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RETAIL BUSINESS HOLIDAYS ACT APPLICATION FOR EXEMPTION

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council consider the application from the Queensville Antique Mall and determine whether to grant an exemption from the *Retail Business Holidays Act* to allow the business to remain open on holidays.
2. The Regional Solicitor be directed to prepare the necessary by-law to give effect to the exemption, if granted by Council.

2. PURPOSE

The purpose of this report is to advise Council of an application for exemption from the *Retail Business Holidays Act* to allow the Queensville Antique Mall to be open on statutory holidays.

3. BACKGROUND

The *Retail Business Holidays Act* (the "Act") requires businesses to be closed on statutory holidays unless they are exempted. The holidays to which the Act applies are:

- New Year's Day
- Good Friday
- Easter Sunday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day

It should be noted that the Act does not apply to the Civic Holiday in August, and therefore exemptions are not required for that day.

The Act sets out statutory exemptions for certain types of business and also provides that Regional Council may permit businesses to remain open for the maintenance or development of tourism. A public meeting must be held to consider the applications.

Notice of the public meeting has been advertised in accordance with the Act.

The following application has been received:

Municipality	Requested Business/Area	Requested Dates	Hours
East Gwillimbury	Queensville Antique Mall 20091 Woodbine Avenue Queensville, ON L0G 1R0	All holidays, except Christmas Day, Boxing Day and New Year's Day	10:00 a.m. to 6:00 p.m.

A copy of the application is appended to this report (Attachment 1).

4. ANALYSIS AND OPTIONS

4.1 Compliance with the Act

The Act provides that Regional Council may permit retail business establishments to open on holidays for the maintenance or development of tourism. The Region of York actively promotes tourism as part of its economic development strategy. Tourism contributes over \$450 million to the Region's economy and brings in over two million visitors to the Region.

A by-law may be passed only if there is compliance with the tourism criteria set out in the Regulation. In addition, even if the tourism criteria are met, Council is not required to pass the by-law but may exercise its discretion to refuse the application.

4.2 Tourism Criteria

The Regulation sets out the criteria that must be met before Regional Council may pass an exempting by-law. A copy of the applicable Regulation is appended to this report (Attachment 2).

Section 2 of the Regulation provides that a business can be exempted if:

- it is located within two kilometres of a tourist attraction; and
- it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday.

The two kilometre restriction does not apply to municipalities having a population of less than 50,000.

The application states that Queensville Antique Mall is located on a major route to Lake Simcoe and is also located 5 km from the Sharon Temple. The application also states

that the business is located between two existing large tourist draws for antiques and provides services on holidays, primarily to tourists. In July, 2003, an exemption was granted by Regional Council for the Queensville Antique Mall to be open on holidays for the balance of 2003. This application, if granted, would enable the business to be open for the requested holidays in future years.

4.3 Enactment of By-law

Should Council decide to enact a by-law exempting the applicant from the Act, the by-law will come into force on the thirty-first day after it is enacted, in this case March 21, 2004. This is to allow for the possibility of an appeal which may be made within thirty days after the passing of the by-law by any person who objects to the exemption. An appeal may only be made if an exemption is granted. There is no provision for an applicant to appeal if an exemption has been denied.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications to the Region as a result of this application.

6. LOCAL MUNICIPAL IMPACT

Approval of an exemption under the *Retail Business Holidays Act* is intended to contribute to tourism in a particular location, in this case in the Town of East Gwillimbury.

7. CONCLUSION

An application has been received from Queensville Antique Mall requesting an exemption from the *Retail Business Holidays Act* to permit the business to remain open on certain holidays. The antique mall was granted an exemption in 2003. The new application would allow the business to remain open on the requested days in future years.

Regional Council is respectfully requested to review this application and determine whether to enact an exempting by-law, with due consideration to the criteria set out in the Act and Regulation.

If Council elects to pass a by-law, the by-law will come into effect on March 21, 2004.

(A copy of the attachments referred to in the foregoing is included with this report and is also on file in the Office of the Regional Clerk.)