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**KENNEDY AND DENISON CENTRE
RETAIL BUSINESS HOLIDAYS ACT APPLICATION FOR EXEMPTION**

The Regional Planning and Economic Development Committee held a public meeting on May 2, 2012, pursuant to the *Retail Business Holidays Act*, to consider a proposed bylaw to permit the Kennedy and Denison Shopping Centre at 1661 Denison Street, Markham, to remain open on the holidays during the hours set out within the schedule and recommends the following:

1. Receipt of the following deputations:
 - a) Manoj Biswas, Manager, Corporate Affairs Oriental Food Centre, on behalf of the tenants of Kennedy and Denison Shopping Centre, Markham; and
 - b) Joseph Vieni, Lawyer, Joseph C. Vieni Barristers, on behalf of the applicant – Kennedy and Denison Shopping Centre, Markham
2. Receipt of the following communications:
 - a) Kimberley Kitteringham, Town Clerk, Town of Markham, dated April 23, 2012; and
 - b) James Wong, Associate Director, Supporting Services, T&T Supermarket, dated May 2, 2012;
3. Receipt of the staff report dated April 23, 2012, from the Regional Solicitor and the Executive Director, Corporate and Strategic Planning;
4. Granting exemption from the *Retail Business Holidays Act* for the Kennedy and Denison Shopping Centre at 1661 Denison Street, Markham, to permit it to remain open on New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, and Thanksgiving Day between 8 a.m. and midnight; and
5. The Regional Solicitor prepare the necessary bylaw giving effect to the exemption.

1. RECOMMENDATIONS

It is recommended that:

1. Council consider the application for exemption from the *Retail Business Holidays Act* as submitted by Kennedy and Denison Shopping Centre owned by Neamsby Investments Inc. (the “Applicant”).
2. Council determine whether to grant an exemption from the *Retail Business Holidays Act* to allow the Applicant to remain open on New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, and Thanksgiving Day.
3. A bylaw be presented to Council 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 Applicant to be open on certain statutory holidays. This application is the subject of the public meeting to be held on May 2, 2012.

3. BACKGROUND

The *Retail Business Holidays Act* requires businesses to be closed on certain statutory holidays

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

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

Boxing Day and the Civic Holiday in August are not public holidays and therefore an exemption is not required for those days.

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

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

The following application has been received:

Business	Location	Holidays	Hours
Kennedy and Denison Centre	1661 Denison Street, Markham	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	8:00 a.m. to 12:00 midnight

A copy of the application is appended to this report as *Attachment 1*.

4. ANALYSIS AND OPTIONS

Exemption under the Act

Businesses are exempt under the Act if the only goods available for sale on the holiday are foodstuffs, tobacco, antiques or handicrafts. These businesses shall not exceed three employees and the total area used for service shall be less than 2,400 square feet. Other businesses which are exempt are businesses selling only gasoline, nursery stock/flowers or fresh fruit and vegetables.

The Act does not apply to pharmacies as they are governed under the *Drug and Pharmacies Regulation Act*. As well, the selling of liquor is governed under the *Liquor License Act*, and therefore the Act is not applicable.

Council may permit businesses to be open on holidays if the tourism criteria are met

The Act provides that Council may permit retail business establishments to open on holidays for the maintenance or development of tourism.

A bylaw may be passed only if there is compliance with the tourism criteria set out in Ontario Regulation 711/91 Tourism Criteria (the "Regulation") under the Act. A copy of the regulation is appended to this report as *Attachment 2*. In addition, even if the tourism

criteria are met, Council is not required to pass the bylaw and may exercise its discretion to refuse the application.

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.

For the purposes of Section 2, a tourist attraction is limited to:

- natural attractions or outdoor recreational attractions;
- historical attractions; and
- cultural, multi-cultural or educational attractions.

The Applicant lists Market Village Markham and Pacific Mall as the tourist attractions within its vicinity

The Applicant has listed Market Village Markham and Pacific Mall as the tourist attractions on this application. The travelled distance between the Applicant location and Market Village Markham and Pacific Mall is between 700m and 1.4 km, and is shown on the maps enclosed in the submission.

Currently there are no bylaws applicable to this business, but there were 2 previous applications for exemption submitted in 2004 and 2008 which were both denied. A chart showing businesses within the Region which have been granted exemption is appended to this report as *Attachment 3*.

The Applicant and its tenants are long established businesses within the Region

Neamsby Investments Inc, the parent company of the Applicant has been in existence and active since 1981 in Ontario and the Region. The Applicant is a shopping mall totalling 190,000 square feet and has been in operation for 24 years with a variety of tenants from the retail, personal service and food sectors employing 226 persons. The operating hours are currently 9:00 a.m. to 11:00 p.m.

The Applicant provided a tenant listing within its application to demonstrate, as stated in its supplementary report, that many of its tenants are, "...involved in retail enterprises for which the Act independently provides an express exemption under Section 3."

The Applicant's report states, "the Denison Centre could form part of a modern suburban "China Town", and its close proximity to the Market Village Markham and Pacific Mall fulfills the criteria for a tourist area exemption under the Act

The Applicant's report suggests, if the Applicant were granted an exemption, the Denison Centre, Pacific Mall and Market Village Markham would be forming a suburban China town and would therefore feed the Region's tourism strategy.

Market Village Markham and Pacific Mall are both noted among the largest Chinese shopping centres within North America drawing locals and tourists alike and were granted exemptions, by Council, from the Act in 2000 and 2001 respectively. Pacific Mall also houses the Pacific Heritage Town which is considered a Chinese cultural attraction as it is a representation of a market setting that may be found in the Asia-Pacific region. Pacific Heritage Town was granted an exemption from the Act in 2000.

The Applicant cites this close proximity as a reason its location and similar establishments are often used by visitors to the Attractions during special events and periods of high visitor traffic. The Applicant has provided supplementary information, within its application, on a selection of the cultural activities it hosts throughout the year.

Enactment of Bylaw

Should Council decide to grant the exemption, the bylaw will come into force on the thirty-first day after it is enacted, which will be June 17, 2012. This is to allow for the possibility of an appeal which may be made within thirty days after the passing of the bylaw 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.

It is open to Council to grant the exemption as requested, or to make amendments with respect to the application.

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 Act is intended to contribute to tourism in a particular location, in this case in the Town of Markham. A copy of the application was sent to the Town of Markham for its comment if it wished to do so. The Town of Markham has advised that their Council has voted to recommend support of the application.

7. CONCLUSION

An application has been received from the Applicant requesting and exemption from the Act to permit Kennedy and Denison Centre to remain open on New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day and Thanksgiving Day.

Council is respectfully requested to review this application and determining whether to enact an exempting bylaw, with due consideration to the criteria set out in the Regulation.

If Council elects to pass a bylaw, the bylaw will come into effect on June 17, 2012.

For more information on this report, please contact Anitra Basant Sisavang, Law Clerk at Ext. 1444 or Doug Lindeblom, Director, Economic Strategy and Tourism at Ext. 1503.

(The three attachments referred to in this clause are attached to this report.)

**REGION OF YORK
CLERK'S OFFICE**

FILE No. - 907

April 20, 2012

Ms. Anitra Basant Sisavang
Regional Municipality of York
Law Clerk, Legal Services Branch
17250 Yonge St.
Newmarket, ON L3Y 6Z1



**RE: THE DENISON CENTRE, MARKHAM
APPLICATION FOR EXEMPTION UNDER THE
RETAIL BUSINESS HOLIDAYS ACT (10.16)**

Dear Ms. Sisavang:

This will confirm that at a meeting held on April 17, 2012, Council of the Town of Markham adopted the following resolution:

- "1) That the correspondence dated April 11, 2012 from Mr. Joseph C. Vieni, Barrister on behalf of the owners for The Denison Centre, and from Dr. Ken Ng, Chairman, Chinese Chamber of Commerce in Markham, dated April 16, 2012, requesting the Town of Markham's support with respect to an application made to the Regional Municipality of York for exemption under the *Retail Business Holidays Act*, be received; and,
- 2) That the deputations by Jennifer Thomas of Thomas Law representing the Denison Centre, and by Manoj Biswas, representing Oriental Foods in the Denison Centre with respect to an application made by the Denison Centre to the Regional Municipality of York for exemption under the *Retail Business Holidays Act*, be received; and further,
- 3) That the Regional Municipality of York be advised that the Town of Markham supports the request by the Denison Centre for an exemption under the *Retail Business Holidays Act*, due to its proximity to the tourist attraction of Pacific Mall."

Yours sincerely,

Kimberley Kitteringham
Town Clerk

KK:mbp

May 2nd, 2012

Region of York
Ghislaine Boulianne
Clerk's Office
Planning and Economic Development Committee
Committee Room "A", Administrative Centre
17250 Yonge Street, Newmarket, Ontario

Ghislaine.boulianne@york.ca

We would like to raise several concerns with the application before Council for an exemption under the Retail Business Holidays Act on behalf of the Kennedy and Dennison Shopping Centre (KDSC). Our concerns centre on the suggestion that KDSC is directly impacted by other retail shopping centers such as Pacific Mall.

Section 4(1) of the Act permits the council of a municipality to pass a by-law permitting a retail business establishment to open on a holiday. However, before doing so the regional council must:

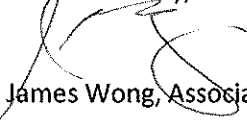
- Establish that grant of an exemption to KDSC is necessary for maintenance or development of tourism in York Region. Does KDSC have sufficient impact to qualify under this section, which is the basis for the entire application?
- Ensure that the applicant meets the specific criteria for a tourism exemption. According to those criteria, KDSC must prove that, in addition to being within 2 kilometres of the Pacific Mall:
 - It is directly associated with the Pacific Mall or "relies on tourists visiting the attraction for business on a holiday."
 - Given that it normally uses a total area of 2,400 square feet or more for serving the public, it "provides goods or services on holidays *primarily* to tourists]. This criterion increases the obligation of KDSC, because the word "primary" suggests that more than 50% of its customers on a holiday must be tourists.

Given these concerns, KDSC should be put to the strict requirement to prove its case that an exemption applies. This onus on the applicant has been confirmed in the Reports of the York Regional Commissioner of Corporate & Legal Services, produced for past exemption applications. On this basis KDSC should clearly and objectively be asked to prove that the majority of its customers are tourists on holidays. What body of evidence does it have to back this up?

Finally, we would also like to suggest that if council were to approve the exemption based on the application before it, many similar retailers will seek exemptions with a reasonable expectation of success. Exemptions should remain rare otherwise the landscape of retail across York will change dramatically which is not the intention of the Act or council.

As it has done twice before with the same facts before it, we encourage council to deny this application.

Yours Sincerely,



James Wong, Associate Director, Supporting Services

The Regional Municipality of York

APPLICATION FOR EXEMPTION - THE RETAIL BUSINESS HOLIDAYS ACT

The business named below, ("Applicant") hereby applies to the Council of The Regional Municipality of York for an exempting bylaw pursuant to Section 4(1) of the Retail Business Holidays Act, R.S.O. 1990 ("Act")

SECTION 1: APPLICANT INFORMATION

The information in Section 1, 2, 3 and 4a are required to properly process your application. Any missing information will result in your application being delayed until the next application deadline.

Retail Applicant name <i>(List parent company after retail business)</i>	Kennedy & Denison Shopping Centre By Neamsby Investments Inc.		
Location address	1661 Denison Street, Markham Ontario, L3R 6E4		
Location telephone number	905-479-6630		
Primary contact for Applicant <i>(Person to whom all correspondence will be addressed)</i>	Name: Address: Telephone: Fax: Email:	Joseph C. Vieni, Barristers Madison Centre 4950 Yonge Street, Suite 1800 Toronto, Ontario, M2N 6K1 416-221-8181 416-221-0303 jvienibarristers.com ebieri@vienibarristers.com	
The Applicant is located within:	☐ Town of Aurora ☐ Town of East Gwillimbury ☐ Town of Georgina ☐ Township of King ☒ Town of Markham ☐ Town of Newmarket ☐ Town of Richmond Hill ☐ City of Vaughan ☐ Town of Whitchurch-Stouffville		
Number of years in operation	24 years		
Location size <i>(If a mall or plaza; must include all spaces regularly used during operating hours)</i>	190,000 square feet		
Number of employees directly employed at location <i>(if a mall or plaza; must include total employees for all stores on site)</i>	226		
Type of retail business	Shopping Mall <i>(see attachment to application for store listing)</i>		
Current operating hours	9:00 a.m. to 11:00 p.m.		
Has the local municipality been	☐ YES		

notified of this application?	☒ NO – Region will notify the Town of Markham	
Have you enclosed ___ copies of this completed application and all supporting information?	☐ YES ☒ NO – Exempted for this application only.	
Have you enclosed the application fee?	☐ YES ☒ NO – Exempted for this application only.	
Have you enclosed a cheque for the advertising costs?	☒ YES ☐ NO	
SECTION 2: TOURIST ATTRACTION PROFILE		
Name of nearby tourist attraction	Market Village Pacific Mall	
Attraction location address	4350 Steeles Avenue East, Markham, Ontario L3R 9V7 4300 Steeles Avenue East, Markham, Ontario L3R 0Y5	
Attraction category	☒ Cultural ☐ Educational ☒ Multi-cultural ☐ Natural ☐ Outdoor recreational	
The Applicant is located with 2km of the tourist attraction	☒ YES ☐ NO <i>Must provide info in Section 4A #5 If No, see Section 4A #8</i>	
Is the tourist attraction seasonal?	☐ YES* ☒ NO <i>If Yes, see Section 4A #9</i>	
Is the Applicant directly associated with the tourist attraction?	☒ YES* ☐ NO* <i>If Yes, see Section 4A #6 If No, please see instructions.</i>	
Does the Applicant provide goods or services primarily to tourists during Holidays?	☐ YES* ☒ NO <i>If Yes, see Section 4A #8</i>	
SECTION 3: EXEMPTION REQUEST		
Proposed holiday hours of operation	8:00 am to 12:00 midnight	
Requested exemption period (please check box(es)):		
☐ All ☐ Winter (October – March) ☐ Summer (April - September)	☒ New Year's Day ☒ Family Day ☒ Good Friday ☐ Easter Sunday	☒ Victoria Day ☒ Canada Day ☒ Labour Day ☒ Thanksgiving Day ☐ Christmas Day
Do any of the requested exemption dates occur outside the operating season of the tourist attraction?	☐ YES* ☒ NO* <i>If Yes, see Section 4A #9</i>	
SECTION 4: SUPPORTING DOCUMENTS		
Items 1-10 in section 4A are required to properly assess your application. Any missing information will result in your application being delayed until the next deadline. Items listed in section 4B are not required, but will be reviewed if provided.		

Note: all supporting information must be submitted in hard copy and available in electronic form.

4A. MANDATORY INFORMATION:

Enclosed in support of this application are the following materials as listed in the application instructions:

X	1. Letter from a lawyer detailing the qualifications for an exemption in accordance with the Act.
X	2. A copy of most recent Corporate Profile Report or Incorporation documents
	3. Report and supporting data detailing how the exemption will benefit the community in which the business is located.
x	4. Map of Applicant location area and facilities
X	5. Map of tourist attraction in proximity to site
	6. Tourist attraction information, including operating season and hours
X	7. Information detailing association with tourist attraction
n/a	8. If Applicant is not located within 2km of tourist attraction please provide detailed justification for this exemption with supporting evidence.
n/a	9. If requesting exemptions outside tourist attraction operating season please provide detailed justification for this exemption with supporting evidence.
x	10. Copy of Notice, to be issued to retail tenants or posted in a visible and publicly accessible location, regarding this application.

4B. ADDITIONAL INFORMATION:

Below is a suggested listing of information that you may submit with your application if available and applicable.

	11. If applying as an educational attraction please provide letters of reference from schools within any GTA school board on letter head from principal
	12. If available, please provide letters of reference from registered tour companies
	13. Tourist traffic survey
	14. Traffic survey or maps
	15. Report, maps and photos detailing how the site is ordinarily accessed by visitors (i.e. foot, bike, transit, car)

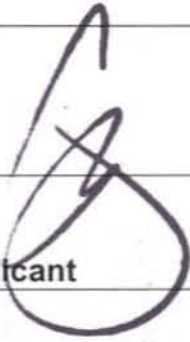
I/we the undersigned have the authority to sign this application for or on behalf of the Applicant and certify that the information contained in this application and all supporting documents supplied are true and complete. If any part of this application is incomplete or lacks sufficient information York Regional Council may reject this application and I/we must reapply. I/we understand and am aware of the conditions for exemption under Provincial Regulations 711/91 and accept that under the Retail Business Holidays Act, R.S.O 1990, York Regional Council is not required to pass an exempting bylaw even if the tourism criteria are met.

Date: 5th day of April, 2012.

Name of signatory for Applicant
Joseph C. Vieni

Signature:

Title: Lawyer for the Applicant

A handwritten signature in dark ink, appearing to be 'JCV', is written over the signature and title fields of the form.

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
491917	NEAMSBY INVESTMENTS INC.	1981/09/15
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO BUSINESS CORP.	ACTIVE	NOT APPLICABLE
Registered Office Address	Date Amalgamated	Amalgamation Ind.
7501 KEELE STREET	NOT APPLICABLE	NOT APPLICABLE
Suite # 100 VAUGHAN ONTARIO CANADA L4K 1Y2	New Amal. Number	Notice Date
	NOT APPLICABLE	NOT APPLICABLE
Mailing Address		Letter Date
7501 KEELE STREET		NOT APPLICABLE
Suite # SUITE 100 VAUGHAN ONTARIO CANADA L4K 1Y2	Revival Date	Continuation Date
	NOT APPLICABLE	NOT APPLICABLE
	Transferred Out Date	Cancel/Inactive Date
	NOT APPLICABLE	NOT APPLICABLE
	EP Licence Eff.Date	EP Licence Term.Date
	NOT APPLICABLE	NOT APPLICABLE
	Number of Directors Minimum Maximum	Date Commenced in Ontario
	UNKNOWN UNKNOWN	NOT APPLICABLE
Activity Classification		Date Ceased in Ontario
NOT AVAILABLE		NOT APPLICABLE

Request ID: 014129860
Transaction ID: 47296232
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2012/04/04
Time Report Produced: 15:05:14
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CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name
491917	NEAMSBY INVESTMENTS INC.

Corporate Name History	Effective Date
NEAMSBY INVESTMENTS INC.	1981/09/15

Current Business Name(s) Exist:	NO
Expired Business Name(s) Exist:	NO

Administrator: Name (Individual / Corporation)	Address
RUDOLPH BRATTY	61 EDENVALE CRESCENT ISLINGTON ONTARIO CANADA M9A 4A5

Date Began	First Director	
1981/10/15	NOT APPLICABLE	
Designation	Officer Type	Resident Canadian
DIRECTOR		Y

Request ID: 014129860
Transaction ID: 47296232
Category ID: UN/E

Province of Ontario
Ministry of Government Services

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Time Report Produced: 15:05:14
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CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name
491917	NEAMSBY INVESTMENTS INC.

Administrator: Name (Individual / Corporation)	Address
RUDOLPH BRATTY	61 EDENVALE CRESCENT ISLINGTON ONTARIO CANADA M9A 4A5

Date Began	First Director	
1981/10/15	NOT APPLICABLE	
Designation	Officer Type	Resident Canadian
OFFICER	PRESIDENT	Y

Administrator: Name (Individual / Corporation)	Address
JERRY BRATTY	19 WHITECROFT PLACE ISLINGTON ONTARIO CANADA M9A 4T3

Date Began	First Director	
1981/10/15	NOT APPLICABLE	
Designation	Officer Type	Resident Canadian
DIRECTOR		Y

Request ID: 014129860
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Category ID: UN/E

Province of Ontario
Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number

491917

Corporation Name

NEAMSBY INVESTMENTS INC.

Administrator:
Name (Individual / Corporation)

JERRY
BRATTY

Address

19 WHITECROFT PLACE

ISLINGTON
ONTARIO
CANADA M9A 4T3

Date Began

1981/10/15

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Administrator:
Name (Individual / Corporation)

RUDOLPH
P.
BRATTY

Address

61 EDENVALE CRESCENT

ISLINGTON
ONTARIO
CANADA M9A 4A5

Date Began

1981/10/15

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

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491917

Corporation Name

NEAMSBY INVESTMENTS INC.

Administrator:
Name (Individual / Corporation)

RUDOLPH
P.
BRATTY

Address

61 EDENVALE CRESCENT

ISLINGTON
ONTARIO
CANADA M9A 4A5

Date Began

1981/10/15

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

PRESIDENT

Resident Canadian

Y

Administrator:
Name (Individual / Corporation)

JERRY
D.
BRATTY

Address

19 WHITECROFT PLACE

ISLINGTON
ONTARIO
CANADA M9A 4T3

Date Began

1981/10/15

First Director

NOT APPLICABLE

Designation

DIRECTOR

Officer Type

Resident Canadian

Y

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CORPORATION PROFILE REPORT

Ontario Corp Number

491917

Corporation Name

NEAMSBY INVESTMENTS INC.

Administrator:

Name (Individual / Corporation)

JERRY
D.
BRATTY

Address

19 WHITECROFT PLACE

ISLINGTON
ONTARIO
CANADA M9A 4T3

Date Began

1981/10/15

First Director

NOT APPLICABLE

Designation

OFFICER

Officer Type

SECRETARY

Resident Canadian

Y

Request ID: 014129860
Transaction ID: 47296232
Category ID: UN/E

Province of Ontario
Ministry of Government Services

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CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name
491917	NEAMSBY INVESTMENTS INC.

Last Document Recorded		Form	Date
Act/Code	Description		
CIA	ANNUAL RETURN 2010	1C	2011/07/30

THIS REPORT SETS OUT THE MOST RECENT INFORMATION FILED BY THE CORPORATION ON OR AFTER JUNE 27, 1992, AND RECORDED IN THE ONTARIO BUSINESS INFORMATION SYSTEM AS AT THE DATE AND TIME OF PRINTING. ALL PERSONS WHO ARE RECORDED AS CURRENT DIRECTORS OR OFFICERS ARE INCLUDED IN THE LIST OF ADMINISTRATORS.

ADDITIONAL HISTORICAL INFORMATION MAY EXIST ON MICROFICHE.

The issuance of this report in electronic form is authorized by the Ministry of Government Services.

Denison Centre, 1661 Kennedy Road, Markham

Tel : (905) 479-6630 Fax: (905) 479-8858

MEMORANDUM

TO: All Tenants
Denison Centre

From: Karen Pandell

Date: April 3, 2012

Re: **Notice of Public Meeting on May 2**
for exemption under The Retail Business Holidays Act

Please find attached Notice of Public Meeting on May 2, 2012 at 1:00 p.m.

Should you have any questions concerning this application, please feel free to contact me at (905) 479-6630.

Thank you for your attention.

The Regional Municipality of York

NOTICE OF PUBLIC MEETING

RETAIL BUSINESS HOLIDAYS ACT

APPLICATION FOR EXEMPTION

On Wednesday May 2, 2012 at 1:00 p.m., the Planning and Economic Development Committee of The Regional Municipality of York will hold a public meeting pursuant to the *Retail Business Holidays Act*. The purpose of the public meeting is to consider a proposed bylaw to permit the retail business establishment identified in the following schedule to remain open on the holidays during the hours set out within the schedule.

The proceedings of the Committee and its recommendations will be presented to Regional Council for adoption.

Any person who attends this public meeting shall have the opportunity to make representations in respect of the proposed bylaw. Representations regarding this proposed bylaw will be heard only at this meeting. No deputations on this matter will be permitted at Regional Council.

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 address the Committee on this matter is requested to inform Denis Kelly, Regional Clerk at 905-830-4444, Ext. 1300 by 12:00 noon on Thursday, April 26, 2012.

The following is the schedule above referred to:

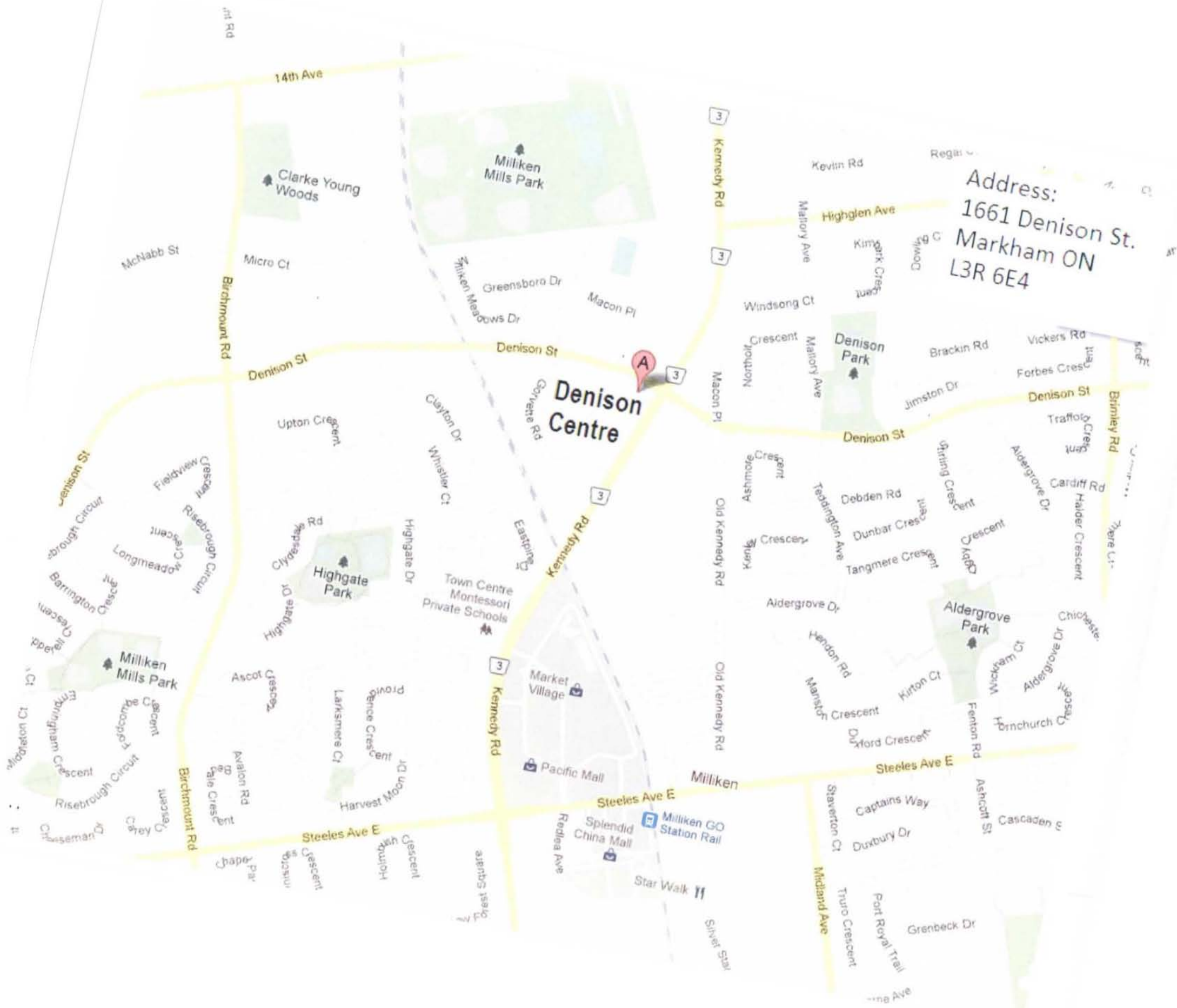
Column 1 (Business)	Column 2 (Location)	Column 3 (Holidays)	Column 4 (Hours)
Kennedy & Denison Shopping Centre	1661 Denison Street Markham, Ontario	New Year's Day Family Day Good Friday Victoria Day Canada Day Labour Day Thanksgiving Day	8:00 a.m. to 12:00 midnight.

DATED at Newmarket March 26, 2012.

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



Address:
1661 Denison St.
Markham ON
L3R 6E4





**Celebrate the Holiday Seasons at
Denison Centre with SANTA
Music and Loads of Laughters!!!**

聖誕老人 陪您歡欣迎佳節

December 17, 2011 (Saturday) 1pm to 4pm
二〇一一年十二月十七日 (星期六) 下午一時至四時

1:00 pm - 4:00pm

Santa's Workshop!

Come on kids, Join the fun! Create a one-of-a-kind gift!

聖誕老人工作坊! 前來一齊分享歡樂氣氛! 創造獨一無二的禮品!

1:00pm

"Santa" is coming to town! Meet and Greet Santa and his friends. Receive a FREE present as well!

“聖誕老人”來了! 請攜帶您的相機與聖誕老人合照!
同時可獲免費禮品乙份。

2:00 pm

Hear the "Angels" sing! Angel Choir of Toronto
靜聽“小天使”們美妙的歌聲! 多倫多小天使合唱團

3:00 pm

Santa's Elve performs MAGIC!!!

聖誕小精靈表演魔術!!!

*One present per child, while quantities last. 數量有限, 送完即止。

DENISON CENTRE

Southwest Corner of KENNEDY ROAD & DENISON STREET

We Take Care of You ALL!



迎中秋

Celebrate the Mid-Autumn Moon Festival at
DENISON CENTRE
與您歡聚賀中秋

September 10, 2011 (Saturday) 1pm to 4pm

二〇一一年九月十日 (星期六) 下午一時至四時

- | | |
|-------------------|---|
| 1:00 pm - 4:00 pm | Guess riddles and Win mooncakes! 猜燈謎贏取月餅! |
| | Children Arts and Crafts Station 兒童手工藝 |
| 1:30 pm | Chinese Strings Music Ensemble Instrumental Performance 弦藝社中國樂器演奏 |
| 2:30 pm | Canadian Chinese Folk Dance Group Performance 中國民族舞蹈表演 |

We Take Care of You ALL!

DENISON CENTRE

KENNEDY ROAD 夾 DENISON STREET 西南角

MOONCAKE SPONSOR 月餅贊助商

華盛 Oriental
food mart

Celebrate Chinese New Year at
Denison Centre

二零一二年一月廿二日 (星期日 農曆年廿九) 下午一時至四時
二零一二年一月廿八日 (星期六 農曆年初六) 下午一時至四時

二零一二年一月廿二日 (星期日)

- 1pm CHINESE NEW YEAR ARTS & CRAFTS STATION 農曆新年兒童手工藝坊
- 2pm TORONTO CULTURAL YOUTH ORCHESTRA 多倫多文化青少年樂團
- 3pm CANADIAN CHINESE FOLK DANCE PERFORMANCE 中國舞蹈表演
- 3:30pm LION DANCE AND KUNG FU PERFORMANCE 醒獅賀歲及功夫表演

二零一二年一月廿八日 (星期六)

- 1pm CHINESE INSTRUMENTAL PERFORMANCE 中樂演奏
- 2pm LION DANCE 醒獅賀歲
GOD OF FORTUNE HANDING OUT RED LUCKY PACKETS* 財神派利是*

* 財神派利是活動之收入，將撥作慈善用途。

DENISON CENTRE

KENNEDY ROAD 夾 DENISON STREET 西南角

We Take Care of You ALL!



恭祝各位
龍精虎猛
財源廣進

Celebrate Chinese New Year at

Denison Centre

February 13, 2009 (Saturday) &
February 20, 2009 (Saturday) from 1pm

二零一零年二月十三日 (星期六 農曆年三十) 及
二零一零年二月二十日 (星期六 農曆年初七) 由下午一時開始

February 13, 2010 二零一零年二月十三日

Chinese New Year Celebration Activities ... Chinese Instrumental Performances,
Chinese Dances, Children's Arts and Crafts Station ...

農曆新年賀歲節目 ... 中國樂器表演, 中國舞, 兒童手工藝 ...

February 20, 2010 二零一零年二月二十日

Lion Dance, God of Fortune, Chinese Folk Dances ...

醒獅賀歲, 接財神, 中國民族舞蹈 ...

We Take Care of You ALL!

DENISON CENTRE

Southwest Corner of KENNEDY ROAD & DENISON STREET



Celebrate Chinese New Year At
Denison Centre
 January 28, 2011 (Saturday) & February 5, 2011 (Saturday) from 1pm
 農曆正月初九日 (星期六) 暨正月廿二日 (星期六) 下午一時開始

January 28, 2011: 2:00pm - 4:00pm
 Chinese New Year Celebration Activities... Chinese Traditional Performances... and FCI the NEW TALENTS!

農曆正月初九日: 中國傳統表演... 新春慶祝活動

February 5, 2011: 2:00pm - 4:00pm
 Chinese New Year Celebration Activities... Chinese Traditional Performances... and FCI the NEW TALENTS!

農曆正月廿二日: 中國傳統表演... 新春慶祝活動

DENISON CENTRE
 145-155 East of Fourth Mall



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

ONTARIO REGULATION 711/91 TOURISM CRITERIA

Consolidation Period: From December 1, 1991 to the [e-Laws currency date](#).

No amendments.

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. O. Reg. 711/91, s. 2 (1).

(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. O. Reg. 711/91, s. 2 (2).

(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).

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. O. Reg. 711/91, s. 5 (1).

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

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. O. Reg. 711/91, s. 6 (1).

(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 (2).

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Français

Retail Business Holidays Act

R.S.O. 1990, CHAPTER R.30

Consolidation Period: From December 15, 2009 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 24, s. 5.

Definitions

1. (1) In this Act,

“holiday” means,

- (a) New Year’s Day,
- (b) Good Friday,
- (c) Victoria Day,
- (d) Canada Day,
- (e) Labour Day,
- (f) Thanksgiving Day,
- (g) Christmas Day,
- (h) Easter Sunday, and

(i) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act; (“jour férié”)

“municipality” means a regional municipality and a local municipality, other than a local municipality within a regional municipality, but does not include the City of Toronto; (“municipalité”)

“retail business” means the selling or offering for sale of goods or services by retail; (“commerce de détail”)

“retail business establishment” means the premises where a retail business is carried on. (“établissement de commerce de détail”) R.S.O. 1990, c. R.30, s. 1 (1); 1993, c. 14, s. 1; 1993, c. 27, Sched.; 1996, c. 34, s. 1 (1); 2002, c. 17, Sched. F, Table; 2006, c. 11, Sched. B, s. 12 (1).

Holidays designated for closing

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in clauses (a) to (h) of the definition of “holiday” in subsection (1) to be a holiday for the purposes of this Act. R.S.O. 1990, c. R.30, s. 1 (2); 1996, c. 34, s. 1 (2); 2006, c. 11, Sched. B, s. 12 (1).

Non-application, City of Toronto

1.1 (1) This Act does not apply to the City of Toronto and it does not apply in respect of any by-law of the City or any retail business establishment located in the City. 2006, c. 11, Sched. B, s. 12 (2).

Exception

(2) Despite subsection (1), Part XVII of the *Employment Standards Act, 2000* shall be applied as if this Act applies to the City and to retail business establishments located in the City. 2006, c. 11, Sched. B, s. 12 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by the Statutes of Ontario, 2006, chapter 32, Schedule D, subsection 15 (1) by adding the following section:

Non-application, municipalities

1.2 (1) This Act does not apply to a municipality and does not apply in respect of any by-law of the municipality or any retail business establishment located in the municipality if there is in effect a by-law passed by the municipality providing that this Act does not apply to it. 2006, c. 32, Sched. D, s. 15 (1).

Condition for by-law to take effect

(2) A by-law under subsection (1) does not take effect until the municipality passes a by-law under section 148 of the *Municipal Act, 2001* requiring that one or more classes of retail business establishments be closed on a holiday. 2006, c. 32, Sched. D, s. 15 (1).

By-law valid

(3) Nothing in section 7 invalidates a by-law passed by a municipality under section 148 of the *Municipal Act, 2001* if the municipality has passed a by-law under subsection (1) providing that this Act does not apply. 2006, c. 32, Sched. D, s. 15 (1).

Exception

(4) Despite subsection (1), Part XVII of the *Employment Standards Act, 2000* shall be applied as if this Act applies to the municipality and to retail business establishments located in the municipality. 2006, c. 32, Sched. D, s. 15 (1).

See: 2006, c. 32, Sched. D, ss. 15 (1), 18 (2).

Prohibition

2. (1) No person carrying on a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

on a holiday.

Onus on employees, etc.

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

- (a) sell or offer for sale any goods or services therein by retail; or
- (b) admit members of the public thereto,

on a holiday. R.S.O. 1990, c. R.30, s. 2.

Exemptions: small stores

3. (1) Section 2 does not apply in respect of the carrying on of a retail business on a holiday where, on that day,

- (a) the only goods available for sale by retail in the retail business establishment are,
 - (i) foodstuffs,
 - (ii) tobacco or articles required for the use of tobacco,
 - (iii) antiques, or
 - (iv) handicrafts,

or any combination of them, or where the principal business is the sale of goods referred to in subclauses (i) to (iv), or any of them, by retail and no other goods are available for sale except as sundries; and

- (b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (1).

Idem, pharmacies

(2) Section 2 does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under the *Drug and Pharmacies Regulation Act*, where, on that day,

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and
- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and
- (c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 7,500 square feet. R.S.O. 1990, c. R.30, s. 3 (2); 1998, c. 18, Sched. G, s. 72.

Idem, special services

(3) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a holiday where, on that day, the only goods available for sale by retail in the establishment are,

- (a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
- (b) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies; or
- (c) fresh fruit or vegetables in respect of holidays falling between the 1st day of April and the 30th day of November of the same year; or
- (d) books, newspapers or periodicals provided that no other goods are available for sale except as sundries, the number of persons engaged in the service of the public in the establishment does not at any time exceed three and the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (3).

Idem, art galleries

(4) Section 2 does not apply in respect of the carrying on of the retail business of an art gallery on a holiday, where on that day the number of persons engaged in the service of the public in the art gallery does not at any time exceed three and the total area used for serving the public or for selling or displaying to the public in the art gallery is less than 2,400 square feet. R.S.O. 1990, c. R.30, s. 3 (4).

Exemptions, liquor

(5) Section 2 does not apply in respect of the sale or offering for sale by retail of liquor under the authority of a licence or permit issued under the *Liquor Licence Act*. 2009, c. 33, Sched. 24, s. 5.

Exemption, tourist establishments

(5.1) Section 2 does not apply in respect of the sale or offering for sale of retail goods or services from tourist establishments. 2009, c. 33, Sched. 24, s. 5.

Definition

(5.2) In subsection (5.1),

“tourist establishment” means any premise operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided, but does not include,

- (a) a camp operated by a charitable corporation approved under the *Charitable Institutions Act*, or
- (b) a summer camp within the meaning of the regulations made under the *Health Protection and Promotion Act*, or
- (c) a club owned by its members and operated without profit or gain. 2009, c. 33, Sched. 24, s. 5.

Exemptions, education, recreation, amusement

(6) Section 2 does not apply in respect of the admission of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto. R.S.O. 1990, c. R.30, s. 3 (6).

Idem, necessary services

(7) Section 2 does not apply in respect of services sold in connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of goods or services sold or offered for sale by retail in the form of or in connection with,

- (a) prepared meals;
- (b) living accommodation;
- (c) laundromats and other coin-operated services;
- (d) rentals of vehicles or boats;
- (e) servicing and repair of vehicles or boats. R.S.O. 1990, c. R.30, s. 3 (7).

Tourism exemption

4. (1) Despite section 2, the council of a municipality may by by-law permit retail business establishments in the municipality to be open on holidays for the maintenance or development of tourism. 1991, c. 43, s. 1 (1).

Common pause day principle

(2) The council in passing a by-law under subsection (1) shall take into account the principle that holidays should be maintained as common pause days. 1991, c. 43, s. 1 (1).

Tourism criteria

(3) A by-law may be passed under subsection (1) only if there is compliance with the tourism criteria set out in the regulations made under this section. 1991, c. 43, s. 1 (1).

Application for by-law

(4) Subject to the regulations made under this section, the council shall consider a by-law under subsection (1) only on the application of one or more persons carrying on retail business in the municipality or on the application of an association, whether or not incorporated, representing persons carrying on retail business in the municipality. 1991, c. 43, s. 1 (1).

Local municipality

(5) In a regional municipality, the council of a local municipality may also apply for a by-law under subsection (1). 2002, c. 17, Sched. F, Table.

Public meeting

(6) Before passing a by-law under subsection (1), the council,

(a) shall hold a public meeting in respect of the proposed by-law;

(b) shall publish notice of the public meeting in a newspaper having general circulation in the municipality at least thirty days before the meeting is to be held; and

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (b) is repealed by the Statutes of Ontario, 2006, chapter 32, Schedule D, subsection 15 (2) and the following substituted:

(b) shall publish notice of the public meeting in a manner determined by the council;

See: 2006, c. 32, Sched. D, ss. 15 (2), 18 (2).

(c) shall permit any person who attends the public meeting the opportunity to make representations in respect of the proposed by-law. 1991, c. 43, s. 1 (1).

Council not obligated

(7) The council is not required to pass the by-law even if the tourism criteria are met. 1991, c. 43, s. 1 (1).

Commencement of by-law

(8) Subject to section 4.3, a by-law under this section comes into force on the thirty-first day after it is passed by the council. 1991, c. 43, s. 1 (1).

Procedures

(9) Subject to the regulations made under this section, the council may,

(a) establish procedures and fees for the processing of applications;

(b) combine two or more applications;

(c) hold one public meeting with respect to two or more applications;

(d) limit the number of applications that will be considered in any year. 1991, c. 43, s. 1 (1).

Regulations

(10) The Lieutenant Governor in Council may make regulations,

(a) prescribing tourism criteria for the purposes of this section;

(b) governing the procedures and fees for processing applications, the combining of applications and public meetings and limitations on the number of public meetings held by a council;

(c) setting out the contents of the application;

(d) requiring that a by-law that applies to a retail business establishment within such class of retail business establishments as may be set out in the regulation may be considered only on the application of the person carrying on the business. 1991, c. 43, s. 1 (1).

Idem

(11) A regulation under clause (10) (a) or (d) may classify retail business establishments and may prescribe different tourism criteria for the different classes of retail business establishments. 1991, c. 43, s. 1 (1).

Unorganized territory

4.1 The Lieutenant Governor in Council may by regulation permit retail business establishments in territory without municipal organization to be open on holidays. 1991, c. 43, s. 1 (1).

Contents of by-laws and regulations

4.2 A by-law under section 4 or a regulation under section 4.1,

- (a) may apply to one or more retail business establishments or to one or more classes of retail business establishments;
- (b) may apply to all or any part or parts of the municipality in case of a by-law or to all or any part of a territory without municipal organization in the case of a regulation;
- (c) may limit the opening of retail business establishments on holidays to specific times or to a certain number of hours;
- (d) may permit the opening of retail business establishments on some holidays and not on others;
- (e) may restrict the opening of retail business establishments on holidays to specific periods of the year;
- (f) may classify retail business establishments. 1991, c. 43, s. 1 (1).

Appeal to O.M.B.

4.3 (1) Any person who objects to a by-law made by the council of a municipality under section 4 may appeal to the Ontario Municipal Board by filing a notice of appeal with the Board setting out the objection to the by-law and the reasons in support of the objection. 1991, c. 43, s. 1 (1).

Time for appeal

(2) The notice of appeal must be filed with the Board not later than thirty days after the day the by-law is passed by the council. 1991, c. 43, s. 1 (1).

Dismissal without hearing

(3) The Board may, if it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing, but before doing so shall notify the appellant and afford the appellant an opportunity to make representations as to the merits of the appeal. 1991, c. 43, s. 1 (1).

Powers of O.M.B.

- (4) The Board may,
 - (a) dismiss the appeal;
 - (b) dismiss the appeal on the condition that the council amend the by-law in a manner specified by the Board; or
 - (c) quash the by-law. 1991, c. 43, s. 1 (1).

Commencement of by-law

- (5) If one or more appeals are taken under this section, the by-law shall not come into force until,
 - (a) the day all appeals have been dismissed under subsection (3) or clause (4) (a); or
 - (b) the day the by-law is amended in the manner specified by the Board under clause (4) (b). 1991, c. 43, s. 1 (1).

Correction of errors

(6) The Board may, without a hearing, correct an error in an order or decision under this section if the error arises from an accidental slip or omission. 1991, c. 43, s. 1 (1).

Ontario Municipal Board Act, s. 43

(7) Section 43 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1991, c. 43, s. 1 (1); 2009, c. 33, Sched. 2, s. 66.

Time for decision

(8) The Board shall use its best efforts to decide appeals under this section within the period of time prescribed under subsection (9). 1991, c. 43, s. 1 (1).

Regulations

(9) The Lieutenant Governor in Council may make regulations prescribing a period of time for the purpose of subsection (8). 1991, c. 43, s. 1 (1).

4.4 REPEALED: 1993, c. 14, s. 2.

Sunday exception

5. (1) Despite any other provision of this or any other Act or the by-laws or regulations under this or any other Act, a retail business may be carried on in a retail business establishment on a Sunday if the retail business establishment is always closed to the public throughout another day of the week by reason of the religion of the owner of the retail business.

Definition

(2) For the purpose of subsection (1),

“religion of the owner” means,

- (a) in the case of a sole proprietorship, the religion of the sole proprietor,
- (b) in the case of a partnership, the religion named in a written agreement between the partners which is the religion of one of the partners,
- (c) in the case of a corporation, the religion named in the by-laws of the corporation.

Affiliated corporation

(3) The exception set out in subsection (1) does not apply to a corporation that is the affiliate of another corporation unless all the retail business establishments in Ontario of the corporation and its affiliates close on the same day.

Deemed affiliation

(4) For the purposes of this section,

- (a) a corporation shall be deemed to be affiliated with another corporation if one of them is the subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person; and
- (b) the affiliates of every corporation shall be deemed to be affiliated with all other corporations with which the corporation is affiliated.

Deemed control

(5) For the purposes of this section, a corporation shall be deemed to be controlled by a person if,

- (a) securities of the corporation to which are attached more than 50 per cent of the votes that may be cast to elect directors of the corporation are held other than by way of security only by or for the benefit of that person; and
- (b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

Deemed subsidiaries

(6) For the purposes of this section, a corporation shall be deemed to be a subsidiary of another corporation if,

- (a) it is controlled by,
 - (i) that other,
 - (ii) that other and one or more corporations each of which is controlled by that other, or
 - (iii) two or more corporations each of which is controlled by that other; or
- (b) it is a subsidiary within the meaning of clause (a) of a corporation that is that other’s subsidiary. R.S.O. 1990, c. R.30, s. 5.

Commercial tenants

6. A provision in a lease or other agreement that has the effect of requiring a retail business establishment to remain open on a holiday or on a Sunday or on December 26 is of no effect even if the lease or agreement was made before section 2 of the *Boxing Day Shopping Act*, 1996 comes into force. 1996, c. 34, s. 2.

Invalidity of certain municipal by-laws

7. (1) Subject to subsection (2), a by-law of a municipality passed under any other Act is invalid to the extent that it requires the closing of a retail business establishment on a holiday. R.S.O. 1990, c. R.30, s. 7 (1).

Transitional

(2) The following transitional rules apply to the by-laws of municipalities that were in force under this or any other Act at the end of the 30th day of November, 1991 and that relate to the opening or closing of a retail business establishment on holidays:

1. By-laws in force on the 3rd day of June, 1991 continue in force until the 1st day of December, 1992 or until the by-law is repealed, whichever is first.
2. By-laws that come into force on or after the 4th day of June, 1991 are repealed on the 1st day of December, 1991. 1991, c. 43, s. 1 (3).

Interpretation

(3) The definition of “municipality” in subsection 1 (1) does not apply for the purposes of this section. 2006, c. 11, Sched. B, s. 12 (3).

Penalty

8. (1) Every person who contravenes section 2 or a regulation under section 4 is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday on which the contravention occurred.

Idem, municipal laws

(2) A by-law under subsection 4 (1) requiring a retail business establishment to be closed on a holiday shall provide that any person who contravenes the by-law is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday on which the contravention occurred.

Idem, coercion or counselling

(3) Every person who coerces, requires or counsels another person to contravene section 2, a regulation under section 4 or a by-law under subsection 4 (1) is guilty of an offence and on conviction is liable to a fine of not more than the greater of,

- (a) \$50,000; or
- (b) the gross sales in the retail business establishment on the holiday in respect of which the offence under this subsection occurred. R.S.O. 1990, c. R.30, s. 8 (1-3).

Minimum penalty

(3.1) The minimum fine for an offence under this Act, other than for a contravention of subsection 2 (2), is \$500 for a first offence, \$2,000 for a second offence and \$5,000 for a third or subsequent offence. 1991, c. 43, s. 1 (4).

Gross sales to be considered in determining fines

(4) In determining the amount of the fine, the court shall take into consideration any evidence respecting the gross sales in the retail business establishment on the holiday on which the contravention occurred.

Advertisements admissible as evidence

(5) A sign or advertisement giving the hours of a retail business establishment is admissible as evidence that the retail business establishment was open during those hours.

Determination of total area of a retail business establishment

(6) For the purpose of enforcing this Act or a by-law or regulation under this Act, the total area of a retail business establishment used for serving the public or for selling or displaying to the public on a holiday shall be deemed to be the greater of,

- (a) the total area actually used on a holiday for serving the public or for selling or displaying to the public; and
- (b) the total area normally used for serving the public or for selling or displaying to the public on days other than a holiday. R.S.O. 1990, c. R.30, s. 8 (4-6).

Court orders

9. (1) Upon the application of counsel for the Attorney General or of a municipality to the Superior Court of Justice, the court may order that a retail business establishment close on a holiday to ensure compliance with this Act or a by-law or regulation under this Act. R.S.O. 1990, c. R.30, s. 9 (1); 2001, c. 9, Sched. D, s. 14.

Idem

(1.1) In addition to its powers under subsection (1), the Superior Court of Justice, on the application of any interested person, may order that a retail business establishment close on a holiday to ensure compliance with this Act or a by-law or regulation under this Act. 1991, c. 43, s. 1 (5); 2001, c. 9, Sched. D, s. 14.

Idem

(2) An order under subsection (1) or (1.1) is in addition to any penalty that may be imposed and may be made whether or not a proceeding is commenced under the *Provincial Offences Act* for a contravention of section 2 or of a by-law or regulation under this Act. 1991, c. 43, s. 1 (6).

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RETAIL BUSINESS HOLIDAY ACT EXEMPTIONS

Retail Business Holidays Act provides for the following "holidays": New Year's Day, Family Day, Good Friday, Easter Sunday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and any other day proclaimed by the Lieutenant Governor

Table showing Schedule A of By-law LI-8-95-76 being a By-law to permit retail business establishments to be open on holidays. Includes subsequent amendments.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		Aurora	NONE	NONE		
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	East Gwillimbury	Brice's Sports Centre Limited	20287 Woodbine Avenue, Queensville	All, except Christmas Day	11:00 a.m. to 5:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	East Gwillimbury	677957 Ontario Inc. c.o.b. as Vince's Country Market	19101 Leslie Street, Sharon	All, except Christmas Day and New Year's Day	9:00 a.m. to 7:00 p.m.
LI-8(c)-1999-133 (substitution)	Mar. 25, 1999	East Gwillimbury	Old McDonald's Furniture and Appliances (SUBSTITUTION)	19937 Woodbine Avenue, Queensville	All, except Christmas Day and New Year's Day	9:00 a.m. to 6:00 p.m.
LI-0008(h)-2004-013	Feb. 19, 2004	East Gwillimbury	Queensville Antique Mall	20091 Woodbine Avenue, Queensville	All, except Christmas Day and New Year's Day	10:00 a.m. to 6:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Georgina	All	Within the geographic boundaries of the Town of Georgina	All, except Christmas Day and New Year's Day	9:00 a.m. to 6:00 p.m.

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
		King	NONE	NONE		
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Markham	All	OLD TOWN OF MARKHAM CORE: An area of the Old Town of Markham generally bounded: on the south by the King's Highway No. 7; on the east by Washington Street and George Street to approximately 143 Main Street on the east side and 158 Main Street on the west side; and on the west by Water Street, Robinson Street and the Rouge River	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Markham	All	UNIONVILLE CORE: in the former Police Village of Unionville in the Town of Markham on Main Street, Unionville from the CNR tracks to the bridge crossing the Rouge River tributary	All, except Christmas Day	9:00 a.m. to 6:00 p.m.
LI-0008(d)-2000-064 (addition to LI-8-95-76)	Aug. 31, 2000	Markham	Pacific Mall Heritage Town	4300 Steeles Avenue East, south half of the 2 nd floor from Units A1-201, W2, W1, A1-222M to Units V2, F-7, F-8 and V-1, inclusive, Town of Markham	All	11:00 a.m. to 11:00 p.m.
LI-0008(e)-2000-107 (addition to LI-8-95-76)	Oct. 26, 2000	Markham	Market Village Markham Inc.	4350 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight
LI-0008(f)-2001-003 (addition to LI-8-95-76)	Jan. 18, 2001	Markham	York Region Condominium Corporation 890, c.o.b. Pacific Mall	4300 Steeles Avenue East, Town of Markham	All	8:00 a.m. to 12:00 midnight

By-law	Date Enacted	Municipality	Businesses	Location	Holidays	Hours
LI-8(b)-96-1 (addition to LI-8-95-76)	Jan. 11, 1996	Newmarket	All	NEWMARKET DOWNTOWN, within the following boundaries: North: south limit of Davis Drive; East: east limit of Prospect St. and Bayview Ave; South: south limit of College St. and Cane Parkway; West: west limit of William St., Church St. and Niagara St.	All, except Christmas Day, New Year's Day and Good Friday	8:00 a.m. to 10:00 p.m.
2011-20	May 19, 2011	Richmond Hill	Oak Ridges Food Market	13144 Yonge Street, Town of Richmond Hill	Good Friday, Victoria Day, Canada Day, Labour Day	8:30 a. m. to 6:00 p.m.
LI-8(a)-95-128 (additions to LI-8-95-76)	Nov. 23, 1995	Vaughan	All	KLEINBURG CORE, with in the following boundaries: East side of Islington Ave. from 10365 Islington Ave. to 10565 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.
LI-0008(i)-2004-086 2008-64 2009-57 2010-17	Nov. 18, 2004 Oct. 23, 2008 Dec. 16, 2009 Mar. 25, 2010	Vaughan	Vaughan Mills Mall Campus	VAUGHAN MILLS MALL CAMPUS, including Vaughan Mills Mall and the Outparcels located within the following boundaries: Rutherford Road to the north, Jane Street to the east, Bass Pro Mills Drive to the south and Highway 400 to the west and more particularly shown on the attached Appendix "A"	All, except Christmas Day Good Friday and Easter Sunday	8 a.m. to 10 p.m.
LI-8-95-76	May 30, 1995	Whitchurch-Stouffville	All	Within the geographic boundaries of the Town of Whitchurch-Stouffville	July 1 in each year	8:00 a.m. to 10:00 p.m.

DK/ Last updated May 24, 2011