

**SCHEDULE NO. 1**  
**Relating to Auctioneers**

**LICENSE REQUIRED**

1. (1) A person selling, or putting up for sale, goods, wares, merchandise or effects or livestock by public auction shall obtain a license so to do.
- (2) The following licenses may be issued:
  - (a) a License "A" to an auctioneer for a license period of one (1) year, and
  - (b) a License "B" to an auctioneer for a specific license period based on the number of days of the public auction.

**CONDITIONS FOR ISSUANCE OF AUCTIONEER'S LICENSE**

2. No applicant for an Auctioneer's License shall be issued a license unless:
  - (a) the applicant is at least eighteen (18) years of age  

**(amended by By-law 2023-516)**
  - (b) **(repealed by By-law 2003-311)**

**REGULATIONS**

3. No auctioneer shall conduct or permit to be conducted in his or her premises any mock auction, or knowingly or willingly permit to be made any misrepresentations as to the quality, or value of any goods, wares, merchandise or effects which may be offered for sale by him or her.
- 3A. No auctioneer shall conduct an auction in a place, building, structure or tent that is not in compliance with the zoning, building and property standards requirements of the City.

**(By-law 2003-311)**
4. Every person who exercises the business of an auctioneer shall at the place of each auction, prominently display his or her name and business address, and shall in all public advertisements of any nature used in the course of the business include his or her name and business address in such advertisement.

5. No auctioneer shall,
- (a) do any act that is calculated to or which may reasonably have the effects of confusing a purchaser as to the amount he or she pays for any article or articles,
  - (b) 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,
  - (c) sell or put up 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 reserve bid, or
  - (d) advertise for sale prior to the auction any goods or merchandise which are not available for sale at the time, date and place of the auction.
6. Every licensee shall ensure that all stationery, forms, bills, invoices, statements and any other printed or written advertising material including any published advertisement in a newspaper used in the course of business, bears his or her name, and business address.

### **TRANSACTION RECORDS**

7. (1) Every auctioneer shall keep proper books of account of the business transacted by him or her as an auctioneer, which books shall include:
- (a) the names and addresses of the owners of the goods, wares or merchandise to be sold, and the description of same,
  - (b) the price for which the same may be sold,
  - (c) the names and addresses of the persons purchasing such goods, wares and merchandise, or any portion thereof.
- (2) Every auctioneer shall forthwith, after the sale of the goods, wares or merchandise, or any portion thereof, account for the proceeds and pay the same to the person or persons entitled to such proceeds, less his or her legal commissions and charges; and shall in case no sale is made of such goods, on payment of his or her proper costs and charges, return such goods to the person or persons entitled to receive the same on property demand being made therefore, provided that this section shall not in any way affect or invalidate the claim of any auctioneer for goods warehoused with him or her, and on which he or she shall have made advances.

**TRANSFERS**

8. An auctioneer's license shall not be transferable except where the license is held by a partnership or duly incorporated company, for and on behalf of an individual, and it is deemed necessary by such partnership or company to dispense with the services of the individual in question and to nominate some other person in his or her place and stead, in accordance with the provisions of Section 20 of the general provisions.

**EXEMPTIONS**

9. This by-law does not apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent.

10. This by-law does not apply to a person licensed to engage in the business of operating community sales of livestock under the Livestock and Community Sales Act R.S.O. 1990, Chap. L.22.