

GAMING CONTROL ACT

[SBC 2002] CHAPTER 14

19 (1) The lottery corporation must not, under section 18, develop, use or operate a facility, other than as permitted under section 18 (2), as a gaming facility, relocate an existing gaming facility or substantially change the type or extent of lottery schemes or horse racing at a gaming facility, unless the lottery corporation

(a) first receives the approval, in the prescribed form and manner, from the host local government,

(b) is satisfied that the host local government has consulted with each potentially affected local government with respect to the subject matters prescribed by regulation, and

(c) is satisfied, in the case of the location or relocation of a gaming facility, that any applicable requirements of Division 2 of Part 8 respecting the registration of any proposed gaming services provider have been complied with.

(2) A host local government must not give an approval referred to in subsection (1) (a) unless, before or concurrently with giving the approval, the host local government satisfies the lottery corporation that adequate community input has been sought and considered.

Gaming Control Act; Financial Administration Act
GAMING CONTROL REGULATION

Part 3 — Gaming Facilities

Definition for the Act of "adequate community input"

10 The expression "**adequate community input**", used in section 19 (2) of the Act, means comments, information and representations received, from persons who reside in the community or are representative of organizations in the community, by the host local government, after the host local government has both

- (a) given public notice within the community about the proposal and the particulars of the proposal, and
- (b) provided an opportunity for the residents and representatives to provide comments, information and representations concerning the proposal, in the form of
 - (i) one or more public hearings or public meetings,
 - (ii) a referendum of the residents, or
 - (iii) an alternative form of opportunity, if any, approved in writing by the general manager.

[en. B.C. Reg. 183/2006, s. 6.]

Consultations respecting gaming facilities

12.1 (1) In this section:

"highway" means highway as defined in section 1 of the *Transportation Act*;

"proposed decision" means a proposed decision by the lottery corporation under section 18 of the Act to develop, use or operate a facility as a gaming facility, to relocate an existing gaming facility or substantially change the type or extent of lottery schemes or horse racing at a gaming facility.

(2) Before a host local government approves under section 19 (1) (a) of the Act a proposed decision, for the purpose of conducting the consultations referred to in section 19 (1) (b) of the Act the host local government must

- (a) notify, in writing, the potentially affected local governments regarding the proposed decision, and
- (b) provide the lottery corporation with a copy of each notice provided under paragraph (a).

(3) A notice under subsection (2) must

- (a) provide information about the proposed decision, including the location and type of the gaming facility or of the proposed gaming facility, and any other general information that, in the opinion of the host local government, would facilitate the notice recipient's consideration of the proposed decision, and
- (b) advise that the notice recipient may provide, within 30 days after the day the notice is received, written comments regarding the proposed decision and that those comments must be confined to the matters set out in subsection (5).

(4) A potentially affected local government that receives a notice under subsection (2) may provide, within 30 days after the date the notice was received, its written comments to the host local government regarding the proposed decision.

(5) Comments provided under subsection (4) must be confined to the following matters:

- (a) infrastructure or policing costs;
- (b) traffic and highway use.

(6) Subject to subsection (7), the host local government must consider written comments provided under subsection (4) that are confined to the matters set out in subsection (5) and, if requested by the sender of those comments, must provide a written reply to them.

(7) If a potentially affected local government that receives a notice under subsection (2) does not provide written comments under subsection (4), the host local government may proceed on the basis that consultations with that municipality, regional district or first nation have taken place and are concluded.

(8) A host local government must notify, in writing, each potentially affected local government to which it sent a notice under subsection (2) of its decision whether or not to approve the proposed decision.

(9) If a notice under subsection (2) or (8) is sent by ordinary mail, it must be sent to the most recent address known to the sender and is deemed to be received

(a) on the fifth day after the day it is mailed, or

(b) if that day is a Saturday or holiday, on the next day that is not a holiday.

(10) If a notice under subsection (2) or (8) is sent by electronic transmission, it is deemed to be received

(a) on the day it was sent, or

(b) if that day is a Saturday or holiday, on the next day that is not a holiday.

(11) The distance prescribed for the purposes of the definition of "potentially affected local government" in section 17.1 of the Act is 5 km from the perimeter of the gaming facility or proposed gaming facility.

[en. B.C. Reg. 280/2004, s. 5; am. B.C. Regs. 183/2006, s. 9; 122/2007.]

Filing of objections

12.2 An objection under section 21 (1) of the Act must be filed within 10 days after the date the notice under section 12.1 (8) was received.

[en. B.C. Reg. 280/2004, s. 5.]

Requirements for local government or first nation approval of gaming facilities

13 The approval that may be granted under section 19 (1) (a) of the Act by the host local government must

(a) be in the form of a resolution or of a letter on the official letterhead of the host local government and delivered in duplicate to

(i) the lottery corporation, and

(ii) the general manager,

(b) specify the effective date of the approval, if different from the date of the resolution or letter,

(c) be executed by the duly authorized official or officials of the host local government,

(d) identify the potentially affected local governments that have been consulted,

(e) Repealed. [B.C. Reg. 280/2004, s. 6 (b).]

(f) summarize the outcome of the consultations, and

(g) confirm the manner in which it obtained community input.

[am. B.C. Regs. 280/2004, s. 6; 183/2006, s. 10.]