

## **NATB PROVINCE STATUTES ON TICKET SELLING**

As a benefit to its Membership, the National Association of Ticket Brokers (“NATB”) has compiled the attached materials which provide the text of province statutes dealing with the resale of tickets.

Considering the nature of this compilation, it is impossible for the NATB to confirm the validity of the information contained herein or that these are the laws that are in effect in a particular province. The NATB does not vouch or warrant the accuracy of this information but is rather providing what it believes to be a reasonable view of the current law. In fact, further input from the recipients is necessary to ensure that the information in this survey is correct and kept up to date. Accordingly, each of you is urged to review this survey and ensure the accuracy of the information for the province in which you are located or for any other province which you have personal knowledge of the existing law. Please contact Gary Adler at (202) 216-8307 with any comments.

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## **OVERVIEW OF PROVINCES LAWS**

### **Alberta -**

No statute. Alberta once had legislation against ticket brokers which was rescinded because it was too difficult to enforce.

### **British Columbia -**

No statute.

### **Manitoba -**

Prohibits the sale of tickets for a price greater than that paid to the original seller. A violator is subject to a fine up to \$5,000.

### **New Brunswick -**

No statute.

### **Newfoundland and Labrador -**

No statute.

### **Northwest Territories -**

No statute.

### **Nova Scotia -**

No statute.

### **Nunavut -**

No statute.

### **Ontario -**

Re-selling tickets above face value is prohibited by the Ticket Speculation Act and is punishable by a fine of \$5,000 for an individual (including those buying the tickets above face) or \$50,000 for a corporation.

The Ticket Speculation Act does not apply to the sale of tickets by an agent of a theatre, opera house, public hall, or grandstand, or of the owner or promoter of a show, game, race meeting, exhibition, or amusement of any kind for the sale of tickets. The commission charged upon the sale of these tickets is subject to a maximum commission between \$0.25 and \$0.50 per ticket.

### **Prince Edward Island -**

No statute.

**Québec -**

It is illegal for ticket brokers to resell a ticket for more than the face value of the ticket without first obtaining permission from the ticket's original vendor. Brokers reselling tickets are required to inform consumers the tickets are being resold, and must tell consumers the name of the ticket's original vendor and the original face value price.

The penalty for violating the law includes fines up to \$100,000. For a second or subsequent conviction, the offender is liable to a fine twice as high as those prescribed for first offenders.

**Saskatchewan -**

No person or secondary seller may resell, advertise or list for resale, in any manner, any tickets to an event in Saskatchewan until at least 48 hours after the tickets were made available to the general public by a primary seller. After 48 hours, the legislation does not prohibit advertising or the reselling of tickets, nor does it place any controls on the price for which tickets can be resold. In addition, the law prohibits the advertisement or sale of tickets that are not in the person's possession or control. It also prohibits the use of automated devices to circumvent a ticket seller's website or security measure.

**Yukon Territories -**

No statute.

# Manitoba



R.S.M. 1987, c. A70, s. 44

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## Manitoba Statutes

☞ The Amusements Act

☞ Part VIII — Enforcement

**s 44. Offences and penalties**

Manitoba Current to Gazette Vol. 141:24 (June 16, 2012)

**44. Offences and penalties**

Every person who

- (a) contravenes any provision of this Act or the regulations; or
- (b) hinders or misleads a person authorized to carry out an investigation or inspection under this Act; or
- (c) furnishes false information to a person referred to in clause (b); or
- (d) withholds, conceals or destroys anything relevant to the subject matter of an investigation under this Act; or
- (e) hinders or prevents the board from effectively carrying out its duties and powers under this Act; or
- (f) fails, refuses or neglects to comply with a decision or order of the board;

is guilty of an offence, and in addition to any other penalty provided by this Act, is liable, on summary conviction, to a fine not exceeding \$5,000. and to such costs as may be awarded by the court.

1991-92, c. 7, s. 10; 2004, c. 20, s. 5

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R.S.M. 1987, c. A70, s. 60

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Manitoba Statutes

▣ The Amusements Act

▣ Part X — General

**s 60. Scalping**

Manitoba Current to Gazette Vol. 141:24 (June 16, 2012)

**60. Scalping**

No person shall sell, barter or exchange for anything any ticket of admission to a place of amusement for a price or consideration greater than that paid or given therefor to the owner of the place of amusement to which it is an admission.

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# Ontario

Ontario Current to Gazette Vol. 145:25 (June 23, 2012)

## **1. Definition**

In this Act,

**"primary seller"** means a person, other than a secondary seller, who is engaged in the business of making tickets available for sale, and includes the owner of the place to which a ticket provides admission, the promoter of the event occurring at that place and any agent or broker of those persons;

**"secondary seller"** means a person who is engaged in the business of making available for sale tickets that have been acquired in any manner and by any person from or through a primary seller;

**"ticket"** means a card, pass or other document upon presentation of which the holder is entitled to admission to any theatre, opera house, public hall, show, game, grandstand, race meeting, exhibition or amusement of any kind.

2010, c. 27, s. 1(1)

## **2. Offences**

Every person who,

### **(a) selling**

— being the holder of a ticket, sells or disposes of the ticket at a higher price than that at which it was first issued, or endeavours or offers so to do; or

### **(b) purchasing as a speculation or at a higher price than advertised**

— purchases or attempts to purchase tickets with the intention of reselling them at a profit, or purchases or offers to purchase tickets at a higher price than that which they are advertised or announced to be for sale by the owner or proprietor of any place mentioned in section 1,

is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

## **2.1**

### **2.1(1) Prohibition, primary seller**

No primary seller shall make a ticket available for sale for admission to an event in Ontario if a ticket for admission to the same event is or has been made available for sale by a secondary seller who is related to the primary seller.

### **2.1(2) Prohibition, secondary seller**

No secondary seller shall make a ticket available for sale for admission to an event in Ontario if a ticket for admission to the same event is or has been made available for sale by a primary seller who is related to the secondary seller.

### **2.1(3) Related**

For the purposes of subsections (1) and (2), a primary seller and a secondary seller are related if a relationship between them, whether corporate, contractual or other, results, directly or indirectly, in an incentive for the primary seller to withhold tickets for sale by the primary seller so that they can be sold by, through or with the assistance of the secondary seller instead.

### **2.1(4) Offence**

A person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to,

- (a) if the person is an individual, a fine of not more than \$5,000; and

(b) if the person is a corporation, a fine of not more than \$50,000.

**s 3. Exception as to sale on commission at hotel stands and stores**

Ontario Current to Gazette Vol. 145:25 (June 23, 2012)

**3. Exception as to sale on commission at hotel stands and stores**

This Act does not apply to the sale of tickets by the proprietor of a shop or hotel stand or a servant of the proprietor when such proprietor is an agent of a theatre, opera house, public hall, or grandstand, or of the owner or promoter of a show, game, race meeting, exhibition, or amusement of any kind for the sale of tickets, and where the commission charged upon the sale of each ticket does not exceed the maximum prescribed in the Schedule to this Act.

**s 4. Regulations**

Ontario Current to Gazette Vol. 145:25 (June 23, 2012)

**4. Regulations**

The Attorney General may make regulations exempting any person or class of persons from this Act and prescribing conditions attaching to an exemption.

Ontario Statutes

 [Ticket Speculation Act](#)

 [\[Schedule\]](#)

Ontario Current to Gazette Vol. 145:25 (June 23, 2012)

**Schedule**

**[1]**

Price of Ticket ..... Maximum Commission

Up to \$1.99 ..... .25

\$2.00 to \$2.99 ..... .35

\$3.00 to \$3.99 ..... .45

\$4.00 and up ..... .50

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**Québec**

# Consumer Protection Act

## TITLE II

### BUSINESS PRACTICES

**236.1.** No merchant may sell a ticket to a consumer at a price above that announced by the vendor authorized to sell the tickets by the producer of the event.

The prohibition set out in the first paragraph does not apply to a merchant who

- (a) has the prior authorization of the producer of the event to resell a ticket at a higher price;
  - (b) resells the ticket in a manner that is compliant with the agreement the merchant entered into with the producer of the event;
  - (c) clearly informs the consumer before reselling the ticket
- (i) of the identity of the authorized vendor referred to in the first paragraph, of the fact that tickets may be available from the latter and of the advertised price of the tickets;
  - (ii) that the ticket is being resold and, where applicable, of the maximum resale price agreed to by the producer of the event.

For the purposes of this section, “ticket” means any document or instrument that upon presentation gives the ticket holder a right of entry to a show, sporting event, cultural event, exhibition or any other kind of entertainment.

2011, c. 22, s. 1.

**Consumer Protection Act**  
**CHAPTER III**  
**PENAL PROVISIONS**

**277.** Every person who

(a) contravenes this Act or any regulation;

(b) gives false information to the Minister, the president or any person empowered to make an investigation under this Act;

(c) hinders the application of this Act or of any regulation;

(d) does not comply with a voluntary undertaking made under section 314 or whose application has been extended by an order under section 315.1;

(e) disobeys a decision of the president;

(f) being subject to an order of the court under section 288, omits or refuses to comply with such order, is guilty of an offence.

1978, c. 9, s. 277; 1992, c. 58, s. 2.

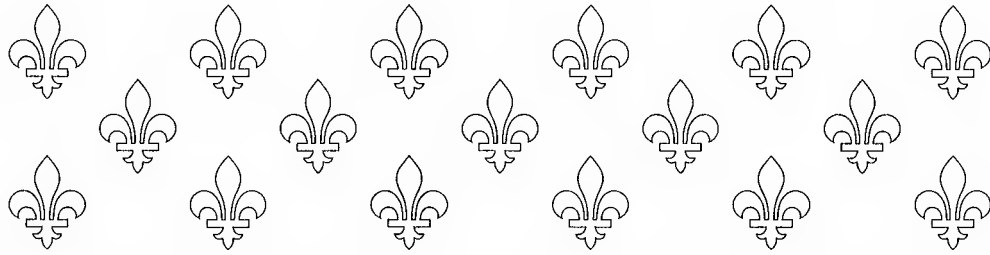
**278.** A person convicted of an offence constituting a prohibited practice or an offence under paragraph *b*, *c*, *d*, *e* or *f* of section 277 is liable

(a) in the case of a natural person, to a fine of \$600 to \$15,000;

(b) in the case of a legal person, to a fine of \$2,000 to \$100,000.

For a second or subsequent conviction, the offender is liable to a fine with minimum and maximum limits twice as high as those prescribed in subparagraph *a* or *b*, as the case may be.

1978, c. 9, s. 278; 1990, c. 4, s. 703; 1992, c. 58, s. 3; 1999, c. 40, s. 234.



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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 25

**An Act to prohibit the resale of tickets  
at a price above that announced by the  
authorized vendor**

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**Introduction**

**Introduced by  
Mr. Jean-Marc Fournier  
Minister of Justice**

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**Québec Official Publisher  
2011**

#### **EXPLANATORY NOTES**

*This bill prohibits a merchant from selling tickets at a price above that announced by the authorized vendor.*

*A ticket is defined as a document or instrument giving admission to entertainment of any kind.*

#### **LEGISLATION AMENDED BY THIS BILL:**

- Consumer Protection Act (R.S.Q., chapter P-40.1).

## Bill 25

### AN ACT TO PROHIBIT THE RESALE OF TICKETS AT A PRICE ABOVE THAT ANNOUNCED BY THE AUTHORIZED VENDOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Consumer Protection Act (R.S.Q., chapter P-40.1) is amended by inserting the following section after section 236:

**“236.1.** No merchant may sell a ticket to a consumer at a price above that announced by the vendor authorized to sell the tickets by the producer of the event.

For the purposes of the first paragraph, “ticket” means any document or instrument that upon presentation gives the ticket holder a right of entry to a show, sporting event, cultural event, exhibition or any other kind of entertainment.”

**2.** This Act comes into force on the date to be set by the Government.

# Saskatchewan

## CHAPTER T-13.1

### An Act respecting the Sale of Tickets

#### Short title

- 1 This Act may be cited as *The Ticket Sales Act*.

#### Interpretation

- 2 In this Act:

- (a) **“consumer”** means an individual who participates, as a purchaser, in a transaction involving the sale of a ticket;
- (b) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (c) **“prescribed”** means prescribed in the regulations;
- (d) **“primary seller”** means a person, other than a secondary seller, who is engaged in the business of making tickets available for sale, and includes the owner of the place to which a ticket provides admission, the promoter of the event occurring at that place and any agent or broker of those persons;
- (e) **“secondary seller”** means a person, or any agent or broker of that person, who is engaged in the business of making available for sale tickets that have been acquired in any manner and by any person from or through a primary seller;
- (f) **“ticket”** means any card, pass, paper, document or thing, whether in electronic form or otherwise, that, on presentation, entitles the holder to admission to an event.

2010, c.T-13.1, s.2.

#### Non-application of Act

- 3 This Act, or any prescribed provision of this Act, does not apply:

- (a) to any prescribed person or any prescribed class of persons; or
- (b) in any prescribed circumstance.

2010, c.T-13.1, s.3.

#### 4 Not Yet Proclaimed.

**c. T-13.1****TICKET SALES****No references or links to secondary sellers permitted**

**5** Subject to any prescribed exception, no primary seller shall permit, for an event that will take place in Saskatchewan, a reference to, or a link to, a secondary seller:

- (a) in the primary seller's promotional material;
- (b) on an Internet website of the primary seller; or
- (c) as part of any sale of tickets by the primary seller.

2010, c.T-13.1, s.5.

**Restrictions re advertising of tickets and sales**

**6(1)** No person, other than a primary seller, shall sell, advertise or list for sale, in any manner, any tickets to an event in Saskatchewan until at least 48 hours after the tickets to the same event were made available to the general public by a primary seller.

**(2)** No person, other than a primary seller, shall sell, advertise or list for sale, in any manner, any tickets to an event in Saskatchewan unless the tickets are in the person's possession or control.

**(3)** In the prescribed circumstances, no primary seller shall sell tickets to purchasers outside a prescribed geographic region for a prescribed period.

2010, c.T-13.1, s.6.

**Software**

**7(1)** In this section:

- (a) **"bot"** means a computer software application that runs automated tasks on the Internet;
- (b) **"software"** means any computer program that has the effect of interfering with the operation of any person that sells tickets over the Internet, whether through the use of a bot or otherwise.

**(2)** No person shall use or sell software to circumvent any of the following on a ticket seller's Internet website:

- (a) a security measure;
- (b) an access control system;
- (c) a control or measure that is used to ensure an equitable ticket buying process.

2010, c.T-13.1, s.7.

## TICKET SALES

## c. T-13.1

**Information and reports by owners of public venues**

8 Every venue owned or operated by the province or a municipality at which events are held shall, in accordance with the regulations:

- (a) provide a report to the minister; and
- (b) disclose the prescribed information to the public.

2010, c.T-13.1, s.8.

**Consumer may commence action**

9(1) Subject to subsection (2), a consumer who has suffered a loss as a result of a contravention of section 4, 5, 6 or 7 may commence an action in a court against a person who has contravened one of those provisions.

(2) A consumer seeking a remedy mentioned in clause 10(1)(c) or (d) must commence the action in the Court of Queen's Bench.

2010, c.T-13.1, s.9.

**Court order**

10(1) If a court finds that a person has contravened section 4, 5, 6, or 7, the court may:

- (a) order restitution of any money or other consideration given or furnished by the consumer;
- (b) award the consumer damages in the amount of any loss suffered because of the contravention, including punitive or exemplary damages;
- (c) grant an injunction restraining the person from continuing to contravene the provision;
- (d) make an order of specific performance against the person; or
- (e) make any other order the court considers appropriate.

(2) An order pursuant to clause (1)(b) for exemplary or punitive damages may not be made against a person if the person took reasonable precautions and exercised due diligence to avoid contravening section 4, 5, 6 or 7.

2010, c.T-13.1, s.10.

**Offences and penalties**

11(1) No person shall contravene any provision of this Act or the regulations.

(2) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and is liable on summary conviction:

- (a) for a first offence:
  - (i) in the case of an individual, to a fine of not more than \$5,000, to imprisonment for a term of not more than one year or to both; and
  - (ii) in the case of a corporation, to a fine of not more than \$100,000; and

**c. T-13.1****TICKET SALES**

- (b) for a second or subsequent offence:
  - (i) in the case of an individual, to a fine of not more than \$10,000, to imprisonment for a term of not more than one year or to both; and
  - (ii) in the case of a corporation, to a fine of not more than \$500,000.
- (3) Every director, officer or agent of a corporation who directed, authorized, assented to or acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

2010, c.T-13.1, s.11.

**Limitation on prosecution**

- 12 No prosecution for a contravention of this Act or the regulations is to be commenced more than two years from the date on which the offence is alleged to have been committed.

2010, c.T-13.1, s.12.

**Regulations**

- 13 The Lieutenant Governor in Council may make regulations:
  - (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
  - (b) exempting any person or any class of persons from this Act or any prescribed provision of this Act and, as a condition of the exemption, requiring any person or class of persons to comply with any prescribed term or condition, and prescribing any circumstance in which this Act or any prescribed provision of this Act does not apply;
  - (c) for the purposes of subsection 6(3):
    - (i) prescribing a geographic region outside of which a primary seller shall not sell tickets;
    - (ii) prescribing the circumstances in which a primary seller shall not sell tickets to purchasers outside the geographic region prescribed pursuant to subclause (i); and
    - (iii) prescribing a period within which a primary seller shall not sell tickets outside the geographic region prescribed pursuant to subclause (i);

## TICKET SALES

## c. T-13.1

- (d) respecting the report to be provided to the minister pursuant to section 8, including:
  - (i) prescribing the information to be included in the report;
  - (ii) prescribing the manner in which the report is to be provided; and
  - (iii) prescribing the times at which the report is to be provided;
- (e) respecting the information to be disclosed to the public pursuant to section 8, including:
  - (i) prescribing the information to be disclosed;
  - (ii) prescribing the manner in which the information is to be disclosed; and
  - (iii) prescribing the times at which the information is to be disclosed;
- (f) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2010, c.T-13.1, s.13.

**Coming into force**

- 14** This Act comes into force on proclamation.

2010, c.T-13.1, s.14.

