


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 289

, Approved and Ordered May 14, 2021



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective July 1, 2021,

- (a) that part of section 1 not yet in force and sections 3 to 17 and 20 to 29 of the *Ticket Sales Act*, S.B.C. 2019, c. 13, are brought into force, and
- (b) the attached Ticket Sales Regulation is made.



Minister of Public Safety and Solicitor General



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Ticket Sales Act*, S.B.C. 2019, c. 13, ss. 27 to 30

Other:

R10509203

TICKET SALES REGULATION

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Definitions

1 In this regulation:

“**Act**” means the *Ticket Sales Act*;

“**campus**” means land and improvements that are used primarily for the purposes of

- (a) delivering educational programs or other learning programs,
- (b) research, or
- (c) providing student services or services by affiliated student organizations;

“**governor**” means the board or other person or body responsible for the governance of a place;

“**lease**”, in relation to a place, includes any form of permission to use the place;

“**resale**” means to make available for sale tickets that were originally made available for sale by a primary ticket seller.

General exemptions

2 (1) Subject to subsections (2) and (3), a ticket service provider is exempt from the Act and the regulations with respect to the sale and resale of tickets for events held at any of the following places:

- (a) a school, francophone school or Provincial school within the meaning of the *School Act*;
- (b) an independent school within the meaning of the *Independent School Act*;
- (c) a school for students in kindergarten or any of grades 1 to 12 that is operated
 - (i) by a participating First Nation or a Community Education Authority within the meaning of the *First Nations Jurisdiction over Education in British Columbia Act* (Canada),
 - (ii) on a reserve within the meaning of the *Indian Act* (Canada), or
 - (iii) by a treaty first nation or the Nisga’a Nation;
- (d) the campus of an institution or a university within the meaning of the *College and Institute Act*;
- (e) the campus of an institution regulated under the *Private Training Act* or the *Degree Authorization Act*;
- (f) the campus of a post-secondary educational institution operated by

- (i) a first nation, a treaty first nation, the Nisga'a Nation, the Westbank First Nation, the Sechelt Indian Band or the Sechelt Indian Government District, or
 - (ii) a society within the meaning of the *Societies Act* or a corporation within the meaning of the *Canada Not-for-profit Corporations Act*
 - (A) that has, as one of its purposes, the provision of post-secondary education to Indigenous peoples, and
 - (B) of which the majority of the directors are Indigenous;
 - (g) the campus of an institution established
 - (i) under, or by a body that is incorporated under, a private Act, and
 - (ii) primarily for the purpose of providing education, whether religious or otherwise, to adult students;
 - (h) a place of public worship;
 - (i) a place owned or operated by
 - (i) a municipality or regional district,
 - (ii) the executive committee, the Islands Trust Conservancy, the trust council or a local trust committee within the meaning of the *Islands Trust Act*,
 - (iii) a treaty first nation, the Nisga'a Nation, a Nisga'a Village, the Westbank First Nation, the Sechelt Indian Band or the Sechelt Indian Government District, or
 - (iv) a society within the meaning of the *Societies Act* that, under an enactment of the Nisga'a Lisims Government, is designated as a Nisga'a Urban Local Society;
 - (j) the park for which the Cultus Lake Park Board, continued under section 3 (2) of *The Cultus Lake Park Act*, is responsible;
 - (k) a place for which the Vancouver Park Board, established under section 485 of the *Vancouver Charter*, is responsible.
- (2) The exemption under subsection (1) does not apply if the place is leased, for the purpose of holding the event, to a person who is not an owner or governor of any place referred to in that subsection.
- (3) The exemption under subsection (1) (i) does not apply if the place is operated by the Pacific National Exhibition, as incorporated under the *Pacific National Exhibition Incorporation Act*.

General exemption for films at theatres

- 3** A person who is licensed under the *Motion Picture Act* to carry on the business of a theatre is exempt from the Act and the regulations with respect to the sale and resale of tickets for films being shown at the theatre.

Exemptions respecting secondary ticket sales

- 4** (1) A secondary ticket seller and a secondary ticketing platform operator are exempt from section 6 [*secondary ticket sale*] of the Act, but only with respect to the resale of tickets or the facilitation of the sale of tickets, as applicable, for the

benefit of a registered charity within the meaning of section 248 (1) of the *Income Tax Act* (Canada).

- (2) A secondary ticketing platform operator is exempt from section 6 of the Act if the operator is engaged solely in the business of advertising the resale of tickets and performs no other activity with respect to the sale or resale of tickets.
- (3) A secondary ticket seller and a secondary ticketing platform operator are exempt from section 6 (a) (i) of the Act with respect to the sale or resale of a particular ticket or the facilitation of the sale of a particular ticket, as applicable, if all of the following conditions are met:
 - (a) the ticket was intended to provide admission to a scheduled event, but that event was cancelled and rescheduled;
 - (b) the ticket service provider offers to the ticket purchaser, prominently and in writing, that ticket purchaser's choice of
 - (i) a full refund, or
 - (ii) a ticket that provides admission to the rescheduled event;
 - (c) the ticket purchaser expressly accepts the offer of the ticket that provides admission to the rescheduled event.

Additional disclosure requirements

- 5** In addition to the requirements under section 5 [*general disclosure requirements*] of the Act, a ticket service provider must ensure that an offer to sell a ticket discloses any restrictions on
 - (a) the form of the ticket, and
 - (b) the sale or transfer of the ticket by the original ticket purchaser to another person.

Administrative penalties

- 6** (1) For the purposes of section 15 [*administrative penalties*] of the Act, a director may impose an administrative penalty on a person who contravenes any of the following:
 - (a) a provision referred to in section 20 (2) [*offences*] of the Act;
 - (b) section 20 (3) (a), (b), (c) or (d) (i) or (ii) of the Act.
- (2) A director may impose administrative penalties on a daily basis for continuing contraventions.
- (3) A notice imposing an administrative penalty for a contravention of a provision referred to in subsection (1) must be cancelled in respect of the contravention if the person on whom the notice was served demonstrates to the satisfaction of a director that the person exercised due diligence to prevent that contravention.
- (4) If a person fails to pay an administrative penalty as required under section 167 [*due date of penalty*] of the *Business Practices and Consumer Protection Act*, a director, before filing the notice of penalty with a court in accordance with section 168 (2) [*enforcement of administrative penalty*] of that Act, must impose an additional administrative penalty equal to 10% of the unpaid administrative penalty.

- (5) References in subsection (4) to the *Business Practices and Consumer Protection Act* are to be read as that Act applies under section 15 (3) of the *Ticket Sales Act*.

Service of notice or order

- 7 In addition to the methods of service permitted under section 24 [*service*] of the Act, any notice or order required to be given or served by a director or an inspector under the Act is sufficiently given to or served on a person if given or served by any of the following methods:
- (a) by leaving a copy with an agent of the person;
 - (b) by sending a copy by ordinary or registered mail to the address at which the person carries on business;
 - (c) by sending a copy by email to the email address provided by the person;
 - (d) by leaving a copy in a mailbox or mail slot for the address at which the person carries on business;
 - (e) by attaching a copy to a door or other conspicuous place at the address at which the person carries on business;
 - (f) by transmitting a copy to a fax number provided as an address for service by the person.