

THE RETAIL BUSINESS HOLIDAYS ACT

APPLICATION FOR EXEMPTION

NEAMSBY INVESTMENTS INC. (name of business) hereby applies to the Council of The Regional Municipality of York for an exempting by-law pursuant to Section 4(1) of the Retail Business Holidays Act, as follows:

<u>Business</u>	<u>Location</u>	<u>Holidays</u>	<u>Hours</u>
<u>KENNEDY & DENISON SHOPPING CENTRE</u>	<u>1661 DENISON STREET MARKHAM, ONTARIO</u>	<u>ALL</u>	<u>8:00 AM - 12:00 MIDNIGHT</u>

Enclosed in support of the application is the following (itemize all of the material submitted in support of the application):

1. ESTABLISHMENT DETAIL

2. MAP OF THE LOCATION

3. _____

Continue on separate page if more space required.

Dated at City of Vaughan this 26th day of August, 2004.

Signature [Signature]

CONTROLLER

Relationship to business (President, Partner, Owner, etc.) _____

Please provide the following information:

1. Name, address and telephone number of the business.

NEAMSBY INVESTMENTS INC.

7501 KEELE STREET, SUITE 100 VAUGHAN, ONTARIO, L4K 1Y2

(905) 761-8200 Ext. 265

2. Name, address and telephone number of the contact person.

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SAME ADDRESS AND TELEPHONE NUMBER AS ABOVE

3. The name, or a description, including location, of the tourist attraction, or attractions, relied on:

MARKET VILLAGE - 4350 STEELES AVENUE EAST, MARKHAM, ONTARIO

PACIFIC MALL - 4300 STEELES AVENUE EAST, MARKHAM, ONTARIO

4. If the retail business establishment to be exempted is located in the Town of Markham, the Town of Richmond Hill, or the City of Vaughan, is the business within 2 km of the tourist attraction?

YES.

6. Please indicate the category of tourist attraction (natural; outdoor recreational; historical; cultural; multi-cultural or educational).

MULTI - CULTURAL

7. Is the retail business establishment directly associated with the tourist attraction? If yes, explain the nature and extent of the association.

MULTI - CULTURAL

8. Does the retail business establishment provide goods or services on holidays primarily to tourists?

YES

NOTE: Under the Retail Business Holidays Act the Regional Council is not required to pass an exempting by-law even if the tourism criteria are met.

For further information, please contact The Regional Municipality of York Legal Department, 17250 Yonge Street, Newmarket, Ontario, L3Y 6Z1. Telephone 905-895-1231, ext. 1420, Fax 905.895.3768.

**DENISON CENTRE
TENANTS**

Unit #	INTERNAL TENANT	GENERAL DISCRIPTION	PRODUCTS SOLD
T-2	Denison Supermarket	Grocery Retail	Produce dairy, seafood, poultry, beef, dry goods, tinned goods, frozen foods, kitchen cookware, cleaning supplies, plants, personal hygiene, personal care, beverage, snack foods, etc.
T-4	Zellers (temp closed)		Fixture warehouse
T-9	Shoppers Drug Mart #846	Drug Store Retail	Confection, snack foods, bottled beverage, picnic/party products, bath, beauty prod, magazines, books, pharmacy, prscriptions, film, post office, novelty items.
T-13	Neo Home	Retail	Footwear, electric fans, rice cookers, cookware, dishware, plastic shelves, dishware, plastic shelves, kitchen & bathroom novelty items, lazy boy chairs.
T-15	Priyas	Retail	Dresses, costume jewellery, bottled beverates, frozen food produce, dairy, tinned goods, spices, CDs, videos, phone cards, hair products.
T-16	Dragon Source.Com	Bookstore	Books, calendar, videos, CDs, magazines, newspapers, ornemental dolls.
T-17	Hongs Ticket & Tobacco	Retail	Tobacco, lottery tickets, transit cards tickets, phone cards
T-18	Heavens Gold	Fastfoods	Asian food, take out
T-19	Tai Wong Kee BBQ	Fastfoods	Asian food, take out
T-20	OK Computer	Retail	Computers, accessories, software
T-21	MR. Pro Shoes	Retail	Repair service, orthotics, shoe products - polish, laces
T-22	Vacant (Tamsyn)	Retail	
T-24	Temp - Harbor Int'l Grp (7-23-12-31-04)		Furniture (temp tenant)
T-27	L.S. Cosmetics	Retail	Cosmetics, women's clothing, aesthetic services
T-29	Kam Yuen Herbs	Retail	Asian herbs, accupuncure, candy
T-31B	Katherines Aecessories	Retail	Sunglasses, luggage, handbags, hair accessories, lingerie, hats, umbrellas, back packs, belts.
T-31A	Lcs Chateaux Bakery	Bakery	Pastry shop, hot & cold beverages.
T-33B	Sumi Boutique	Retail	Men's women's children's clothing, scarves, belts, pillow covers, lingerie.
T-33A	Bonnie Shoes	Retail	Men's women's children's footware, handbags, belts, hair accessories, hats, umbrellas.
T-35A	Vacant (partymart)		
T-36	Dollar Mart	Retail	T-shirts, denim shorts, picture frames, cards, gift wrap, party & cookware, tinned foods, light household cleaning products & tools, dishes, glassware, hair aecessories & products, office & school supplies, light hardware items.
T-38	Supertouch Hair Design	Parlor	Hair care servies, accessories, hair products, some aesthetic services
T-37	Golden Pacific Travel	Travel Agent	Travel services
T-39	Your Health Partners	Health Clinic	Chiropractor Massage therapy, weight loss dietician
T-41	Academy of Math & Science	Education	Tutoring service
T-43	Optical Shop Of Markham Inc	Speciality	Optical exams, eye glasses and accessories
T-45	Denison Garden	Fastfoods	Asian foods - take out
T-47	Reggie Remisar (former Capt	Fastfoods	Indian food - take out
T-50	Subway Sandwich	Fastfoods	Subway take out
EXTERNAL TENANT			
T-1	Swiss Chalet	Restaurant	Chicken, beef, foods- restaurant, take out, liquor license
T-3	Mix Two KTV	Entertainment	Billard hall, karaoke bar
T-8	Maydoh Restaurant	Restaurant	Asian food, restaurant & take out
T-26	Dragon Boat Restaurant	Restaurant	Asian food, restaurant & take out

O. Reg. 711/91 -- TOURISM CRITERIA

Menu of Regulations

In force December 1, 1991

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.

(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.