***Caution:***

*This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.*

**CONSULTATION DRAFT**

ontario regulation

to be made under the

Ticket Sales Act, 2017

Amending O. Reg. 318/18

(ADMINISTRATIVE PENALTIES - GENERAL)

 1.  Sections 1 and 2 of Ontario Regulation 318/18 are revoked and the following substituted:

Amount of penalty

 **1.**(1)  For the purposes of subsection 30 (3) of the Act, the amount of an administrative penalty shall be the amount set out in this section.

 (2)  The amount of an administrative penalty that the Director may impose in an order in respect of a contravention of a provision listed in any of items 1, 2 or 3 of Column 1 of Table 1is as follows:

 1. If the maximum event capacity is less than 1,000,

 i. $1,000, if the primary seller that has contravened or is contravening the provision is not a corporation, and

 ii. $2,500, if the primary seller that has contravened or is contravening the provision is a corporation.

 2. If the maximum event capacity is greater than 999 and less than 5,000,

 i. $2,000, if the primary seller that has contravened or is contravening the provision is not a corporation, and

 ii. $5,000, if the primary seller that has contravened or is contravening the provision is a corporation.

 3. If the maximum event capacity is greater than 4,999 and less than 15,000,

 i. $6,000, if the primary seller that has contravened or is contravening the provision is not a corporation, and

 ii. $15,000, if the primary seller that has contravened or is contravening the provision is a corporation.

 4. If the maximum event capacity is 15,000 or greater,

 i. $12,000, if the primary seller that has contravened or is contravening the provision is not a corporation, and

 ii. $20,000, if the primary seller that has contravened or is contravening the provision is a corporation.

 (3)  The amount of an administrative penalty that the Director may impose in an order in respect of a contravention of a provision listed in any of items 4 to 14 of Column 1 of Table 1 is as follows:

 1. If the order imposing the administrative penalty is the first such order issued to the ticket business for contravening the provision within the previous two years,

 i. $500, if the ticket business that has contravened or is contravening the provision is not a corporation, or

 ii. $2,500, if the ticket business that has contravened or is contravening the provision is a corporation.

 2. If the order imposing the administrative penalty is the second such order issued to the ticket business for contravening the provision within the previous two years,

 i. $1,000, if the ticket business that has contravened or is contravening the provision is not a corporation, or

 ii. $5,000, if the ticket business that has contravened or is contravening the provision is a corporation.

 3. If the order imposing the administrative penalty is the third or subsequent such order issued to the ticket business for contravening the provision within the previous two years,

 i. $3,000, if the ticket business that has contravened or is contravening the provision is not a corporation, or

 ii. $15,000, if the ticket business that has contravened or is contravening the provision is a corporation.

 (4) If the Director issues an order imposing an administrative penalty in respect of the contravention by a ticket business of a provision listed in any of the items of Column 1 of Table 1 and if the Director is satisfied that the business is subsequently in contravention of the same provision, the Director shall not issue an order imposing an administrative penalty in respect of the subsequent contravention until at least seven days have passed since the day that the previous order has been served on the business.

 (5)  The following rules apply if the Director is satisfied that a ticket business has contravened or is contravening the same one provision listed in any of the items of Column 1 of Table 1 two or more times before issuing an order imposing an administrative penalty in respect of the contraventions:

 1. The order shall treat the contraventions as a single contravention.

 2. If the provision is listed in item 1, 2 or 3 of Column 1 of Table 1 and more than one amount set out in paragraph 1, 2, 3 or 4 of subsection (2) would apply in respect of the contraventions, the amount of the administrative penalty imposed by the order shall be the highest amount that would apply.

Table 1

|  |  |  |
| --- | --- | --- |
| Item | Column 1Provision contravened or being contravened | Column 2Description of contravention |
| 1. | Clause 5 (1) (a) | Primary seller fails to publicly disclose the maximum capacity for an event as soon as it has the information and no later than the time at which the seller makes any tickets to the event available for sale. |
| 2. | Clause 5 (1) (b) | Primary seller who makes tickets to an event available for sale in batches fails to publicly disclose the information described in the provision for each batch as soon as the seller has the information and no later than the time at which the seller first makes the batch available for sale. |
| 3. | Clause 5 (1) (c) | Primary seller who does not make tickets to an event available for sale in batches fails to publicly disclose the information described in the provision as soon as the seller has the information and no later than the time at which the seller makes any tickets to the event available for sale.  |
| 4. | Clause 6 (1) (a) | Primary seller fails to ensure that the offer discloses the total price of the ticket and includes a separately itemized list of any applicable fees, service charges and taxes. |
| 5. | Clause 6 (1) (b) | Primary seller fails to ensure that the face value of the ticket is printed on or is otherwise displayed on the ticket when it is issued to the ticket purchaser. |
| 6. | Clause 6 (2) (a) | Secondary seller fails to ensure that the offer discloses the face value of the ticket and the total price charged on the secondary sale of the ticket. |
| 7. | Clause 6 (2) (b) | Secondary seller fails to ensure that the offer includes a separately itemized list of any applicable fees, service charges and taxes. |
| 8. | Clause 6 (3) (a) | Operator of a secondary ticketing platform fails to ensure that the offer discloses the face value of the ticket and the total price charged on the secondary sale of the ticket. |
| 9. | Clause 6 (3) (b) | Operator of a secondary ticketing platform fails to ensure that the offer includes a separately itemized list of any applicable fees, service charges and taxes. |
| 10. | Clause 7 (2) (a) | Ticket business fails to ensure that any dollar amounts listed in the offer are listed in Canadian currency. |
| 11. | Clause 7 (2) (b) | Ticket business fails to ensure that the ticket purchaser is charged in Canadian currency. |
| 12. | Subsection 7 (3) | Ticket business fails to ensure that the location of the seat or standing area that the ticket entitles the ticket holder to occupy, if applicable, is disclosed in the offer. |
| 13. | Subsection 8 (1) | Secondary seller fails to disclose the secondary seller’s name, location and contact information when it makes a ticket available for sale, except if an operator of a secondary ticketing platform that facilitates the sale of the ticket has provided the guarantee described in paragraph 1 of subsection 2 (1) of the Act. |
| 14. | Subsection 8 (2) | Operator of a secondary ticketing platform that facilitates the sale of a ticket by a secondary seller fails to ensure that the secondary seller’s name, location and contact information is listed in the offer, except if the operator has provided the guarantee described in paragraph 1 of subsection 2 (1) of the Act. |

Commencement

 2.  [Commencement]