



Ontario Expands Laws Against Ticket Scalping

December 21, 2010 by Bob Tarantino

The Ontario government today proclaimed into force the *Ticket Speculation Amendment Act, 2010* which amends the *Ticket Speculation Act*, RSO 1990, c. T-7. According to this CBC story, the new legislation is intended to "stop U.S. entertainment giant Ticketmaster and others from selling and reselling tickets to the same event".

As it stands, the *Ticket Speculation Act* makes virtually all sales of (or even attempts to sell) a ticket to a sports or entertainment event (whether a "theatre, opera house, public hall, show, game, grandstand, race meeting, exhibition or amusement of any kind") for any amount over the face value of the ticket an offence subject to a fine of not more than \$5,000.

Municipalities may also have by-laws which speak to the matter of "scalping" - the City of Toronto's Municipal Code contains Chapter 743-2 which prohibits using or occupying "a street for the purposes of the sale, or offering for sale, of event tickets". Violating that provision of the Municipal Code carries its own fine of up to \$5,000. (There have been a couple of unsuccessful attempts by persons charged with violating the Code to argue that the provincial law somehow supersedes or renders unenforceable the municipal law - see *City of Toronto v. Cacciatore* (2007 ONCJ 92 (CanLII)), affirmed *Toronto (City of) v. Cacciatore* (2002 CanLII 44998 (ONCA)), and *R. v. Koverko* (2005 ONCJ 420 (CanLII)).)

Julie Gibson, in 2008, wrote a nice overview in the *Lawyers Weekly* of ticket scalping legislation throughout Canada: Hot tickets - The move from streetside scalping to online ticket speculation.

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