

BC Court Issues Landmark Decision On Problem Gambling And Self-Exclusion Programs, And Finds Plaintiff Was The "Author Of Her Own Misfortune"

On March 5, 2014, nearly 4 years after the Plaintiff, Joyce Ross, commenced a lawsuit against the BC Lottery Corporation ("BCLC") and two casinos, the BC Supreme Court rendered its decision.¹ The court found in favour of the Defendants and dismissed Ms. Ross' claim in its entirety. The lengthy court battle and ninety-page long Reasons for Judgment sit in contrast to the pithy and, some would say, self-evident finding of the court: that the program's title speaks for itself and the Voluntary Self-Exclusion program is just that – a self-exclusion.

The novel point at issue in the trial was whether the lottery corporation and gaming operators are liable to problem gamblers who, after enrolling in a Voluntary Self-Exclusion program, nevertheless continue to go to casinos and gamble. The Plaintiff, a problem gambler, enrolled in the Voluntary Self-Exclusion program in 2007, for a three-year term, but proceeded to breach the terms of that Self-Exclusion by entering casinos during that time. The court found that BCLC and the two casino defendants had acted appropriately and in accordance with the applicable standard of care in respect of their implementation of the BCLC's Voluntary Self-Exclusion program.

¹ [Ross v British Columbia Lottery Corporation](#), 2014 BCSC 320.

The court commented on the role of personal agency and responsibility in relation to voluntary self-exclusion programs like the one in issue in this case, and found that "the person enrolling in the program has to retain the primary obligation to control their gambling or cease it all together." The court specifically found that the primary responsibility to remain out of the casinos rested with Ms. Ross, and not with the Defendants.

The court went on to comment that, "in many respects, the plaintiff is the author of her own misfortune," because, during her period of self-exclusion, she attempted to avoid being identified by the casinos, which is just the opposite attitude than she should have had.

The policies and practices in place, and the comprehensive surveillance and security systems employed by the Defendants, were found to be appropriate and reasonable, and were applied non-negligently in the case of the Plaintiff. The court did find that a narrow duty of care exists, but held that the duty is limited to implementing a voluntary self-exclusion program that requires casinos to exercise due diligence to prevent and not knowingly permit any person who has been barred from the casino to enter.

by [Katherine A. Reilly](#)

For more information on this topic, please contact:

Vancouver [Katherine Reilly](#) 604.691.6847 katherine.reilly@mcmillan.ca

[a cautionary note](#)

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