



Report to: Committee of the Whole

Date of Meeting: September 26, 2006

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<b>SUBJECT:</b>	Request for a Public Meeting- Second Hand Goods By-law
<b>PREPARED BY:</b>	W. Wiles, Manager, By-law Enforcement & Licencing

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**RECOMMENDATION:**

That a public meeting be held on a proposed amendment to the Second Hands Goods By-law, as long as there is no exchange of cash, to permit the trading of electronic games by persons under eighteen years of age, and that notice of the meeting be provided by advertisement in local newspapers.

**EXECUTIVE SUMMARY:**

Not applicable

**FINANCIAL CONSIDERATIONS:**

Not applicable

**PURPOSE:**

To hold the required public meeting to obtain public and stakeholder input on a proposed amendment to the Second Hand Goods By-law.

**BACKGROUND:**

Electronic Boutiques Canada has contacted the Town requesting an amendment to the Second Hand Goods By-law. The company is requesting that existing by-law regulations be amended to allow transactions that do not involve the exchange of cash and allow trading of games for other games by persons under eighteen years of age. The trading of electronic games for other games is now a significant component of the company's business and is restricted under the current by-law.

**OPTIONS/ DISCUSSION:**

Staff are undertaking a review of the by-law and will be contacting stakeholders to receive their input. The request is to allow a form of transaction that may fall outside of the original intended purpose of the by-law. This type and form of transaction was not common at the time of by-law enactment. Other municipalities will be canvassed to determine if other jurisdictions and by-laws have been amended to address this form of transaction.

**FINANCIAL TEMPLATE:**

Not applicable

**ENVIRONMENTAL CONSIDERATIONS:**

Not applicable

**ACCESSIBILITY CONSIDERATIONS:**

Not applicable

**ENGAGE 21<sup>ST</sup> CONSIDERATIONS:**

[Insert text here or delete section]

**BUSINESS UNITS CONSULTED AND AFFECTED:**

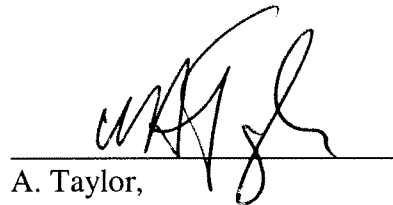
Legal

**RECOMMENDED**

**BY:**



S. Birrell,  
Town Clerk



A. Taylor,  
Commissioner, Corporate Services

**ATTACHMENTS:**

September 1, 2006 letter from J. Tyo of EB Games



Electronics Boutlque Canada

8995 Airport Road

Brampton, ON L6T 5T2

Tel (905) 790-9262

September 1, 2006

Ms. Sheila Birrell, CMO  
Town Clerk  
Town of Markham  
101 Town Centre Blvd.  
Markham, Ontario  
L3R 9W3

Dear Ms. Birrell,

I had the pleasure of meeting with your Markham office on Wednesday August 16, 2006. It was recommended at that time that we write you and formally request an amendment to the Second Hand Goods By-Law. Our wish is to have an exemption written in for those retailers that do not offer cash in exchange for second hand goods.

Understanding that the By-Law stands to protect those citizens whom are victimized by home invasions, EB Games has created a Second Hand goods policy that only allows customers to Trade games for equal or greater value. This eliminates the possibility that thieves are able to liquidate stolen property for cash.

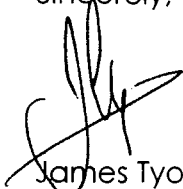
More specifically, we would ask that under this exemption we would pay all license fees but be exempt from the following:

- Business Watch. We are not able to tie another computer into our current system. Also, capturing this personal information at point of trade for future reference can be viewed as a violation of the Privacy Act. A retailer may only collect information for use at point of sale to protect themselves against fraud.
- Hold Period. We ask that this product be place on shelf for sale upon receipt.
- ID & Age Requirement. We strongly believe that a teen who has the ability to purchase a new or second hand game based on ESRB ratings should be able to make the same decision to trade their game for equal or greater value.

We hope you find our request reasonable and agree that our internal policy is an adequate deterrent for home invasion cash conversion. We currently have two stores in Markham, and truthfully, one is in trouble because they cannot support their Second Hand game business. Recently we had to cancel plans for a new store in the Markham Rd. & 14<sup>th</sup> Ave. project because the profit proforma could not be supported without a viable second hand game business.

We thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Tyo', with a stylized flourish extending from the end.

James Tyo  
VP of Canadian Operations,  
General Manager, Canada