

Schedule 2 - Auctions**1. Definitions**

In this Schedule “auctioneer” means a person who sells or offers for sale goods, wares, merchandise or effects by public auction be they new or used.

2. Licence Required

No person shall carry on the business, trade, or occupation of an auctioneer without a licence.

3. General & Offences

(a) This Schedule does not apply to a sheriff or bailiff offering for sale goods or chattels seized on execution or distrained for rent.

(b) Any person conducting an estate auction shall be allowed to apply for one (1) annual licence to govern the conduct of auctions for a twelve (12) month period and the fee for such licence shall be equal to the fee paid for individual non-estate auctions as established in the user fee By-Law.

4. (a) Every auctioneer shall keep proper books of account of the business transacted as an auctioneer which shall include:

(i) names and addresses of persons depositing goods for sale;

(ii) description of the goods;

(iii) names and addresses of persons purchasing any goods;

(iv) price at which the goods were sold;

(v) accounting for the proceeds paid to the person entitled to the proceeds, less the commission and charges, agreed to with the auctioneer.

(b) Every auctioneer, in the case of no sale, on payment of the auctioneer’s proper costs shall return the person’s goods on demand being made for those goods.

(c) Every auctioneer shall comply with all the requirements of the Sale of Goods Act, R.S.O. 1990, c. S.1. and its regulations and any orders or regulations issued under the authority of any other statute of the Province of Ontario or of Canada.

5. An auctioneer shall not:
- (a) conduct or permit to be conducted any mock auction;
 - (b) knowingly make or permit to be made any misrepresentation as to the nature content, quantity or value of any goods, wares, merchandise or effects which the auctioneer offers for sale;
 - (c) give away articles or sell articles for nominal amounts for the purpose of stimulating bidding;
 - (d) do any act that is calculated to or which may reasonably have the effect of confusing a purchaser as to the amount he or she pays for any article or articles;
 - (e) avail himself or herself of the services of, or act in concert with, persons known in the trade as “beaters”, “boosters”, or “shills” for the purpose of raising or stimulating bids;
 - (f) sell or offer for sale by auction any goods, wares, merchandise or effects on a reserve bid basis, without first having announced clearly to those in attendance at the auction the fact of such reserved bid;
 - (g) commence or continue any auction sale when the number of people on the premises exceeds the occupancy capacity as determined under the Ontario Building Code.