



Clerk's Department
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July 4, 2003

SENT BY FAX (905) 895-3031 AND MAIL

Mr. Denis Kelly, Regional Clerk
The Regional Municipality of York
17250 Yonge Street, Box 147
Newmarket, ON
L3Y 6Z1

Dear Mr. Kelly:

RE: RETAIL BUSINESS HOLIDAY ACT EXEMPTIONS

Council, at its meeting held on June 23, 2003, had before it for consideration your correspondence dated June 20, 2003. In dealing with this matter, Council adopted the recommendation in a report from the City Clerk, which in part requested that Regional Council exempt retail businesses in the City of Vaughan from the provision of the Retail Business Holidays Act for statutory holidays after Canada Day, up to and including Thanksgiving 2003. The intent is to exempt Civic Holiday, Labour Day and Thanksgiving for the purpose of holding "special economic development events" to address the loss of business revenues resulting from the SARS outbreak.

The action taken by Council in this matter is included in Minute No. 155, which is enclosed for your information.

Your attention to Council's request is appreciated.

Sincerely,



J. D. Leach
City Clerk

Attachment:

Extract

- 1) Notice of the Regional Municipality of York re Retail Business Holidays Act Application for Exemption
- 2) Correspondence received from the Regional Municipality of York dated June 20, 2003

JDL/as

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES JUNE 23, 2003**155. RETAIL BUSINESS HOLIDAY ACT EXEMPTIONS**
(Addendum No. 4)

MOVED by Councillor Di Vona
seconded by Councillor Kadis

That the recommendation contained in the following report of the City Clerk, dated June 23, 2003, be approved:

CARRIED

Recommendation

The City Clerk, in consultation with the City Manager and the Director of Legal Services recommends that in order to assist businesses in the City of Vaughan from the negative impact of the SARS outbreak, Council adopt the following resolution:

- 1) That the Region of York be requested to exempt all retail businesses in the City of Vaughan from the provisions of the Retail Business Holidays Act, pursuant to Regulation 711/01, for every statutory holiday after Canada Day, up to and including Thanksgiving 2003, for the purposes of permitting fairs, festivals or other special events; and
- 2) That staff be authorized to submit to the Region of York any applications that may be necessary.

Purpose

The purpose of this report is to advise Council of correspondence received from the Regional Clerk regarding possible applications for exemptions from the Retail Business Holiday Act to address the loss of business revenues across York Region resulting from the SARS outbreak.

Background - Analysis and Options

The Council of the Regional Municipality of York will be holding a public meeting on the 17th of July 2003 to consider exceptions to the Retail Business Holiday Act (Attachment #1). In this regard, correspondence has been received from the Region (Attachment #2). In addition, the Town of Markham's Finance and Administration Committee recently passed a resolution that would request the Region to exempt businesses in Markham and across all of York Region from the Retail Business Holiday Act for the remaining holidays in 2003.

Conclusion

It would be appropriate for Council to consider passing a resolution requesting that the Region exempt businesses in the City of Vaughan from holiday closures for the balance of 2003.

Attachment

- 1) Notice of the Regional Municipality of York re Retail Business Holidays Act Application for Exemption
- 2) Correspondence received from the Regional Municipality of York dated June 20, 2003

Report prepared by:

John D. Leach, City Clerk

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

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Attachment # 1

The Regional Municipality of York
RETAIL BUSINESS HOLIDAYS ACT
APPLICATION FOR EXEMPTION

TAKE NOTICE THAT the Council of The Regional Municipality of York will hold a public meeting on the 17th day of July, 2003, at 9:30 a.m., in the Council Chambers at the Regional Administrative Building at 17250 Yonge Street, in the Town of Newmarket, to consider a by-law pursuant to the *Retail Business Holidays Act* to permit retail business establishments in The Regional Municipality of York to remain open on holidays for the remainder of 2003.

Any person who attends the public meeting shall have the opportunity to make representations in respect of the proposed by-law.

Further information may be obtained from the office of the Regional Clerk, Regional Administrative Building, 17250 Yonge Street, 4th Floor, Newmarket, Ontario, L3Y 6Z1 at 905-830-4444, Ext. 1300.

Anyone wishing to attend the public meeting and make representations is requested to inform the office of the Regional Clerk at 905-830-4444, Ext. 1300.

DATED at Newmarket this 17th day of June, 2003.

DENIS KELLY
Regional Clerk
17250 Yonge Street
Newmarket, ON L3Y 6Z1

The logo for York Region, featuring a stylized map of the region above the text "York Region".



Attachment # 2
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Office of the Regional Clerk
Corporate Services Department

June 20, 2003

Mr. John Leach
City Clerk
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario
L6A 1T1

Dear Mr. Leach:

Re: Retail Business Holiday Act Exemptions

At its meeting of June 12, 2003, Regional Council passed a motion that staff be authorized to take the necessary action to initiate the process set out in the *Retail Business Holidays Act*, including giving notice of a special meeting of Council in July, 2003 if necessary, so that Council can consider Region-wide exemptions to the holiday provisions in the Act for the remainder of 2003 at the earliest possible time. The motion was passed in connection with consideration of Region-wide initiatives to address the loss of business revenues resulting from the SARS outbreak.

It has now been established that Regional Council will hold its special meeting on July 17, 2003, at 9:30 a.m. The attached notice to this effect has been published this week in the local newspapers. The only "holidays" remaining in 2003, as per the Act, would be Labour Day, Thanksgiving Day and Christmas Day.

The *Retail Business Holidays Act* provides that Council shall consider a by-law permitting retail business establishing in the municipality to be open on holidays for the maintenance or development of tourism only on an application. It also specifies that a local municipality can make an application. Each local municipality would need to make an application to exempt retail business establishments in that municipality.

Section 4(3) of the Act provides that Regional Council may only pass an exempting by-law if there is compliance with the tourism criteria set out in the regulations.

I am enclosing a copy of Regulation 711/91 setting out the tourism criteria. Section 5 of Regulation 711/91 provides that despite any other provision in the Regulation, retail business establishments in a municipality may be exempted for up to five holidays a year during which a fair, festival or other special event is being held in that municipality. The application should indicate the fair, festival or special event.

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Retail Business Holiday Act Exemptions

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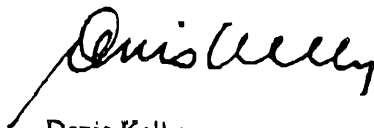
We also refer you to Section 6 setting out the requirements of the application.

Given the timelines, if your Council wishes to make such an application, it would be appreciated if we could receive this application, with the specifics of the retail business establishments, tourism or other criteria, holidays and times on those holidays, at the earliest possible time prior to the July 17, 2003 public meeting. Please note that it would only be necessary to make the application if your Council wishes that there be a change in the current exemptions applying to your municipality.

Please note that in the City of Vaughan, there are currently exemptions for the following:

By-law	Date Enacted	Businesses	Location	Holidays	Hours
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	All	KLEINBURG CORE, within the following boundaries: East side of Islington Ave. from 10365 Islington Ave. to 10585 Islington Ave.; West side of Islington Ave. from 10406 Islington Ave. to 10576 Islington Ave.; South and North sides of Nashville Road from Islington Ave. to Highway 27	All, except Christmas Day	8:00 a.m. to 10:00 p.m.

Yours truly,



Denis Kelly
Regional Clerk

DK:kd

att.

Retail Business Holidays Act
Loi sur les jours fériés dans le commerce de détail

ONTARIO REGULATION 711/91

No Amendments

TOURISM CRITERIA

Notice of Currency:* This document is up to date.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the Table of Regulations (Legislative History).

This Regulation is made in English only.

1. This Regulation sets out the tourism criteria that must be met before a municipality may pass an exempting by-law under subsection 4 (1) of the Act. O. Reg. 711/91, s. 1.

2. (1) A retail business establishment may be exempted if,

(a) it is located within two kilometres of a tourist attraction; and

(b) it is directly associated with the tourist attraction or relies on tourists visiting the attraction for business on a holiday.

(2) An exemption granted on an area basis may only be given if,

(a) all of the retail business establishments in the area are within two kilometres of the tourist attraction;

(b) the area does not exceed that necessary to encompass all of the retail business establishments for which an exemption is sought; and

(c) at least 25 per cent of the retail business establishments in the area are directly associated with the tourist attraction or rely on tourists visiting the attraction for business on a holiday.

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(3) For the purposes of this section, a tourist attraction is limited to,

- (a) natural attractions or outdoor recreational attractions;
- (b) historical attractions; and
- (c) cultural, multi-cultural or educational attractions. O. Reg. 711/91, s. 2.

3. Each retail business establishment that on days other than holidays normally uses a total area of 2,400 square feet or more for serving the public or normally has four or more employees serving the public must, in addition to meeting the tourism criteria set out in subsection 2 (1), provide goods or services on holidays primarily to tourists. O. Reg. 711/91, s. 3.

4. The two kilometre restriction set out in subsections 2 (1) and (2) does not apply to a retail business establishment located in a local municipality, including a local municipality located in a district or regional municipality or the County of Oxford, having a population of less than 50,000. O. Reg. 711/91, s. 4.

5. (1) Despite any other provision of this Regulation, retail business establishments in a municipality may be exempted for up to five holidays a year during which a fair, festival or other special event is being held in that municipality.

(2) Subsection (1) does not apply to parades. O. Reg. 711/91, s. 5.

6. (1) An application for an exemption under subsection 4 (3) of the Act shall contain the following:

1. A description of the area or the retail business establishment for which the exemption is sought.

2. The justification, in relation to the seasonal nature, if any, of the tourist attraction, for the time period sought in the exemption.

3. Information establishing that the tourism criteria set out in this Regulation are met.

(2) An application in respect of a retail business establishment described in section 3 shall be made only by that retail business establishment. O. Reg. 711/91, s. 6.

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http://www.e-laws.gov.on.ca/DBLaws/Regs/English/910711_e.htm

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