



Enforcement Bulletin: Common Gaming Houses

Purpose

The purpose of this Enforcement Bulletin is to advise people of the risks involved when participating in unlicensed gambling activity, especially in a commercial establishment.

Gambling activity is often referred to as gaming and both terms (“gaming” and “gambling”) should be used interchangeably in this Bulletin.

Introduction

Gambling in BC is regulated by both the *Criminal Code* of Canada and BC’s *Gaming Control Act* (along with its regulations, rules, directives, terms and conditions, and policies).

In general, gambling is specifically prohibited in Canada and offences related to gambling are set out in the *Criminal Code*. The two main exceptions to this prohibition are:

- Gambling activities conducted and managed by the Province; and
- Gambling activities conducted and managed pursuant to a licence issued by the Province, through the Gaming Policy and Enforcement Branch.

In addition, the *Code* does not prohibit:

- Horse racing activities conducted pursuant to a licence issued by the Province, through the Gaming Policy and Enforcement Branch; and
- Private bets between individuals who are not in the business of betting.

All gambling authorized by the Province is done in accordance with the *Criminal Code* and the *Gaming Control Act*.

Law enforcement officials (either RCMP or municipal police forces), in cooperation and with the assistance of provincial investigators designated under the *Gaming Control Act*, will investigate and recommend charges relating to gambling offences found in the *Criminal Code*.

Provincial investigators designated under the *Gaming Control Act* will investigate and recommend charges relating to offences under the *Gaming Control Act*. At times, law enforcement officials will be involved in such investigations and the recommendation of charges.

It is recommended that any person that intends to engage in gambling activities that are not licensed by the Province, through the Gaming Policy and Enforcement Branch, seek independent legal advice before engaging in these activities. Even activities that do not appear to be directly related to a gambling activity may fall within some of the gambling offence sections of the *Criminal Code*. Further, in some cases, the circumstances surrounding an activity that may not appear to be gambling change so that it evolves into a form of gambling.

One example of an unlicensed gambling activity not permitted by the *Criminal Code* is the offence of keeping a common gaming or betting house.

What is a Common Gaming House?

Common Gaming House is a term used in the *Criminal Code* to describe establishments where gambling or betting takes place. These establishments could be accessible to the public or they could be private locations open only to certain individuals.

There are certain factors that are general indicators of whether or not an establishment is a common gaming house. The existence of some or all of these indicators could, if charges were laid under the *Criminal Code*, result in a conviction. Although this is not an exhaustive list, these factors include, but are not limited to:

- The place where the gaming occurs is kept for gain;
- A person in charge of the place where the gaming occurs knows the gaming is taking place and encouraging it in some manner;
- There is a chance to win or lose money (or some item of value) for the players of the game;
- There is a fee (direct or indirect) to play the game;
- A portion of the proceeds of the game go to the person in charge of the place where the gaming occurs;
- There is a bank that is not equally held by all of the players; or
- The chances of winning are not equally favourable to all players.

Action

Any real or suspected unlawful activity, such as an identified or suspected “common gaming house”, should be reported to the appropriate law enforcement agency and to the Gaming Policy and Enforcement Branch.

The existence of a “common gaming house” may result in enforcement action being applied, and/or criminal charges laid. For instance, sanctions that could be imposed under the *Gaming Control Act* include a violation notice, a ticket, and/or fine.