

Proposed Regulations Pertaining to Registered Charities

1. Amend Licensing By-law 315-2005, as amended, as follows:

- (a) Add a definition for Registered Charity in line with other by-laws;
- (b) Add the following Part:

4.5 REGISTERED CHARITIES

- (1) Where a *Registered Charity* provides goods or services governed by this By-law, the *Chief Licensing Officer* may, upon application, exempt such *Registered Charity* from some or all of the requirements under the By-law.
- (2) An application under this Part shall be presented in person by the *Licensee, Applicant* or his or her *Authorized Agent*, and shall constitute of the following:
 - (a) a completed and signed application form, as provided by the *Chief Licensing Officer*;
 - (b) the presentation of the original Articles of Incorporation for the *Registered Charity* and one copy for submission; and
 - (c) any other information deemed necessary by the *Chief Licensing Officer*.
- (3) A determination under 4.5(1) of whether a *Registered Charity* may be exempted from requirements under this By-law shall be based on the extent to which:
 - (a) goods or services are exclusively provided by the *Registered Charity*;
 - (b) goods or services provided are in line with the *Registered Charity's* purpose as stated in its governing document, such as letters patent, articles of incorporation, trust, or constitution;
 - (c) the exemption sought compromises the health and safety of the public or consumer protection;
 - (d) the exemption sought unduly creates a public nuisance.
 - (e) the exemption sought unduly adversely affects a local business; and
 - (f) the exemption sought advances an identified objective of the *Registered Charity* that is in line with the public interest.
- (4) The determination of the *Chief Licensing Officer*, in accordance with 4.5(3), shall be provided in writing, state the grounds for the decision, and shall be final.
- (5) The determination of the *Chief Licensing Officer* shall form part of a licence under this By-law and shall be present at the place where

the goods or services are being provided and shall produce for inspection upon request.