



COMMISSION HEARING

TORONTO, ONTARIO – JANUARY 24 & 26, 2011

IN THE MATTER OF THE RACING COMMISSION ACT S.O. 2000, c.20;
AND IN THE MATTER OF THE ONTARIO RACING PROGRAM 2011,
NOTICE OF DECISION BY THE DIRECTOR;
AND IN THE MATTER OF THE APPEAL AND REQUEST FOR HEARING BY
THE ONTARIO HARNESS HORSE ASSOCIATION, GREAT CANADIAN GAMING
CORPORATION, AND THE NORTHERN HORSEMEN'S ASSOCIATION

The Ontario Harness Horse Association, ("OHHA"), appealed the Director's decision of December 10, 2010, as to the Ontario Racing Program for 2011 ("December 10, 2010 decision"). OHHA requested that the Commission vary the December 10, 2010 decision with respect to the minimum number of race dates approved for certain racetracks, the scheduling of race dates at certain racetracks and the redistribution of purse monies at certain racetracks.

Great Canadian Gaming Corporation ("GCGC") as it relates to Flamboro Downs, appealed the December 10, 2010 decision with respect to the approved race dates and the redistribution of purse monies between Georgian Downs and Flamboro Downs.

The Northern Horsemen's Association ("NHA") appealed the December 10, 2010 decision with respect to the approved race dates and the rescheduling of race dates.

On January 24 and 26, 2011, a Panel of the Ontario Racing Commission ("ORC") consisting of Chair Rod Seiling, Vice-Chair James Donnelly and Commissioner John Macdonald was convened to hear the appeal.

Maureen Harquail appeared as counsel for the Administration, Andrew Finkelstein appeared as counsel for OHHA, Mark Skwarok appeared as counsel for GCGC and Cheryl Danyluk appeared as a representative for NHA.

On January 5, 2011, the following parties were given standing at the hearing:

1. Sudbury Downs, represented by Andrew MacIsaac; and
2. Windsor Raceway Inc., represented by counsel Christopher Kruba.

On January 24, 2011, the following parties were given standing at the hearing:

1. Western Fair, represented by Reg Ash; and
2. Woodbine Entertainment Group, represented by Jamie Martin.

Upon hearing the testimony of Steven Lehman, Kieran Rao, Bruce Barbour, Brian Tropea, Philippe Belanger, and Robert Bodkin, upon reviewing the exhibits filed and upon hearing the submissions of counsel for the Administration, counsel for OHHA, counsel for GCGC, Cheryl Danyluk on behalf of NHA and of Andrew MacIsaac, Reg Ash, Christopher Kruba and Jamie Martin, the Panel orders as follows:

1. The OHHA appeal is denied;
2. The Flamboro appeal is denied; and



COMMISSION HEARING

TORONTO, ONTARIO – JANUARY 24 & 26, 2011

3. The NHA decision is varied. Three new dates in December are added. They are all Saturdays, the 3rd, 10th, and 17th. Two dates are dropped, Wednesday, April 27th and Sunday, July 31st. The total number of live race dates for Sudbury Downs for 2011 becomes 66. Furthermore, the track at Sudbury Downs must be open for training and be in good condition for such one month prior to the commencement of live racing.

The Panel's Decision is attached with written Reasons to follow.

Dated at Toronto this 27th day of January, 2011.

BY ORDER OF THE COMMISSION



John L. Blakney
Executive Director



COMMISSION HEARING

TORONTO, ONTARIO – JANUARY 24 & 26, 2011

DECISION

After carefully listening to the testimony and reviewing the submissions and the evidence, the Panel rules on the following:

1. The OHHA appeal is denied.
2. The Flamboro appeal is denied.
3. The Northern Horsemen's Association's decision is varied. Three new dates in December are added. They are all Saturdays, the 3rd, 10th and 17th. Two dates are dropped, Wednesday, April 27th and Sunday, July 31st. The total number of live race dates for Sudbury Downs for 2011 becomes 66. Furthermore, the track at Sudbury Downs must be open for training and be in good condition for such one month prior to the commencement of live racing.

Written Reasons will follow.

DATED this 27th day of January 2011.

Rod Seiling
Chair

James M. Donnelly
Vice Chair

John W. Macdonald
Commissioner