

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Ghotaymi v. British Columbia Lottery Corporation*,
2026 BCSC 191

Date: 20260116
Docket: S251826
Registry: Vancouver

Between:

Ali Ghotaymi

Petitioner

And

British Columbia Lottery Corporation

Respondent

Before: The Honourable Justice Kirchner

Oral Reasons for Judgment

In Chambers

The Petitioner, appearing in person:

A. Ghotaymi

Counsel for the Respondent:

B. Duong

Place and Date of Hearing:

Vancouver, B.C.
January 12, 2026

Place and Date of Judgment:

Vancouver, B.C.
January 16, 2026

[1] **THE COURT:** The petitioner, Ali Ghotaymi, seeks judicial review of a decision of the respondent, British Columbia Lottery Corporation (BCLC), to place Mr. Ghotaymi on “sourced cash conditions” for activity in British Columbia casinos. Sourced cash conditions require the casino patron to provide evidence of the source of cash they use should they elect to make a buy-in at a casino using cash.

The required evidence includes bank account information and records of the transaction by which the cash was withdrawn from that account.

[2] BCLC imposes sourced cash conditions on any cash buy-in of \$10,000 or more, but the decision at hand requires Mr. Ghotaymi to provide source information for a cash buy-in of any amount. The conditions were imposed because Mr. Ghotaymi's pattern of cash buy-ins raised money laundering concerns for BCLC, although it did not find that Mr. Ghotaymi is actually involved in any money laundering activity.

[3] Mr. Ghotaymi argues the decision to place him on sourced cash conditions was made unfairly and that he was not given advanced notice of the issue and the chance to be heard. Nor was he given any reasons for the decision. He says he has a perfectly innocent explanation for these cash buy-ins, which is that he was simply using cash that was paid out to him by the very same casino a day or two before. He argues that he was denied the chance to provide this innocent explanation before being placed on sourced cash conditions without his knowledge. He argues the decision places him on a blacklist that wrongly stigmatizes him as a money launderer and that a fair process is required before such a decision can be made. He also argues that BC Lottery Corporation has no lawful authority to make the decision, and the decision is unreasonable in any event.

Background

[4] By way of background, BCLC is an agent of the provincial government, and is responsible under the *Gaming Control Act*, S.B.C. 2002, c. 14 to conduct and manage lottery, casino, and gaming operations in the province. Under s. 7 of the *Gaming Control Act*, BCLC has a broad mandate as follows:

The lottery corporation is responsible for the conduct and management of gaming on behalf of the government ...

[5] In this role, BCLC contracts with independent casinos which are required to comply with the rules, procedures, and directives established by BCLC.

[6] Money laundering has long been a problem in BC casinos. In its June 2022 report, the Commission of Inquiry into Money Laundering in British Columbia found that casinos were a major source of laundered money, particularly before

2015, with significant numbers of cash buy-ins that were patently suspicious. Commissioner Cullen reported that:

In 2014 alone, British Columbia casinos accepted nearly \$1.2 billion in cash transactions of \$10,000 or more, including 1,881 individual cash buy-ins of \$100,000 or more -- an average of more than five per day.

He said there was a direct link between criminal organizations and cash transactions at BC casinos.

[7] Commissioner Cullen was critical of BCLC for inadequately addressing these obvious money laundering problems prior to 2015. He stated that its approach "reflected the completely unacceptable and unreasonable risk tolerance." Similarly, he said the Gaming Policy Enforcement Branch took "minimal action" to respond to the growth in large and suspicious transactions prior to 2015 that were "largely limited to working with BCLC to develop voluntary alternatives to the use of the cash." He found this strategy "stood no realistic prospect of having a meaningful impact on large and suspicious cash transactions" and "fell far short of what was called for in the circumstances."

[8] However, starting in 2015, BCLC "finally began to respond to these concerns." That response included a direction of the Attorney General of the day to BCLC. In an October 1, 2015 letter of expectation, the Attorney General directed BCLC to "[e]nhance customer due diligence to mitigate the risk of money laundering in British Columbia, and specifically, to implement "processes for evaluating the source of wealth and source of funds prior to cash acceptance."

[9] One measure BCLC adopted was to impose sourced cash conditions on cash buy-ins of \$10,000 or more. In his 2022 report, Commissioner Cullen recommended that this threshold be reduced to \$3,000, but to date BCLC has not implemented that recommendation. The \$10,000 threshold remains, but BCLC's casino affiliates have started doing daily reviews of every cash buy-in above \$3,000 to scan for anomalies.

[10] Patrons who are aware of the \$10,000 threshold may engage in what is referred to as "threshold avoidance" or "structuring" by making buy-ins of just under \$10,000 to avoid triggering the required sourced cash conditions. To address this problem, BCLC implemented a policy of placing select patrons,

including those who engaged in the largest and most suspicious transactions, on sourced cash conditions for any cash buy-in.

[11] When placed on those conditions, the patron can only make a cash buy-in of any amount if they provide evidence to the casino that the cash was sourced from an accredited financial institution. The evidence must identify the transit number or branch location, bank account number from which the money was withdrawn, the last four digits of the debit card used to withdraw the funds, and a record of the transaction itself, such as a withdrawal slip or an ATM transaction record. The casino must scan receipts into the BCLC file. If a patron on sourced cash conditions cannot prove the source of their cash buy-in, the casino must refuse the buy-in. The failure to provide receipts for cash buy-ins can also result in the patron being banned from all gaming facilities in the province.

[12] Sourced cash conditions aim to track the source of cash in situations where a patron's transaction history raises money laundering concerns. However, placing a patron on sourced cash conditions does not mean the casino or BCLC has determined the patron has laundered money or has otherwise committed a crime. It only means that BCLC has observed behaviour that raises concerns about the source of funds used by the patron. The decision to put a patron on sourced cash conditions is not publicized by BCLC.

[13] As long as the patron complies with the sourced cash conditions when buying-in using cash, they are not barred from the casino and are free to gamble as they wish. They are also free to use non-cash buy-in methods such as a credit card or debit card. There is also an ATM machine at the casino's cash cage. In 2015, approximately 80% of BCLC's top 100 active patrons were on sourced cash conditions. As of April 1, 2025, there are about 2,400 patrons on sourced cash conditions.

[14] BCLC maintains the information requested of patrons on sourced cash conditions is necessary for several purposes, including allowing BCLC to benefit from rigorous anti-money laundering procedures used in accredited financial institutions, dissuading patrons from providing fraudulent information, and assisting law enforcement agencies in investigations into the proceeds of crime.

Mr. Ghotaymi's Circumstances

[15] Mr. Ghotaymi was placed on sourced cash conditions on July 8, 2021. That decision came after staff at River Rock Casino made an incident report of Mr. Ghotaymi making a cash buy-in of \$9,000, just under the \$10,000 limit. According to BCLC records, Mr. Ghotaymi had made 29 “large cash transactions” at BC casinos between February 2019 and July 2021. Eleven of those were in the amount of \$9,000. On February 17, 2020, Mr. Ghotaymi made two \$9,000 buy-ins at two different casinos within less than two hours. Further, BCLC records at the time of the decision show that Mr. Ghotaymi was an employee of Canada Post, meaning that he was not employed in a predominantly cash-based business.

[16] Mr. Ghotaymi offers an innocent explanation for his buy-in practices. He explained that he frequently comes to the casino with \$9,000 in cash, which typically comes from his earlier winnings at the casino. (Despite BCLC's concern about the use of cash, it continues to allow winnings to be paid out in cash.) Mr. Ghotaymi maintains that 9 is a lucky number, and he was not engaging in structuring by using cash buy-ins of \$9,000.

[17] If Mr. Ghotaymi has a winning night, he says he deposits any amount of cash in excess of \$9,000 in his bank account and keeps the base \$9,000 cash for his next visit to the casino. If he loses his \$9,000, he will take out a cash advance on his credit card at the casino's cash cage and use that cash at tables on the casino floor hoping to recover his earlier losses. Thus, there are days where his daily cash buy-ins exceed \$9,000, but the excess amount is not unsourced because he draws it from his credit card at the casino. If Mr. Ghotaymi ends a night below his \$9,000 threshold, he will either take cash out of the bank or take another advance on his credit card next time he is at the casino.

[18] The bottom line is that Mr. Ghotaymi maintains the source of his cash buy-ins is typically his winnings at the casino. He points out, quite reasonably, that BCLC's own evidence shows that in the period between February 2019 and July 2021, his net winnings at the casino, after buy-ins, was \$141,655. Since the casino pays him out in cash, his explanation that his large cash buy-ins come from cash winnings paid to him by the casino has considerable merit.

[19] However, because the casino cannot verify that cash buy-ins on one day are necessarily sourced from cash won at the casino on an earlier day, or even earlier that same day if the patron leaves the casino for a period of time, BCLC maintains that sourced cash conditions are still necessary for large cash buy-ins. In other words, if a patron who is subject to sourced cash conditions wishes to use cash they won at the casino a day or two before, they must still run that cash through their bank account by depositing it and then withdrawing it again. This creates a traceable transaction history for the cash and allows BCLC to benefit from rigorous anti-money laundering procedures used by accredited banks.

[20] Mr. Ghotaymi was not advised that he was placed on sourced cash conditions until November 16, 2024. That is because in August 2021, he had enrolled himself in BCLC's "Voluntary Self-Exclusion Program", which essentially meant that he had asked BCLC to bar him from admission to a casino for a three-year period. That period expired in 2024, and he returned to the casino after the break. It was then that he learned he had been placed on sourced cash conditions.

[21] As Mr. Ghotaymi correctly points out in his submissions, there is no allegation anywhere in the record that the cash he used for any buy-ins was the proceeds of crime, and none of the cash transactions was ever rejected by a casino or BCLC. Nor is there any allegation or evidence that Mr. Ghotaymi has ever been involved in any criminal enterprise, including one that involves money laundering.

[22] The reason BCLC placed Mr. Ghotaymi on sourced cash conditions comes down to this:

- 1) the frequency of his buy-ins using large sums of cash.
- 2) the frequency of those large sums, being \$9,000, just \$1,000 under the \$10,000 buy-in that would trigger sourced cash conditions.
- 3) the fact that Mr. Ghotaymi works for Canada Post, which does not suggest a large disposable income or regular cash income.

Analysis

Does BCLC have lawful authority to place Mr. Ghotaymi on sourced cash conditions?

[23] Mr. Ghotaymi frames this issue as a question of BCLC's jurisdiction, but, as BCLC correctly points out, the Supreme Court of Canada has held that an administrative body's determination of its jurisdiction is now assessed as part of a reasonableness review: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65, paras. 65 to 68.

[24] I find that BCLC has reasonably determined it has jurisdiction to place patrons on sourced cash conditions. BCLC has a broad discretion under its enabling legislation to conduct and manage gaming in the province and monitor the premises in which gaming takes place. Section. 7 of the *Gaming Control Act* provides that broad mandate:

7(1) The lottery corporation is responsible for the conduct and management of gaming on behalf of the government and, without limiting the generality of the foregoing,

(a) may develop, undertake, organize, conduct, manage and operate provincial gaming on behalf of the government, either alone or in conjunction with the government of another province

...

(h) may monitor the operation of provincial gaming and the premises and facilities in which provincial gaming is carried on

Implementing controls in casino to manage the risk of money laundering undoubtedly falls within these broad managing authorities.

[25] Moreover, under s. 7(1)(j) of the *Gaming Control Act*, BCLC "must do other things the minister may require." The Attorney General's 2015 directive that BCLC "[e]nhance customer due diligence to mitigate the risk of money laundering" and to implement "processes for evaluating the source of wealth and source of funds prior to cash acceptance" plainly falls within the scope of s. 7(1)(j). Thus, s. 7(1)(j) not only permits BCLC to implement sourced cash conditions, it essentially requires it to do so when directed by the Attorney General.

[26] BCLC's sourced cash condition policies are also supported by the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, S.C. 2000 c. 17 whose objectives include the implementation of "specific measures to detect and deter money laundering." Under s. 9.6(2) of that *Act*, BCLC is required to establish and implement a program that includes the development and application of policies and procedures to assess in the course of its activities, the risk of a money laundering offence.

[27] Under subs.9.6 (3), at any time BCLC considers the risk of a money laundering offence to be high, it must take measures prescribed in the regulations. Prescribed measures are found in s. 157(b) of the regulations and may include the requirement to have in place written policies and procedures for taking enhanced measures to mitigate the risk of a money laundering offence. According to guidance provided by the Financial Transactions and Reports Analysis Centre of Canada, also known as (FINTRAC), the body which oversees the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, enhanced measures can include "obtaining information on the client's source of funds or source of wealth."

[28] In connection with these requirements, BCLC has developed an Anti-Money Laundering and Anti-Terrorism Financing Compliance Manual, which among many other things, sets out criteria for assessing the risk that a casino patron presents regarding money laundering. Among the criteria that characterizes a high risk are:

- 1) The person's occupation does not match the level or type of play.
- 2) The person has made large table buy-ins with small bills, with minimal pay, and no cash-out before leaving the site.
- 3) The person appears to be structuring amounts to avoid recordkeeping, client identification, or reporting thresholds.

[29] I find that BCLC clearly has the lawful authority to impose sourced cash conditions on patrons and has considerable discretion in deciding when to impose those conditions out of abundance of caution, to manage the risk of money laundering offences.

Was the decision-making process procedurally fair?

[30] Mr. Ghotaymi argues the decision to place him on sourced cash conditions was procedurally unfair in that he was not given notice of the decision before it was made or reasons for the decision after. BCLC argues that no duty of fairness arises from the decision because there is no “right, privilege, or interest” in gambling with cash without providing banking information.

[31] I disagree with BCLC in this respect. Placing Mr. Ghotaymi on sourced cash conditions affects at least his privileges and potentially his interests as it relates to participating in public gaming activities in British Columbia casinos. Restrictions have been placed on his activity that are not imposed on other casino patrons. In my view, the proper question is the scope and extent of the duty of fairness, not its existence.

[32] The parties agree that the governing authority on the scope of procedural fairness is *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817 at para. 21. There, a majority of the Supreme Court held that content of the duty of procedural fairness is determined by all the circumstances of the case. Generally, decisions that are adjudicative in nature will attract a high degree of procedural fairness while a lower level of fairness may be appropriate in decisions that are administrative in nature. In *Baker*, the court identified several considerations that indicate whether a decision falls at the administrative or adjudicative end of this scale and that shape a duty of fairness in each case. I will review each of these considerations in the context of this case.

1. *The nature of the decision and the process followed in making it:*

[33] I agree with BCLC that the decision amounts to imposing conditions on a consumer transaction concerning gaming. It is administrative, not adjudicative, in this respect because it regulates how Mr. Ghotaymi may buy-in at a casino. It does not adjudicate whether Mr. Ghotaymi is involved in money laundering and does not impose sanctions or penalties on him. It does not prohibit him from gambling, nor compel him to make financial disclosure, since like all casino patrons, he has other options to buy-in with other methods. He is not prohibited from buying-in using cash but is placed on a condition when he does so. Thus, the nature of the

decision imposes a cash-verification threshold to manage the risk of money laundering in casinos. In my view, that is administrative.

2. *The nature of the statutory scheme:*

[34] In my view, the statutory scheme also suggests the decision is administrative because it governs how gaming transactions are to be handled to monitor for and prevent money laundering. As I have said, BCLC has broad authority to conduct and manage gaming in BC, and it is required under the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* to proactively take measures to detect and deter money laundering. The scheme of both the *Gaming Control Act* and the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* contemplates BCLC having broad authority to implement administrative measures to monitor for and manage that risk. Requiring any patron who regularly uses large sums of cash for casino buy-ins to provide source information for the cash they use is a basic aspect of the administration of the gaming activity under the statutory scheme, while managing for the risk of money laundering.

3. *The importance of the decision to the individual:*

[35] Mr. Ghotaymi argues the decision is of considerable importance to him. He argues it has a profound and lasting effect because, according to BCLC's own evidence, the designation for him to be on sourced cash conditions is indefinite. While BCLC policies call for periodic reviews of the designation, apparently no one who has been placed on sourced cash conditions has ever been removed from that designation. When Mr. Ghotaymi arranged a meeting with BCLC to discuss potential removal from the conditions, BCLC sought extensive financial disclosure from him about his current and apparently long past financial circumstances.

[36] Mr. Ghotaymi also argues the decision amounts to financially blacklisting him. He says it stigmatizes him as a suspected money-launderer, and that can have profound impacts on his life, including his ability to get a job or do anything that requires some measure of security clearance.

[37] I can appreciate Mr. Ghotaymi's views on this matter. From his own perspective as a law-abiding person who has had success in BCLC-sanctioned casinos using the very cash that he won in those same casinos, it is not surprising

that he would take offence to being placed in the company of suspected money launderers.

[38] Viewed objectively, however, I find the actual impact of the decision is relatively minor. The requirement to provide banking information to document the source of cash buy-ins does not strike me as especially onerous. It is just a matter of showing that the cash was withdrawn from a financial institution. Further, there are other options to buy-in without cash. Mr. Ghotaymi is not barred from visiting BC casinos or from gambling. Nor is he is not barred from gambling with cash, if that is his choice. He simply needs to document the source of that cash with bank receipts.

[39] Furthermore, the activity in question – gambling – is not intrinsic to an individual's dignity, security, or fundamental liberty. It is a recreational activity. Administrative restrictions on how a person may carry out that activity does not compare to restrictions on, for example, the ability to work or access to a public service like health care.

[40] When the history of money laundering in British Columbia casinos is considered, along with the strong public interest in curtailing that illegal and even dangerous activity, subjecting patrons who prefer to gamble using large sums of cash, even if obtained from the casino itself, to sourced cash conditions does not strike me as objectively onerous. Nor do I view the imposition of sourced cash conditions as objectively stigmatizing. The list of patrons who are placed on sourced cash conditions is not made public, and there is no evidence that a prospective employer, for example, would learn of this through a job application.

[41] The conditions are imposed because of the way in which Mr. Ghotaymi chooses to buy in to casino gaming. Objectively, it is not surprising that anyone who chooses to regularly or frequently deal in large sums of cash in any type of transaction might be called upon to verify the source of that cash. I do not view that as objectively stigmatizing. Thus, while I appreciate why Mr. Ghotaymi himself views the decision to be personally stigmatizing and important, I find that objectively it is not.

4. The legitimate expectations of the person:

[42] Mr. Ghotaymi's submissions indicate his expectations are that he would not be placed on sourced cash conditions without an opportunity to be heard and without explanatory reasons. With respect to the opportunity to be heard before the decision is made, I am not persuaded this is a legitimate expectation in the context of this decision. When a casino identifies a patron as engaging in a pattern of cash transactions that share some indicia of money laundering practices, it is reasonable to expect the casino or the regulator to place that patron on sourced cash conditions to immediately manage the risk of potential money laundering activity as a preventative and precautionary approach.

[43] I view that as a reasonable administrative measure that does not place an onerous burden on the patron. In my view, it does not attract a right to be heard before the decision is made. It is not an adjudicative decision in which BCLC assesses whether the patron has, in fact, engaged in money laundering or some other unlawful activity. It is an administrative measure to manage the risk, and as I have said, prevent the possibility of money laundering happening.

[44] Further, the decision is discretionary and can be reversed if an affected patron persuades BCLC that sourced cash conditions are unnecessary. I appreciate Mr. Ghotaymi's complaint that BCLC is demanding an unreasonable amount of financial disclosure from him to consider reversing his decision. However, that reconsideration or review process is not part of the decision that is being challenged before me in this judicial review.

[45] With respect to providing reasons, procedural fairness does not require decision makers to provide written reasons for every decision: *R.N.L. Investments Ltd. v. British Columbia (Agricultural Land Commission)*, 2021 BCCA 67, at para. 64. Whether a decision maker is required to undertake the process of articulating reasons depends on all the circumstances and the *Baker* factors. In *Vavilov*, at para. 77, the Supreme Court of Canada said:

Cases in which written reasons tend to be required include those in which the decision-making process gives the parties participatory rights, an adverse decision would have a significant impact on an individual or there is a right of appeal.

[46] BCLC submits that the *Baker* factors do not suggest a level of procedural fairness that calls for written reasons. It also argues this requirement would provide a significant administrative burden and result in a slower decision making in a context where BCLC needs to respond quickly and effectively to activity that has indicia of potential money laundering. It also argues that written reasons could telegraph BCLC's thought process when it imposes sourced cash conditions on a patron. It argues:

... if the public knew all the factors that could trigger suspicions, it could allow would-be money launders to tailor their actions to evade those triggers, undermining BCLC's AML [anti-money laundering] efforts.

I find this argument unpersuasive, at least as it relates to providing an explanation for the decision after it was made.

[47] BCLC has a 77-page policy manual setting out how it manages money laundering risks. The manual includes a set of criteria for assessing low, moderate, and high-risk patrons. The purpose of the manual is to provide casinos with guidance for monitoring risks of money laundering to assist casino staff with identifying, reporting, deterring potential money laundering activities. The manual is in evidence in this proceeding, and there is no suggestion it is sensitive or confidential.

[48] It seems to me that a patron who has been placed on sourced cash conditions can be given some type of explanation for that decision, even if done after the fact. I need not decide whether reasons are required in all cases, but for Mr. Ghotaymi, the explanation for him being placed on sourced cash conditions comes straight out of the risk considerations from the manual, so it is difficult to see why giving him an explanation would be burdensome or sensitive.

[49] Moreover, a patron who might ask BCLC to reconsider a decision to place them on sourced cash conditions would be disadvantaged if they did not have some explanation for why they were placed on those conditions in the first place. A moment ago, I said the opportunity to seek reconsideration of a sourced cash conditions decision balances any unfairness that might arise from the absence of advanced notice and the opportunity to be heard before the decision is made. The unfairness is not mitigated if the person cannot effectively pursue reconsideration

because they have no explanation for why they were placed on sourced cash conditions in the first place.

[50] However, BCLC has now provided Mr. Ghotaymi with an explanation for its decision. It did so after he filed this application for judicial review, but nevertheless BCLC has now corrected the procedural fairness deficiency by supplying reasons. There is no suggestion that the decision is based on anything other than Mr. Ghotaymi's frequent cash buy-ins in substantial amounts, often just shy of the \$10,000 limit that will trigger sourced cash conditions, and the nature of his employment with Canada Post. I will assess the reasonableness of this basis of the decision in a moment, but for the purposes of the fairness analysis, I am satisfied that Mr. Ghotaymi has now received BCLC's explanation for its decision.

5. *The choices of procedure made by the agency itself:*

[51] In view of the need to respond quickly to money laundering concerns, I find BCLC's choice to proceed by way of imposing sourced cash conditions when indicia of money laundering practices arise should be given deference.

Conclusion on the Baker Factors

[52] Considering the five *Baker* factors, I find the duty of fairness in this case is very much at the low end. I find procedural fairness in these circumstances does not require advanced notice of the decision or a right to be heard before the decision is made. I find that, generally, a patron placed on sourced cash conditions should receive reasons for the decision, although it is conceivable that in some cases, reasons may be so sensitive that disclosing them could undermine the monitoring and potentially law enforcement objectives. I need not decide here whether there would a duty to provide some form of reasons in those cases. In the present case, there is no reason why Mr. Ghotaymi should not have received an explanation for BCLC's decision. However, BCLC has now provided that explanation, I find any breach of procedural fairness has been cured. For these reasons, I find there has been no breach of procedural fairness in this case.

Substantive Reasonableness of the Decision

[53] Finally, I turn to substantive reasonableness of the decision. The standard of review for BCLC's decision is reasonableness. That means that the onus is on Mr. Ghotaymi to show the decision is unreasonable.

[54] In *Vavilov* the Supreme Court of Canada summarized the reasonableness standard at para. 101 as follows:

[101] What makes a decision unreasonable? We find it conceptually useful here to consider two types of fundamental flaws. The first is a failure of rationality internal to the reasoning process. The second arises when a decision is in some respect untenable in light of the relevant factual and legal constraints that bear on it.

[55] In the absence of written reasons for a decision, the court is to look to the entirety of the record to try to uncover a clear rationale for the decision. As I have discussed, the rationale in this case is clear and has been explained by BCLC. The question is now whether that rationale is reasonable.

[56] In my view, it is.

[57] First, it is objectively reasonable for anyone who frequently uses large sums of cash in any type of transaction to have the source of that cash scrutinized. Second, when a person frequently uses cash in amounts that fall just shy of an amount that is known to automatically trigger a source assessment, I find that is a reasonable indicator, though certainly not proof, of possible money laundering activity. Third, it is very reasonable for BCLC to operate in a risk-averse way when it comes to possible money laundering. Commissioner Cullen found that money laundering was pervasive in BC casinos, and BCLC's efforts to control it had been inadequate. To prevent money laundering and the public harms that are associated with it, the public undoubtedly expects BCLC to take a strict approach to monitoring cash transactions in casinos. That approach is also justified by the need to comply with the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*.

[58] Taking a precautionary approach to manage the risks of money laundering will inevitably lead to innocent persons being subject to stricter monitoring conditions than they would perhaps like. Mr. Ghotaymi has offered an innocent and reasonable explanation for his use of cash in casinos, and there is considerable logic to his explanation, namely that he uses cash he won earlier at the casino. In a world with BCLC is rightly concerned about how cash can be misused, it is surprising that it continues to pay out large winnings in cash rather than through traceable electronic transactions. Nevertheless, I accept that BCLC

has no simple way to verify that cash paid out at a casino one day is the same cash that was used to buy-in on another day.

[59] Mr. Ghotaymi's preferred practice of using cash winnings from one day as a buy-in at the casino on another day unfortunately overlaps with practices that others may use for money laundering. Thus, BCLC's administrative measures that seek to control criminal money laundering activity has the collateral effect of restricting the kind of innocent activity described by Mr. Ghotaymi. However, given the harms of money laundering and the relatively unintrusive requirements of sourced cash conditions, an overinclusive approach that captures some innocent activities in the sourced-cash-conditions net is preferable to one that might allow money laundering to slip through the cracks. I cannot say that BCLC is acting unreasonably by being cautious and overinclusive.

[60] For those reasons, I find BCLC's decision is reasonable.

The Freedom of Information and Protection of Privacy Act

[61] Mr. Ghotaymi also argues that sourced cash conditions violate the *Freedom of Information and Protection of Privacy Act* because BCLC, a government agency, has no authority to collect the private banking or financial information of casino patrons. I am not persuaded by this argument. This issue was addressed by way of a complaint to the Office of Information and Privacy Commissioner who found that BCLC's collection of Mr. Ghotaymi's banking information did not offend s. 26(c) of the *Act* because the banking information collected relates directly to and is necessary for BCLC's anti-money laundering activities, which fall within its statutory mandate and are integral to its operation. I agree with the Privacy Commissioner's decision.

Conclusion

[62] For these reasons, I would dismiss the petition with thanks to counsel and to Mr. Ghotaymi for their careful and thoughtful submissions on this matter.

[63] Mr. Duong, you're not seeking costs?

[64] CNSL B. DUONG: No, we're not, Justice.

[65] THE COURT: Thank you.

“Kirchner J.”