Supports Item No. 1 CS&B Committee Agenda December 17, 2009



POLICY REPORT RECREATION

Report Date: December 16, 2009

Contact: Tom Hammel Contact No.: 604.873.7545

RTS No.: 8521

VanRIMS No.: 08-2000-20

Meeting Date: December 17, 2009

TO: Standing Committee on City Services & Budgets

FROM: General Manager of Community Services

SUBJECT: Mixed Martial Arts - Sanctioning by the Vancouver Athletic Commission

(the "Commission")

RECOMMENDATION

- A. THAT Council authorize the Vancouver Athletic Commission to sanction Mixed Martial Arts events as outlined in this report on a two-year pilot basis with a report back in early 2012 on experience with the pilot;
- B. THAT promoters and organizers and venue owners of sanctioned Mixed Martial Arts events under the pilot program be required to provide indemnification in favour of the City and the Commission and also provide financial security (by way of a bond, letter of credit or other instrument), all in a form and in an amount and on terms and conditions satisfactory to the City Manager, the Director of Legal Services, the Director of Finance and Risk Management, to ensure protection for the City and the Commission;
- C. THAT the Mayor, on behalf of Council, write to the Solicitor General and Attorney General of B.C. and to the Federal Justice Minister to request urgent clarification of the legal framework for the regulation of Mixed Martial Arts;
- D. THAT current procedural requirements of the Vancouver Athletic Commission with respect to combat sports be revised, as noted in this report, in the areas of medical procedures and testing, sanctioning of Pro-Am events, security plans, and the retention of a qualified emergency physician for each event and that staff work with the Vancouver Athletic Commission to document the implementation of these requirements;
- E. THAT Council approve an increase to the seat tax charged by the Vancouver Athletic Commission from \$0.10/seat to \$1.00/seat for every contest or exhibition, to go towards the administrative costs and expenses of the Vancouver Athletic Commission and support staff involved;

- F. THAT staff assess the requirement for expanded skill sets amongst Vancouver Athletic Commission members in accordance with their expanded responsibilities for regulation of Mixed Martial Arts on a pilot basis; AND
- G. THAT the Director of Legal Services be instructed to bring forward for Council approval any necessary amendments to the Vancouver Athletic Commission Bylaw No. 2875 to reflect the direction of Council in respect of Council's determinations pursuant to the foregoing.

CITY MANAGER'S COMMENTS

COUNCIL POLICY

Section 338 of the *Vancouver Charter* and the Vancouver Athletic Commission By-Law No. 2875 set out the jurisdiction and authority of the Vancouver Athletic Commission.

PURPOSE

This Report provides information concerning the holding of professional mixed martial arts events, an analysis of the risks and the economic benefits, and information concerning the City's request to have the Provincial government take on regulation of the sport. The Report contains a recommendation to proceed with a two-year pilot of professional mixed martial arts, including measures to mitigate associated risks. A revised process for licensing amateur combat sports and a review of the skill sets and competencies of the Commission's members, based upon its expanded mandate, are also recommended.

BACKGROUND

The Vancouver Athletic Commission was established by Council in 1945 to regulate, control and supervise professional boxing and wrestling contests and exhibitions held in the City of Vancouver. The Vancouver Athletic Commission By-law and the *Vancouver Charter* provide the Commission's mandate. The Commission is intended to be a financially self sustaining entity. Modest licensing fees and seat taxes enable commissioners to attend Annual General Meetings of the Canadian Boxing Federation for discussions and updates on rules and regulations and are intended to cover all the administrative costs incurred by the Commission in carrying out its mandate.

Prior to Council directing the Commission to temporarily cease sanctioning MMA events on September 20, 2007, the Commission sanctioned five Mixed Martial Arts (MMA) events that were held in Vancouver. At that time, Council directed staff to report back providing information on the regulation of this sport.

Subsequently, on March 26, 2009 Council considered this issue again and approved the following motion:

"WHEREAS Mixed Martial Arts is an increasingly popular sport;

AND WHEREAS there is a lack of regulatory oversight for MMA within the Province;

THEREFORE BE IT RESOLVED THAT

- A. The City request the Provincial Government to create a governing body for Mixed Martial Arts in British Columbia.
- B. Staff report back on the necessary changes to by-laws that would minimize legal liabilities and risk to the City from authorizing the Vancouver Athletic Commission to sanction Mixed Martial Arts in Vancouver.
- C. Staff provide an analysis of economic benefits and impacts of permitting Mixed Martial Arts in Vancouver, including a distinction between allowing Mixed Martial Arts in city owned versus private facilities."

DISCUSSION

The following sections discuss the current practices adopted by a number of jurisdictions across Canada for the holding of MMA events, ways of mitigating risks and liabilities of the sport, the economic benefits, how to deal with amateur combat sports, and the skill sets of the Commission's members.

Mixed Martial Arts in Canada

Mixed Martial Arts is a full combat sport in which a wide variety of fighting/mixed martial arts techniques are used, including jujitsu, boxing, kickboxing, wrestling and other forms of hand-to-hand combat. The sport has changed from its beginnings as a raw fringe sport with minimal rules and regulations. In the early 1990s the sport started to gain international exposure and widespread publicity in the United States with the emergence of the Ultimate Fighting Championships (UFC), which is a trademarked name of an organization that promotes and organizes MMA events. In order to gain more mainstream popularity and for the safety of the athletes, additional rules have been implemented over the last few years such as time limits and prohibiting some potentially dangerous strikes including head butts, biting and eye gouging.

Many jurisdictions worldwide, including within Canada, are currently assimilating the Unified Rules of Mixed Martial Arts, a set of rules that has been adopted by several state athletic commissions in the United States to better protect the safety of the athletes. The Unified Rules of MMA have also been influential in helping to reduce the sport's negative reputation for extreme violence.

As described below, a number of provincial athletic commissions (Nova Scotia, Quebec and Manitoba) and municipal athletic commissions (including Calgary, Edmonton, Prince George and several other small B.C. municipalities) are currently sanctioning MMA events in Canada. Other commissions are not. The UFC has now held two major events in Montreal which were sanctioned by the Quebec Athletic Commission and attracted crowds of over 21,000 to each event.

Mixed Martial Arts has become one of the fastest growing spectator sports and is becoming more popular than wrestling and boxing with large crowds attending events. The increase in popularity is evident by the rising attendance revenues and the increase in Pay-Per-View buy rates. Conventional media outlets are also starting to depict MMA as an acceptable mainstream sport through increased media coverage. With this recent rise in popularity and the implementation of additional rules and regulations to try to protect the athletes, more jurisdictions are now considering sanctioning MMA Events.

The <u>Criminal Code of Canada</u> forms part of the regulatory framework for events such as MMA. It contains a section (Section 83) on "prize fighting" that deals only with boxing and so, is very outdated with respect to the practices of various Canadian athletic commissions as outlined below. Since the Code was written a variety of sports such as kickboxing, Muay Thai and MMA have evolved and the Code has not been changed to reflect this. There are also differences in the provincial legislation across the country and the various athletic commissions deal with MMA and other combat sports. Therefore, it is recommended that the Mayor write to the Solicitor General and Attorney General of B.C. and to the Federal Justice Minister to request urgent clarification of the legal framework for the regulation of Mixed Martial Arts.

The following outlines the practices of various Provinces with respect to the regulation of MMA events:

Nova Scotia MMA is sanctioned

- regulates combat sporting events through a Provincial Athletic Commission;
- the *Nova Scotia Boxing Authority Act* and Regulations defines "boxing" to include "combat sports" which means a sport involving full body contact between contestants in which a contestant uses a fist, whether open or closed, or a weapon held in a fist, and includes but is not limited to the following martial arts: kickboxing, shoot fighting, karate, tae kwon do and jujitsu.

Quebec MMA is sanctioned

- regulates combat sporting events provincially, through the Quebec Athletic Commission;
- the provincial *Act Respecting Safety in Sports* defines "combat sports" to include boxing, kickboxing and "mixed boxing", and provides for the types of blows or actions which are not allowed;
- prior to the last UFC event in April 2009, the Quebec Athletic Commission threatened to prohibit the event after it was approved; negotiations ensued with the UFC, and the event was held with some minor rule changes.

Ontario MMA is not permitted

- regulates combat sporting events through the Ontario Athletic Commission;
- the Commission will not sanction MMA events because of the provisions of the <u>Criminal Code</u> which, in their opinion, make such fights illegal.

Manitoba MMA is sanctioned

- regulates combat sports through a provincial Boxing Commission, created pursuant to the Boxing Commission Act;
- the Act provides provincial authority to specifically regulate all "combat sports", which explicitly includes martial arts;
- the Act also provides the Commission and its officers with a full indemnity for all acts done in good faith.

Alberta MMA is sanctioned at the municipal level

- regulates combat sporting events through a Commission, authorized under the *Municipal Government Act*;
- section 535.1(1) of the Act, entitled "Protection of Sporting Commissions" defines a
 "commission" to be one established by by-law, for controlling and regulating any of
 "boxing, wrestling, full contact karate, kickboxing, any other sport that holds contests
 where opponents strike each other with a hand, foot, knee, elbow or other part of the
 body";
- the Act provides an indemnity for the commission, its members, officials, employees, "for anything done or omitted to be done in good faith in the performance of their duties, functions or powers under this Act ".

British Columbia

MMA is sanctioned at the municipal level in Prince George, Nanaimo and other small municipalities

- those municipalities sanctioning MMA events are doing so pursuant to their authority under the Community Charter;
- the Act provides, in section 143(2), that "council may by bylaw establish an athletic commission to make rules regulating professional boxing, wrestling and similar activities, contests and exhibitions";

Request to the Province

Based upon the current regulatory framework and the diverse practices across B.C. and Canada, the Mayor wrote to the Ministry of Healthy Living and Sport (Hon. Mary Polak) on March 31, 2009 and requested that the Province create a governing body to regulate MMA events, similar to what other provincial jurisdictions have done.

In response to the City's request for the Province to regulate MMA, the Minister of Healthy Living and Sport responded in writing in August, 2009 (Appendix A). The key message in the Minister's letter is that regulation of events of this nature is most properly administered at the local level in order for community needs to be considered and addressed through a local decision-making process. Subsequently, on December 16, 2009, the Attorney General and House Leader of B.C. (Appendix B) wrote to the Mayor noting that the Province is prepared to discuss how a provincial regulatory framework might work and entertain submissions from the City of Vancouver and other municipalities. The letter from AG is not critical of moving ahead with local regulation as Montreal has done while a new provincial framework is being considered.

Risk & Liability Issues

The risks and liability issues associated with mixed martial arts are similar to other combat sports:

- injury to participants
- crowd control/security

Injury Rates

Injury rates in MMA competitions have been examined in several studies. The most extensive of these is a 2008 study published in the British Journal of Sports Medicine that examined injuries to fighters in sanctioned bouts in Nevada State between 2002 and 2007. That study concluded that injury rates in regulated professional MMA competitions are similar to rates in other combat sports and that the overall risk of critical sports-related injury appears low. The report notes that a majority of MMA sanctioned bouts end via decision or submission (surrender of one fighter). This is thought to help explain the lower incidence of knockouts in MMA compared to boxing [Bledsoe et al, 2005]. A comparison of injury rates in MMA and boxing is shown in Table 1.

Table 1 Injury Statistics MMA vs. Boxing

Injury Statistics	MMA	Boxing
Overall injuries per 100 fight exposures	23.6	17.1 - 25
Concussion rate per 100 fight exposures	1.65	5.6
% fight ends in knockouts	3.3%	11.3%

Source: Injury Trends in Sanctioned Mixed Martial Arts Competition: A Five-Year Review 2002-2007, British Journal of Sports Medicine

There is very little information comparing MMA injury rates to other combat and contact sports. As a comparator, a 2006 study published in the Journal of Athletic Training noted that hockey has a concussion rate of 0.65 per 100 player-games. This compares to 1.65 per 100 fight exposures for MMA.

Crowd Control

Crowd control and security issues related to MMA events were reviewed with the input of the Vancouver Police Department's Inspector in charge of the Emergency and Operational Planning Section (EOPS). Montreal and Calgary were also contacted with respect to their experience with MMA events.

There are potential crowd control and security issues at any large event. Typical problems include drunkenness, conflict between patrons and safety related to egress after the event. EOPS staff evaluate the risks and carry out a threat assessment for each event by considering the following factors:

- Size of the event
- Whether or not liquor is being served
- History of the event and organizers
- Level of security provided by the venue
- Crowd demographics

When the Vancouver Athletic Commission sanctioned MMA events, several events were held at the PNE. The largest of these was a "BODOG" promotions MMA event at the PNE Agrodome that had an attendance of 2931 people. The EOPS section of the Police Department worked closely with the venue and promoter to review security arrangements. The Police Department

had 45-48 members present with the costs covered by the promoter and report that no significant problems were experienced at this event.

The Vancouver Police Department note that there have been no significant policing issues to date when MMA events are run professionally and a security plan with policing recommendations is in place. However, if there is no regulatory framework in place, the Police Department would be concerned that the increasing popularity of MMA may result in some promoters holding contests underground where no controlling force would be in place to monitor these events. As an example, an event held on Musqueam land in February 2008 resulted in an enforcement issue for the Vancouver Police Department. Approximately 20 officers attended the scene where gunshots were fired just after the MMA event concluded. One person was wounded with non-life threatening injuries in the incident.

Staff from the City of Montreal report that the UFC event that took place at the Montreal Bell Center in April 2009 did not pose any significant problems (violence, criminal activity, etc.). The Police support that was offered for the event was the same as for any event being held at the same venue (concert, hockey game, etc.) and consisted of 8 police officers, assigned to close the streets around the Bell Center, control traffic and ensure the safety of all the spectators exiting the Center. Police also focussed on ticket scalpers prior to the game.

Police from the City of Calgary report few issues with MMA events there. Their "King of the Cage" contests draw crowds of approximately 1000 people and 1 sergeant and 6 constables are assigned to each of these events. According to the police, there are fewer police-related incidents at these events than at concerts. When MMA events started, there was a noticeable presence of some known gang members, but the continued police presence has all but removed them.

Indemnity

In order to minimize the risks of any losses, expenses or claims being incurred by or made against the City or the Commission relating to the occurrence of any sanctioned MMA events, staff recommend that the City require that the issuing of a business licence for professional MMA events be done with the condition of a satisfactory indemnity being provided. The indemnity would protect the City and the Commission for any and all losses, expenses or claims incurred by or made against the City or the Commission. An indemnity framework will be developed by City Manager, Director of Legal Services, Director of Finance and the Director of Risk Management setting out the relevant terms and conditions including a requirement for financial security, by way of a bond, letter of credit or other financial instrument. The event organizer/promoter and venue owner would be required to lodge with the City, an indemnity on terms that align with the framework. This condition would be interim pending resolution of sanctioning provincially.

Measures to Mitigate Risks

Staff conducted a best practices review of how other jurisdictions regulate Mixed Martial Arts. This review included six Canadian and two American athletic commissions and examined medical testing and support and insurance and waiver requirements (see Appendix C). These best practices were compared to the current requirements set by the Vancouver Athletic Commission for boxing.

In general, the majority of requirements currently set by the Vancouver Athletic Commission for boxing are consistent with those of other jurisdictions' MMA requirements. However, if

MMA were to be sanctioned, staff recommend the following additional requirements to achieve greater consistency with the practices of those jurisdictions:

- All medical testing and supervision prior to, during and post event to be done by the promoter's medical staff with the Commission only ensuring requirements are fulfilled;
- CT Scans or MRIs as determined by the Commission's medical advisor;
- More up-to-date requirements for blood tests for infectious disease (within 3 months);
- Ambulance service to have hospital transport capability and qualified paramedics (e.g.- BC Ambulance);
- Indemnity Agreement from event promoters, organizers and venue owners;
- Insurance requirements ensure promoters carry adequate general liability insurance to protect the City, VAC and the promoter from third party claims for bodily injury, death or property damage and that participants carry adequate limit of medical insurance satisfactory to the Director of Risk Management;
- Requirement for a security plan for events with greater than 500 attendees to be reviewed by the EOPS section of the Vancouver Police Department;
- The Commission to hire a qualified emergency physician on retainer to oversee the medical requirements for the event.
- Clarify sanctioning requirements for Pro-Am events

The Commission has had a practice of sanctioning events with a mix of professional and amateur bouts at the same event (Pro-Am events). This provides additional value for spectators and opportunities for amateur athletes to demonstrate their skills to a wider audience. However, the Commission does not have the authority to sanction amateur events. Therefore, the requirements should be clarified to ensure that the amateur portion of the event is sanctioned separately by a governing body for the sport and that the main promoter of the event is responsible for insurance coverage and indemnification for the entire event.

Most jurisdictions regulating MMA have adopted the "Unified Rules of Mixed Martial Arts" which were developed by the Nevada State Athletic Commission. These rules prohibit dangerous strikes (e.g. - head butting, eye gouging), unsportsmanlike conduct (e.g. - disobeying the referee) and establish ring requirements (e.g. - fencing, padding). The Vancouver Athletic Commission has stated that they would be prepared to adopt these rules for MMA events in Vancouver.

Economic Benefits

Research suggests that allowing regulated MMA will result in incremental spending in the Metro Vancouver region. This spending includes amounts for facility rentals and services, local advertising, transportation and hotel stays for spectators, media and event crew. A model for evaluating the benefits has been developed by staff in conjunction with the Vancouver Economic Development Commission. The model estimates a range for the value of economic benefits based on:

- Total number of spectators, media and event crew
- Percentage of visitors from outside the Metro Vancouver Region
- The number of overnight stays

For a large event at GM Place, the total incremental spending in Metro Vancouver is likely to be around \$1.5 million (range of \$0.8M to \$4.7M depending on out-of-town visits and overnight stays). The UFC is planning to stage an event in Vancouver in 2010 subject to

Council approval of MMA. It is likely that other smaller events will take place in Vancouver, generating further economic benefits.

Amateur Mixed Martial Arts

The Vancouver Athletic Commission and other athletic commissions across Canada have expressed concerns about the lack of regulatory oversight for amateur MMA events. Most athletic commissions have the authority to sanction only professional events and have no regulatory authority over amateur events.

Most amateur combat sporting events (e.g. - boxing and judo) that take place in B.C. are sanctioned by amateur governing bodies for these sports such as Boxing B.C. and Judo B.C. However, there is no statutory requirement under federal or provincial legislation for sanctioning of these events. Therefore, events can take place without the specific safety requirements that a governing body would normally provide. Staff share the concerns of the Vancouver Athletic Commission.

An exhibition business licence is required under the Licence By-law for athletic events, trade shows, and concerts. The City has issued licences to amateur combat sport groups (e.g.- MMA and kickboxing) however neither the City nor the Commission have the mandate to sanction amateur events. Therefore, staff will work with Sport BC and other governing bodies to establish an appropriate governance methodology for amateur MMA and other types of combat sports.

Vancouver Athletic Commission Capacity

If Council authorizes the Commission to sanction MMA in Vancouver, there will likely be a growth in these types of events. It will be important to ensure that the members of the Commission have a broad range of skills and expertise to manage these types of events including related experience with regulation of combat sports, emergency medical procedures, and legal and insurance requirements.

As quickly as possible, it will be necessary to review the skills and competencies required of members of the Vancouver Athletic Commission to ensure that it will be able to meet the demands of this enhanced responsibility. This will be undertaken with oversight by the City Manager and General Manager of Community Services.

FINANCIAL IMPLICATIONS There are a variety of fees charged to promoters by the Vancouver Athletic Commission and the City (see Table 2). The Commission charges fees to recover its costs, while the City charges a licence fee for business use.

	Vancouver Athletic Commission	City of Vancouver
Type of Fee Charged	Event Charge Seat Tax Promoter fee (annual) Fighter/manager fee (annual)	Exhibition Business Licence
Purpose	Recover Commission's direct costs only	Recover City staff costs related to licensing

Commission Fees

The Commission fees are detailed in Appendix D. It is recommended that the seat tax be increased from \$0.10/seat to \$1.00/seat for every contest or exhibition to cover increased administrative costs related to processing these applications and overseeing the preparation for and the holding of these events. This level of increase is needed to enable the Commission to retain outside administrative assistance and support to be able to carry out their mandate. Staff will work with the Commission to set up a process to bring in outside assistance for this purpose as required.

The amount of increased revenue (and costs) would be directly related to the number of events held in any given year. It is difficult to determine the actual costs as these would vary dependent on the number of events, size of events and possible unforeseen issues. Staff will review support costs and expenditures annually and report back on any fee adjustments that may be required.

It is proposed that the costs for the Commission to hire a qualified emergency physician on retainer to oversee the medical requirements for each event be recovered up-front from the promoter prior to sanctioning of the event.

Business Licence Fees

The City charges business licence fees to recover its administrative and other costs related to processing and reviewing licence applications and managing the activities of businesses in the City. This includes an exhibition licence fee charged for combat sport and other events. The fee (\$138 per event) does not recover the costs of all the City staff time related to supporting combat sport events sanctioned by the Commission including the Commission's meeting coordinator, staff liaison to the Commission and support from Legal Services, Risk Management and the Vancouver Police Department. Staff will review these costs in more detail in 2010 and report back to Council on the level of fee increase necessary to recover these costs.

CONCLUSION

Examining the experience of other jurisdictions and studies with respect to MMA, it is evident that there are both risks and benefits to allowing this combat sport in Vancouver. It is a sport that has grown tremendously in popularity in North America, and one that has the potential to bring economic benefits to Vancouver. A number of jurisdictions in Canada have allowed MMA and have experienced few problems with crowd and security issues.

Based on this review, staff recommend that Council authorize the Vancouver Athletic Commission to sanction mixed martial arts events on a pilot basis for two years with a report back on the experience with this sport. In order to mitigate risk of injury to fighters and crowd control issues, staff are also recommending changes be made to the Commission's regulations with respect to combat sports. Staff are recommending that the required skill sets of the Vancouver Athletic Commission be reviewed quickly to ensure the Commission is able to meet its current and future mandates, including MMA.

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AUG 2 4 2009

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His Worship Gregor Robertson Mayor of the City of Vancouver 453 12 Ave W Vancouver BC V5Y 1V4

Dear Mayor Robertson:

Thank you for your letter of March 31, 2009, regarding the regulation of Mixed Martial Arts. I sincerely apologize for the lengthy delay in responding.

Your letter indicates that Vancouver City Council has passed a motion requesting the provincial government to take steps to create a governing body to regulate Mixed Martial Arts (MMA) in British Columbia (BC).

Historically, the province's approach to the regulation of events of this nature is that they are most appropriately administered at the local level in order for local community needs to be considered and addressed through a local decision-making process. As such, provisions to support this approach are contained in both the Community Charter and the Vancouver Charter and permit municipalities to establish athletic commissions if they choose. I am aware that to date, eight municipalities in BC, including the City of Vancouver, have established such athletic commissions.

It is also my understanding that this is consistent with the approach taken by the majority of other provinces and territories across Canada. Newfoundland and Labrador recently disbanded their provincial commission leaving four provinces with provincial athletic commissions.

An important consideration related to this issue is that the federal government is in the process of considering widening provisions in the Canadian Criminal Code (through Bill C-31) to include events like MMA in the definition of "prize fighting". The province is closely monitoring the progress of Bill C-31 within federal parliament and will analyze the implications of any amendments which are passed on the matter of MMA regulation in BC.

Since this issue touches on Criminal Code matters, which are the responsibility of my colleague, the Honourable Michael de Jong, Attorney General, I have copied him on this letter. Officials with the Ministry of Attorney General were consulted in the drafting of this letter and are aware of its contents. I also understand that the Attorney General has agreed to meet with officials from the Ultimate Fighting Championship, a prominent MMA federation, possibly this coming fall. I suggest that the City of Vancouver follow-up with the Ministry of Attorney General after that meeting has taken place.

Thank you for writing to advise me of Vancouver City Council's view on this matter. I hope you appreciate the province's reasoning and support for the current approach to the regulation of such events.

Sincerely,

Ida Chong, FCGA

He Chong

Minister

pc: Honourable Michael de Jong, Attorney General

MAYOR'S OFFICE

AUG 2 6 2009



Mayor Gregor Robertson
Le maire Gregor Robertson

羅品信市長 ਗਰੈਗਰ ਰੌਬਰਟਸਨ, ਮੇਅਰ Punong-bayan Gregor Robertson

ni? ct xatəmətəl, tə tnimət, tə təməx" ?i? tə k"akk"ə 1 * We watch over the land and sea and in turn they watch over us.

March 31, 2009

Hon. Mary Polak Minister of Health Living and Sport Room 325 - Parliament Buildings Victoria, BC V8W 9E2 Email: mary.polak.mla@leg.bc.ca

Dear Minister Polak: Mary

At the City of Vancouver's City Services and Budgets meeting last Thursday, Council passed a motion asking the Provincial Government to create a governing body to regulate Mixed Martial Arts (MMA) in British Columbia. MMA is becoming an extremely popular sport with growing demand across the province. Furthermore, there are numerous economic benefits related to hosting Mixed Martial Arts, as seen from events in Montreal and Calgary. It is our hope to pursue the economic opportunity that MMA events could bring to Vancouver and to move forward as quickly as possible.

Due to the lack of regulatory oversight, there is the potential for a patchwork of regulations overseeing Mixed Martial Arts as it expands across the province. As such, we would like the Province to take the steps necessary to create a governing body to regulate Mixed Martial Arts, similar to what exists in the Province of Quebec.

The City of Vancouver is preparing the necessary changes to City by-laws that would minimize risk to the City from authorizing the Vancouver Athletic Commission to sanction MMA in Vancouver. The increasing popularity of MMA requires regulatory action to be taken. Our preference is to work with the Provincial Government to facilitate the timely establishment of a provincial governing body for regulating MMA.

It is clear that the rapid growth in popularity of Mixed Martial Arts means that it is only a matter of time before cities across the province are faced with the question of determining whether or not to sanction MMA events. A strong, consistent set of rules and regulations will allow Mixed Martial Arts to take place in a controlled setting that will reduce risks as much as possible. We feel that a provincial governing body is the best way to ensure this outcome.

I look forward to hearing your response.

Yours sincerely,

Gregor Robertson

MAYOR

cc: Hon. Wally Oppal, Attorney General



December 16th, 2009

Mayor Gregor Robertson Vancouver City Hall 453 West 12th Avenue Vancouver, BC V5Y1V4

Dear Mayor Robertson:

I am writing as a follow-up to our conversation on September 1, 2009 regarding mixed martial arts (MMA). Thank you for taking the time to discuss a topic of growing interest.

The Province's current approach to the regulation of combat sport events of all kinds, including MMA, is that they are most appropriately administered at the local level. As such, provisions to support this approach are contained in both the Community Charter and the Vancouver Charter that enable municipalities to establish athletic commissions to sanction such events.

While this has been our approach to date, I appreciate that some municipalities and other stakeholders believe a single, province-wide regulatory system would be more efficient and would lead to more consistent treatment of MMA. Consequently, I am willing to discuss how a provincial regulatory framework might work. To this end, I welcome submissions from the City of Vancouver as well as other municipalities with established athletic commissions. As I indicated to you in September, any change from the existing regulatory framework would require broad support from affected municipalities and is unlikely to be realized in the next 12 months.

I should note that a question that arises in the context of MMA in particular is the effect of section 83 of the Criminal Code relating to a "prize fight". The rather dated language of the section was to be changed by Canada this year in a way which would make it clear that MMA is outside the scope of the section. The federal government introduced Bill C-31 in May but it has not gone past first reading to date. The approach taken by Montreal in these circumstances was, in April of 2008 and again in April of this year, to proceed with a mixed martial arts competition. Apparently a third Montreal event is planned for May of 2010. I would not criticize that approach insofar as I think both public sentiment and public policy have shifted, as reflected by the federal government's intention to change the legislation. That said, others may see it differently. The police of course have their own discretion to recommend charges, and Crown Counsel has an independent discretion when it comes to charge approval.

Please let me know if I can be of any further assistance. I look forward to further discussions with you on this and other matters.

Yours truly,

Michael de Jong, Q.C.

Attorney General and

Government House Leader

Comparison of MMA requirements across cities

	Vancouver (boxing)	Nanaimo	Prince George	Calgary	Edmonton	Quebec	Nevada	California
nsurance 3'° party liability	• Min \$5,000,000 • City and VAC named as additional insureds	\$3,000,000 City of Nanaimo as a third party insured	Min \$2,000,000 The City and Commission as additional named insured on the policy	Min \$2 million The policy is to addthe city as an additional named insured	Not required (covered under the Municipalities Act)	Min \$1,000,000 civil liability insurance	. N/A	N/A
Medical Insurance (for fighters)	Minimum \$100,000 for out- or-province competitors Valid BC medical for BC competitors	Fighters to obtain their own insurance	 Fighter insurance not required 	Fighter insurance not required	Fighter insurance not required	N/A	Minimum \$50,000 and deductibles to be paid by the promoter	Min \$50,000 medical & death All deductibles to be paid by the promoter
Waivers and Other Forms Release of Liability/ Waiver of Claims/ Indemnity Agreement	Release Agreement signed by the Participant and Commission	, N/A	Release, signed by the Participant and the Commission	Release signed by Commission and Participant Indemnity Agreement signed by Promoter & Commission Chair Governing law and Jurisdiction signed by the Participant and Commission	Governing Law and Jurisdiction signed by the Participant	N/A	Fighter/Manager contract to include Assumption of Risk, Release of Liability, and Indemnification, Agreement clauses	. V/A
Other Forms	Promoter must provide to VAC a completed copy of the Official Fighter Contract for each fighter	N/A	. V/A	Coach Manager Declaration re: Participant in good health and physical well-being Mandatory Rest period signed by the Participant and the Ringside Physician	Consent to Release of Health information signed by the Participant	A signed copy of the contract between the contestant and the organizer	Fighter/Manager contract - see above Bout agreement between Fighter/Promoter	Fighter/manager contract
Medical Requirements Disclosure of recent fighting	Re-examination of fighters when rest period between matches less than 30 days	N/A	Statutory Declaration - fighter to declare recent fighting, injury and	General Declaration - disclosure of illnesses, infirmities,	Statutory Declaration - fighter to declare recent fighting,	The contestant is to disclose fighting, injury, illness history	Mandatory minimum rest period between fights Combatant must	N/A

Comparison of MMA requirements across cities

Vancouver (boxing)	Nanaimo	Prince George	Calgary	Edmonton suspension history	Quebec	Nevada report influries and	California
		history	unsdollities, limitations and injuries signed by the Participant and the Commission	suspension instory		illnesses	
One Con approve which is by the p	One Commission approved doctor which is supplied by the promoter	Doctor to be at ring/cage side Commission's obligation to ensure that there is a physician at ringside and at weigh-in	2 or 3 approved ringside physicians provided by the Commission The Commission will, if possible, secure the physician's for the promoter	At least one licensed physician at ringside (approved by the ECSC) Commission may appoint	Physician to be present at all times during the bout	3 or 4 doctors to be at ringside Ringside physician must maintain certification re: cardiopulmonary resuscitation or equivalent certificate in advanced life saving procedures Commission appoints	2 physicians required at the event
3 or 4 EMTs to be in attendance approved by the Commission	Ts to be ance lob the lon	6 to 8 EMTs to assist physician to be in attendance	2 approved paramedics are required with Advanced Life Support capabilities Commission also supplies 2 physician's assistants (registered nurses)	At least one standby emergency medical unit (approved by the ECSC) shall be in attendance	Proof of arrangement with ambulance services At least 1 ambulance A stretcher is to be kept near the ring The event to take place within 20km of a hospital centre	Minimum 2 ambulances and minimum 2 EMTs	An ambulance with 2 EMT/Paramedics
Complete physical examination required pre fight which includes EKG & fundiscopic exams	physical on concert fight ludes EKG opic	Complete physical/medical examination required pre and post fight Medical exam includes funduscopic and	Complete Physical exam to take place at 5pm the day before the event Medical exam includes ECG/EKG, fundoscopic eye exam, MRI, Cat	ECSC certified physician to establish fitness and fighter must pass all tests: Baseline CT Scan (or MRI), baseline ECG and general	Complete physical examination required pre fight including EEG, ECG and pregnancy (7 days before	Complete physical examination the day before the event including dilated ophthalmologic eye exam, MRI (if not examined within 5	Complete physical exam to take place prior to contest including Ophthalmologic Exam, Neurological Exam, MRI Review, Cardiovascular

the participant and Commission Anti-doping testing may be conducted Pregnancy Advisory negative blood tests for HIV, Hep B & C within 24 hours of representative Pre-bout medical Notice signed by Pre Bout Medical One ringside physician to be contestant and Questionnaire California To take place signed by the Must produce examination Commission the event Physician present Anti-doping testing may be conducted negative blood tests for HIV, Hep B & C To take place the day before the produce negative Post fight cursory older, additional years of fight) If fighter is 36 testing may be years of age or competitors to oregnancy test Must produce Nevada required Female event exam Α× To take place 8 to 30 hours before the bout begins HIV, Hep B & C testing Anti-doping testing may be conducted debut and every Pre fight signed the contestant by examining physician Post fight medical exam Cat scan when professional Quebec event) tests thereafter makes his 2 years The Commission may request a drug or alcohol test a pregnancy test for females within General physical exam by physician tests - see Medical Examinations within 30 hours of the start of the participants must dilated eye exam, Syphilis testing within 90 days of fight Mandatory post bout medical pass all medical within 1 year of HIV, Hep B& C, Edmonton To take place No form but fight date pregnancy tests Mandatory post fight medical exam physical exam, and To take place at 5pm the day before signed by Physician testing to take place within 3 months of fight date HIV, Hep B & C, CBC & PT/PTT, Pre Contest and syphilis serology Scan, complete Immediate Pre Calgary Fight Medical the event ۷ ۲ To take place the testing required within 90 days of Medical Examine Participant and Commission **Evaluation Form** HIV, Hep B & C Prince George day before the Exam signed by nitial Medical signed by the ECG exams Examiner, Post Bout Medical Medical event event ۸ ۲ **Examination signed** Random drug tests are not involved To take place the day before the initial and Annual testing required HIV, Hep B & C Nanaimo by Medical Examiner event To take place on the day prior to the event physician 10 days examination form physicals Female fighters Canadian Boxing tests within 6 months prior to the event date HIV, Hepatitis B Fighters are to be available for outlined by the signed by each Drug Testing Consent Form requirements prior to the match Vancouver & C and CBC (for random (boxing) Federation must fulfil post fight fighter's Medical Medical Forms **Drug Testing Blood Tests** Weigh in

Comparison of MMA requirements across cities

Comparison of MMA requirements across cities

California		\$1000 (promoter) Promoter's officers must be fingerprinted \$200/annum (matchmaker)	See Other fees	• \$60/annum	• \$50/annum	• \$150/annum, a physical exam is required	• \$150/annum	• N/A	N/A	• N/A	• \$150/annum	\$50/annum	N/A
Nevada		\$500/annum (Promoter) \$100/annum (Matchmaker) Promoter requires a criminal background check	Event fee: \$100 4% of total gate fees	\$25/annum	\$50/annum	\$75/annum Ring officials require Criminal background check	\$100/annum	N/A	N/A	\$100/annum	\$50/annum	\$50/annum	\$100/annum
Quebec	, ta	Yes, per annum Criminal record check required	Broadcast/Pay Broadcast/Pay Der View fees and Other Fees Min: \$2,527 Max: \$130,780	• Yes	. Yes	Yes	• Yes	. Yes	. Yes	A/N -	• N/A	¥/N	. N/A
Edmonton		\$100/annum Promoter requires a criminal background check	Event fee: \$200 or 3% of gross gate, whichever is greater	\$25/annum	\$25/annum	\$25/annum	N/A	N/A	N/A	N/A	N/A	N/A	N/A .
Calgary		\$133/annum renewal: \$102 Promoter requires a criminal background check	Event fee: \$100 or 5% of total gate fees whichever is greater	• \$133/annum • renewal: \$102	N/A	\$133/annum renewal: \$102	- N/A	- N/A	N/A	A/N -	- N/A	A/N	N/A
Prince George		• \$100/annum	Event Licence: 5500 Event Security fee: \$250	* \$25/annum	. N/A	• \$10/annum	. N/A	N/A	. N/A	. N/A	• N/A	N/A	. N/A
Nanaimo		Yes Promoter requires a criminal background check	• Event fee: \$125	, yes	r yes	N/A	• Yes	w/A	A/N *	W/A	• N/A	N/A	N/A
Vancouver (boxing)	testing) to be signed	\$300/annum Promoter to authorize criminal background check	• Event fee: \$150	• \$20/annum	• \$5/annum	• \$20/annum	• \$20/annum	N/A	W/A	4/N •	• N/A	N/A	N/A
		Licensing and Fees Promoter/ Matchmaker Licence	Event	Fighters Licence	Seconds/ Trainer Licence	Officials/ Referee Licence	Manager Licence	Corner Inspector Licence	Ticket Printer Licence	Announcer Licence	Judge Licence	Timekeeper Licence	Ringside Physician Licence

Comparison of MMA requirements across cities

California	5% of the gross broadcasting or television rights Min: \$1000	• 5% of gross (max \$100,000) • If the fee exceeds \$70,000 the excess amount is paid ½ to the Commission and ½ to the Boxers' Pension Fund		A bond of \$20,000 or an amount determined by the Commission to Promoter is responsible for Officials, Judges, Physicians and other fees	The promoter is responsible for providing adequate security and safety	Gloves are to be inspected by the
Nevada	3% on the first \$1,000,000 1% on the next \$2,000,000 1% on the next \$3,000,000	See Event fee/licence		A bond set the Commission (min \$10,000) Commission may require deposit to cover costs of proceedings, including investigative costs and attorney's fees	• N/A	 Gloves to be inspected by the
Quebec	3% of the gross receipts from broadcasting & rebroadcasting Max: \$75,450	5% of gross ticket sales up to \$500,000 3% of gross ticket sales in excess of \$500,000 40 40 and amount of duties payable is \$55,330	None (Montreal)	A deposit to guarantee payment of the purses or ambulance services, duties payable and the facility rental	 A safety plan is required A security guard is required 	Gloves to be inspected by the
Edmonton	Broadcast fee (for events over 5000 paid) if the event is televised	• See Event fee/licence	None	\$1500 Performance Bond \$200 non- refundable deposit to hold a date for the promoter Promoter is responsible for Officials fees	Promoter to provide for crowd control, safety, medical emergences and security	 Promoter to supply tape, gauze and
Calgary	N/A	See Event fee/licence	Event Licence: \$133 Promoter, Official, Contestant: \$133	\$1500 deposit to be go towards to the Officials payment checklist (officials, doctors, volunteers, fighters, purses, etc costs)	Promoter to ensure adequate security, medical and emergency personnel The cage shall have 2 points of entry	Promoter to provide standard
Prince George	3% of gross revenue for first \$500,000 and 1% thereafter PPV fees	N/A	 All fees go to the City (to cover Commission costs) 	Security Deposit amount determined by the Commission All Medical and Emergency personnel should be at the cost of the promoter	Promoter to ensure that there is adequate security	N/A
Nanaimo	N/A	N/A	• All fees go to the City (to cover Commission costs)	N/A	Promoter responsible for security as set by the commission	 Size of gloves are mandated
Vancouver (boxing)	V/A	Seat tax (\$0.10/seat)	Special Event Licence: \$133	Deposit to cover fighters' purses, the costs of officials, s and any other costs related to the promotion	Promoter shall assure that there is adequate security with the venue management	 Promoter is responsible for
	Broadcast/Pay per View fees	Other fees	Municipal	Deposits	Safety and Security	Equipment

Comparison of MMA requirements across cities

California	the referee	The appropriate number of "all access" credentials clearly indicating "California State Athletic Commission are to be provide to the Executive Officer	 A post mortem report shall be submitted within 72 hours after the event 	W/A	Unified Mixed Martial Arts Rules
Nevada	the referee	 Promoter to provide access to the Commission All referees, judges, ringside physicians, inspector or timekeepers shall have access to the event 	The promoter shall submit within 10 days after the completion of any contest, a post mortem report	• Yes	Unified Mixed Martial Arts Rules
Quebec	• no more than 36.56 m of gauze, 5.08 cm wide to bandage a hand	Board officials and reps to have access to all areas in which the event takes place	The Organizer must submit a post mortem report within 15 days after the event	oN •	Regie des alcools, des courses et des jeux
Edmonton	event	Free access to the show for all Commission members	N/A	oN •	Edmonton Combative Sports Commission Rules
Calgary		Free access for Commission members, assigned volunteers supervisory personnel, Licence Inspectors and Police Officers	• N/A	• Yes	
Prince George		All Access Passes for Commission members and event personnel get City of PG lanyards to allow them access to the venue	• N/A	 Novice Pro (for fighters with less • than 5 fights) 	Unified Mixed Martial Arts Rules
Nanaimo		W/A	N/A	 No, but has had one in the past 	Unified Mixed Martial Arts Rules
Vancouver (boxing)	number, size and type of gloves for the event	Ringside seats for judges, timekeepers, doctors, first aid personnel, and VAC tally keepers to be provided	• N/A	• Yes	N/A
		Miscellaneous Commission/ Board/ Officials Access	Other	Pro-Am events allowed	Rules

Vancouver Athletic Commission

Fee Schedule

Event	Fee Type	Current fee	Proposed fee	Term
Boxing/kickboxing/ mixed martial arts	Promoter's Fee	\$300	No change	Per annum
illixed illai tiai ai ts	Event Charge	\$150	No change	Per event
	Boxer/Fighters License	\$20	No change	Per annum
	Mangers License	\$20	No change	Per annum
	Seconds License	\$5	No change	Per annum
	Seat Tax	\$0.10	\$1.00	Per seat
Wrestling	Event Charge			
	>500 spectators	\$500	No change	Per event
	<500 spectators	\$100	No change	Per event
	Wrestlers & Officials License	\$20	No change	Per person per annum
	Seat Tax			
	>500 spectators	\$0.10	\$1.00	Per seat
	<500 spectators	N/A	No change	