervene. As noted above, GGPoker Ontario is the largest online poker room in the Ontario market, and GGPoker is the world's largest online poker room. NSUS is the largest provider worldwide of peer-to-peer online poker, which is uniquely affected by closed liquidity. Given NSUS's dominance in the global online poker market and how uniquely impacted poker is by liquidity issues, it is not an overstatement to say that NSUS is the world expert on liquidity models for online poker and the best-placed entity to present the Court with the online poker perspective.

55. Indeed, NSUS has been deeply invested in the issue of pooled liquidity and has been involved in advocacy in other international jurisdictions considering open liquidity systems in their internet gaming regulation, including most recently Italy. Given GGPoker's international reach, and NSUS's registration in multiple regulated jurisdictions, NSUS also has unparalleled experience analyzing and operating online poker within international regulatory schemes.

56. All of these factors give NSUS a distinct perspective that will assist it in making a useful contribution to the Court's analysis of the issues in the Reference.

### **3. NSUS's intended submissions**

57. If granted leave to intervene, NSUS intends to make the following submissions:

- (a) An open liquidity system for peer-to-peer internet gaming, such as poker, will lead to more effective regulatory oversight of internet gaming in Ontario. An open liquidity system creates an opportunity to provide a higher quality experience for

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Ontarians, enabling registered operators to effectively compete with unregulated black market operators and drawing Ontarians away from the black market.

- (b) Ontario is entitled to adopt an open liquidity system under s. 207(1)(a) of the *Criminal Code*, and in particular:
- (i) Section 207(1)(a) of the *Criminal Code* permits a province to “conduct and manage” gaming in that province, and in doing so carves out an exception to the general prohibition on gaming in Canada under s. 206 where it is done under the regulation of a provincial government;
  - (ii) The regulatory scheme for internet gaming in Ontario falls within this exception because all internet gaming in Ontario is done under the regulation of the provincial government;
  - (iii) Section 207(1)(a) does not limit the policy choices that provincial governments can adopt in how they conduct and manage gaming in their respective provinces, including the policy choice to adopt an open liquidity model; and
  - (iv) Permitting Ontario players to participate in open liquidity pools does not change the fact that all aspects of internet gaming *in Ontario* occur under the regulation of the provincial government, in accordance with s. 207(1)(a) of the *Criminal Code*; it simply changes the conditions that apply to internet gaming in Ontario.

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- (c) The decision in *Reference re Earth Future Lottery*, 2003 SCC 10 is distinguishable. In particular, that case was about the extent to which a charity could conduct and manage a lottery outside of the province under s. 207(1)(b). All elements of the lottery, including the international components, were to be conducted and managed by the charity. In contrast, in Ontario's proposal, the provincial government would only be conducting and managing internet gaming within the province, whereas gaming outside the province would be conducted and managed by private operators in various international jurisdictions. The only difference is that Ontario would be implementing a policy decision to permit its provincial gaming market to interact with the international market through open liquidity.
- (d) The adoption of an open liquidity system in Ontario is supported by the experience in international jurisdictions that have implemented regulatory frameworks for internet gaming, including the United Kingdom, Germany, Netherlands, Sweden, Denmark, Romania, the Czech Republic, Switzerland, Greece, Belgium, Lithuania, Latvia, Estonia, Bulgaria, and Malta.

**D. The Proposed Intervention will not unduly delay or prejudice the proceeding**

58. If granted leave to intervene, NSUS commits to the following in order to avoid any delay, injustice or prejudice to the parties:

- (a) NSUS will abide by any schedule set by the Court and comply with any terms and conditions imposed on its intervention;
- (b) NSUS will not file any additional evidence or unduly expand the issues;



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- (c) NSUS will not seek costs associated with the intervention; and
- (d) NSUS will avoid duplicative submissions by working collaboratively with the parties and other interveners.

**SWORN REMOTELY** by Sarne Lightman of the City of Toronto, in the Province of Ontario, 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.




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Commissioner for Taking Affidavits  
(or as may be)

Alyssa Marie Allen, a Commissioner, etc.  
Province of Ontario, for Borden Ladner Gervais LLP,  
Barristers and Solicitors.  
Expires July 18, 2025.

---

**SARNE LIGHTMAN**

This is "Exhibit "A" referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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A Commissioner for Taking Affidavits  
(or as may be)

Alyssa Marie Allen, a Commissioner, etc.  
Province of Ontario, for Borden Ladner Gervais LLP,  
Barristers and Solicitors.  
Expires July 18, 2025.

# GGPoker Overtakes Behemoth PokerStars to Become World's Largest Online Poker Room

PokerStars no longer holds the title of industry leader as GGPoker takes the crown for the number one online poker room globally.

[Show Summary](#)

- 📌 GGPoker Network, which made it known to the world only a few years back, has overtaken behemoth PokerStars to become the world's largest online poker room.
- 📌 The latest cash game figures, tracked by independent monitor GameIntel and available exclusively on PRO, show that GGPoker is averaging over 5000 concurrent cash game seats.
- 📌 Meanwhile, PokerStars' cash game traffic has dipped below 5000 at 4981, allowing GGPoker to dethrone the 15-year-long crown holder for the world's leading online poker room.
- 📌 The last time, an operator with a focus on regulated markets was sitting atop the global online poker market, one has to look back to the pre-UIGEA 2006 era.

By [Anuj Arora](#), Poker Editor  
Published Jun 22, 2021

Follow [@anuj2212](#)

GGPoker Network, which became known to the world only a few years ago, has overtaken behemoth PokerStars to become the world's largest online poker room.

The latest cash game figures, tracked by independent monitor GameIntel and available exclusively on PRO, show that GGPoker is averaging over 5000 concurrent cash game seats based on its seven-day moving average.

Meanwhile, PokerStars' cash game traffic has dipped below 5000 at 4981, allowing GGPoker to dethrone the 15-year-long crown holder for the world's leading online poker room.

“GGPoker hitting the top spot for cash game traffic is the result of a lot of hard work by a lot of people and, of course, a testament to the amazing community of players that call GGPoker home,” said Daniel Negreanu, global ambassador for GGPoker, in a statement issued to PRO and pokerfuse.

“We don't rest on our laurels, we've reached #1 by constantly innovating and improving our games, promotions, and rewards — and you haven't seen anything yet!” Negreanu added.

The last time an operator with a focus on regulated markets was sitting atop the global online poker market was back in the pre-UIGEA 2006 era. Back then, partypoker was the clear industry leader, but the passage of the UIGEA forced the operator to withdraw from the United States — allowing PokerStars, which continued to operate in the US, to take pole position.

Since then, PokerStars has been the undisputed number one room and no regulated operator has really come close to dethroning it. Full Tilt Poker was its closest competitor during 2010-11, but Black Friday caused its collapse and ultimately led to its shut down a few years later.

GGPoker overtaking PokerStars is perhaps not too surprising as the competition between the two has been tightening for some time. Indeed, [PRO made a bold prediction](#) about the rising star snatching the pole position from PokerStars earlier this year.

Considering the network only made its debut a few years ago, it has been a remarkable achievement.

GGPoker started as a B2B network with a focus in Asian markets. It landed on radars in 2017 when its flagship skin, Natural8, started to move into European markets [through various partnerships](#). In the same year, it launched its own branded poker rooms, GGPoker.com and [GGPoker.co.uk](#).

From there, its traffic grew steadily for four and a half years. Both PRO and pokerfuse have been highlighting its meteoric rise—like its [threefold year-over-year increase](#) noted last year. With the [addition of 2NL microstakes](#) cash games, it has been [closing in on PokerStars](#) over recent months.

While the pandemic did partially play a role in [boosting its traffic](#), it continues to grow today. It is up a staggering 60% year-over-year, while the rest of the dot-com online poker market is down 35% from where it was a year ago.

Its phenomenal growth did not come without a huge investment.

The rising star has been making some serious product developments, launching a string of industry-first features: An integrated [Smart HUD](#), PokerCraft; built-in staking; gimmicks like Smart Betting, Card Squeeze and [SnapCam](#).

There have also been several new game launches with unique features: [Spin & Gold](#), [Flip & Go](#), and [Battle Royale](#), to name a few.

It has also been hiring some high-profile names such as [Daniel Negreanu](#) and controversial figure Dan Bilzerian to boost its brand. Furthermore, the site has also been targeting regulated European markets: it holds licenses in the United Kingdom, Malta, and the Isle of Man, and its skin OlyBet is licensed in Latvia and Estonia. It even has eyes set on the US market.

And that is not to forget the groundbreaking [partnership with the WSOP brand](#), allowing players outside the US to compete for official gold bracelets for the first time. Its [monthly promotion budget](#) now goes up to over \$7 million.

It is not just cash game traffic where GGPoker now sits atop the market. The site has also quickly established itself as the leader in tournaments: From its first-ever \$3.5 million guaranteed tournament series to a \$50 million and now a recent record-breaking [\\$150 million](#) Spring Festival—all coming within a couple of years—further justifies it holding the title of world's largest online poker room.

As per the stats provided by GGPoker to PRO, the operator has been guaranteeing at least \$200 million every month, with April being the largest in the site's history, giving away \$254 million.

However, it remains to be seen whether the top position is short-lived or long-standing. The former leading online poker leader is expected to ramp up its promotion and fight for the top spot.

- [tags](#)
- [GGPoker](#)
- [Online Poker Revenue](#)

This is “Exhibit **B**” referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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A Commissioner for Taking Affidavits  
(or as may be)

Alyssa Marie Allen, a Commissioner, etc.  
Province of Ontario, for Borden Ladner Gervais LLP,  
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Expires July 18, 2025.

# GGPoker is Now Larger Than All Other Major Dot-Com Operators Combined

Latest traffic at GG puts it above the five next-largest online poker rooms.

[Show Summary](#)

- GGPoker's traffic in July averaged 6839 concurrent cash game players, making up 46% of the entire dot-com market.
- PokerStars, historically the largest online poker room in the world, saw traffic fall to just over 3700 averaged across the month.
- While most of the market goes through significant slumps in summer, GGPoker's seasonal swing is barely perceptible on its charts of recent years.

By [Nick Jones](#), Managing Editor

Published Aug 10, 2022

[Courtesy of PokerGO](#)

Follow [@pokerproJones](#)

GGPoker controls almost half of the international "dot-com" online poker market and is larger than the following five online poker operators combined, the latest cash game traffic reveals.

According to data tracked by independent industry monitor GameIntel, accessible on [PRO's Data Platform](#), in July, GGPoker's traffic averaged 6,839 concurrent cash game players, making up 46% of the entire dot-com market.

PokerStars, historically the largest online poker room in the world, saw traffic of just over 3700 averaged across the month, for a market share of approximately 25%. All other operators combined make up the remaining 30%.

Data provided by [GameIntel](#)

GGPoker's traffic is now higher than the next five largest operators. iPoker, which operates a B2B online poker network for over a dozen online poker rooms, sits third with just over 1000 players; partypoker and 888poker each have approximately 600. New entry WPT Global averaged traffic of just over 600 players, though these numbers are preliminary.

GGPoker's growth is remarkable. Just two years ago, traffic was less than half what it is today. While most of the market goes through significant slumps in summer, GGPoker's seasonal swing is barely perceptible on its charts of recent years.

## Cash Game Traffic: July 2022

| Operator       | Cash Game Seats | Market share |
|----------------|-----------------|--------------|
| PokerStars     | 3710            | 24.7%        |
| iPoker         | 1145            | 7.6%         |
| partypoker     | 606             | 4.0%         |
| WPT Global     | 605*            | 4.0%         |
| 888poker       | 578             | 3.9%         |
| <b>Total</b>   | <b>6644</b>     | <b>44.5%</b> |
| <b>GGPoker</b> | <b>6839</b>     | <b>45.6%</b> |

|                       |       |       |
|-----------------------|-------|-------|
| Rest of market        | 1527  | 10.2% |
| Entire dot-com market | 15010 | 100%  |

Indeed, last month — traditionally one of the quietest months of the year — GGPoker enjoyed an all-time high in traffic, up 3% month-over-month. It is up 10% on January 2022, the peak for the rest of the market.

## Against the Grain

There have been various reasons for GGPoker's continued growth against a backdrop of overall stagnation. Its rapid software development has resulted in a string of new game titles, and ambitious and well-promoted tournament series have brought in crowds. A bustling roster of ambassadors helps GG promote its product across all its major markets.

Its long-standing partnership with the World Series of Poker has also continued to pay dividends — and it could be why it bucks the usual summer slump.

Data provided by [GameIntel](#)

Meanwhile, the industry has faced significant regulatory headwinds of late. The [Ontario online poker](#) market went live earlier this year, requiring operators to launch segregated player pools, pulling players away from the international dot-com market. 888poker and partypoker did so in April, while PokerStars went live in late June.

Dutch regulation also forced almost all major online poker operators to exit the market late last year; most still wait for licensing to return.

GGPoker has avoided both problems. In Ontario, it remains serving the market from offshore — something it is apparently permitted to do while its operating agreement with the iGO is pending (it has [already received its license from the regulator](#)). In the Netherlands, it was one of only [a select few to receive its license on day 1 of the market opening](#).

There is no sign of it taking its foot off the gas, with the operator already putting many features in motion to drive engagement for the late summer and into the fall. The online, [international component to the WSOP 2022 starts mid-August](#), and [promotion of next year's series is already underway](#).

With that said, its current advantages in regulated markets will not last much longer. In the Netherlands, other online poker operators are [hoping to receive licenses in the back half of this year](#), and at some point, GGPoker will be required to launch in Ontario, thus segregating a part of its Canadian player base.

It will face stiffer competition as well. PokerStars has something of a renewed focus on its international operations — it is [investing heavily into the European Poker Tour this year](#) to rebuild its beloved brand after years of cancellations because of COVID, while [fresh marketing](#) and high-profile ambassador signings show a renewed level of investment.

Like GGPoker did half a decade ago, new online poker competition can always upend the market. [WPT Global has launched with quite a fanfare](#) — and a marketing drive — and has plans for aggressive expansion into new markets. Other sites are also on the horizon, like [the recently announced 4Poker](#).

But, in the short-term, GGPoker's domination in international online poker looks unassailable.

- **tags**
- [GGPoker](#)
- [Global Online Poker News](#)
- [Online Poker](#)
- [Online Poker Ontario](#)

- [Ontario](#)
- **sources**
- [poker.org](#)



This is "Exhibit "C" referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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Expires July 18, 2025.

# Cash Game Traffic

- [Home](#)
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- [Cash Game Traffic](#)
- [Cash Game Trends](#)

Moving avg:

Y Axis:

Date range:

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- [Dot-com](#)
- [NA](#)
- [US](#)
- [Canada](#)
- [Euro](#)
- [Italy](#)
- [Eastern Europe](#)
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- Eastern Europe
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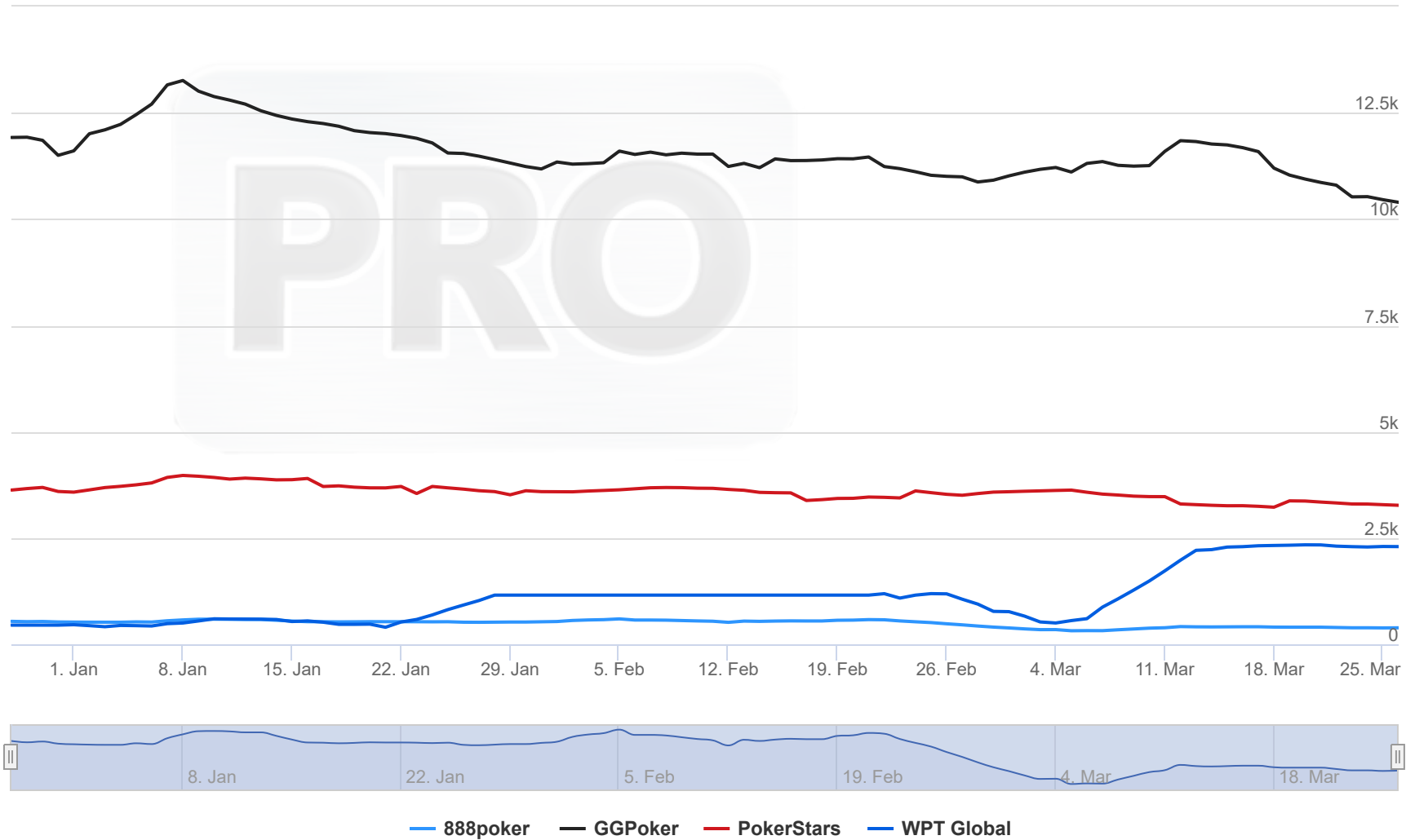
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- 7 [888poker](#)      [888](#)      ⬇
- 8 [PokerKlas\\*](#)           ⬇
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# Online Poker Traffic Comparison

7-day moving average of concurrent cash game players. Data provided by GameIntel.



Poker networks are ranked based on moving average of concurrent cash game players observed over a 24-hour period. Global Regulated excludes operators focused primarily on Asia on the US market from offshore. Live data updated daily at 8am UTC. \* Indicates estimated traffic data, updated monthly. Grayed-out networks are either untracked or defunct. Data used under license from [GameIntel.com](https://gameintel.com).

This is “Exhibit **D**” referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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Province of Ontario, for Borden Ladner Gervais LLP,  
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**PLAY NOW**

# Worldwide Online Poker Sites Traffic Report

Pokerscout.com monitors real money online poker sites and allows you to find the best poker sites in any country with the help of our poker site traffic report. Our data is updated every 10 minutes.

Last Updated: **April 7, 2024** at 11:30 pm GMT

| Rank | Poker Site                         | 7 Day avg | Online | Cash | 24 H Peak | Last Week | Play Now                 |
|------|------------------------------------|-----------|--------|------|-----------|-----------|--------------------------|
| 1    | <a href="#">GGPoker</a>            | 10500     | 480462 | 6651 | 13076     |           | <a href="#">Play Now</a> |
| 2    | <a href="#">PokerStars</a>         | 3000      | 55540  | 1167 | 1574      |           | <a href="#">Play Now</a> |
| 3    | <a href="#">WPT Global</a>         | 2200      | 5398   | 1112 | 3427      |           | <a href="#">Play Now</a> |
| 4    | <a href="#">IDNPoker</a>           | 2100      | 7123   | 1389 | 3511      |           |                          |
| 5    | <a href="#">iPoker</a>             | 1700      | 4398   | 1757 | 2779      |           | <a href="#">Play Now</a> |
| 6    | <a href="#">Winamax.fr</a>         | 1400      | 8894   | 1484 | 2380      |           |                          |
| 7    | <a href="#">Svenska Spel</a>       | 1100      | ————   | 1040 | 1981      |           |                          |
| 8    | <a href="#">PaiWangLuo (Bodog)</a> | 900       | ————   |      | 1600      |           |                          |
| 9    | <a href="#">PokerStars Europe</a>  | 900       | ————   | 1021 | 1657      |           | <a href="#">Play Now</a> |
| 10   | <a href="#">Pokerdom</a>           | 800       | 1745   | 575  | 1394      |           | <a href="#">Play Now</a> |

| Rank | Poker Site                         | 7 Day avg | Online | Cash | 24 H Peak | Last Week | Play Now                 |
|------|------------------------------------|-----------|--------|------|-----------|-----------|--------------------------|
| 11   | <a href="#">PokerBaazi</a>         | 750       | ————   | 385  | 1169      |           |                          |
| 12   | <a href="#">PartyPoker</a>         | 650       | ————   | 718  | 1083      |           | <a href="#">Play Now</a> |
| 13   | <a href="#">iPoker.it</a>          | 525       | 1917   | 542  | 1015      |           | <a href="#">Play Now</a> |
| 14   | <a href="#">PokerStars.it</a>      | 500       | 15608  | 582  | 918       |           | <a href="#">Play Now</a> |
| 15   | <a href="#">Chico Poker</a>        | 475       | 4137   | 591  | 875       |           |                          |
| 16   | <a href="#">Unibet</a>             | 450       | ————   |      | 800       |           | <a href="#">Play Now</a> |
| 17   | <a href="#">888poker</a>           | 400       | ————   | 424  | 795       |           | <a href="#">Play Now</a> |
| 18   | <a href="#">GGPoker ON</a>         | 350       | 4677   | 392  | 548       |           |                          |
| 19   | <a href="#">Ray.fi</a>             | 300       | 291    | 159  | 559       |           |                          |
| 20   | <a href="#">Stretch</a>            | 300       | 439    | 213  | 671       |           |                          |
| 21   | <a href="#">PokerKlas</a>          | 280       | ————   |      | 535       |           |                          |
| 22   | <a href="#">PartyPoker Europe</a>  | 280       | ————   | 330  | 512       |           | <a href="#">Play Now</a> |
| 23   | <a href="#">iPoker Europe</a>      | 280       | 2242   | 377  | 529       |           | <a href="#">Play Now</a> |
| 24   | <a href="#">PokerStars US</a>      | 240       | 55540  | 419  | 544       |           | <a href="#">Play Now</a> |
| 25   | <a href="#">Adda52</a>             | 220       | ————   | 80   | 418       |           |                          |
| 26   | <a href="#">PokerStars Ontario</a> | 200       | 55540  | 75   | 75        |           |                          |



| Rank | Poker Site                        | 7 Day avg | Online                           | Cash | 24 H Peak | Last Week | Play Now                 |
|------|-----------------------------------|-----------|----------------------------------|------|-----------|-----------|--------------------------|
| 27   | <a href="#">WSOP/888 US</a>       | 180       | ————                             | 274  | 368       |           | <a href="#">Play Now</a> |
| 28   | <a href="#">888 US</a>            | 180       | ————                             | 274  | 368       |           | <a href="#">Play Now</a> |
| 29   | <a href="#">WSOP US</a>           | 180       | ————                             | 274  | 368       |           | <a href="#">Play Now</a> |
| 30   | <a href="#">OK Poker</a>          | 170       | ————                             | 296  | 336       |           |                          |
| 31   | <a href="#">PokerStars PA</a>     | 170       | ————                             | 219  | 416       |           | <a href="#">Play Now</a> |
| 32   | <a href="#">Pocket52</a>          | 160       | ————                             |      | 325       |           |                          |
| 33   | <a href="#">Gamezy</a>            | 150       | ————                             |      | 300       |           |                          |
| 34   | <a href="#">SkyPoker</a>          | 120       | ————                             |      | 250       |           |                          |
| 35   | <a href="#">A23 Poker</a>         | 90        | ————                             |      | 200       |           |                          |
| 36   | <a href="#">BetMGM MI</a>         | 90        | ————                             | 136  | 183       |           |                          |
| 37   | <a href="#">PartyPoker NJ</a>     | 85        | ————                             | 184  | 184       |           | <a href="#">Play Now</a> |
| 38   | <a href="#">PeoplesNetwork.it</a> | 85        | <input type="text" value="941"/> | 58   | 205       |           |                          |
| 39   | <a href="#">PokerMatch</a>        | 85        | <input type="text" value="262"/> | 86   | 193       |           |                          |
| 40   | <a href="#">BetMGM ON</a>         | 70        | ————                             | 70   | 118       |           |                          |
| 41   | <a href="#">Spartan Poker</a>     | 60        | <input type="text" value="79"/>  | 11   | 143       |           |                          |
| 42   | <a href="#">WSOP PA</a>           | 60        | ————                             | 85   | 121       |           |                          |

| Rank | Poker Site                        | 7 Day avg | Online | Cash | 24 H Peak | Last Week | Play Now |
|------|-----------------------------------|-----------|--------|------|-----------|-----------|----------|
| 43   | <a href="#">WSOP MI</a>           | 55        | —————  | 102  | 124       |           |          |
| 44   | <a href="#">Europebet</a>         | 45        | 166    | 31   | 98        |           |          |
| 45   | <a href="#">Bunga365</a>          | 40        | —————  |      | 105       |           |          |
| 46   | <a href="#">SwC Poker</a>         | 32        | 196    | 63   | 77        |           |          |
| 47   | <a href="#">888poker.es</a>       | 32        | 1015   | 18   | 126       |           |          |
| 48   | <a href="#">PokerDangal</a>       | 28        | —————  |      | 75        |           |          |
| 49   | <a href="#">MobilePokerClub</a>   | 26        | —————  |      | 72        |           |          |
| 50   | <a href="#">Horizon Poker</a>     | 24        | —————  | 37   | 60        |           |          |
| 51   | <a href="#">888poker.it</a>       | 20        | —————  | 18   | 90        |           |          |
| 52   | <a href="#">AconcaguaPoker.es</a> | 18        | 79     | 34   | 41        |           |          |
| 53   | <a href="#">888poker.ca</a>       | 14        | —————  | 30   | 66        |           |          |
| 54   | <a href="#">Khelo365</a>          | 10        | 9      | 7    | 28        |           |          |
| 55   | <a href="#">Adjarabet</a>         | 10        | —————  |      | 25        |           |          |
| 56   | <a href="#">Merge Gaming</a>      | 10        | —————  |      | 20        |           |          |
| 57   | <a href="#">PokerSaint</a>        | 9         | —————  |      | 30        |           |          |
| 58   | <a href="#">Silver Sands</a>      | 9         | —————  |      | 30        |           |          |

| Rank | Poker Site                        | 7 Day avg | Online | Cash | 24 H Peak | Last Week | Play Now |
|------|-----------------------------------|-----------|--------|------|-----------|-----------|----------|
| 59   | <a href="#">9stacks</a>           |           | 5      |      |           |           |          |
| 60   | <a href="#">Aconcagua Poker</a>   |           | 2      |      |           |           |          |
| 61   | <a href="#">Betcoin Poker</a>     |           | —      |      |           |           |          |
| 62   | <a href="#">Blockchain Poker</a>  |           | 66     |      |           |           |          |
| 63   | <a href="#">Cubeia</a>            |           | —      |      |           |           |          |
| 64   | <a href="#">First Fidelity</a>    |           | —      |      |           |           |          |
| 65   | <a href="#">GamblerGames</a>      |           | —      |      |           |           |          |
| 66   | <a href="#">Grand Poker</a>       |           | —      |      |           |           |          |
| 67   | <a href="#">NoLimitCoin Poker</a> |           | —      |      |           |           |          |
| 68   | <a href="#">PokerMIRA</a>         |           | —      |      |           |           |          |
| 69   | <a href="#">Pokio</a>             |           | 3039   |      |           |           |          |
| 70   | <a href="#">Wwin</a>              |           | —      |      |           |           |          |

POKER SITES TRACKED

**71**

Tracked

PLAYERS ONLINE

**709,810**

Online Players

TOTAL CASH PLAYERS

**23,242**

Cash Players Online

# Best Global Online Poker Sites 2024

At PokerScout.com, we know **game selection** is a major part of being a **winning poker player**. So, you need to consider several factors when picking an online poker room. For example, how many real money poker tables of a stake are running at the same time? Are the tables soft or filled with pros? Maybe the site you are looking for only has **Hold'em**.

At PokerScout, you can answer all those questions and more. We offer round-the-clock [traffic reports](#) on every site worth playing on. Our extensive [poker reviews](#) from both editors and users can help you pick a site that best suits your bankroll, [poker bonuses](#), and schedule. In fact, with our unique [poker game tracker](#), you can find exactly the game you are looking for in a matter of minutes.

PokerScout.com tracks real money poker sites from around the world. We track US poker sites in [New Jersey](#), [Nevada](#), and [Delaware](#). New Jersey is the current market leader with the largest population of any legalized gambling state and including the top [NJ online casinos](#).

As of April 2018, New Jersey, Nevada, and Delaware operate with a combined player pool, increasing the overall number of players available. [Pennsylvania](#) is moving towards legal online poker, and will likely join the pool when it does so. However, there's no established timeframe for the Keystone State's debut just yet.

This is “Exhibit “E” referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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A Commissioner for Taking Affidavits  
(or as may be)

Alyssa Marie Allen, a Commissioner, etc.  
Province of Ontario, for Borden Ladner Gervais LLP,  
Barristers and Solicitors.  
Expires July 18, 2025.

# 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]

| <b>Term</b>             | <b>Definition</b>   |
|-------------------------|---|
| 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.  |
| 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.  |



| <b>Term</b>                    | <b>Definition</b>  |
|--------------------------------|--|
| 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 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.   |

| <b>Term</b>                    | <b>Definition</b>  |
|--------------------------------|--|
| 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.  |
| 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 Standard 4.34.  |

| <b>Term</b>             | <b>Definition</b>   |
|-------------------------|---|
| 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.  |
| 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"> <li>• Bets on fantasy sports, esports, and novelty events, but does not include bets on virtual sports.</li> <li>• Sport and Event Bets include, but are not limited to, single-game bets, teaser bets,</li> </ul> |

| Term                       | Definition   |
|----------------------------|--|
|                            | parlays, over-under, moneyline, pools, exchange betting, in-game betting, proposition bets, and straight bets.   |
| 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.*

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.**

**1.16 Player complaints, disputes and inquiries must be recorded and addressed in a timely, fair, transparent and appropriate manner.**

**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]**

*Note: For greater certainty, and without limiting the generality of any other Standard, this Standard applies to and governs applicants.*

## 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.

## Employee Training

### **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.
2. Gaming limits must be enforced by the gaming system.

## 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.

# Speed and Interruption

**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 objectionable 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)



**5.33 Use of wireless communication shall be secured and only used where appropriate.** (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.

### **6.03 Reasonable measures shall be in place to identify and prevent suspected money laundering activities in the gaming site.**

**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"> <li>• Lack of appreciation and understanding of critical elements of a risk based control environment</li> <li>• Lack of defined Board mandate and independent oversight of management</li> <li>• No mechanism for reporting wrong doing</li> <li>• Inadequately documented management policies and procedures to define and align accountability skills and competence</li> <li>• Lack of understanding about expected ethical behavior</li> <li>• Lack of transparency in decision making</li> <li>• Individual knowingly fails to comply</li> </ul> |
| Responsible Gambling                         | <ul style="list-style-type: none"> <li>• Inappropriate advertising practices targets minors</li> <li>• Advertising is false and misleadingly deceptive to attract the public</li> <li>• Advertising deemed to promote excessive play</li> <li>• Players allowed to play excessively</li> <li>• Responsible gaming controls not designed into environment and product</li> <li>• Players are unaware of risks to problem gambling and options to selfcontrol</li> </ul>  |
| Prohibiting Access to Designated Groups      | <ul style="list-style-type: none"> <li>• Individuals prohibited from games of chance have access</li> <li>• Selling product outside jurisdiction</li> </ul>   |
| Ensuring Game Integrity and Player Awareness | <ul style="list-style-type: none"> <li>• Inability to regulate all components</li> <li>• Related parties winning at a higher relative percentage than the public</li> <li>• Players have insufficient information to make an informed choice</li> <li>• Game and system design lack integrity</li> <li>• Game procedures are not followed</li> <li>• Game and systems fail</li> <li>• Compromising betting markets through activities such as insider betting or game manipulation</li> </ul>   |
| Public Safety and Protection of Assets       | <ul style="list-style-type: none"> <li>• People are not safe</li> <li>• Assets and customer information are not safe-guarded</li> <li>• Unauthorized individuals have access to prohibited areas</li> </ul>   |

| <b>Risk Theme</b>                              | <b>Regulatory Risk</b>   |
|--|--|
| Minimizing Unlawful Activity Related to Gaming | <ul style="list-style-type: none"><li>• Gaming used as a vehicle for money laundering</li><li>• Gaming used as a vehicle for fraud or theft</li><li>• Internal theft is occurring</li><li>• Cheat at play materializes within the gaming environment</li></ul> |

This is “Exhibit “F”” referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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A Commissioner for Taking Affidavits  
(or as may be)

Alyssa Marie Allen, a Commissioner, etc.  
Province of Ontario, for Borden Ladner Gervais LLP,  
Barristers and Solicitors.  
Expires July 18, 2025.





**Alcohol and Gaming Commission of Ontario**  
90 Sheppard Avenue East, Suite 200  
Toronto ON M2N 0A4  
Tel.: 416-326-8700  
Toll free in Ontario: 1-800-522-2876  
Inquiries: [www.agco.ca/iagco](http://www.agco.ca/iagco) • Website: [www.agco.ca](http://www.agco.ca)

**Registration No.: OPIG1231707**

**Expiry Date: Apr. 03, 2025**

## **Certificate of Registration - Supplier** **Class: Operator**

**Issued under the *Gaming Control Act, 1992***

|                                       |  |
|---------------------------------------|--|
| Issued to                             | NSUS Limited                                       |
| Gaming Site                           | <a href="http://www.ggpoker.ca">www.ggpoker.ca</a> |
| Related Gaming Site<br>Domain Name(s) | <a href="http://ggpoker.ca">ggpoker.ca</a>         |
| Mobile App Name(s)                    | GGPoker Ontario                                    |

To be prominently displayed





**Commission des alcools et des jeux de l'Ontario**  
 90, avenue Sheppard Est, bureau 200  
 Toronto (Ontario) M2N 0A4  
 Tél. : 416-326-8700  
 Interurbains sans frais en Ontario : 1-800-522-2876  
 Demande de renseignements : [www.agco.ca/fr/icajo](http://www.agco.ca/fr/icajo)  
 Site Web : [www.agco.ca/fr](http://www.agco.ca/fr)

**N° d'inscription : OPIG1231707**

**Date**

**d'expiration : 03 avr. 2025**

## **Certificat d'inscription - Fournisseur**

### **Catégorie : Exploitant**

**Délivré en vertu de la**  
***Loi de 1992 sur la réglementation des jeux***

|   |  |
|---|--|
| Délivré à                               | NSUS Limited                                       |
| Site de jeu                             | <a href="http://www.ggpoker.ca">www.ggpoker.ca</a> |
| Noms de domaine associés au site de jeu | <a href="http://ggpoker.ca">ggpoker.ca</a>         |
| Applications mobiles                    | GGPoker Ontario                                    |

À afficher en évidence.



This is "Exhibit "G" referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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Province of Ontario, for Borden Ladner Gervais LLP,  
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Expires July 18, 2025.

# Cash Game Traffic

- [Home](#)
- [Data](#)
- [Cash Game Traffic](#)
- [Cash Game Trends](#)

Moving avg:

Y Axis:

Date range:

- [Global](#)
- [Dot-com](#)
- [NA](#)
- [US](#)
- [Canada](#)
- [Euro](#)
- [Italy](#)
- [Eastern Europe](#)
- [India](#)
- [Asia](#)
- [US Offshore](#)

↓ Click on one or more rows to compare [expand](#)

Click to toggle markets

- Dot-com
- North America
- US (All regulated)
- US (Multi-state)
- MI (ex. multi-state)
- NJ (ex. multi-state)
- Pennsylvania
- Canada (All regulated)

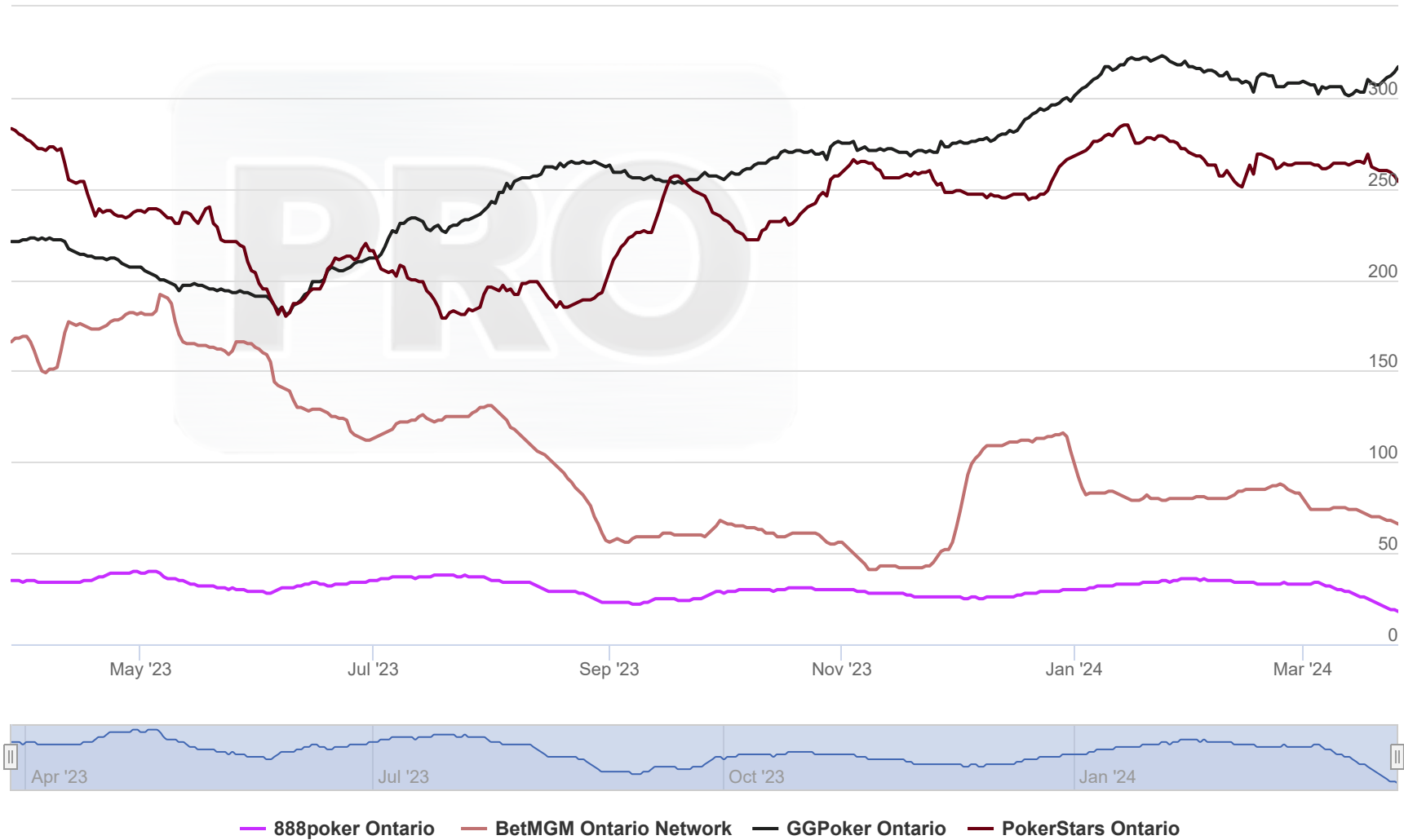
- Ontario
- Euro
- Italian
- Eastern Europe
- Indian
- Asian
- US Offshore

Click to toggle companies

- [Stars Group](#)
- [888](#)
- [GVC](#)
- [Playtech](#)
- 1 [GGPoker Ontario](#) [NSUS](#) 
- 2 [PokerStars Ontario](#) [Flutter](#) 
- 3 [Canadian Poker](#) [IGT](#) 
- 4 [BetMGM Ontario](#) [BetMGM](#) 
- 5 [888poker Ontario](#) [888](#) 

# Online Poker Traffic Comparison

30-day moving average of concurrent cash game players. Data provided by GameIntel.



Poker networks are ranked based on moving average of concurrent cash game players observed over a 24-hour period. Global Regulated excludes operators focused primarily on Asia on the US market from offshore. Live data updated daily at 8am UTC. \* Indicates estimated traffic data, updated monthly. Grayed-out networks are either untracked or defunct. Data used under license from [GameIntel.com](https://gameintel.com).

This is "Exhibit **H**" referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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(or as may be)

Alyssa Marie Allen, a Commissioner, etc.  
Province of Ontario, for Borden Ladner Gervais LLP,  
Barristers and Solicitors.  
Expires July 18, 2025.



## Order in Council 210/2024

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:

### 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?

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**Schedule** (<https://www.ontario.ca/page/schedule-order-council-2102024>)

**Ministry of the Attorney General**

**Approved and Ordered:** February 02, 2024

Updated: February 16, 2024

Published: February 16, 2024

This is "Exhibit "I" referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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A Commissioner for Taking Affidavits  
(or as may be)

Alyssa Marie Allen, a Commissioner, etc.  
Province of Ontario, for Borden Ladner Gervais LLP,  
Barristers and Solicitors.  
Expires July 18, 2025.

# Schedule - Order in Council 210/2024

## Order in Council 210/2024

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### 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.

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**Order in Council 210/2024** (<https://www.ontario.ca/orders-in-council/oc-2102024>)

Updated: February 16, 2024

Published: February 16, 2024

This is “Exhibit “J” referred to in the Affidavit of Sarne Lightman affirmed before me at the City of Toronto, in the Province of Ontario, on this 8th day of April, 2024, in accordance with [O. Reg. 431/20](#), Administering Oath or Declaration Remotely.



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Alyssa Marie Allen, a Commissioner, etc.  
Province of Ontario, for Borden Ladner Gervais LLP,  
Barristers and Solicitors.  
Expires July 18, 2025.



**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**

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**STATEMENT OF PARTICULARS**

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February 29, 2024

**THE ATTORNEY GENERAL OF ONTARIO**

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Counsel for the Attorney General of Ontario

## STATEMENT OF PARTICULARS

The Attorney General of Ontario submits that permitting players located in Ontario to participate in online gaming and sports betting involving players located outside Canada is permitted by section 207(1)(a) of the *Criminal Code* for the following reasons:

1. Section 207(1)(a) of the *Code* provides that:

207 (1) Notwithstanding any of the provisions of this Part relating to gaming and betting, it is lawful

(a) 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 legislation of that province.

2. The reference in section 207(1)(a) to a lottery scheme being conducted “in that province” should be construed as having the same meaning as the reference to “in the Province” in sections 92(13) and (16) of the *Constitution Act, 1867*.

3. Accordingly, if a lottery scheme conducted and managed by a province has a real and substantial connection to that province, it is being conducted and managed “in that province” for the purposes of section 207(1)(a).

4. Permitting players participating in Ontario’s electronic gaming scheme to bet against or participate in the same betting pool as players located outside Canada participating in foreign gaming schemes would not change the fact that Ontario’s electronic gaming scheme has a real and substantial connection with Ontario and that the players in Ontario are participating in a lottery scheme located “in that province.”

5. Section 207(1)(a) restricts a province from conducting and managing a lottery scheme involving individuals in another province without that province's permission. It does not place restrictions on persons outside Canada.
6. The decision of the Prince Edward Island Supreme Court – Appeal Division in *Reference re Earth Future Lottery*, 2002 PESCAD 8, aff'd 2003 SCC 10, is distinguishable. That decision concerned section 207(1)(b) of the *Criminal Code*, which governs lottery schemes conducted and managed by a charitable or religious organization pursuant to a provincial license.
7. Placing limits on charitable and religious organizations' ability to conduct and manage lottery schemes involving players outside Canada under section 207(1)(b) does not raise the same concerns with cooperative federalism and the presumption of constitutionality as does limiting provinces' own ability to conduct and manage such schemes under section 207(1)(a). Although both provisions use the words "in the province," the reference in section 207(1)(a) should be given a broader definition to respect provincial autonomy and jurisdiction over gaming.
8. In any event, *Earth Future* concerned the ability of persons outside P.E.I. to participate in a provincially-licensed lottery scheme directly by purchasing lottery tickets from the charity's website. Under Ontario's proposed scheme, persons outside Canada would not directly participate in the lottery scheme conducted and managed by Ontario, which would remain limited to persons physically located in Ontario. Persons outside of Canada would instead participate indirectly, through foreign lottery schemes, by placing bets in games involving Ontario players or participating in the same betting pools as Ontario players.

9. In the alternative, if the Supreme Court’s decision to affirm *Earth Future* means *Earth Future* is binding on this Court’s interpretation of a different statutory provision, this Court may depart from that decision under the criteria set out in *Bedford v. Canada (AG)*, 2013 SCC 72 and *Carter v. Canada (AG)*, 2015 SCC 5 as (1) this case involves a new legal issue; and (2) there has been a change in the circumstances or evidence that “fundamentally shifts the parameters of the debate.”

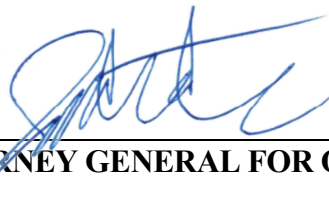
10. As discussed above, this case involves a legal issue – the proper interpretation of federal legislation which limits the actions of a provincial Crown – that was not at issue in *Earth Future*.

11. As well, the matrix of facts in this case will be fundamentally different than the facts that were at issue in *Earth Future*. Internet gaming was in its infancy when *Earth Future* was decided twenty-two years ago. The lottery scheme at issue involved selling lottery tickets through a charity’s website to persons located outside Canada.

12. Here, it is proposed that Ontario and its agents allow players located in Ontario to access online gaming platforms conducted and managed by Ontario and, through electronic means, to participate in peer to peer games and betting involving persons located outside Canada participating in foreign lottery schemes. For example, an Ontario player could play a late-night poker game with players in Asia who are just getting home from work or place a bet on the outcome of the Stanley Cup final as part of a betting pool that also includes hockey fans in the United States.

13. At all times, however, only persons located in Ontario would be directly participating in the lottery scheme conducted and managed by Ontario, even if the result is based in part on the actions of people located outside Canada participating in foreign lottery schemes.

DATED this 29<sup>th</sup> day of February, 2024



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**ATTORNEY GENERAL FOR ONTARIO**

Per. Josh Hunter, Ananthan Sinnadurai, Hera Evans  
and Jennifer Boyczuk

Lawyers for the Attorney General of 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 expanding iGaming to include players located outside Ontario**

**COURT OF APPEAL FOR ONTARIO**

Proceedings commenced at Toronto

**STATEMENT OF PARTICULARS**

**THE ATTORNEY GENERAL OF ONTARIO**

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

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**COURT OF APPEAL FOR ONTARIO**

Proceeding commenced at Toronto

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**AFFIDAVIT OF SARNE LIGHTMAN**

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Lawyers for the Proposed Interveners,  
NSUS Group Inc. and NSUS Limited

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**

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**ORDER**

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**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?

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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](mailto: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](https://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

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

**COURT OF APPEAL FOR ONTARIO**

Proceedings commenced at Toronto

**ORDER**

**THE ATTORNEY GENERAL OF  
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Counsel for the Attorney General of 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**

Proceeding commenced at Toronto

**MOTION RECORD OF THE PROPOSED INTERVENERS,  
NSUS GROUP INC. AND NSUS LIMITED  
*(Motion For Leave To Intervene)***

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