

Claim No: 275161

Date:20070330

IN THE SMALL CLAIMS COURT OF NOVA SCOTIA
Cite as: Lajo v. Royal Canadian Legion 160, 2007 NSSM 48

BETWEEN:

Name Donna Lajo and Nolan Clayton Claimants

Name Royal Canadian Legion 160 Defendant

Revised Decision: The text of the original decision has been revised to remove addresses and phone numbers of the parties on September 17, 2007. This decision replaces the previously distributed decision

DECISION

- (1) The Claimants, Nolan Clayton and Donna Lajo, jointly claim the sum of \$2,000.00 from the Defendant, Royal Canadian Legion 160.
- (2) The Defendants were the operator of a bingo on the evening of Sunday, November 12, 2006.
- (3) The Claimants claim that they were the winners of the bonanza game on that evening.
- (4) Having reviewed all of the evidence and the Gaming Control Act, S.N.S.,1994-95 and Regulations, I find that the claim cannot succeed.
- (5) The rules of the bonanza game are that the complete card must be filled in 59 numbers or less. As a result of human error on the part of the bingo caller, Ron Briggs, the Claimants believed that they had won on the 59th number when in fact it was the 60th number that was being called.
- (6) The fact is that the Claimants did not win as 60 numbers had been called. As a result of Mr. Briggs' error, B13 was not manually signalled and thus did not appear on the Main Board behind Mr. Briggs. The number B13 did, however, appear on the Bonanza Board which is lit when the balls are removed from the machine and placed in the tray.

- (7) I find as a fact that 60 numbers had been called since B13 was clearly marked off on Ms. Lajo's card.
- (8) After both Mr. Clayton and Ms. Lajo called "Bingo", the floorwalker confirmed Mr. Clayton's card as valid, however, when Ms. Lajo's card was being checked, the error was noticed as Ms. Lajo's card contained B13.
- (9) At that point, various patrons in the hall were claiming that 60 numbers had been called not 59. Upon a manual check by the bingo caller, it was confirmed that the patrons were in fact correct.
- (10) The patrons have the right to ask for verification of the numbers called during the bingo game at any time (see Regulation 16(2) of the Gaming Control Act). The game is not concluded until the bingo balls are returned to the bingo machine and the caller states clearly that the game is closed (see Regulation 16(1)(f)).
- (11) Although this was an unfortunate set of circumstances for Mr. Clayton particularly as it had been declared that his card was valid, nevertheless, the claim cannot succeed as the Claimants did not in fact win within the rules of the game. To declare them as winners would be unfair to the ultimate winners of the Bonanza game as the Bonanza game carries over and the prize accumulates each night and each week. Had Ms. Lajo's card been checked first, the error would have been discovered before Mr. Clayton was mistakenly told that his card was valid.
- (12) The Claimants were properly awarded the consolation prize as they won the game on the 60th number.
- (13) For these reasons, the claim is dismissed.

Dated at Dartmouth, Nova Scotia,
on March 30, 2007.

Patrick L. Casey, Q.C., Adjudicator

Original	Court File
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